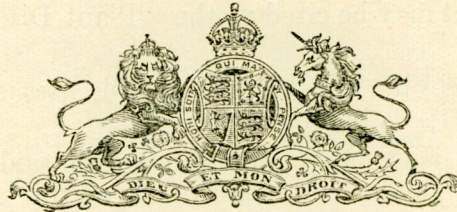


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 December, 1924, A.M.*

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 38, 1924.

An Act to make further provision to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit; to provide for the eradication of such diseases and pests, and to prevent the spread thereof; to make certain provisions with regard to the sale and grading of fruit and vegetables; to provide for the registration of orchards and nurseries; to make certain provisions as to cotton plants; to repeal the Vine and Vegetation Diseases and Fruit Pests Act, 1912; to amend the Fruit Cases Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 17th December, 1924.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Plant Diseases.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short title. **1.** This Act may be cited as the "Plant Diseases Act, 1924."

Repeal and saving. **2.** (1) The Vine and Vegetation Diseases and Fruit Pests Act, 1912, is hereby repealed.

(2) All persons appointed under the said Act, and holding office at the commencement of this Act, shall be deemed to have been appointed under this Act.

(3) All proclamations published, and all regulations made under the said Act, and in force at the commencement of this Act, in so far as they are not inconsistent with this Act, shall be deemed to have been published or made under this Act.

Interpretation. **3.** In this Act, unless the context or subject-matter otherwise requires,—

"Covering" or "package" includes any case, box; bag, wrapper, packing, or material of whatsoever description used or intended to be used for packing.

"Disease" means any disease of plants or fruit which the Governor may by proclamation published in the Gazette declare to be a disease, and includes any such disease at any stage of its existence.

"Fruit" means apples, apricots, bananas, cherries, currants, figs, gooseberries, grapes, loquats, nectarines, lemons, mandarins, oranges, passion-fruit, peaches, pears, persimmons, pineapples, plums, or quinces, or any other edible product of a plant which the Governor may by proclamation published in the Gazette declare to be fruit for the purposes of this Act; and includes the peel, skin, or shell of any fruit before referred to.

"Infected"

Plant Diseases.

- “ Infected ” means infected with disease or pest.
- “ Inspector ” means inspector appointed under this Act.
- “ Nursery ” means any land or premises whereon or wherein plants are grown for the purpose of sale or disposal in their living state.
- “ Occupier ” includes any person having the charge, control, or management of any orchard, nursery, land, or premises.
- “ Orchard ” means any place where fruit-producing plants are grown.
- “ Owner ” includes the holder of any lease or license from the Crown and any person deriving title thereunder.
- “ Pest ” means any organism belonging either to the animal or vegetable kingdom which the Governor may by proclamation published in the Gazette declare to be a pest.
- “ Plant ” means any tree, vine, flower, shrub, vegetable, or other vegetation which the Governor may by proclamation published in the Gazette declare to be a plant ; and extends to the seeds of a plant and to every part of a plant whether attached to the plant or separate therefrom ; but does not extend to fruit as defined in this section.
- “ Prescribed ” means prescribed by this Act or the regulations.
- “ Regulations ” means regulations made under this Act.
- “ Sell ” includes offering or attempting to sell, exposing for sale, and sending, forwarding, or delivering for sale.
- “ Vegetables ” means potatoes, onions, green peas, green beans, or any other vegetable which the Governor may by proclamation published in the Gazette declare to be a vegetable.

Governor's

Plant Diseases.

Governor's proclamation.

Power to prohibit the introduction of things likely to introduce disease.

4. (1) The Governor may by proclamation published in the Gazette prohibit the importation, introduction, or bringing into the State (or into any specified portion thereof) either generally or from any country or place, or the bringing into one portion of the State from any other portion of—

- (a) any plant, fruit, or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease or pest into the State or into any specified portion thereof, as the case may be; or
- (b) any covering or goods in, or with which, any such plant, fruit, or thing has been contained, or packed, or with which it has come in contact; or
- (c) anything which is infected.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary such proclamation.

Power to appoint places of entry and quarantine.

5. (1) The Governor may by proclamation published in the Gazette—

- (a) appoint any specified ports or places to be the only ports or places of entry into the State for plants or fruit or for any specified kind of plants or fruit;
 - (b) appoint quarantine stations where plants may be grown, or where plants, fruit, coverings, or any thing of any nature or kind whatsoever which has come in contact with plants or fruit may be inspected, disinfected, destroyed, or otherwise disposed of;
 - (c) prohibit the use, storage, or carriage within the State or within any specified portion thereof of coverings in or with which any plant or fruit has been contained or packed or of any thing which is likely to convey any disease or pest;
- (d)

Plant Diseases.

- (d) prohibit the removal from any place of any plant or fruit either absolutely or subject to conditions specified in the proclamation;
- (e) require owners or occupiers of any land or premises either throughout the State or within any specified portion thereof to take such measures, including the uprooting and destruction of plants, fruit, or packages, and to do such acts as are specified in the proclamation for the treatment of any disease or pest or the prevention of the spread thereof, and may further require that such measures shall be taken or such acts done at any time or times specified in the proclamation.

(2) The Governor may at any time revoke or vary such proclamation.

6. The Minister may by notification published in the Gazette declare any land therein described to be a quarantine area on account of the presence or suspected presence of any disease or pest, and may by a notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act. Declaration of quarantine area. 1923, No. 34, s. 9.

7. (1) The Minister may, if he thinks fit, instead of declaring land to be a quarantine area, accept an undertaking in the prescribed form given by the owner or occupier of the land to comply with the requirements mentioned therein. Undertaking in certain cases. Ibid. s. 10.

(2) Upon any such undertaking being given, the land mentioned therein shall for the period therein specified be deemed to be a quarantine area, and the person giving the undertaking shall comply with all the terms and conditions thereof.

8. (1) Where land is by the provisions of this Act quarantined, the quarantine may be general or in respect of a particular disease or pest. Quarantine. Ibid. s. 13.

(2) The nature of the quarantine shall be stated in the notice or notification imposing the quarantine or in the undertaking given with respect to any land or plants or fruit under the provisions of section seven of this Act.

Plant Diseases.

(3) A quarantine may be imposed or declared for a disease or pest although the land is already in quarantine for another disease or pest.

(4) The course of action to be taken by the owner or occupier of land when the land is directed to be quarantined shall be as prescribed by regulation, or if there is no regulation applicable thereto, then as directed by the Minister.

(5) The Minister may by notification in the Gazette apply to any specified part of a quarantine area special and more drastic regulations than those which may be operating in the rest of the quarantine area.

(6) The Minister may by a like notification direct that all plants of a particular class and the fruit thereof within a quarantine area or within some specified part of a quarantine area shall be treated for the disease or pest in respect of which the quarantine is imposed whether the plants or fruit are diseased or infected or not.

Seizure of
plants.

9. (1) Any plant, fruit, covering, or other thing which is dealt with or disposed of in any way contrary to any direction or prohibition contained in any proclamation or any direction given by an inspector or in any way contrary to the regulations may be seized by an inspector or by any person authorised in writing by the Minister either generally or specifically, and when so seized shall be destroyed or otherwise dealt with in such manner as the Minister shall direct.

(2) Any expense thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from either the owner or the person in charge of such plant, fruit, covering, or thing.

Notice to be
given of
appearance
of disease.

10. (1) The occupier of any land or premises in which any disease or pest appears shall, within twenty-four hours after first discovering or becoming aware of its appearance, give written notice thereof to an inspector or to the Under Secretary of the Department of Agriculture.

(2) This section applies only in respect of the diseases and pests to which it is made applicable by the Governor by proclamation published in the Gazette.

Inspectors

*Plant Diseases.**Inspectors and their powers and duties.*

11. Inspectors may be appointed for the purposes of this Act under the provisions of the Public Service Act, 1902. The inspectors shall have the powers and perform the duties prescribed.

Appointment
of inspectors.

12. (1) An inspector may employ such assistants as he deems necessary in carrying out the provisions of this Act.

Employment
of assistants
and use of
force.

(2) Every person who obstructs, hinders, threatens, or assaults any inspector or assistant whilst in the performance of his duty shall be guilty of an offence.

