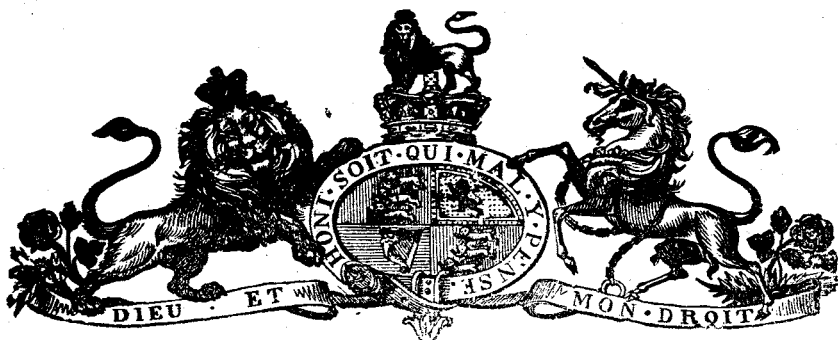


T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 5.



AN ACT to provide for the Destruction of A.D. 1884.  
"the Codlin Moth." [20 October, 1884.]

WHEREAS it is expedient to provide measures for the destruction of the insect known as *Carpocapsa pomonella* or "the Codlin Moth :"

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Codlin Moth Act, 1884." Short title.

2 In this Act, unless the context otherwise determines— Interpretation.

"Orchard" means and includes every garden and piece of land in which fruit trees of any description may be growing :

"Infected" means actually infected with the Moth, and where the Moth is or has been present :

"The Moth" means the insect known as *Carpocapsa pomonella* or the insect commonly known in *Tasmania* as "the Codlin Moth," in any form :

"Inspector" means an Inspector of Orchards :

"Fruit" means Apples and Pears of all descriptions :

"Tree" means Apple and Pear Trees of Five years old and upwards :

"Prescribed" means prescribed by Regulations under this Act :

"Clean District" shall mean a District proclaimed to be uninfected with the Moth :

"Unclean District" shall mean a District proclaimed to be infected with the Moth.

3 The owner of any unoccupied orchard shall, for the purposes of this Act, be deemed to be the occupier thereof; and all the provisions of this Act shall be applicable to such owner in the same manner in all respects as if such owner were the actual occupier of such land. Owner of unoccupied orchard to be deemed the occupier.

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Districts may be proclaimed.

**4** The Governor in Council may, on receipt of a petition signed by not less than Five persons who are occupiers of orchards within any proposed District, stating approximately the number of trees owned by such petitioners respectively, and praying that the portion of the Colony described in such petition may be declared a Clean or Unclean District under this Act, cause the prayer and substance of such petition to be published in the *Gazette* and in one newspaper published nearest to the proposed District; and unless a counter petition signed by occupiers of orchards who own a larger number of trees in the same portion of the Colony than the persons praying such District to be declared, is received by the Governor in Council within Thirty days from the date of such publication, the Governor in Council may, by Proclamation, constitute and declare the area described in such petition to be a District for the purposes of this Act, by some specific name.

Contribution to Codlin Moth Fund.

**5** There shall be payable to "The Codlin Moth Fund" by the occupier of every orchard in every Unclean District a contribution of a sum not exceeding One Half-penny for every tree growing in the orchard occupied by him; the amount of such contribution in any one year to be fixed by the Governor in Council by Proclamation published in the *Gazette*; and such contribution shall be paid to the Treasurer in the first instance within One month after the District has been proclaimed Unclean, and afterwards on the First day of *October* in every year, and shall be calculated for each year upon the number of such trees growing in such orchard on the said day.

Provided that, if at any time it is certified by the Treasurer that it appears to him upon balancing such account that a certain proportion only of such contribution will be necessary for the purposes of this Act during the then current year, it shall be lawful for the Governor by Proclamation in the *Gazette* to direct that the proportion so certified and no more of such contribution shall be payable in respect of such year.

If at any time the said Fund is insufficient to defray all lawful charges thereon, it shall be lawful for the Governor in Council to levy a further contribution not exceeding One Half-penny for every tree in every orchard within every Unclean District for the purpose of making good the amount of such deficiency.

Return of trees for contribution.

**6** The occupier of every orchard when paying such contribution shall deliver to the Treasurer a Return in the form in the Schedule stating the number and description of trees growing in such orchard on the day on which the District was proclaimed Unclean, and, in each succeeding year, of all trees growing in such orchard on the First day of *October* in such year; and every such occupier who refuses or neglects to make such Return shall forfeit and pay a penalty not exceeding Five Pounds.

Returns to be verified.

**7** Every such Return shall be verified by Declaration in the form in the Schedule that the matters contained in such Return are true; and every person who wilfully makes any false Return under this Act shall forfeit and pay a penalty not exceeding Five Pounds.

Contribution not paid in time.

