

THE POTATO DISEASES ACT, 1909.

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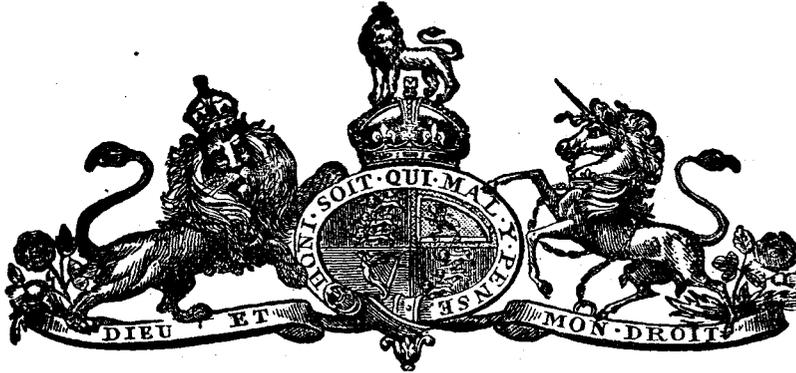
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T A S M A N I A



1909.

ANNO NONO

EDWARDI VII. REGIS,

No. 5.



AN ACT to provide for the Eradication of Diseases affecting the Potato, and to Prevent the Spread of such Diseases, and for other purposes. [September 25, 1909.]

A.D. 1909.

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 be cited as "The Potato Diseases Act, 1909." Short title.

2 In this Act and in all proceedings thereunder, unless the context otherwise determines :— Interpretation.

- " Act " includes regulations : " Act."
- " Clean " means free from disease : " Clean."
- " Disease " means— " Disease."
- (a) Irish potato blight (*Phytophthora infestans*); and
- (b) Any other disease which the Governor from time to time, by proclamation, declares to be a disease within the meaning of this Act :
- " Diseased " means affected, or liable by reason of having been in contact to be affected, with disease : " Diseased."
- " District " means a district proclaimed or deemed to be proclaimed under this Act : " District."
- " Infected " means infected with disease : " Infected."

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A.D. 1909.	“Inspector” means any inspector appointed under or by this Act, and includes the Chief Inspector:
“Inspector.”	“Minister” means the responsible Minister of the Crown for the time being administering this Act:
“Minister.”	“Occupier” includes an agent of an occupier and an overseer or person in charge of potato land:
“Occupier.”	“Potato” includes tomato and the plant of potato or tomato:
“Potato.”	“Potato land” means any land planted with potatoes or having potatoes growing therein during the period in respect of which a rate or contribution under this Act is payable:
“Potato land.”	“Infected package” includes every case or other package in which any diseased potato is or has been contained, or with which any such potato has come in contact.
“Infected package.”	

Division.	3 This Act is divided into the following parts.—
	Part I.—The Governor's Powers.
	Part II.—Inspectors.
	Part III.—Powers and Duties of Minister.
	Part IV.—The Fund.
	Part V.—Offences and Penalties.
	Part VI.—Miscellaneous.

PART I.**THE GOVERNOR'S POWERS.**

Powers of Governor.	4 The Governor may from time to time, by proclamation in the <i>Gazette</i> , do any of the following acts:—
	i. Declare any disease not specified in the definition of “disease” to be a disease within the meaning of this Act:
	ii. Prohibit the removal from any place within the State to any other place in the State of any potatoes, or of any package implement, matter, or thing likely to convey the disease:
	iii. Declare any parcel of land or any building a quarantine for the reception of any potatoes diseased or suspected of being diseased:
	iv. Quarantine any building, land, or place wherein or whereon any diseased potatoes may be found or may have recently been.
Power to proclaim districts.	5 —(1.) The Governor may from time to time, for the purposes of this Act, by proclamation—
	i. Establish districts:
	ii. Alter the boundaries of a district by including therein part or parts of another district or districts, and excluding such part or parts from the latter district or districts.
Every city and ward of a municipality to be deemed a district.	(2.) Every city and every ward of a municipality, shall be deemed to have been proclaimed a district under Subsection (1.) of this section.
	(3.) The powers of the Governor under Subsection (1.) of this section may be exercised in relation to the said cities and wards.

*Potato Diseases.***PART II.**

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INSPECTORS.

6 The Governor may from time to time appoint a Chief Inspector and such inspectors and other officers, with such powers and functions, as he deems necessary, in order to carry out the provisions of this Act. Appointment of inspectors.

