**SEEDS ACT AMENDMENT BILL 1981**

**Legislative Assembly, 1 December 1981, pages 2155-6**

Second reading

 **The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Seeds Act, 1979. Read a first time.

The Hon. W. E. CHAPMAN: I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

xplanation of Bill

The principal Act to which this amending Bill refers, namely, the Seeds Act, 1979, was passed by Parliament in March 1979 but has not yet come into operation. The concept of the Seeds Act, 1979, is new to the area of seed merchandising in Australia. It is designed to ensure that transactions involving the sale of seed take place on a fair and informed basis. The Act requires detailed information to be given by the vendor of seeds to the purchaser at the time that the sale takes place. In this way the purchaser will be able to purchase seed of the exact quality required. Previously, under the Agricultural Seeds Act, 1938-1975, seed could be sold if it met specified minimum standards of germination and purity which were often quite low. The purchaser did not have direct access to information as to the content of undesirable weed seeds. In practice, trade in substandard seed was possible and difficult to detect.

The amendments presented in this amending Bill concern two areas. First, some changes have been made to the form and content of information required to facilitate uniform labelling between States. Since the passing of the Seeds Act in 1979 other States of the Commonwealth have decided to enact this type of legislation. After considerable dialogue between States, and for the sake of uniformity, it was considered necessary to make minor amendments to the Seeds Act, 1979, before the Act is brought into effect. Uniformity in the form of information required at the point of sale is very important to the seed industry of South Australia as this State is primarily a seed exporter.

Secondly, further definition is given to exemptions from the labelling provisions for genuine farmer-to-farmer transactions of the main high volume, low cost field crops. It is the intention that sales of the major field crops between farmers in close proximity should not be restricted, provided these transactions do not form a regular seed sales business but are conducted on an ad hoc, incidental basis.

Clauses 1 and 2 are formal. Clause 3 amends section 7 of the principal Act. The amendment made by paragraph (a) will require a seller to provide the buyer of seeds with a written statement instead of a statement ‘in the prescribed form’. The prescription of a detailed form will, in its application to some sellers, be too restrictive. Paragraph (b) inserts new paragraphs (ab) and (ac) into section 7 (3). the new paragraphs make a distinction between the seeds that constitute the bulk of the parcel sold and those seeds that are included unintentionally in small quantities. The statement must show the proportion by mass of the principal species and the proportion by number of the other species. The latter proportion will be expressed in the prescribed manner. his will usually take the form of the number of seeds for every specified unit quantity of the material sold.

Paragraph (c) makes an amendment the effect of which will be that the information as to the germination of seeds will apply only to the principal species. Paragraph (d) inserts a new paragraph (d) into section 7 (3) of the principal Act. The new paragraph relates the proportion of inert matter to the mass of all the material sold. The terminology is changed from ‘extraneous matter’ to ‘inert matter’. The latter term is used internationally and its use is desirable for reasons of conformity. Paragraph (e) replaces paragraph (e) of section 7 (3). The effect of the change is to relate the information required to chemical treatment during processing of the seeds. Paragraph (f) makes an alteration of a drafting nature. Paragraph (g) inserts new subsection (5a) into section 7. In many cases it will not be possible to provide information required by section 7 that is precisely accurate. This subsection will enable limits of accuracy of a realistic standard to be set in accordance with international standards and to be varied from time to time as required.

Paragraph (h) replaces paragraph (b) of subsection (6) with a provision that requires the vendor of seeds to have a reasonable expectation that they will not be used for germination or propagation if the sale is to escape the requirement of section 7. Paragraph (i) inserts a provision consequential on new subsection (7). New subsections (7) and (8) are inserted by paragraph (j). Subsection (7) allows for exemption by regulation and subsection (8) provides definition of terms used in section 7. It is desirable that the percentage that determines whether a species is classed as a principal species should be prescribed so that uniformity with other Australian States and with other countries can be maintained.

Clause 4 amends section 8 of the principal Act. Paragraph (a) replaces paragraph (b) of section 8 with a provision that requires the purchaser to have given certain undertakings if the defence under that paragraph is to be established. Paragraph (b) replaces subparagraphs (ii) and (iii) of paragraph (c) with new subparagraph (ii). Paragraph (c) increases the distance referred to in subparagraph (iv) from 30 to 50 kilometres. Clause 5 amends section 12 of the principal Act so that the maximum penalty that can be imposed by regulation is increased to $500.

Mr ABBOTT secured the adjournment of the debate.