**8** Every occupier who omits to pay the contribution due from him within Two months after the same becomes due in any year, shall pay an additional amount equal to one-fourth part of such contribution; and if any occupier after the expiration of the said Two months omits or refuses to pay the contribution payable by him, then it shall be lawful for any Inspector to sue for and recover such contribution

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together with such additional amount, at any time not being more than **A.D. 1884.**  
 One year after the time when such contribution should have been paid. —

**9** There shall be applied out of "The Codlin Moth Fund" such sums of money as may be required for payment of the salaries and allowances of the Inspectors appointed under this Act, and the Treasurer for the time being is hereby authorised and empowered to appropriate and issue such sums accordingly; but subject, nevertheless, to the provisions of any Act in force for the time being with reference to the Audit of Public Accounts. **Payments from Codlin Moth Fund.**

**10** The Governor in Council may from time to time appoint such Inspectors of Orchards for *Tasmania* or any district as he deems necessary, and notice of every such appointment shall be published in the *Gazette*, and in one newspaper published in *Hobart*, and in one newspaper published in *Launceston*, and the Governor in Council may from time to time dismiss or remove such Inspectors as he sees fit. **Appointment of Inspectors.**

There shall be paid to such Inspectors such salaries and allowances out of "The Codlin Moth Fund" as the Governor in Council sees fit.

**11** Every Inspector shall have, exercise, and discharge the several powers, authorities, and duties prescribed, and may at any reasonable time after giving Twenty-four hours' notice to the occupier thereof, enter upon any orchard in any Unclean District for the purpose of inspecting the trees in such orchard or the fruit thereon; and if any person refuses to allow any Inspector to enter at any reasonable time upon his orchard after receipt of such notice, or to examine any tree or fruit being therein or thereon, or impedes or hinders or attempts to impede or hinder the Inspector from examining such trees or fruit, such person shall forfeit and pay a penalty not exceeding Five Pounds. **Powers of Inspectors.**

**12** The Governor in Council may from time to time make, and from time to time rescind and alter, Regulations— **Regulations.**

For the guidance of Inspectors, and prescribing their duties :

For prescribing the manner in which and the times at which the occupier of every orchard in every Unclean District shall—

(a.) Give notice of his orchard being infected;

(b.) Bandage, dress, or otherwise treat infected trees in his orchard :

For prescribing the manner in which infected fruit shall be destroyed or rendered fit for the food of any animal :

For prescribing the manner in which bandages used upon infected trees shall be destroyed, or cleansed or otherwise rendered fit to be again used for such purpose :

Generally for the destruction of the Moth and as to all other matters of detail for carrying this Act into full effect :

And the Governor in Council may by any Regulation prescribe a penalty not exceeding Five Pounds for breach of or non-compliance with any such Regulation.

All Regulations shall be published in the *Gazette*, and in one newspaper published in *Hobart*, and in one newspaper published in *Launceston*, and thereupon shall have the force of Law; and copies thereof shall be laid before both Houses of Parliament forthwith, if sitting, and if not sitting then within Fourteen days after the commencement of the next Session.

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Penalty on  
Inspector for  
breach of  
Regulations.Infected fruit,  
cases, &c. not to  
be conveyed into  
any Clean Dis-  
trict.Proof of fruit,  
&c. not being  
infected.Recovery of  
penalties, &c.

Appropriation.

Limitation of  
actions.

General issue.

**13** If any Inspector wilfully violates, or omits to comply with, or neglects or refuses to enforce any Regulation, he shall be liable to a penalty not exceeding Ten Pounds.

**14** No person shall convey into any Clean District any fruit infected with the Moth, or any case, box, barrel, or other receptacle which has at any time contained any fruit, except he obtain the permission of an Inspector; and if any person offends against this provision he shall be liable to a penalty not exceeding Five Pounds.

**15** In any legal proceedings against any person for any breach of or non-compliance with any provision of this Act or any Regulation, proof that any tree, fruit, or other matter or thing mentioned herein or in any Regulation, was not infected with the Moth, or that any case, box, barrel, or other receptacle has not at any time contained any infected fruit, shall rest upon the defendant.

**16** All sums of money recoverable from any occupier under this Act, and all penalties imposed or made payable by this Act, or any Regulation made under this Act, shall be recovered in the mode prescribed by *The Magistrates Summary Procedure Act*.

**17** All penalties and sums of money recoverable under this Act shall, when recovered, be paid into the Treasury to the credit of "The Codlin Moth Fund."

**18** No action shall lie against any person for anything done in pursuance of this Act unless such action is commenced within Three months after the cause of action has arisen; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence.

## SCHEDULE.

## "THE CODLIN MOTH ACT, 1884."

RETURN of the Number of Apple and Pear Trees of Five years old and upwards in the Orchard occupied by the undersigned on the \_\_\_\_\_ of \_\_\_\_\_ 18\_\_.

Name and Address.	Description of Tree.	Number of each description.	Remarks.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth, all which matters I conscientiously believe to be true.

Witness.

Signature.