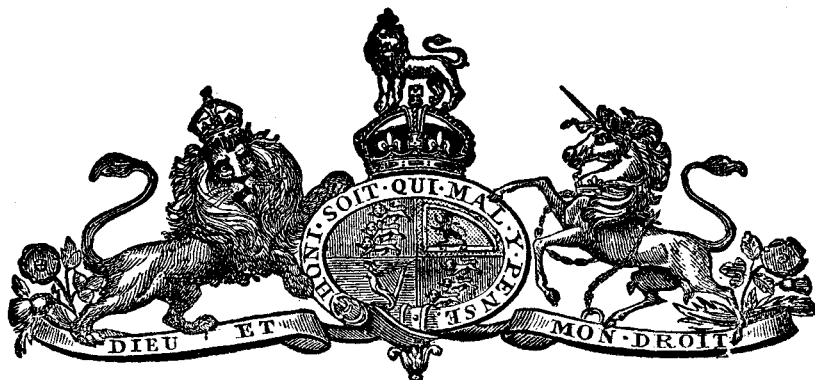


## TASMANIA.



1930.

ANNO VICESIMO PRIMO

GEORGI V. REGIS.

No. 24.

## ANALYSIS.

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| <p>1. Short title.</p> <p>2. Repeal of 62 Vict No. 21.</p> <p>3. Interpretation.</p> <p>4. Power to Governor to prohibit importation or removal of diseased plants.</p> <p>5. Appointment of officers.</p> <p>6. Powers of inspectors.</p> | <p>7. Power to regulate export of plants.</p> <p>8. Powers in respect of infected localities.</p> <p>9. Duties of occupiers.</p> <p>10. Funds may be established in certain cases.</p> <p>11. Protection of officers.</p> <p>12. Offences.</p> <p>13. Regulations.</p> |
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AN ACT to consolidate and amend the Law relating to Diseases affecting Plants and Vegetation. [29 November, 1930.]

A.D.  
1930.

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 Plant Diseases Act, 1930."

Short title.

2 The Vegetation Diseases Act, 1898, is hereby repealed.

Repeal of 62  
Vict, No. 21.

6d.]

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Interpretation

**3** In this Act, unless the contrary intention appears —

“Bacterium” means any organism which is prescribed as an organism within the meaning of this Act, and includes any such organism in whatever stage of existence it may be :

“Disease” means any disease affecting plants and which is prescribed as a disease within the meaning of this Act and whether or not the same is caused by, or consists of the presence of, an insect, bacterium, or fungus :

“Diseased” means affected by a disease, or likely to be so affected by reason of having been in contact with something affected with disease :

“Fungus” means any fungus or vegetable parasite whatever which is prescribed as a fungus within the meaning of this Act :

“Insect” means any member of the *Phylum arthropoda* which is prescribed as an insect within the meaning of this Act, and includes any such insect in whatever stage of existence it may be :

“Infected” means infected with disease :

“Inspector” means an Inspector appointed under this Act :

“Occupier” includes an agent of an occupier and an overseer or person in charge of any premises :

“Plant” means any tree, vine, flower, shrub, vegetable, or other vegetation of economic value, and extends to the seed, fruit, or other product of such plant and to every part thereof, whether attached to or separate therefrom.

Power to  
Governor to  
prohibit importa-  
tion or removal  
of diseased plants.

**4**—(1) The Governor, by proclamation, may prohibit—

- I. The introduction into the State of any plant specified in such proclamation which, in the opinion of the Governor, is likely to introduce into the State any bacterium, disease, fungus, or insect :
- II. Any such introduction as aforesaid, otherwise than in compliance with the prescribed conditions :
- III. The removal of any diseased plant from any place within the State to any other place within the State : or
- IV. The removal of any plant of the kind specified in such proclamation from the farm, nursery, orchard, or place specified therein.

(2) Any person who introduces or removes any plant in contravention of the prohibition of any such proclamation while the same remains in force shall be guilty of an offence against this Act.

Appointment of  
officers.

**5** The Governor may appoint such and so many inspectors and other officers as he may think fit for the purposes of this Act.

*Plant Diseases*

6—(1) Any inspector appointed under this Act may—

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- i. At any time inspect and examine any plant which is offered, kept, or exposed for sale in any place :
- ii. At all reasonable times enter any farm, nursery, orchard, shop, or other premises where any plant is growing or grown for sale, or is offered, exposed, or kept for sale, and inspect and examine the same and all packages and containers used or intended to be used for the packing or transport of plants :
- iii. With the authority in writing of the Minister, enter any place where there is, or is suspected to be, any plant affected with disease and search for, inspect, and examine any plants therein or thereon :
- iv. Give notice to the owner, occupier, or person in charge of any premises or place or of any vehicle or vessel, requiring him to take such measures as may be prescribed for the eradication or removal of any diseased plant, package or container, or for the destruction thereof respectively, as may be prescribed :
- v. Where the presence or absence of disease cannot be conveniently or definitely determined in the place of inspection, remove any plant, package, or container to some prescribed place for the purposes of such determination :
- vi. With the authority in writing of the Minister or upon the order of any court of competent jurisdiction, seize and destroy any diseased plant and any package or container found in contact therewith : and
- vii. Where any plant is found to be diseased or any packet or container to be affected with disease, prohibit the removal of any such plant, package, or container from the place where the same is found, or order the removal thereof to some prescribed place for the purpose of being treated or destroyed.