7 Notice of any such appointment shall be forthwith published in the *Gazette*. Notice of appointments.

8 Every inspector—

- i. May enter into or examine at any time, with or without assistants, any land, vessel, vehicle, building, or place suspected to contain any potatoes, and search therein for disease, and may remove such potatoes for further examination, and may destroy such as may be found to be diseased :
 - ii. Shall, if he is not the Chief Inspector, make a full report in writing to the Chief Inspector.
- Powers of inspectors.

PART III.

POWERS AND DUTIES OF THE MINISTER.

9 The Minister—

- i. May, on the recommendation of the Chief Inspector, by notice in the *Gazette* declare any district—
 - (a) To be an infected district ; or
 - (b) To be a clean district :
 - ii. May take such other precautionary measures as he deems necessary to prevent the spread or continuation of the disease :
 - iii. May, upon being satisfied upon the report of the Chief Inspector that no disease exists in an infected district, by notice in the *Gazette* declare it to be a clean district.
- Powers of Minister.

10 The Minister may from time to time, with the consent of the Governor, make regulations— Regulations.

- i. Prescribing the manner in which diseased potatoes and infected packages shall be treated, cleansed, destroyed, or otherwise disposed of, and the uses to which they may respectively be put :
- ii. Prescribing the conditions under which any package, vessel, vehicle, bag, or case may be used more than once for the carriage of potatoes :
- iii. Prescribing in what cases and under what conditions diseased potatoes or infected packages may be removed from one place to another place :

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- iv. Prescribing the matters in respect whereof fees shall be payable under this Act, fixing the amount of such fees, and the mode of the payment and recovery thereof: and
- v. Generally for any other purpose for which regulations are contemplated by this Act, or which he deems desirable or necessary in order to eradicate disease or prevent the spread thereof, or in order to give full effect to this Act.

PART IV.

THE FUND.

Annual contribution payable.

11 For the purposes of this Act, an annual rate or contribution of not less than One Shilling per acre nor more than Two Shillings per acre shall be payable and paid in respect of all potato land by every occupier of potato land.

Where total acreage does not exceed One acre.

12 The annual rate or contribution in any case where the total acreage does not exceed One acre shall never be less than One Shilling.

Governor to fix contribution, &c.

13 The Governor, on the recommendation of the Minister, shall annually fix—

- i. The amount of the rate or contribution :
- ii. The period in respect of which it is payable: and
- iii. The date whereupon payable.

Upon publication of proclamation contribution to be payable.

14 Upon the publication by the Governor in any year of a proclamation in the *Gazette*, stating—

- i. The amount of the rate or contribution :
- ii. The period in respect of which it is payable: and
- iii. The date whereupon payable—

such rate or contribution shall thereupon be deemed to be demanded, and shall be payable and paid in respect of the stated period, and on the specified date, by all occupiers of potato land, to the Chief Inspector at his office, and in the manner set forth in the proclamation; and every such occupier shall, when paying his rate or contribution, furnish therewith to the Chief Inspector the return mentioned in Section Sixteen of this Act, and it shall not be necessary in any such proclamation to set forth the names of the persons liable to pay the rate or contribution, or any other particulars than hereinbefore in that behalf mentioned, or to make or issue any other demand.

Minister to advertise particulars.

15 The Minister shall cause public notice of the particulars contained in the proclamation mentioned in the immediately preceding section to be advertised at least Twice in a public newspaper (if any) published in *Hobart, Launceston, Devonport, Burnie, Zeehan, and Stanley*.

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16 All moneys received by the Chief Inspector under this Act shall be by him paid into the Treasury to the credit of an account to be called "The Potato Diseases Fund Account." A.D. 1909.
Money to be paid into Treasury.

17 Every person paying any rate or contribution under this Act shall, when paying the same, deliver to the Chief Inspector a return according to the form in the Schedule, and containing the particulars thereby indicated. Return to be furnished.

18 Every person liable to pay any rate or contribution under this Act, who omits to pay the same within Two calendar months after the date fixed for payment thereof, shall forthwith pay to the Chief Inspector as a fine an additional amount equal to One-fourth part of such rate or contribution. Contribution not paid in time.

19 There shall be paid and applied out of the moneys for the time being to the credit of "The Potato Diseases Fund Account" such sums of money as shall be approved by the Minister for the purposes of generally carrying out the provisions of 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 "The Audit Act, 1901." Payments from the Potato Diseases Fund Account.

PART V.**OFFENCES AND PENALTIES.**

20 The occupier of any potato land shall at all times do whatever is necessary in order to eradicate disease from such potato land and prevent the spread of disease, and in particular shall use such means for that purpose as may be from time to time prescribed. Eradication of disease.

