



ANNO DECIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1967

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**No. 49 of 1967**

An Act to amend the Oriental Fruit Moth Control Act, 1962-1964, the Red Scale Control Act, 1962-1964 and the San José Scale Control Act, 1962-1964.

[Assented to 19th October, 1967]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

## PART I.

## PRELIMINARY.

Short title and  
arrangement.

1. (1) This Act may be cited as the "Statutes Amendment (Oriental Fruit Moth Control, Red Scale Control and San José Scale Control) Act, 1967".

(2) This Act is arranged as follows :—

PART I.—PRELIMINARY, s. 1.

PART II.—AMENDMENT OF ORIENTAL FRUIT MOTH CONTROL ACT, 1962-1964, ss. 2-9.

PART III.—AMENDMENT OF RED SCALE CONTROL ACT, 1962-1964, ss. 10-17.

PART IV.—AMENDMENT OF SAN JOSÉ SCALE CONTROL ACT, 1962-1964, ss. 18-25.

## PART II.

## PART II.

AMENDMENT OF ORIENTAL FRUIT MOTH  
CONTROL ACT, 1962-1964.

2. (1) The Oriental Fruit Moth Control Act, 1962-1964, as amended by this Act, may be cited as the "Oriental Fruit Moth Control Act, 1962-1967". Citation.

(2) The Oriental Fruit Moth Control Act, 1962-1964, is in this Part referred to as "the principal Act".

3. Section 5 of the principal Act is amended—

(a) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

Amendment  
of principal  
Act, s. 5—  
Owner or  
keeper to be  
registered.

and

(b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection :—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

4. Section 6 of the principal Act is amended—

(a) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections :—

(3) Every person who, not less than twenty-one days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

Amendment  
of principal  
Act, s. 6—  
Poll for  
constitution  
of Oriental  
Fruit Moth  
Committee.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(b) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of  
s. 7a of  
principal  
Act—

5. The following section is enacted and inserted in the principal Act after section 7 thereof:—

Incorporation  
of Committees.

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment of  
principal  
Act, s. 9—  
Powers of  
Committees.

6. Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (j) thereof.

Amendment  
of principal  
Act, s. 9a—  
Committee  
may require  
control and  
eradication of  
Oriental  
Fruit Moth.

7. Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment  
of principal  
Act, s. 10—  
Contributions  
to Committees.

8. Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment  
of principal  
Act, s. 15—  
Proceedings  
for offences.

9. Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

## PART III.

## PART III.

AMENDMENT OF RED SCALE CONTROL ACT,  
1962-1964.

10. (1) The Red Scale Control Act, 1962-1964, as amended by this Act, may be cited as the "Red Scale Control Act, 1962-1967". Citation.

(2) The Red Scale Control Act, 1962-1964, is in this Part referred to as "the principal Act".

11. Section 5 of the principal Act is amended—

(a) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

Amendment  
of principal  
Act, s. 5—  
Owner or  
keeper to be  
registered.

and

(b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

12. Section 6 of the principal Act is amended—

(a) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections:—

(3) Every person who, not less than twenty-days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

Amendment  
of principal  
Act, s. 6—  
Poll for  
constitution of  
Red Scale  
Committee.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(b) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of  
s. 7a of  
principal Act—

**13.** The following section is enacted and inserted in the principal Act after section 7 thereof :—

Incorporation  
of Committees.

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment  
of principal  
Act, s. 9—  
Powers of  
Committees.

**14.** Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (j) thereof.

Amendment  
of principal  
Act, s. 9a—  
Committee  
may require  
control and  
eradication of  
Red Scale.

**15.** Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment of  
principal  
Act, s. 10—  
Contributions  
to Committees.

**16.** Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment  
of principal  
Act, s. 15—  
Proceedings  
for offences.

**17.** Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

## PART IV.

## PART IV.

AMENDMENT OF SAN JOSÉ SCALE CONTROL  
ACT, 1962-1964.

18. (1) The San José Scale Control Act, 1962-1964, as amended by this Act, may be cited as the "San José Scale Control Act, 1962-1967". Citation.

(2) The San José Scale Control Act, 1962-1964, is in this Part referred to as "the principal Act".

19. Section 5 of the principal Act is amended—

- (a) by striking out the passage "every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture" therein and inserting in lieu thereof the passage "the owner or keeper of every orchard within a district shall apply to the Department of Agriculture to be registered, and, upon due application being made, shall be registered, as the owner or keeper, as the case may be, of the orchard but not more than one person may be registered in respect of each orchard";

Amendment  
of principal  
Act, s. 5—  
Owner or  
keeper to be  
registered.

and

- (b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection :—

(2) An application under subsection (1) of this section shall be made in the manner and form prescribed and shall be accompanied by particulars of where the orchard or orchards of which the applicant is the owner or keeper is or are situated, the number of host trees therein and such further or other particulars as may be prescribed.

20. Section 6 of the principal Act is amended—

- (a) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections :—

(3) Every person who, not less than twenty-one days before the day fixed by the Minister under this section, is duly registered as the owner or keeper of an orchard within the district shall be entitled to vote at the poll and a person not then so registered shall not be entitled to vote at the poll.

Amendment  
of principal  
Act, s. 6—  
Poll for  
constitution  
of San José  
Committee.

(3a) The Minister shall prepare and supply to the Returning Officer of the State a list of all persons entitled to vote at the poll.

and

(b) by inserting in subsection (4) thereof after the passage "each voter shall have one vote" the passage "only whether registered as the owner or keeper of one or a number of orchards".

Enactment of  
s. 7a of  
principal  
Act—

Incorporation  
of Committees.

**21.** The following section is enacted and inserted in the principal Act after section 7 thereof :—

7a. (1) Every Committee appointed and named by the Minister pursuant to section 7 of this Act shall, subject to section 8 of this Act, be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of acquiring, holding and disposing of property of all kinds.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

Amendment  
of principal  
Act, s. 9—  
Powers of  
Committees.

**22.** Section 9 of the principal Act is amended—

by striking out the passage "of the Chairman" in paragraph (j) thereof.

Amendment  
of principal  
Act, s. 9a—  
Committee  
may require  
control and  
eradication of  
San Jose  
Scale.

**23.** Section 9a of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" in subsection (7) thereof.

Amendment  
of principal  
Act, s. 10—  
Contributions  
to Committees.

**24.** Subsection (4) of section 10 of the principal Act is amended by striking out the passage "by and in the name of the Chairman of the Committee" therein.

Amendment  
of principal  
Act, s. 15—  
Proceedings  
for offences.

**25.** Section 15 of the principal Act is amended by striking out the passage "of the Chairman" in subsection (2) thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.