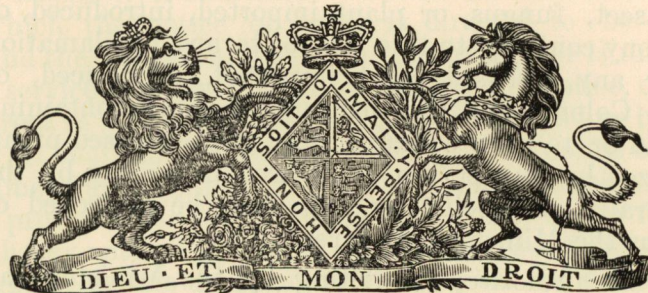


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 27 October, 1896. }

F. W. WEBB,  
Clerk of the Legislative Assembly.

## New South Wales.



ANNO SEXAGESIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act for the better prevention of the spread of diseases, and for the destruction of insects, fungi, and other pests injuriously affecting any kind of vegetation; and to prevent the introduction of those diseases and insects into the Colony.

**B**E it enacted by the Queen'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:—

- 5 1. (I) The Governor, by proclamation in the *Gazette*, may prohibit the importation, introduction, or bringing into this Colony, or any portion thereof specified in such proclamation, of any plant which is, in the opinion of the Governor, likely to introduce any disease or insect into the said Colony or any portion thereof, and may at any  
10 time alter or revoke any such proclamation.
- Such prohibition may be either absolute or contingent on the non-performance of any conditions prescribed by regulations made under this Act.
- 15 (II) The Governor, by proclamation in the *Gazette*, may prohibit the bringing into any portion of this Colony from any other portion of the said Colony specified in such proclamation of any plant which is, in the opinion of the Governor, likely to spread any disease or insect in the Colony, and may at any time alter or revoke any such proclamation.
- 20 Such prohibition may be either absolute or contingent on the non-performance of any conditions prescribed by regulations made under this Act.

Importation of plants liable to introduce disease, &c. may be prohibited.

Transfer from one portion of this Colony to another may also be prohibited.



*Vegetation Diseases.*

(III) Any person who imports, introduces, or brings, or causes or knowingly permits to be imported, introduced, or brought into this Colony, or into any portion thereof, any plant, in contravention of any proclamation made under this section shall be guilty of an offence against this Act. Importing, &c., tree, plant, or vegetable contrary to proclamation an offence.

2. (I) No person shall import, introduce, bring, or cause or knowingly permit to be imported, introduced, or brought into this Colony any insect or fungus, except for scientific purposes only and with the consent of the Minister. Importing insect or fungus prohibited.

10 (II) Any insect, fungus, or plant imported, introduced, or brought into this Colony contrary to this Act, or to any proclamation made thereunder, or any diseased plant imported, introduced, or brought into the said Colony, and any package or thing containing or suspected to contain or to have contained any such diseased plant, Insects, plants, packages, &c., may be seized.  
15 may forthwith be seized by any person authorised in writing by the Minister, either generally or specifically, and shall be destroyed or otherwise dealt with as the Minister may direct.

3. (I) Any person authorised in writing by the Minister may at any time between the hours of nine in the morning and five in the afternoon enter upon any land, building, vessel, ship, or place, with or without assistants, and search for insects and fungi and diseased plants and packages likely to convey disease, and may remain there for that purpose so long as may be reasonable. Power to enter upon land.

(II) If the said person finds, on search being made as aforesaid, that insects or fungi or diseased plants or packages likely to convey disease are in or upon any land, building, vessel, ship, or place, the Minister may, by notice in writing served on the owner or occupier of the said land, building, or place, or upon the person in charge or command of the ship or vessel require him, within a time therein mentioned, not being less than thirty days, to take such measures and do such acts as may be specified in the notice for the eradication of disease or the destruction of insects or fungi, and further notify him that in default of compliance with the said requirement any person authorised by the Minister as aforesaid, will cause the said measures to be taken and acts done at the expense of the said owner, occupier, or person. Notice to owner or occupier to eradicate diseases.

(III) If the said owner, occupier, or person is of opinion that the notice is unnecessary or that the measures required to be taken or the acts required to be done or any of them are unnecessary or improper, he may, within the time mentioned in the notice as aforesaid, apply to a police or stipendiary magistrate in a summary way for an order cancelling or varying the notice, and shall forthwith notify in writing to the Minister the fact that the said application has been made. Appeal to magistrate from notice.

45 (IV) If the said owner, occupier, or person—  
(a) has not within the time mentioned in the notice aforesaid, in the opinion of the Minister, taken the measures and done the acts required; or  
(b) has not within the time aforesaid made and notified an application to cancel or vary the notice; or  
50 (c) has not within the time limited in any order of a magistrate made as aforesaid, complied with the said order or with a notice as varied by the said order,

any person authorised by the Minister in that behalf may, with or without assistants, enter the land, building, ship, vessel, or place and take the measures and do the acts mentioned in the said notice or order, and may recover the cost thereof from the said owner, occupier, or person in any court of competent jurisdiction.