13. (1) An inspector may enter any land or premises, upon or in which is any fruit, plant, covering or package, and may stop and enter or board any conveyance or vessel, and search and inspect the same for the purpose of ascertaining whether the same or any part thereof or anything thereon or therein is infected, and may for the purpose aforesaid inspect roots of plants and take samples, open packages, and do such other things as he may deem necessary or expedient.

Power of
entry and
search.

(2) If an inspector is satisfied that any plant, fruit, covering, goods, conveyance, vessel, or thing is infected, he shall give notice to the owner or person in charge thereof, and on receipt of such notice such owner or person shall forthwith take such measures and do such acts as are prescribed.

Power to
order infected
things to be
dealt with.

14. An inspector may serve on the owner or occupier of any land or premises a notice requiring him to take such measures or do such acts as are specified in such notice, or are prescribed, to prevent the spread of any disease or pest.

Power to
require owner
or occupier of
orchard to
prevent
spread of
disease.

15. (1) Whenever disease or pest exists on any land or premises an inspector may serve on the owner or occupier a notice requiring him to quarantine the land and premises and the plants thereon for a period of not exceeding twenty-one days, and to take such measures or do such acts as are specified in such notice or are prescribed.

Steps to be
taken when
orchard is
infected.

(2) Such notice may name a time at which the doing of anything thereby required shall be commenced and a time within which it shall be completed,

16.

Plant Diseases.

Recovery of
expenses.

16. In case of any default in compliance with the terms of—

(a) any notice given by an inspector under sections thirteen, fourteen, or fifteen of this Act;

(b) any direction given by the Minister in accordance with this Act;

(c) any proclamation issued under this Act, the Minister may authorise an inspector to do or cause to be done all such things as are necessary in order to comply with the terms of any such notice, direction, or proclamation, and the expenses thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from the person guilty of the default.

Power to
destroy
infected
plants,
coverings, &c.

17. An inspector may destroy, fumigate, or otherwise dispose of any plants or fruit which are infected, or any coverings with which such plants or fruit have been contained or packed or any other fruit or coverings with which they have come in contact.

Power to
question
vendors of
fruit.

18. An inspector may require any person having in his possession or under his control any fruit or plants for sale, to answer any questions relating to such fruit or plants.

Any person who refuses to answer any such question to the best of his knowledge, or who wilfully makes a false answer to the same or any part thereof shall be guilty of an offence against this Act.

Registration.

Orchards and
nurseries to
be registered.

19. (1) Every orchard and nursery, unless exempted by the Minister, shall be registered by the person in the manner and at the time prescribed. The application for such registration shall be accompanied by the prescribed fee. Such fee shall not exceed one shilling per acre of the land comprised in the orchard or nursery.

(2) The fees in respect of the registration of orchards and nurseries shall be paid into a special account at the Treasury.

(3)

Plant Diseases.

(3) The Colonial Treasurer shall, upon the recommendation of the Minister, pay out of such special account, moneys—

- (a) to any society registered under the Co-operation, Community Settlement, and Credit Act, 1923, which has among its objects the promotion of the production, treatment, and sale of fruit ;
- (b) to any other association or body of persons who, to the satisfaction of the Minister, will wholly apply such moneys to the promotion of the further production, treatment, and sale of fruit ;
- (c) to be used in any other manner which the Minister deems to be best calculated to develop or protect the fruit-growing industry ;
- (d) to any person whose property has been destroyed as compensation for such destruction.

(4) Any moneys so paid other than moneys paid under paragraph (d) of subsection three of this section shall be expended for such purposes in furtherance of the interests of the fruitgrowers or nurserymen of New South Wales as in any particular case the Minister may approve or generally as may be prescribed.

(5) The expenditure of any moneys so paid other than moneys paid under paragraph (d) of subsection three of this section shall be accounted for in such manner as may be prescribed.

Certificated nurseries.

20. (1) The Minister may, whenever he thinks fit, ^{Inspection and certification.} and shall, on request made to him by the owner or occupier, cause an inspector to inspect any nursery, and if on inspection it is found that the plants in such nursery are free from a particular disease or pest the Minister, or any officer authorised by the Minister in that behalf, may give to the owner or occupier a certificate in the form prescribed. Such certificate shall have effect for the time mentioned therein.

(2) The Minister may cancel any such certificate, and if a certificate is cancelled the person to whom the certificate was issued shall on demand forward it to the Minister.

(3)

Plant Diseases.

(3) Any person who falsely pretends that he is the holder of any such certificate shall be guilty of an offence.

Abandoned orchards and nurseries.

Power to destroy plants in an abandoned orchard or nursery.

21. (1) If an inspector reports to the Minister that any orchard or nursery is habitually, or has been for a period of two years, uncultivated or neglected, and that any such orchard or nursery by reason of neglect is likely to spread disease or pest, the Minister may give notice to the owner or occupier that he has decided to exercise the powers conferred upon him by this section. Any person aggrieved by a decision of the Minister under this subsection may appeal therefrom to a court of petty sessions presided over by a stipendiary or police magistrate in the manner prescribed.

(2) If within a period to be prescribed an appeal has not been lodged by such person or his appeal has proved unsuccessful the Minister may cause all plants in the orchard or nursery, which in the opinion of an inspector are likely to harbour or spread any disease or pest, to be destroyed, and any cost thereby incurred may be recovered by an inspector in any court of competent jurisdiction from either the owner or occupier of such orchard or nursery.

Cotton plants.

Destruction of cotton plants.

22. The Governor may by proclamation published in the Gazette require the owner or occupier of land or premises either throughout the State or within any portion thereof specified in the proclamation to uproot and destroy all cotton plants in such manner and within such time as is specified in the proclamation.

Miscellaneous.

Owner to have right of entry.

23. The owner of any land or premises which is or are in the occupation of another person as lessee or otherwise shall have full right of entry on and into the same, and of remaining thereon and therein for the purpose of the performance of any duty or obligation imposed upon him under this Act or the regulations.

Any

Plant Diseases.

Any person who hinders or obstructs the performance by any other person of any duty or obligation imposed on him under this Act or the regulations shall be guilty of an offence.

24. Any notice to be given to any person under this Act or the regulations shall be in writing, and may be served on such person personally, or left at or posted by registered letter to his usual or last known place of abode in this State, or if such person or his address is unknown or if he has no place of business or place of abode in this State, then service may be effected by affixing the notice in a conspicuous place on the land to which the notice relates.

Notices to
be given in
writing.

25. No person shall be entitled to compensation by reason of anything done by any inspector or other person in the exercise of any power or the discharge of any duty or obligation conferred or imposed by this Act or the regulations, or in respect of any loss or injury that may directly or indirectly result therefrom unless the same was occasioned wilfully, negligently, or maliciously.

Persons not
entitled to
compensa-
tion.

26. (1) Every person commits an offence against this Act who, himself or by his servant or agent—

Offences.

- (a) knowingly and without reasonable cause sells or brings upon or removes from his premises any plant, fruit, covering, or thing of any nature or kind whatsoever which is infected or which is likely to convey infection or which has been introduced into this State in contravention of the provisions of any proclamation or regulation under this Act; or
- (b) being the owner or occupier of any orchard or nursery, sells any plant or fruit from such orchard or nursery, while such orchard or nursery is not registered in accordance with the provisions of this Act unless such orchard or nursery is exempted from registration; or
- (c) does or attempts to do any act in breach of the provisions of this Act, or of any proclamation or regulation thereunder; or
- (d) without reasonable excuse fails or neglects to perform any duty or obligation imposed on him by this Act, or by any proclamation or regulation thereunder; or
- (e)

Plant Diseases.

(e) without reasonable excuse fails or neglects to comply with any direction given by the Minister or the requirements of any notice served upon him or given to him by an inspector under this Act or the regulations.

Penalties.

(2) Any person who commits any offence against this Act or the regulations shall (if no other penalty is specified) be liable to a penalty not exceeding fifty pounds.

(3) Where in any proceeding against any person for an offence against this Act or the regulations knowledge of the accused must be shown, such knowledge shall be presumed unless and until the contrary is proved, and the accused satisfies the court that the want of knowledge was reasonable, and was in no way imputable to negligence on the part of himself, his servant or agent.

(4) In any such proceeding, in addition to any other method of proof available, evidence that the person proceeded against appears by the rate book of the council of the municipality or shire to be the owner or occupier of the land in respect of which the proceeding is taken shall be evidence until the contrary is proved that such person is the owner or occupier, as the case may be, of the land.

Recoverable expenses of authorised inspector.

