

4. Interpretation

(1) In this Act, unless the contrary intention appears —

“**Company**” means Co-operative Bulk Handling Limited, a company incorporated under the provision of the *Companies Act 1893* and deemed to be registered under the *Companies (Co-operative) Act 1943-1959*, and having its office at 22 Delhi Place, West Perth;

“**contribution**” means the sum payable by a grower to the Fund or the Plant Diseases Eradication Fund, as the case requires, under section 9;

“**crop**” means cultivated plants that when harvested contain grain or seed;

“**crop year**” in relation to grain or seed that is delivered to a receiver of grain or seed or to the Company means the period in which that grain or seed is grown and harvested;

“**declared crop year**” means a crop year declared under section 9 (2b) to be a declared crop year;

“**Department**” means the Government Department of the State known as the Department of Agriculture;

“**Director**” means the person for the time being holding the office of Director of Agriculture in the Department;

“**Fund**” means the Skeleton Weed Eradication Fund established under section 5;

“**grain**” means the seeds of the cereal grasses, wheat, barley or oats;

“**grower**” includes the legal personal representative of a deceased person, a trustee, the liquidator of a company, a person entitled to a share of a crop, under a share farming agreement, and a corporation, organisation or body delivering grain to a receiver of grain or seed;

“**inspector**” means a person who is —

- (a) an inspector or authorized person within the meanings given to those terms by the *Agriculture and Related Resources Protection Act 1976*; or
- (b) an inspector within the meaning given to that term by the *Plant Diseases Act 1914*,

as the case requires;

“**lupins**” means all cultivars of —

- (a) *Lupinus angustifolius* (narrow-leaved lupins);
- (b) *Lupinus albus* (albus lupins); or
- (c) *Lupinus luteus* (yellow lupins);

“**owner**” means a person, other than a mortgagee not in possession, having or claiming jointly or in severalty any right, title or interest to or in any grain, seed, crop or bag and includes the authorized agent of an owner or owners;

“**plant disease**” means a disease, including any plant, animal, fungus, bacterium, virus or nematode, capable of affecting grain or seed production, designated under subsection (2);

“**Plant Diseases Eradication Fund**” means the Plant Diseases Eradication Fund established under section 8D;

“Protection Board” means the Agriculture Protection Board constituted under the *Agricultural Protection Board Act 1950*;

“receiver of grain or seed” means a person, a body corporate or other body that carries on the business of receiving or dealing in grain or seed or grain and seed in bulk but does not include the Company;

“resistant grain insects” means insects that —

- (a) belong to a class of animals which, by reason of their detrimental effect on grain, are declared under the *Agriculture and Related Resources Protection Act 1976* to be declared animals for the purposes of that Act, being a class of animals assigned under that Act to category A5 in respect of the whole or any part of the State; and
- (b) the Protection Board believes, on the basis of scientific evidence available to it, have a resistance to insecticides that are in general use to such an extent as to render those insecticides inadequate for the eradication of those insects;

“Resistant Grain Insects Eradication Fund” means the Resistant Grain Insects Eradication Fund established under section 8A;

“seed” means linseed, rapeseed, the seed of lupins and such other seed as is prescribed;

“skeleton weed” means the plant *Chondrilla juncea L.* or any part of that plant.

- (2) The Minister may, for the purposes of the definition of “plant disease” in subsection (1), by notice published in the *Gazette*—
 - (a) designate any disease, including any plant, animal, fungus, bacterium, virus or nematode, capable of affecting grain or seed production; and
 - (b) amend or revoke a designation made under this subsection.

[Section 4 amended by No. 56 of 1980 s.4; No. 27 of 1982 s.2; No. 67 of 1985 s.3; No. 53 of 1996 s.6.]