

Vegetation Diseases.

Act No. 48, 1897.

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. [10th December, 1897.]

VEGETATION
DISEASES.

BE 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:—

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 time alter or revoke any such proclamation.

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

Such prohibition may be either absolute or contingent on the non-performance of any conditions prescribed by regulations made under this Act.

(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.

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

Such prohibition may be either absolute or contingent on the non-performance of any conditions prescribed by regulations made under this Act.

(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.

(II)

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Insects, plants,
packages, &c., may
be seized.

(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, 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.

Power to enter.

3. Any person authorised in writing by the Minister may at any time enter upon any 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.

Regulations.

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

- (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 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.
- (c) 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.
- (d) Generally for carrying into effect the provisions of this Act.

To be laid before
Parliament.

(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.

Offences.

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

Obstructing
execution of Act
offence.

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

Disobeying orders,
&c.

- (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.

Penalty.

(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.

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

7. 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.

8. 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.

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

“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.

“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.

“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.

“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.

10. This Act may be cited as the “Vegetation Diseases Act, 1897.” Short title.