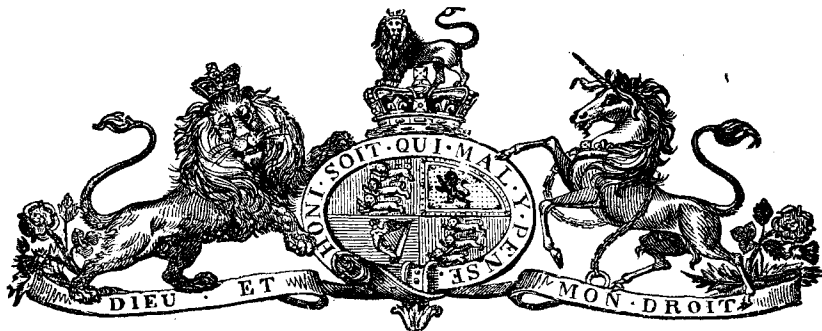


T A S M A N I A.



1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 45.

AN ACT to amend "The Codlin Moth Act, A.D. 1891. 1888," and for other purposes.

[23 December, 1891.]

BE it 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 cited as "The Codlin Moth Amendment Act, 1891." Short title.

2 In this Act— Interpretation. "The said Act" means "The Codlin Moth Act, 1888." 52 Vict. No. 16.

3 Sections Nineteen and Thirty-four of the said Act are hereby Repeal. repealed ; but the repeal by this Act of any enactment shall not affect any appointment duly made under the said Act before the passing of this Act ; and all Inspectors, Collectors, and other officers and persons in office at the date of the passing of this Act shall continue in office notwithstanding such repeal.

4 All existing Boards at the passing of this Act shall, notwith- Existing Boards standing the repeal of any enactment by this Act, continue to be continued. Boards, and, subject to the provisions of this Act, the Members thereof shall hold office for a period of Two years.

5 The Thirty-third Section of the said Act is hereby repealed, and Substitution for in lieu thereof the following shall, from the commencement of this Act, Sect. 33 of 52 Vict. No. 16.

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Board to appoint
Chairman and
officers.

be and be deemed to be and may be cited as the Thirty-third Section of the said Act; that is to say:—

“(1.) Every Board shall hold their first meeting after their election within Fourteen days thereafter, and shall at such first meeting appoint a Chairman; and in the absence of the Chairman from any meeting of the Board the Members present shall elect a Chairman from those present, who shall preside at such meeting.

(2.) Every Board shall, from time to time, appoint a Secretary, a Collector, a Treasurer, an Inspector or Inspectors, and such other officers as the Board think necessary and proper; and from time to time may remove any of such officers and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices. Every such officer shall hold office until he resigns or discontinues his office, or is removed as aforesaid: Provided always that the offices of Treasurer and Collector shall not be held by the same person.

(3.) The Chairman of every Board shall publish in the *Gazette* a notification of all appointments under this Section, signed by him, within Fourteen days after the meeting at which any such appointment was made.”

Substitution for
Section 58 of 52
Vict. No. 16.

6 The Fifty-eighth Section of the said Act is hereby repealed, and in lieu thereof the following shall, from the commencement of this Act, be and be deemed to be and may be cited as the Fifty-eighth Section of the said Act; that is to say:—

Infected fruit
cases, &c. not to
be conveyed into
any part of the
Colony.

“No person shall convey, or cause or permit to be conveyed into any part of the Colony, or from one part of the Colony to another part of the Colony, any fruit infected with the Moth, or any case, box, barrel, bag, or other receptacle containing the Moth or any infected fruit, or which has at any time contained any infected fruit, unless the same has been previously cleansed in accordance with the Regulations made under this Act or otherwise to the satisfaction of an Inspector; and if any person offends against this provision he shall be liable to a penalty not less than Ten Shillings and not exceeding Ten Pounds.”

Members to hold
office for Two
years.

7 Subject to the provisions hereinafter contained, every Member of a Board shall hold office for a period of Two years, and the Members of every Board shall retire in rotation as hereinafter provided.

Annual Meeting
to be held in each
District.

8 A Meeting of the Fruitgrowers of every District shall be held in the month of *September* in every year for the purpose of electing the requisite number of persons to fill the vacancies caused in the Board of such District by the retirement of Members thereof in accordance with the provisions of this Act, and the Board of every District shall fix a day in the month of *September* in every year, and shall also fix an hour of the day between Ten of the clock in the forenoon and Four of the clock in the afternoon, and a place within such District, for holding such Annual Meeting of Fruitgrowers for the election of Members of the Board, and shall publish once in the *Gazette* and at least twice in a public newspaper published or circulating in the District in which such Meeting is to be held, and also affix on or near to the door of every Police Office, Police Station, and Post Office in such District, Ten clear days at least before the day of holding the Meeting, notice of the date and time and place of such Meeting.

Retirement of
Members.