21 Whosoever fails to thoroughly spray as prescribed, and with the prescribed mixture or means, all potatoes growing on land occupied or held by him, at least Twice each season, commits an offence against this Act. Potatoes to be sprayed.

22 The occupier of any land in which any disease appears who neglects to immediately notify the fact in writing to an inspector or to the Minister commits an offence against this Act. Occupier to give notice of any disease.

23 Any person having in his possession or under his control any diseased potatoes who neglects to immediately notify the fact in writing to an inspector or to the Minister commits an offence against this Act. Person having possession of diseased potatoes to notify the fact.

24—(1.) Every person commits an offence against this Act who directly or indirectly obstructs, hinders, or interrupts, or threatens, or assaults, or uses improper or abusive language to any inspector or assistant while in the performance of his duty under this Act. Person obstructing or hindering inspector commits an offence.

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(2.) Proceedings for the recovery of any fine for such offence, or the payment thereof, shall not be a bar to any action at law by any such inspector or assistant; but every such action may be commenced and proceeded with as if this Act had not been passed, any rule of law to the contrary notwithstanding.

Protection of inspectors.

25 An inspector or assistant shall not be deemed a trespasser by reason of any entry or removal under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act.

Neglect to make return an offence.

26 Any person who neglects to make a return in the prescribed form, or makes a false return, commits an offence against this Act.

Planting potatoes within half a mile of the boundary of clean area an offence.

27 Whosoever in an infected district adjoining a clean district, and within a distance of half a mile from the boundary of such clean district, plants or grows potatoes, or suffers the same to grow, commits an offence against this Act.

Penalty : Fifty Pounds.

Exporting potatoes in certain cases an offence.

28 Whosoever exports or sends away from this State, or delivers to another person to be so exported or sent away, any consignment or lot of potatoes—

- i. Not being in new bags or new cases : or
- ii. Not branded or marked in the prescribed manner, and with the prescribed particulars : or
- iii. Not accompanied by the certificate of an inspector stating that such potatoes are fit for export and not grown within an infected area, or such other certificate as the Minister directs will be accepted in lieu of the firstmentioned certificate by the State or country to which it is proposed to export or send away the potatoes—

commits an offence against this Act.

Penalty : Fifty Pounds.

Selling or removing diseased potatoes, &c.

29 Every person commits an offence against this Act who directly or indirectly, by himself, his servant, or agent—

- i. Sells or offers or exposes for sale or distributes in any manner any potatoes affected by disease, or infected package, unless such person shall show that it was not practicable to discover the fact by the exercise of reasonable diligence : or
- ii. Removes or suffers to be removed from his premises any potatoes affected by disease, or infected package, unless pursuant to the regulations or under the direction of an inspector : or

Other breaches.

- iii. Does or attempts to do any other act in breach of this Act or of any regulation thereunder : or
- iv. Fails to faithfully observe and perform any duty or obligation imposed on him by this Act or by any proclamation or regulation thereunder.

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30 Every person who commits an offence against this Act in respect of which no penalty is provided by this Act is liable on summary conviction to a penalty not exceeding Five Pounds for each offence; or if the offence be continuous, for each day during which the offence is continued.

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Penalty for offences.

PART VI.**MISCELLANEOUS.**

31 All proceedings may be had and taken, and all penalties, fines, and sums of money incurred or imposed or payable under this Act may be sued for and recovered, at the suit of the Minister, or such officer or authorised person as the Minister shall from time to time on that behalf appoint; and all moneys so recovered or which are received under this Act shall be paid into the Treasury to the credit of the Potato Diseases Fund Account.

Recovery of penalties.

32 All offences against the provisions of this Act, and all penalties, fines, contributions, and sums of money under the provisions of this Act, may be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

Procedure.
19 Vict. No. 8.

33 In this Act a fraction of an acre shall be deemed to be an acre.

Construction.

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SCHEDULE.**"POTATO DISEASES ACT, 1909."****POTATO-GROWERS' RETURN.**

Return of the number of acres of potato land occupied by the undersigned and planted with potatoes or having potatoes growing therein during the period from the day of 19 to the day of 19 inclusive.

Name and Address.	Situation of the Land, giving City or Ward.	Area planted with Potatoes.	Amount of Contribution forwarded.

I, _____, of _____, do declare that I am the occupier of the potato land above mentioned, and have herewith forwarded the above-mentioned amount of contribution, and that the above return contains a just and true account of the several matters therein set forth respecting the same.

Dated this _____ day of _____, 19

[Signature.]