27. Where an inspector or person authorised by the Minister carries out any work under the provisions of section nine or section sixteen or subsection two of section twenty-one of this Act, the expenses recoverable by an inspector shall include a proportionate part of the salary or wages of the person carrying out the work, having regard to the time occupied by him in carrying out the work and in travelling for such purpose, and the necessary expenses incurred in connection with such travelling.

Regulations.

28. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular

Plant Diseases.

particular and without limiting the generality of the foregoing power, the Governor may make regulations with respect to the following matters—

- (a) the examination, detention, treatment or destruction of any thing, including plants, fruit, and coverings, in order to eradicate or lessen the risk of disease or pest, or to prevent any disease or pest attacking or being harboured thereon or therein ;
- (b) the registration of orchards and nurseries ;
- (c) the branding or labelling of coverings containing fruit or plants ;
- (d) the grading and packing of fruit or vegetables ;
- (e) the inspection of and the granting of certificates as to the quality and condition of fruit, plants, or vegetables intended for sale or export ;
- (f) prescribing the payment and recovery of fees generally under this Act, including fees—
 - (i) for registration under this Act ;
 - (ii) in respect of any inspection, disinfection, or destruction by an inspector at any port of entry or quarantine station ;
 - (iii) for the granting of any certificate as to quality or condition.

(2) Such regulations may impose a penalty not exceeding fifty pounds for any breach thereof.

(3) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication or from a later date to be specified therein ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Fair

*Plant Diseases.**Fair average quality of fruit and vegetables to be indicated.*

Sale of fruit,
&c., not up to
fair average
quality.

29. (1) No person shall sell any fruit or vegetables unless such fruit or vegetables are so packed or arranged that the outer layer or shown surface thereof is a true indication of the fair average quality of the whole of such fruit or vegetables.

The fact that more than ten per centum of such fruit or vegetables is substantially smaller than or inferior to the outer layer or shown surface of such fruit or vegetables shall be prima facie evidence that the fair average quality of such fruit or vegetables is not truly indicated.

(2) No person shall sell any fruit or vegetables contained in any package which also contains any foreign substance in a greater proportion than is prescribed.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) In any proceedings for a breach of any of the provisions of this section, it shall be a sufficient defence if the person proceeded against satisfies the court that the fruit or vegetables in respect of the sale of which the proceedings are taken were sold by him in the package in which they were received without repacking or the admixture of any foreign substance.

Amendment of Fruit Cases Act, 1912.

Amendment
of Act 72 of
1912, s. 7.

30. Section seven of the Fruit Cases Act, 1912, is amended by omitting from paragraph (a) of subsection one the words "Vines and Vegetation Diseases Act, 1901, or Fruit Pests Act, 1906" and inserting in lieu thereof the words "Plant Diseases Act, 1924."

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

Government House,
Sydney, 17th December, 1924.

PLANT DISEASES BILL.

SCHEDULE of Amendments referred to in Message of 9th December, 1924.

Page 2, clause 3. *Omit* lines 21 and 22.

Page 3, clause 3. *Omit* lines 27 to 30 inclusive.

Page 7, clause 13, line 14. *After* "premises" *insert* "upon or in which is any fruit,
"plant, covering or package"

Page 8, clause 16. *Insert* new paragraphs (b) and (c).

Page 8, clause 16, line 11. *Omit* "the notice" *insert* "any such notice, direction, or
"proclamation"

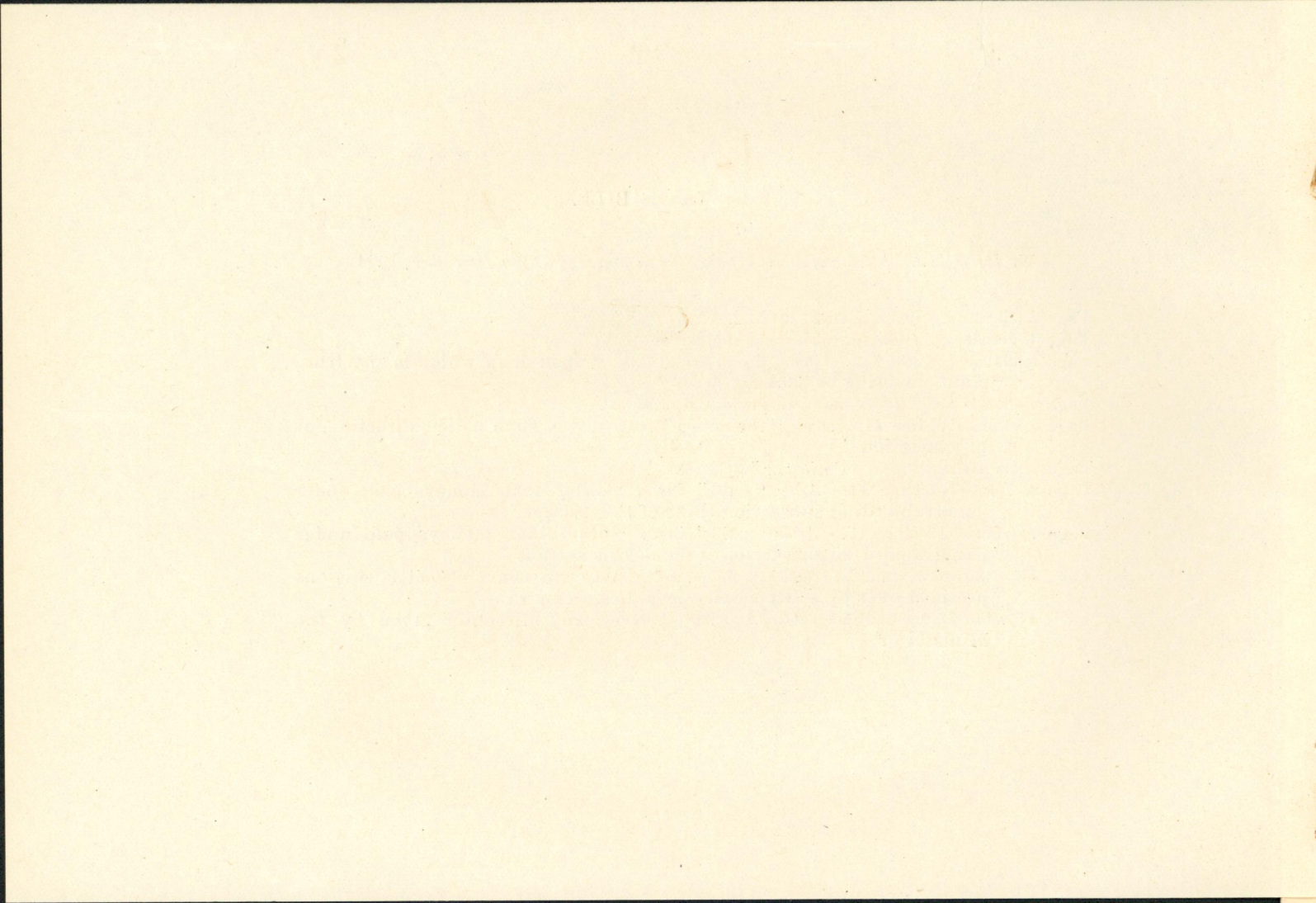
Page 9, clause 19, line 5. *Omit* "or"

Page 9, clause 19, line 11. *After* "paid" *insert* "other than moneys paid under
"paragraph (d) of subsection three of this section"

Page 9, clause 19, line 17. *After* "paid" *insert* "other than moneys paid under
"paragraph (d) of subsection three of this section"

Page 10, clause 21, line 5. *Omit* "the court" *insert* "a court of petty sessions
"presided over by a stipendiary or police magistrate"

Page 11, clause 26, line 36. *After* "with" *insert* "any direction given by the
"Minister or"



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 November, 1924.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 9th December, 1924.*

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to make further provision to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit; to provide for the eradication of such diseases and pests, and to prevent the spread thereof; to make certain provisions with regard to the sale and grading of fruit and vegetables; to provide for the registration of orchards and nurseries; to make certain provisions as to cotton plants; to repeal the Vine and Vegetation Diseases and Fruit Pests Act, 1912; to amend the Fruit Cases Act, 1912, and certain other Acts; and for purposes connected therewith.

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BE

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Plant Diseases.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Plant Diseases Act, 1924." Short title.