*Vegetation Diseases.*

4. If in the opinion of the Minister the destruction of any diseased plant, or any package or thing likely to convey disease, whether the same was or was not imported, introduced, or brought into this Colony is a matter of necessity and extreme urgency, he may forthwith make an order in writing directing the destruction of such diseased plant, package, or thing by any person referred to in such order. And the said plant, package, or thing may be destroyed accordingly.

Destruction of diseased trees, plants, &c., by order of Minister.

5. (I) A notice or order under this Act may be served by delivering the same, or a true copy thereof, to or at the residence of the person to whom it is addressed. Where the land or building in respect of which the notice or order is directed to be served is unoccupied, and the owner is absent from the Colony, or is unknown to the Minister, service may be effected by affixing the notice, order, or a true copy thereof in some conspicuous place on the land or building.

Service of notices and orders.

(II) It shall not be necessary in any such notice or order to specify the name of any occupier or owner of the land therein referred to.

6. No proceedings shall be taken against any owner for failing to comply with any notice or order to eradicate disease from, or destroy insects or fungi on, plants upon any land until the provisions of this Act have been enforced against the occupier of such land.

Proceedings against occupier in first instance.

7. (I) The Governor may, subject to the provisions of this Act, make regulations for all or any of the following purposes, namely:—

Regulations.

(a) For prescribing the form of notices and orders to be given and made under this Act, and the time when, and manner in which, such notices are to be given and served.

(b) For securing the effectual treatment of diseased plants, and the effectual eradication of disease and the destruction of any insect or fungus.

(c) For prescribing the conditions under which the plants named in a proclamation made under section one of this Act may be introduced or brought into the Colony or any portion of the Colony.

(d) For prescribing penalties for the breach of any regulation not exceeding, for a first offence, one pound, and not exceeding, for any subsequent offence, ten pounds.

(e) For defining the boundaries of any portions of this Colony to be called fruit-growing districts, and for providing for the election by fruit-growers of each such district of a local board of advice, and for providing for the calling of meetings of and the conduct of the proceedings of such board, and also for the appointment by the Governor of a central board of advice, such boards to consist of not less than three and not more than seven members; and for prescribing the respective duties of such boards and the tenure of office of the members thereof.

(f) Generally for carrying into effect the provisions of this Act.

(II) All such regulations upon being published in the *Gazette* shall be as valid in law as if the same were enacted in this Act, and shall be judicially noticed; and all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next session of Parliament.

To be laid before Parliament.

8. (I) Every person shall be guilty of an offence against this Act—

Offences.

(a) who in any manner obstructs or impedes, or attempts to obstruct or impede, any person acting under the authority of this Act; or

Obstructing execution of Act offence.

(b) who disobeys or fails to comply with any of the provisions of this Act or any proclamation made or direction or order given pursuant to such provisions.

Disobeying orders, &c.

(II)



*Vegetation Diseases.*

(II) If any person is guilty of an offence against this Act, for which no penalty is specially provided, he shall for every such offence be liable, on conviction, to a penalty not exceeding twenty pounds.

5 9. Penalties may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions. Penalty.  
Recovery of penalties.

10 10. No action shall be brought against any person for anything done by him in pursuance of any authority conferred by or under this Act, unless the same be commenced within four months next after the thing complained of has been done. Limitation of actions,  
&c.

15 11. (I) No person acting in pursuance of any authority conferred by or under this Act shall be deemed to be a trespasser by reason of any entry or removal or destruction, or be liable for any damage occasioned in carrying out the provisions of this Act, or of any proclamation or regulation made thereunder, unless the damage was occasioned by such person wilfully and without necessity. No authorised person liable for damage unless wilful.

20 (II) No person shall be entitled to receive any compensation whatsoever in consequence of any measures taken for the eradication of any disease, or the destruction of any insect or fungus, or of any prohibited or diseased plants, or in respect of any damage that may result to him therefrom either directly or indirectly, unless the same was occasioned wilfully and without necessity. No compensation allowed for damage occasioned by carrying out this Act unless wilful.

12. In this Act unless inconsistent with the subject matter or context— Interpretation.

25 "Disease" means any disease affecting plants, and which the Governor may, from time to time by proclamation in the *Gazette*, declare to be a disease within the meaning of this Act, and whether or not caused by or consisting of the presence of insects or fungus.

30 "Diseased" means affected with disease.

"Fungus" means any fungus or vegetable parasite whatever which the Governor may, from time to time by proclamation in the *Gazette*, declare to be a fungus within the meaning of this Act.

35 "Governor" means Governor with the advice of the Executive Council."

40 "Insect" means any insect whatever which the Governor may, from time to time by proclamation in the *Gazette*, declare to be an insect within the meaning of this Act, and includes any such insect in whatever stage of existence the same may be.

"Minister" means the Secretary for Mines, and includes any Minister of the Crown charged with the administration of this Act.

45 "Owner or occupier" includes the agent of any owner or occupier, and also any joint owner or joint occupier.

"Owner" includes any person holding any land under any lease or license from the Crown, or any person deriving title from, under, or through him.

50 "Plant" means any tree, vine, flower, shrub, vegetable, or other vegetation of economic value, and extends to the seed, fruit, or other product of such plant, and to every part thereof, whether attached to or separate therefrom.

55 13. This Act may be cited as the "Vegetation Diseases Act, 1896." Short title.