

PLANT DISEASES.

26° GEO. V., No. X.

No. 10 of 1935.

AN ACT to amend the Plant Diseases Act, 1914-1933.

[Assented to 24th October, 1935.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Plant Diseases Act Amendment Act, 1935*, and shall be read as one with the Plant Diseases Act, 1914-1933 (No. 23 of 1914), hereinafter referred to as the principal Act.

Short title.
See the Act No.
21 of 1933, s. 3.

2. Sections are inserted in the principal Act, after section seven, as follows:—

New sections.

7A. (1.) Subject to this Act and the regulations every owner or occupier of an orchard in which one or more fruit trees or one or more fruit vines are growing shall cause such orchard to be registered at the Department of Agriculture.

Orchards to be registered.

(2.) Application for registration of an orchard shall be made in writing to the Director of Agriculture, on the prescribed form, signed by the applicant and accompanied by the prescribed registration fee and the prescribed particulars.

(3.) Application for registration of an orchard shall be applied for annually on or before the first day of July in each year, and shall have effect for one year:

Provided that, where registration is applied for within fifteen days after the first day of July, such registration shall be deemed to have been applied for as from such first day of July; and, where such registration is applied for on a day more than fifteen days after the first day of July in any year, such registration shall take effect as from the day when the registration is effected, and shall continue until the thirtieth day of June next ensuing, and no longer.

(4.) Any person who fails or neglects for one month to register an orchard as required by this section shall be guilty of an offence.

Penalty: Twenty pounds, and, in addition, a daily penalty of one pound for each day or part of a day during which such default continues.

(5.) Every orchard growing at the commencement of this section, and liable to be registered under this section, shall be so registered within one month after the commencement of this section, and the registration then effected shall continue in force until the thirtieth day of June next ensuing, and no longer.

(6.) The Governor may by Order in Council from time to time declare that orchards situate within any part of the State as defined in the Order in Council shall be exempt from the provisions of this section, and thereafter every such orchard shall be so exempt until such Order in Council is revoked.

(7.) Subject to this Act and the regulations the registration of an orchard registered in accordance with this section may be transferred from the holder thereof to any person taking over such orchard from such holder.

(8.) Application for the transfer of the registration of an orchard shall be made in writing to the Director of Agriculture in the prescribed form, shall be signed by both the transferor and the transferee, and shall be accompanied by the prescribed transfer fee.

(9.) When any orchard is registered, or the registration of any orchard is transferred as provided for in this section, the Director of Agriculture shall make such records thereof and issue such certificates as may be prescribed.

7B. (1.) For the purposes of this Act there shall be established a special fund, to be administered by the Director of Agriculture through a separate trust account, and to be known as The Fruit Fly Eradication Fund.

Fruit Fly Eradication Fund.

(2.) The said fund shall consist of all fees received by the Director of Agriculture from the registration and the transfer of the registration of orchards under this Act, and of any other moneys appropriated by Parliament to the purposes of such fund. All such fees and moneys on the receipt thereof by the Director of Agriculture shall be placed to the credit of the said fund.

(3.) The moneys in the said fund shall be deposited in the name of the fund at the Treasury, and, subject to this Act, shall be operated on by the Director of Agriculture.

(4.) Subject in every case to the approval in writing of the Minister, the moneys in the said fund may be used and applied for the control, prevention, and eradication of fruit fly pest, in such amounts from time to time, in such manner, and by such methods, as shall be authorised by the Minister.

3. A section is inserted in the principal Act after section eight A (inserted by the Act No. 4 of 1925, section two), as follows:—

New section.

8B. (1.) The Minister may by notice published in the *Government Gazette* and in a newspaper circulating in the area specified in such notice, declare that any portion of the State defined in such notice is infested with disease of the kind mentioned in such notice, and may at any time thereafter by notice published similarly to the first-mentioned notice cancel such first-mentioned notice.

Minister may declare certain areas to be infested.

(2.) Upon the publication of such notice, and while the same continues in operation, the owner or occupier of every orchard situate within the area defined in the notice shall take, or cause to be taken such steps, and adopt or cause to be adopted, such measures as are prescribed as appropriate steps to be taken and measures to be adopted in order to control and eradicate the disease mentioned in the notice and to prevent the spread thereof, notwithstanding that such disease may not then exist or appear to exist in the orchard of such owner or occupier.

(3.) Any person who fails or neglects to comply in every respect with the provisions of subsection (2) of this section shall be guilty of an offence.

Penalty: Fifty pounds

Amendment
of s. 35.

4. Section thirty-five of the principal Act is amended as follows:—

- (a) by deleting from paragraph (b) of subsection (2) the word “grape” in line two and inserting in lieu thereof the word “fruit”;
- (b) by deleting the proviso to paragraph (c) of subsection (2) and inserting in lieu thereof a proviso as follows:—

Provided that the fees for the registration of an orchard and for the transfer of the registration of an orchard shall be fixed at one shilling, and that other registration fees may be graded from two shillings and sixpence upwards, according to area.

Citation of
principal Act
as amended.

5. The principal Act as amended by this Act may be cited as the Plant Diseases Act, 1914-1935.