2. (1) The Vine and Vegetation Diseases and Fruit Pests Act, 1912, is hereby repealed. Repeal and saving.

(2) All persons appointed under the said Act, and holding office at the commencement of this Act, shall be deemed to have been appointed under this Act.

(3) All proclamations published, and all regulations made under the said Act, and in force at the commencement of this Act, in so far as they are not inconsistent with this Act, shall be deemed to have been published or made under this Act.

3. In this Act, unless the context or subject-matter otherwise requires,— Interpretation.

~~"Court" means a court of petty sessions presided over by a stipendiary or police magistrate.~~

"Covering" or "package" includes any case, box, bag, wrapper, packing, or material of whatsoever description used or intended to be used for packing.

"Disease" means any disease of plants or fruit which the Governor may by proclamation published in the Gazette declare to be a disease, and includes any such disease at any stage of its existence.

"Fruit" means apples, apricots, bananas, cherries, currants, figs, gooseberries, grapes, loquats, nectarines, lemons, mandarins, oranges, passion-fruit, peaches, pears, persimmons, pineapples, plums, or quinces, or any other edible product of a plant which the Governor may by proclamation published in the Gazette declare to be fruit for the purposes of this Act; and includes the peel, skin, or shell of any fruit before referred to. "Infected"

Plant Diseases.

- “ Infected ” means infected with disease or pest.
- “ Inspector ” means inspector appointed under this Act.
- 5 “ Nursery ” means any land or premises whereon or wherein plants are grown for the purpose of sale or disposal in their living state.
- “ Occupier ” includes any person having the charge, control, or management of any orchard, nursery, land, or premises.
- 10 “ Orchard ” means any place where fruit-producing plants are grown.
- “ Owner ” includes the holder of any lease or license from the Crown and any person deriving title thereunder.
- 15 “ Pest ” means any organism belonging either to the animal or vegetable kingdom which the Governor may by proclamation published in the Gazette declare to be a pest.
- 20 “ Plant ” means any tree, vine, flower, shrub, vegetable, or other vegetation which the Governor may by proclamation published in the Gazette declare to be a plant; and extends to the seeds of a plant and to every part of a plant whether attached to the plant or separate therefrom; but does not extend to fruit as defined in this section.
- 25 “ Premises ” means any orchard, nursery, land, building, conveyance, vessel, or place in which fruit, plants, vegetables, or covering or package for same, are grown, stored, treated, or carried.
- 30 “ Prescribed ” means prescribed by this Act or the regulations.
- “ Regulations ” means regulations made under this Act.
- 35 “ Sell ” includes offering or attempting to sell, exposing for sale, and sending, forwarding, or delivering for sale.
- 40 “ Vegetables ” means potatoes, onions, green peas, green beans, or any other vegetable which the Governor may by proclamation published in the Gazette declare to be a vegetable.

Governor's

*Plant Diseases.**Governor's proclamation.*

4. (1) The Governor may by proclamation published in the Gazette prohibit the importation, introduction, or bringing into the State (or into any specified portion thereof) either generally or from any country or place, or the bringing into one portion of the State from any other portion of—
- Power to prohibit the introduction of things likely to introduce disease.
- (a) any plant, fruit, or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease or pest into the State or into any specified portion thereof, as the case may be; or
- (b) any covering or goods in, or with which, any such plant, fruit, or thing has been contained, or packed, or with which it has come in contact; or
- (c) anything which is infected.
- (2) Such prohibition may be absolute or conditional.
- (3) The Governor may at any time revoke or vary such proclamation.
5. (1) The Governor may by proclamation published in the Gazette—
- Power to appoint places of entry and quarantine.
- (a) appoint any specified ports or places to be the only ports or places of entry into the State for plants or fruit or for any specified kind of plants or fruit;
- (b) appoint quarantine stations where plants may be grown, or where plants, fruit, coverings, or any thing of any nature or kind whatsoever which has come in contact with plants or fruit may be inspected, disinfected, destroyed, or otherwise disposed of;
- (c) prohibit the use, storage, or carriage within the State or within any specified portion thereof of coverings in or with which any plant or fruit has been contained or packed or of any thing which is likely to convey any disease or pest;
- (d)

Plant Diseases.

- (d) prohibit the removal from any place of any plant or fruit either absolutely or subject to conditions specified in the proclamation;
- 5 (e) require owners or occupiers of any land or premises either throughout the State or within any specified portion thereof to take such measures, including the uprooting and destruction of plants, fruit, or packages, and to do such acts as are specified in the proclamation for the treatment of any disease or pest or the prevention of the spread thereof, and may further require that such measures shall be taken or such acts done at any time or times specified in the proclamation.
- 10
- 15 (2) The Governor may at any time revoke or vary such proclamation.
- 6.** The Minister may by notification published in the Gazette declare any land therein described to be a quarantine area on account of the presence or suspected presence of any disease or pest, and may by a notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act. Declaration of quarantine area. 1923, No. 34, s. 9.
- 20
- 7.** (1) The Minister may, if he thinks fit, instead of declaring land to be a quarantine area, accept an undertaking in the prescribed form given by the owner or occupier of the land to comply with the requirements mentioned therein. Undertaking in certain cases. Ibid. s. 10.
- 25
- (2) Upon any such undertaking being given, the land mentioned therein shall for the period therein specified be deemed to be a quarantine area, and the person giving the undertaking shall comply with all the terms and conditions thereof.
- 30
- 8.** (1) Where land is by the provisions of this Act quarantined, the quarantine may be general or in respect of a particular disease or pest. Quarantine. Ibid. s. 13.
- 35
- (2) The nature of the quarantine shall be stated in the notice or notification imposing the quarantine or in the undertaking given with respect to any land or plants or fruit under the provisions of section seven of this Act.
- 40

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(3) A quarantine may be imposed or declared for a disease or pest although the land is already in quarantine for another disease or pest.

(4) The course of action to be taken by the owner or occupier of land when the land is directed to be quarantined shall be as prescribed by regulation, or if there is no regulation applicable thereto, then as directed by the Minister.

(5) The Minister may by notification in the Gazette apply to any specified part of a quarantine area special and more drastic regulations than those which may be operating in the rest of the quarantine area.

(6) The Minister may by a like notification direct that all plants of a particular class and the fruit thereof within a quarantine area or within some specified part of a quarantine area shall be treated for the disease or pest in respect of which the quarantine is imposed whether the plants or fruit are diseased or infected or not.

9. (1) Any plant, fruit, covering, or other thing which is dealt with or disposed of in any way contrary to any direction or prohibition contained in any proclamation or any direction given by an inspector or in any way contrary to the regulations may be seized by an inspector or by any person authorised in writing by the Minister either generally or specifically, and when so seized shall be destroyed or otherwise dealt with in such manner as the Minister shall direct.

Seizure of plants.

(2) Any expense thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from either the owner or the person in charge of such plant, fruit, covering, or thing.

10. (1) The occupier of any land or premises in which any disease or pest appears shall, within twenty-four hours after first discovering or becoming aware of its appearance, give written notice thereof to an inspector or to the Under Secretary of the Department of Agriculture.

Notice to be given of appearance of disease.

(2) This section applies only in respect of the diseases and pests to which it is made applicable by the Governor by proclamation published in the Gazette.

Inspectors

*Plant Diseases.**Inspectors and their powers and duties.*

11. Inspectors may be appointed for the purposes of this Act under the provisions of the Public Service Act, 1902. The inspectors shall have the powers and perform the duties prescribed.

Appointment
of inspectors.

12. (1) An inspector may employ such assistants as he deems necessary in carrying out the provisions of this Act.

Employment
of assistants
and use of
force.

(2) Every person who obstructs, hinders, threatens, or assaults any inspector or assistant whilst in the performance of his duty shall be guilty of an offence.

13. (1) An inspector may enter any land or premises, upon or in which is any fruit, plant, covering or package, and may stop and enter or board any conveyance or vessel, and search and inspect the same for the purpose of ascertaining whether the same or any part thereof or anything thereon or therein is infected, and may for the purpose aforesaid inspect roots of plants and take samples, open packages, and do such other things as he may deem necessary or expedient.

Power of
entry and
search.

(2) If an inspector is satisfied that any plant, fruit, covering, goods, conveyance, vessel, or thing is infected, he shall give notice to the owner or person in charge thereof, and on receipt of such notice such owner or person shall forthwith take such measures and do such acts as are prescribed.