9—(1.) On the day fixed for holding the first Annual Meeting of Fruitgrowers of any District Three Members of the Board shall retire from office; and on the day fixed for holding the second

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Annual Meeting of the Fruitgrowers of such District, Four Members of the Board shall retire from office; and on the day fixed for holding the Annual Meeting of Fruitgrowers of such District in every subsequent year, every Member of the Board who was elected at the Annual Meeting of Fruitgrowers held in the Second preceding year shall retire from office. A.D. 1891.

(2.) The persons elected as the first Members of the Board of any District shall decide by lot among themselves which of them shall retire from office on the day fixed for the first Annual Meeting of the Fruitgrowers of such District.

(3.) The retiring Members of the Board of any District shall hold office until their successors are duly elected, and shall at all times, if qualified, be eligible for re-election.

(4.) For the purposes of this Section the Annual Meeting of Fruitgrowers of any District, created at the passing of this Act, to be held in the year One thousand eight hundred and ninety-two, shall be deemed to be the first Annual Meeting of such Fruitgrowers, and the Members of any Board existing at the passing of this Act shall be deemed to be the first Members of such Board.

10 When any District is hereafter proclaimed by the Governor in Council under the said Act, the Governor in Council shall in the same Proclamation direct that, upon a date and at a time and place therein named, there shall be held within the said District a meeting of the Fruitgrowers thereof for the purpose of electing from amongst such Fruitgrowers Seven persons to be the Board of such District for the purposes of the said Act, but such meeting shall not be less than Seven nor more than Fourteen days after the publication of such Proclamation. Proclamation of District to direct when first meeting for election of Board to be held.

11 The following Amendments are hereby made in the several Sections of the said Act in this Section referred to:— Amendments in "The Codlin Moth Act, 1888." 52 Vict. No. 16.

Section Twenty. After the word "Board" in the second line, the words "as hereinbefore provided" are hereby expunged, and the words "or any Members thereof" are hereby inserted.

Section Twenty-one. After the word "Board" in the first line, the words "or any Members thereof" are hereby inserted. After the word "writing" in the fourth line, the words "and signed by at least Two fruitgrowers entitled to vote at such election" are hereby inserted:

Section Twenty-three. The words "and of the" in the seventh line after the word "election" are hereby expunged; the words "time and place of the first meeting of the Board" in the eighth line are hereby expunged:

Section Thirty-six. After the word "Board" in the second line, the words "or to such person as the Board may appoint" are hereby inserted:

Section Thirty-eight. In place of the words "in the month of *January*" in the first line the words "before the last day of *March*" are hereby substituted:

Section Thirty-nine. In place of the word "*March*" in the second line, the word "*May*" is hereby substituted:

Section Forty. In place of the word "Four" in the second line, the word "Six" is hereby substituted:

Section Forty-four. In the third line the words "collected, demanded" are hereby transposed:

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Section Forty-eight. In place of the word "Four" in the first line, the word "Six" is hereby substituted, and in place of the word "Six" in the fifth line the word "Four" is hereby substituted:

Section Fifty-one. After the word "penalty" in the last line of the Section, the words "of not less than Ten Shillings and" are hereby inserted:

Section Fifty-six. After the word "penalty" in the twenty-fourth line, the words "of not less than Ten Shillings and" are hereby inserted:

Section Fifty-nine. After the word "penalty" in the second line, the words "of not less than Ten Shillings and" are hereby inserted:

Section Sixty. After the words "cut down" in the second line, the words "and burn" are hereby inserted; in the fifth line the word "or," and in the sixth line the word "diseased" are hereby expunged; after the word "penalty" in the last line of the Section, the words "of not less than Ten Shillings and" are hereby inserted.

Notice of Petition to be given to Board.

12 The Minister shall, upon receipt of any Petition, cause the substance and prayer thereof to be notified to the Board of the District or Districts affected thereby.

Inspector may enter orchards to verify Return of Acreage.

13 Every Inspector may at any reasonable time, upon giving notice to the occupier, enter upon any orchard or garden in any District for the purpose of verifying by measurement or otherwise the Return of Acreage made by such occupier; and such notice is hereby made to apply to the purposes of Section Fifty of the said Act, save and except as to the power to enter any ship, boat, shop, store, or other building as provided in the said Section.

Boards may make Regulations for eradicating fruit pest.

14 It shall be lawful for any Board, with the approval of the Governor in Council, from time to time to make, and from time to time rescind and alter such Regulations as they may deem necessary for eradicating or preventing the spread of any fruit pest whether insect or fungoid; but such Regulations shall only apply to the District for which the Board making the same has been elected.

And any Board may by any such Regulation prescribe a penalty of not exceeding Five Pounds for any breach of or non-compliance with any such Regulations.

All such Regulations shall be published in the *Gazette*, and in a newspaper generally circulated in the District affected thereby.

Gazette to be *primâ facie* evidence of Regulation.

15 The production of a copy of the *Hobart Gazette* containing any Regulation made under the said Act or this Act shall be *primâ facie* evidence in all Courts of Justice, and in all legal proceedings whatsoever, that such Regulation has been duly made and published in accordance with the provisions of the said Act or this Act.

Acts to be read together.

16 The said Act, as altered or amended by this Act, and this Act, shall be read and construed together as one Act.