Power to
order infected
things to be
dealt with.

14. An inspector may serve on the owner or occupier of any land or premises a notice requiring him to take such measures or do such acts as are specified in such notice, or are prescribed, to prevent the spread of any disease or pest.

Power to
require owner
or occupier of
orchard to
prevent
spread of
disease.

15. (1) Whenever disease or pest exists on any land or premises an inspector may serve on the owner or occupier a notice requiring him to quarantine the land and premises and the plants thereon for a period of not exceeding twenty-one days, and to take such measures or do such acts as are specified in such notice or are prescribed.

Steps to be
taken when
orchard is
infected.

(2) Such notice may name a time at which the doing of anything thereby required shall be commenced and a time within which it shall be completed.

16.

Plant Diseases.

16. In case of any default in compliance with Recovery of expenses.
the terms of—

- 5 (a) any notice given by an inspector under sections thirteen, fourteen, or fifteen of this Act;
(b) any direction given by the Minister in accordance with this Act;
(c) any proclamation issued under this Act,

10 the Minister may authorise an inspector to do or cause to be done all such things as are necessary in order to comply with the terms of ~~the notice~~ any such notice, direction, or proclamation, and the expenses thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from the person guilty
15 of the default.

17. An inspector may destroy, fumigate, or otherwise Power to destroy infected plants, coverings, &c.
dispose of any plants or fruit which are infected, or any coverings with which such plants or fruit have been contained or packed or any other fruit or coverings with
20 which they have come in contact.

18. An inspector may require any person having in Power to question vendors of fruit.
his possession or under his control any fruit or plants for sale, to answer any questions relating to such fruit or plants.

25 Any person who refuses to answer any such question to the best of his knowledge, or who wilfully makes a false answer to the same or any part thereof shall be guilty of an offence against this Act.

Registration.

30 **19.** (1) Every orchard and nursery, unless exempted Orchards and nurseries to be registered.
by the Minister, shall be registered by the person in the manner and at the time prescribed. The application for such registration shall be accompanied by the prescribed fee. Such fee shall not exceed one shilling per
35 acre of the land comprised in the orchard or nursery.

(2) The fees in respect of the registration of orchards and nurseries shall be paid into a special account at the Treasury.

40 (3) The Colonial Treasurer shall, upon the recommendation of the Minister, pay out of such special account, moneys—

- 45 (a) to any society registered under the Co-operation, Community Settlement, and Credit Act, 1923, which has among its objects the promotion of the production, treatment, and sale of fruit ;
(b)

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- (b) to any other association or body of persons who, to the satisfaction of the Minister, will wholly apply such moneys to the promotion of the further production, treatment, and sale of fruit; or
- (c) to be used in any other manner which the Minister deems to be best calculated to develop or protect the fruit-growing industry;
- (d) to any person whose property has been destroyed as compensation for such destruction.
- (4) Any moneys so paid other than moneys paid under paragraph (d) of subsection three of this section shall be expended for such purposes in furtherance of the interests of the fruitgrowers or nurserymen of New South Wales as in any particular case the Minister may approve or generally as may be prescribed.
- (5) The expenditure of any moneys so paid other than moneys paid under paragraph (d) of subsection three of this section shall be accounted for in such manner as may be prescribed.

Certificated nurseries.

20. (1) The Minister may, whenever he thinks fit, and shall, on request made to him by the owner or occupier, cause an inspector to inspect any nursery, and if on inspection it is found that the plants in such nursery are free from a particular disease or pest the Minister, or any officer authorised by the Minister in that behalf, may give to the owner or occupier a certificate in the form prescribed. Such certificate shall have effect for the time mentioned therein.

(2) The Minister may cancel any such certificate, and if a certificate is cancelled the person to whom the certificate was issued shall on demand forward it to the Minister.

(3) Any person who falsely pretends that he is the holder of any such certificate shall be guilty of an offence.

Abandoned orchards and nurseries.

21. (1) If an inspector reports to the Minister that any orchard or nursery is habitually, or has been for a period of two years, uncultivated or neglected, and that any such orchard or nursery by reason of neglect is likely

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likely to spread disease or pest, the Minister may give notice to the owner or occupier that he has decided to exercise the powers conferred upon him by this section.

Any person aggrieved by a decision of the Minister
5 under this subsection may appeal therefrom to the court a court of petty sessions presided over by a stipendiary or police magistrate in the manner prescribed.

(2) If within a period to be prescribed an
10 appeal has not been lodged by such person or his appeal has proved unsuccessful the Minister may cause all plants in the orchard or nursery, which in the opinion of an inspector are likely to harbour or spread any disease or pest, to be destroyed, and any cost thereby
15 incurred may be recovered by an inspector in any court of competent jurisdiction from either the owner or occupier of such orchard or nursery.

Cotton plants.

22. The Governor may by proclamation published in the Gazette require the owner or occupier of land or
20 premises either throughout the State or within any portion thereof specified in the proclamation to uproot and destroy all cotton plants in such manner and within such time as is specified in the proclamation. Destruction of cotton plants.

Miscellaneous.

23. The owner of any land or premises which is or are
25 in the occupation of another person as lessee or otherwise shall have full right of entry on and into the same, and of remaining thereon and therein for the purpose of the performance of any duty or obligation imposed upon him
30 under this Act or the regulations. Owner to have right of entry.

Any person who hinders or obstructs the performance by any other person of any duty or obligation imposed on him under this Act or the regulations shall be guilty of an offence.

24. Any notice to be given to any person under this
35 Act or the regulations shall be in writing, and may be served on such person personally, or left at or posted by registered letter to his usual or last known place of abode in this State, or if such person or his address is unknown

Notices to be given in writing.
or

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or if he has no place of business or place of abode in this State, then service may be effected by affixing the notice in a conspicuous place on the land to which the notice relates.

5 **25.** No person shall be entitled to compensation by reason of anything done by any inspector or other person in the exercise of any power or the discharge of any duty or obligation conferred or imposed by this Act or the regulations, or in respect of any loss or injury that may directly or indirectly result therefrom unless the same was occasioned wilfully, negligently, or maliciously. Persons not entitled to compensation.

26. (1) Every person commits an offence against this Act who, himself or by his servant or agent— Offences.

15 (a) knowingly and without reasonable cause sells or brings upon or removes from his premises any plant, fruit, covering, or thing of any nature or kind whatsoever which is infected or which is likely to convey infection or which has been introduced into this State in contravention of the provisions of any proclamation or regulation under this Act; or

20 (b) being the owner or occupier of any orchard or nursery, sells any plant or fruit from such orchard or nursery, while such orchard or nursery is not registered in accordance with the provisions of this Act unless such orchard or nursery is exempted from registration; or

25 (c) does or attempts to do any act in breach of the provisions of this Act, or of any proclamation or regulation thereunder; or

30 (d) without reasonable excuse fails or neglects to perform any duty or obligation imposed on him by this Act, or by any proclamation or regulation thereunder; or

35 (e) without reasonable excuse fails or neglects to comply with any direction given by the Minister or the requirements of any notice served upon him or given to him by an inspector under this Act or the regulations.

40 (2) Any person who commits any offence against this Act or the regulations shall (if no other penalty is specified) be liable to a penalty not exceeding fifty pounds. Penalties.

(3)

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(3) Where in any proceeding against any person for an offence against this Act or the regulations knowledge of the accused must be shown, such knowledge shall be presumed unless and until the
 5 contrary is proved, and the accused satisfies the court that the want of knowledge was reasonable, and was in no way imputable to negligence on the part of himself, his servant or agent.

(4) In any such proceeding, in addition to any
 10 other method of proof available, evidence that the person proceeded against appears by the rate book of the council of the municipality or shire to be the owner or occupier of the land in respect of which the proceeding is taken shall be evidence until the contrary
 15 is proved that such person is the owner or occupier, as the case may be, of the land.

27. Where an inspector or person authorised by the Minister carries out any work under the provisions of section nine or section sixteen or subsection two of
 20 section twenty-one of this Act, the expenses recoverable by an inspector shall include a proportionate part of the salary or wages of the person carrying out the work, having regard to the time occupied by him in carrying out the work and in travelling for such purpose, and the
 25 necessary expenses incurred in connection with such travelling.

28. (1) The Governor may make regulations not
 inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed
 30 or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular and without limiting the generality of the foregoing power, the Governor may make regulations with respect to the following matters—

35 (a) the examination, detention, treatment or destruction of any thing, including plants, fruit, and coverings, in order to eradicate or lessen the risk of disease or pest, or to prevent any disease or pest attacking or being harboured thereon or therein;

40 (b) the registration of orchards and nurseries;

(c)

Plant Diseases.

- (c) the branding or labelling of coverings containing fruit or plants ;
- (d) the grading and packing of fruit or vegetables ;
- 5 (e) the inspection of and the granting of certificates as to the quality and condition of fruit, plants, or vegetables intended for sale or export ;
- (f) prescribing the payment and recovery of fees generally under this Act, including fees—
- 10 (i) for registration under this Act ;
- (ii) in respect of any inspection, disinfection, or destruction by an inspector at any port of entry or quarantine station ;
- (iii) for the granting of any certificate as to quality or condition.
- 15 (2) Such regulations may impose a penalty not exceeding fifty pounds for any breach thereof.
- (3) Such regulations shall—
- (i) be published in the Gazette ;
- 20 (ii) take effect from the date of publication or from a later date to be specified therein ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation,
- 25 such regulation shall thereupon cease to have effect.
- 30

Fair average quality of fruit and vegetables to be indicated.

29. (1) No person shall sell any fruit or vegetables unless such fruit or vegetables are so packed or arranged that the outer layer or shown surface thereof is a true indication of the fair average quality of the whole of such fruit or vegetables.
- 35

Sale of fruit,
&c., not up to
fair average
quality.

Plant Diseases.

The fact that more than ten per centum of such fruit or vegetables is substantially smaller than or inferior to the outer layer or shown surface of such fruit or vegetables shall be prima facie evidence that the fair average quality of such fruit or vegetables is not truly indicated.

(2) No person shall sell any fruit or vegetables contained in any package which also contains any foreign substance in a greater proportion than is prescribed.

10 (3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) In any proceedings for a breach of any of the provisions of this section, it shall be a sufficient 15 defence if the person proceeded against satisfies the court that the fruit or vegetables in respect of the sale of which the proceedings are taken were sold by him in the package in which they were received without repacking or the admixture of any foreign substance.

20 *Amendment of Fruit Cases Act, 1912.*

30. Section seven of the Fruit Cases Act, 1912, is amended by omitting from paragraph (a) of subsection one the words "Vines and Vegetation Diseases Act, 1901, or Fruit Pests Act, 1906" and inserting in lieu 25 thereof the words "Plant Diseases Act, 1924." Amendment of Act 72 of 1912, s. 7.

1924.

Legislative Council.

Plant Diseases Bill.

EXPLANATORY NOTE.

THE present Vine and Vegetation Diseases and Fruit Pests Act, 1912, deals with plant diseases in two main parts—Part II relating to phylloxera of grape vines, and Part III to other diseases and pests.

Part II, which is mainly a repetition of legislation passed in 1893, provides for the proclamation of “vine districts,” and perpetuates the old cumbersome and expensive administration of these “vine districts” by “vine boards.” This part of the Act has become wholly disused.

Part III of the 1912 Act consists of two divisions—Division 1 relating to vegetation diseases, and Division 2 relating to fruit pests. In Division 1 the word “disease” means any disease affecting plants which is by the Governor declared to be a disease within the meaning of Part III of the Act. But although the definition is very comprehensive, Division 2 is directed mainly towards preventing the introduction of disease into the State and the spread of diseases already present. It gives no powers to inspectors to enter land and compel the treatment of diseases. These latter powers are contained in Division 2 of Part III, but this relates only to fruit pests, and the only two fruit pests contemplated by the Act are codlin moth and fruit fly.

The following are the principal new features in the present Bill:—

The definition of “pest” is extended to any organism declared by the Governor to be a pest.

Power is given by section 4 to prohibit the introduction into or movement within the State of infected cases, coverings, and other things which are infected or likely to introduce any disease or pest.

By section 5 the Governor is authorised to—

appoint specified ports or places of entry for plants or fruit;

appoint quarantine stations;

prohibit the use of infected cases, &c.;

prohibit the removal of plants or fruit except upon prescribed conditions.

By section 6 the Minister may quarantine land in respect of a disease or pest.

Section 10 requires the notification by occupiers of orchards or nurseries of the appearance of any disease or pest.

Section 14 authorises an inspector to require an owner or occupier to take steps to prevent the spread of disease.

Section 17 authorises the destruction by an inspector of infected plants, fruit, or coverings.

Section 18 enables an inspector to demand the necessary particulars regarding the origin of any fruit or plants.

Section 19 provides for the registration of orchards and nurseries and the payment of a fee therefor. It also provides for the opening of a special account to which these fees are to be paid, and for their application in approved methods in the furtherance of the fruit-growing industry, &c.

Section 21 gives power to destroy plants in abandoned orchards and nurseries.

Section 22 provides for the destruction of cotton plants when considered necessary.

Section 28 gives power to make regulations dealing with the branding and labelling of coverings containing fruit or plants, and with the grading and packing of fruit or vegetables, and certain other matters.

Section 29 prohibits the topping up of fruit or vegetables.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

PHILOSOPHY 101: THE FOUNDATIONS OF WESTERN THOUGHT

LECTURE 1: THE PRE-SOCRATIC PHILOSOPHERS

1.1. THE IONIAN SCHOOL: THALES, ANAXIMANDER, ANAXIMENES

1.2. THE PYRAGOREAN SCHOOL: THE THEORY OF NUMBERS

1.3. THE ELEATIC SCHOOL: ZENON OF ELEA

LECTURE 2: SOCRATES AND PLATO

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 18 November, 1924.

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to make further provision to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit; to provide for the eradication of such diseases and pests, and to prevent the spread thereof; to make certain provisions with regard to the sale and grading of fruit and vegetables; to provide for the registration of orchards and nurseries; to make certain provisions as to cotton plants; to repeal the Vine and Vegetation Diseases and Fruit Pests Act, 1912; to amend the Fruit Cases Act, 1912, and certain other Acts; and for purposes connected therewith.

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. This Act may be cited as the "Plant Diseases Act, Short title 1924."

2. (1) The Vine and Vegetation Diseases and Fruit Pests Act, 1912, is hereby repealed. Repeal and saving.

(2) All persons appointed under the said Act, and holding office at the commencement of this Act, shall be deemed to have been appointed under this Act.

(3) All proclamations published, and all regulations made under the said Act, and in force at the commencement of this Act, in so far as they are not inconsistent with this Act, shall be deemed to have been published or made under this Act.

3. In this Act, unless the context or subject-matter otherwise requires,— Interpretation.

"Court" means a court of petty sessions presided over by a stipendiary or police magistrate.

"Covering" or "package" includes any case, box, bag, wrapper, packing, or material of whatsoever description used or intended to be used for packing.

"Disease" means any disease of plants or fruit which the Governor may by proclamation published in the Gazette declare to be a disease, and includes any such disease at any stage of its existence.

"Fruit" means apples, apricots, bananas, cherries, currants, figs, gooseberries, grapes, loquats, nectarines, lemons, mandarins, oranges, passion-fruit, peaches, pears, persimmons, pineapples, plums, or quinces, or any other edible product of a plant which the Governor may by proclamation published in the Gazette declare to be fruit for the purposes of this Act; and includes the peel, skin, or shell of any fruit before referred to. "Infected"

Plant Diseases.

- “ Infected ” means infected with disease or pest.
- “ Inspector ” means inspector appointed under this Act.
- 5 “ Nursery ” means any land or premises whereon or wherein plants are grown for the purpose of sale or disposal in their living state.
- “ Occupier ” includes any person having the charge, control, or management of any orchard, nursery, land, or premises.
- 10 “ Orchard ” means any place where fruit-producing plants are grown.
- “ Owner ” includes the holder of any lease or license from the Crown and any person deriving title thereunder.
- 15 “ Pest ” means any organism belonging either to the animal or vegetable kingdom which the Governor may by proclamation published in the Gazette declare to be a pest.
- 20 “ Plant ” means any tree, vine, flower, shrub, vegetable, or other vegetation which the Governor may by proclamation published in the Gazette declare to be a plant; and extends to the seeds of a plant and to every part of a plant whether attached to the plant or separate therefrom; but does not extend to fruit as defined in this section.
- 25 “ Premises ” means any orchard, nursery, land, building, conveyance, vessel, or place in which fruit, plants, vegetables, or covering or package for same, are grown, stored, treated, or carried.
- 30 “ Prescribed ” means prescribed by this Act or the regulations.
- “ Regulations ” means regulations made under this Act.
- 35 “ Sell ” includes offering or attempting to sell, exposing for sale, and sending, forwarding, or delivering for sale.
- 40 “ Vegetables ” means potatoes, onions, green peas, green beans, or any other vegetable which the Governor may by proclamation published in the Gazette declare to be a vegetable.

Governor's

Plant Diseases.

Governor's proclamation.

4. (1) The Governor may by proclamation published in the Gazette prohibit the importation, introduction, or bringing into the State (or into any specified portion thereof) either generally or from any country or place, or the bringing into one portion of the State from any other portion of—

Power to prohibit the introduction of things likely to introduce disease.

10 (a) any plant, fruit, or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease or pest into the State or into any specified portion thereof, as the case may be ; or

15 (b) any covering or goods in, or with which, any such plant, fruit, or thing has been contained, or packed, or with which it has come in contact ; or

(c) anything which is infected.

(2) Such prohibition may be absolute or conditional.

20 (3) The Governor may at any time revoke or vary such proclamation.

5. (1) The Governor may by proclamation published in the Gazette—

Power to appoint places of entry and quarantine.

25 (a) appoint any specified ports or places to be the only ports or places of entry into the State for plants or fruit or for any specified kind of plants or fruit ;

30 (b) appoint quarantine stations where plants may be grown, or where plants, fruit, coverings, or any thing of any nature or kind whatsoever which has come in contact with plants or fruit may be inspected, disinfected, destroyed, or otherwise disposed of ;

35 (c) prohibit the use, storage, or carriage within the State or within any specified portion thereof of coverings in or with which any plant or fruit has been contained or packed or of any thing which is likely to convey any disease or pest ;

(d)

Plant Diseases.

- (d) prohibit the removal from any place of any plant or fruit either absolutely or subject to conditions specified in the proclamation;
- 5 (e) require owners or occupiers of any land or premises either throughout the State or within any specified portion thereof to take such measures, including the uprooting and destruction of plants, fruit, or packages, and to do such acts as are specified in the proclamation for the treatment of any disease or pest or the prevention of the spread thereof, and may further require that such measures shall be taken or such acts done at any time or times specified in the proclamation.
- 10
- 15 (2) The Governor may at any time revoke or vary such proclamation.
6. The Minister may by notification published in the Gazette declare any land therein described to be a quarantine area on account of the presence or suspected presence of any disease or pest, and may by a like notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act.
- 20
7. (1) The Minister may, if he thinks fit, instead of declaring land to be a quarantine area, accept an undertaking in the prescribed form given by the owner or occupier of the land to comply with the requirements mentioned therein.
- 25
- (2) Upon any such undertaking being given, the land mentioned therein shall for the period therein specified be deemed to be a quarantine area, and the person giving the undertaking shall comply with all the terms and conditions thereof.
- 30
8. (1) Where land is by the provisions of this Act quarantined, the quarantine may be general or in respect of a particular disease or pest.
- 35
- (2) The nature of the quarantine shall be stated in the notice or notification imposing the quarantine or in the undertaking given with respect to any land or plants or fruit under the provisions of section seven of this Act.
- 40

Declaration
of quarantine
area.
1923, No. 34,
s. 9.

Undertaking
in certain
cases.
Ibid. s. 10.

Quarantine.
Ibid. s. 13.

Plant Diseases.

(3) A quarantine may be imposed or declared for a disease or pest although the land is already in quarantine for another disease or pest.

(4) The course of action to be taken by the owner or occupier of land when the land is directed to be quarantined shall be as prescribed by regulation, or if there is no regulation applicable thereto, then as directed by the Minister.

(5) The Minister may by notification in the Gazette apply to any specified part of a quarantine area special and more drastic regulations than those which may be operating in the rest of the quarantine area.

(6) The Minister may by a like notification direct that all plants of a particular class and the fruit thereof within a quarantine area or within some specified part of a quarantine area shall be treated for the disease or pest in respect of which the quarantine is imposed whether the plants or fruit are diseased or infected or not.

9. (1) Any plant, fruit, covering, or other thing which is dealt with or disposed of in any way contrary to any direction or prohibition contained in any proclamation or any direction given by an inspector or in any way contrary to the regulations may be seized by an inspector or by any person authorised in writing by the Minister either generally or specifically, and when so seized shall be destroyed or otherwise dealt with in such manner as the Minister shall direct.

Seizure of plants.

(2) Any expense thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from either the owner or the person in charge of such plant, fruit, covering, or thing.

10. (1) The occupier of any land or premises in which any disease or pest appears shall, within twenty-four hours after first discovering or becoming aware of its appearance, give written notice thereof to an inspector or to the Under Secretary of the Department of Agriculture.

Notice to be given of appearance of disease.

(2) This section applies only in respect of the diseases and pests to which it is made applicable by the Governor by proclamation published in the Gazette.

Inspectors

*Plant Diseases.**Inspectors and their powers and duties.*

11. Inspectors may be appointed for the purposes of this Act under the provisions of the Public Service Act, 1902. The inspectors shall have the powers and perform the duties prescribed. Appointment of inspectors.

12. (1) An inspector may employ such assistants as he deems necessary in carrying out the provisions of this Act. Employment of assistants and use of force.

(2) Every person who obstructs, hinders, threatens, or assaults any inspector or assistant whilst in the performance of his duty shall be guilty of an offence.

13. (1) An inspector may enter any land or premises, and may stop and enter or board any conveyance or vessel, and search and inspect the same for the purpose of ascertaining whether the same or any part thereof or anything thereon or therein is infected, and may for the purpose aforesaid inspect roots of plants and take samples, open packages, and do such other things as he may deem necessary or expedient. Power of entry and search.

(2) If an inspector is satisfied that any plant, fruit, covering, goods, conveyance, vessel, or thing is infected, he shall give notice to the owner or person in charge thereof, and on receipt of such notice such owner or person shall forthwith take such measures and do such acts as are prescribed. Power to order infected things to be dealt with.

14. An inspector may serve on the owner or occupier of any land or premises a notice requiring him to take such measures or do such acts as are specified in such notice, or are prescribed, to prevent the spread of any disease or pest. Power to require owner or occupier of orchard to prevent spread of disease.

15. (1) Whenever disease or pest exists on any land or premises an inspector may serve on the owner or occupier a notice requiring him to quarantine the land and premises and the plants thereon for a period of not exceeding twenty-one days, and to take such measures or do such acts as are specified in such notice or are prescribed. Steps to be taken when orchard is infected.

(2) Such notice may name a time at which the doing of anything thereby required shall be commenced and a time within which it shall be completed. **16.**

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- 16.** In case of any default in compliance with the terms of any notice given by an inspector under sections thirteen, fourteen, or fifteen of this Act the Minister may authorise an inspector to do or cause to be done all such things as are necessary in order to comply with the terms of the notice, and the expenses thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from the person guilty of the default. Recovery of expenses.
- 17.** An inspector may destroy, fumigate, or otherwise dispose of any plants or fruit which are infected, or any coverings with which such plants or fruit have been contained or packed or any other fruit or coverings with which they have come in contact. Power to destroy infected plants, coverings, &c.
- 18.** An inspector may require any person having in his possession or under his control any fruit or plants for sale, to answer any questions relating to such fruit or plants. Power to question vendors of fruit.
- Any person who refuses to answer any such question to the best of his knowledge, or who wilfully makes a false answer to the same or any part thereof shall be guilty of an offence against this Act.

Registration.

- 19.** (1) Every orchard and nursery, unless exempted by the Minister, shall be registered by the person in the manner and at the time prescribed. The application for such registration shall be accompanied by the prescribed fee. Such fee shall not exceed one shilling per acre of the land comprised in the orchard or nursery. Orchards and nurseries to be registered.
- (2) The fees in respect of the registration of orchards and nurseries shall be paid into a special account at the Treasury.
- (3) The Colonial Treasurer shall, upon the recommendation of the Minister, pay out of such special account, moneys—
- (a) to any society registered under the Co-operation, Community Settlement, and Credit Act, 1923, which has among its objects the promotion of the production, treatment, and sale of fruit ;
- (b)

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- 5 (b) to any other association or body of persons who, to the satisfaction of the Minister, will wholly apply such moneys to the promotion of the further production, treatment, and sale of fruit; or
- (c) to be used in any other manner which the Minister deems to be best calculated to develop or protect the fruit-growing industry;
- 10 (d) to any person whose property has been destroyed as compensation for such destruction.
- (4) Any moneys so paid shall be expended for such purposes in furtherance of the interests of the fruitgrowers or nurserymen of New South Wales as in any particular case the Minister may approve or
- 15 generally as may be prescribed.
- (5) The expenditure of any moneys so paid shall be accounted for in such manner as may be prescribed.

Certificated nurseries.

- 20 **20.** (1) The Minister may, whenever he thinks fit, and shall, on request made to him by the owner or occupier, cause an inspector to inspect any nursery, and if on inspection it is found that the plants in such nursery are free from a particular disease or pest the
- 25 Minister, or any officer authorised by the Minister in that behalf, may give to the owner or occupier a certificate in the form prescribed. Such certificate shall have effect for the time mentioned therein.
- (2) The Minister may cancel any such certificate, and if a certificate is cancelled the person to whom the
- 30 certificate was issued shall on demand forward it to the Minister.
- (3) Any person who falsely pretends that he is the holder of any such certificate shall be guilty of an
- 35 offence.

Abandoned orchards and nurseries.

- 21.** (1) If an inspector reports to the Minister that any orchard or nursery is habitually, or has been for a period of two years, uncultivated or neglected, and that
- 40 any such orchard or nursery by reason of neglect is likely
- Power to destroy plants in an abandoned orchard or nursery.

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likely to spread disease or pest, the Minister may give notice to the owner or occupier that he has decided to exercise the powers conferred upon him by this section.

Any person aggrieved by a decision of the Minister
5 under this subsection may appeal therefrom to the court in the manner prescribed.

(2) If within a period to be prescribed an appeal has not been lodged by such person or his appeal has proved unsuccessful the Minister may cause
10 all plants in the orchard or nursery, which in the opinion of an inspector are likely to harbour or spread any disease or pest, to be destroyed, and any cost thereby incurred may be recovered by an inspector in any court
15 of competent jurisdiction from either the owner or occupier of such orchard or nursery.

Cotton plants.

22. The Governor may by proclamation published in the Gazette require the owner or occupier of land or premises either throughout the State or within any
20 portion thereof specified in the proclamation to uproot and destroy all cotton plants in such manner and within such time as is specified in the proclamation.

Destruction
of cotton
plants.

Miscellaneous.

23. The owner of any land or premises which is or are
25 in the occupation of another person as lessee or otherwise shall have full right of entry on and into the same, and of remaining thereon and therein for the purpose of the performance of any duty or obligation imposed upon him under this Act or the regulations.

Owner to
have right of
entry.

30 Any person who hinders or obstructs the performance by any other person of any duty or obligation imposed on him under this Act or the regulations shall be guilty of an offence.

24. Any notice to be given to any person under this
35 Act or the regulations shall be in writing, and may be served on such person personally, or left at or posted by registered letter to his usual or last known place of abode in this State, or if such person or his address is unknown

Notices to
be given in
writing.

or

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or if he has no place of business or place of abode in this State, then service may be effected by affixing the notice in a conspicuous place on the land to which the notice relates.

5 **25.** No person shall be entitled to compensation by reason of anything done by any inspector or other person in the exercise of any power or the discharge of any duty or obligation conferred or imposed by this Act or the regulations, or in respect of any loss or injury that may directly or indirectly result therefrom unless the same was occasioned wilfully, negligently, or maliciously. Persons not entitled to compensation.

26. (1) Every person commits an offence against this Act who, himself or by his servant or agent— Offences.

15 (a) knowingly and without reasonable cause sells or brings upon or removes from his premises any plant, fruit, covering, or thing of any nature or kind whatsoever which is infected or which is likely to convey infection or which has been introduced into this State in contravention of the provisions of any proclamation or regulation under this Act; or

20 (b) being the owner or occupier of any orchard or nursery, sells any plant or fruit from such orchard or nursery, while such orchard or nursery is not registered in accordance with the provisions of this Act unless such orchard or nursery is exempted from registration; or

25 (c) does or attempts to do any act in breach of the provisions of this Act, or of any proclamation or regulation thereunder; or

30 (d) without reasonable excuse fails or neglects to perform any duty or obligation imposed on him by this Act, or by any proclamation or regulation thereunder; or

35 (e) without reasonable excuse fails or neglects to comply with the requirements of any notice served upon him or given to him by an inspector under this Act or the regulations.

40 (2) Any person who commits any offence against this Act or the regulations shall (if no other penalty is specified) be liable to a penalty not exceeding fifty pounds. Penalties.

(3)

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(3) Where in any proceeding against any person for an offence against this Act or the regulations knowledge of the accused must be shown, such knowledge shall be presumed unless and until the
 5 contrary is proved, and the accused satisfies the court that the want of knowledge was reasonable, and was in no way imputable to negligence on the part of himself, his servant or agent.

(4) In any such proceeding, in addition to any
 10 other method of proof available, evidence that the person proceeded against appears by the rate book of the council of the municipality or shire to be the owner or occupier of the land in respect of which the proceeding is taken shall be evidence until the contrary
 15 is proved that such person is the owner or occupier, as the case may be, of the land.

27. Where an inspector or person authorised by the ^{Recoverable} Minister carries out any work under the provisions of ^{of expenses of} section nine or section sixteen or subsection two of ^{authorised} ^{inspector.} section twenty-one of this Act, the expenses recoverable by an inspector shall include a proportionate part of the salary or wages of the person carrying out the work, having regard to the time occupied by him in carrying out the work and in travelling for such purpose, and the
 20 necessary expenses incurred in connection with such travelling.

28. (1) The Governor may make regulations not ^{Regulations.} inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed
 30 or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular and without limiting the generality of the foregoing power, the Governor may make regulations with respect to the following matters—

- 35 (a) the examination, detention, treatment or destruction of any thing, including plants, fruit, and coverings, in order to eradicate or lessen the risk of disease or pest, or to prevent any disease or pest attacking or being harboured thereon or therein ;
 40 (b) the registration of orchards and nurseries ;
 (c)

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- (c) the branding or labelling of coverings containing fruit or plants ;
- (d) the grading and packing of fruit or vegetables ;
- 5 (e) the inspection of and the granting of certificates as to the quality and condition of fruit, plants, or vegetables intended for sale or export ;
- (f) prescribing the payment and recovery of fees generally under this Act, including fees—
- 10 (i) for registration under this Act ;
- (ii) in respect of any inspection, disinfection, or destruction by an inspector at any port of entry or quarantine station ;
- (iii) for the granting of any certificate as to quality or condition.
- 15 (2) Such regulations may impose a penalty not exceeding fifty pounds for any breach thereof.
- (3) Such regulations shall—
- (i) be published in the Gazette ;
- 20 (ii) take effect from the date of publication or from a later date to be specified therein ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation,
- 25 such regulation shall thereupon cease to have effect.
- 30

Fair average quality of fruit and vegetables to be indicated.

29. (1) No person shall sell any fruit or vegetables unless such fruit or vegetables are so packed or arranged that the outer layer or shown surface thereof is a true indication of the fair average quality of the whole of such fruit or vegetables.
- 35

Sale of fruit, &c., not up to fair average quality.

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The fact that more than ten per centum of such fruit or vegetables is substantially smaller than or inferior to the outer layer or shown surface of such fruit or vegetables shall be prima facie evidence that the fair
5 average quality of such fruit or vegetables is not truly indicated.

(2) No person shall sell any fruit or vegetables contained in any package which also contains any foreign substance in a greater proportion than is prescribed.

10 (3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(4) In any proceedings for a breach of any of the provisions of this section, it shall be a sufficient
15 defence if the person proceeded against satisfies the court that the fruit or vegetables in respect of the sale of which the proceedings are taken were sold by him in the package in which they were received without repacking or the admixture of any foreign substance.

20 *Amendment of Fruit Cases Act, 1912.*

30. Section seven of the Fruit Cases Act, 1912, is
amended by omitting from paragraph (a) of subsection
one the words "Vines and Vegetation Diseases Act,
1901, or Fruit Pests Act, 1906" and inserting in lieu
25 thereof the words "Plant Diseases Act, 1924."