Powers of  
inspectors.

(2) If any person shall fail to comply with any notice, direction, or order of an inspector, as provided by this section, the inspector may do, or cause to be done, any act required by such notice, direction, or order, and all expenses incurred in so doing shall be paid by such person on demand, and shall be recoverable by the inspector in any court of competent jurisdiction.

(3) If any notice, order, or direction is required by this section to be given to the owner, occupier, or person in charge of any premises, and such premises are apparently unoccupied and the owner thereof cannot be found, the same may be posted on such premises, and in all other cases the same shall be served personally upon, or sent by registered post to, the person to whom it is directed to be given.

7 Where any particular plant is found to be affected by or subject to any disease in this State, the export or removal thereof from this State may be subject to such restrictions and conditions as may be

Power to regulate  
export of plants.

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prescribed for eradicating such disease, or of minimising its dissemination, or to prevent the export or removal of any such plant which is diseased or of any package or container infected with such disease.

Powers in respect  
of infected  
localities.

**8**—(1) Where any disease or any bacterium, fungus, or insect is found to exist in any locality, the Governor by proclamation may declare such locality as defined in such proclamation to be an infected area for the purposes of this Act.

(2) By any such proclamation as aforesaid or by separate proclamation, the Governor may prohibit the removal from the area so declared to be infected of any animal, plant, package, container, or other thing specified in such proclamation except upon such conditions and subject to such restrictions and precautions as may be prescribed.

Duties of  
occupiers.

**9** Where a disease affecting any plant is known to exist in this State, the occupier of any premises where such plant is grown, produced, sold, or kept or offered for sale, shall take in relation thereto such measures and precautions as may be prescribed for the eradication of such disease or for preventing or minimising the dissemination thereof.

Funds may be  
established in  
certain cases.

**10**—(1) The Governor, by regulation in any case where he thinks fit, may establish a fund for the purpose of eradicating a disease affecting any particular plant or for preventing, controlling, or minimising the dissemination of such disease.

(2) Any such fund shall be established, controlled, and applied as may be prescribed.

(3) Where a disease affecting any plant is found to exist in any district the regulations may prescribe that the owners of—

i. Any land :

ii. A prescribed class of land : or

iii. Land on which specified plants are grown—

within a prescribed distance from the place where such disease exists shall pay in respect of a prescribed period a prescribed levy or contribution to the fund established for the eradication or control of such disease.

Protection of  
officers.

**11**—(1) No person acting under and in pursuance of any authority conferred upon him by or under this Act shall be deemed a trespasser, or be liable to damages, by reason of the entry of such person upon any premises, or the removal therefrom of any matter or thing, or by reason of anything done by such person in pursuance of such authority.

(2) No person shall have any claim for compensation in respect of the destruction of any plant or other thing in pursuance of this Act or in respect of any measures taken for the eradication of disease in relation to any premises or property of such person.

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**12** No person shall—

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- i. In any manner obstruct, impede, or interfere with any inspector in the performance of his duties under this Act :
- ii. Import or bring into this State any bacterium, fungus, or insect except for scientific purposes and with the approval in writing of the Minister :
- iii. Import into this State or remove, or otherwise deal with any plant, animal, package, container, or other thing in contravention of the provisions of this Act or of any proclamation made thereunder :
- iv. Import or bring into this State any plant of a prescribed species or kind without having previously given to the Minister or an inspector the prescribed notice of his intention so to do :
- v. Sell or offer or keep for sale any plant the sale of which is prohibited or in contravention of any regulation under this Act :
- vi. Fail to do any prescribed act or take any prescribed measure for the eradication of any disease or the prevention or diminution of its dissemination :
- vii. Export or send out of the State any plant in contravention of this Act :
- viii. Fail to comply with any prohibition notice or direction lawfully imposed upon or given to him by any person under this Act :
- ix. Fail to make as prescribed any return required to be made by him under this Act : or
- x. Make any return under this Act which is false in any material particular.

Offences.

Penalty : Ten Pounds.

**13—(1)** The Governor may make regulations under and for the purposes of this Act prescribing all such matters as may be necessary or convenient for giving effect to its provisions, and in addition to any other such matters such regulations may prescribe—

Regulations.

- i. The places at which and the manner in which plants or packages or containers therefor which are diseased, or suspected of being diseased, may be quarantined, examined, or otherwise treated ; and may declare any place a quarantine for the purposes of this Act :
- ii. The isolation of any building, premises, or area of land on or upon which any disease is found to exist for any specified period or until released as prescribed :
- iii. The conditions upon and subject to which plants of specified species or kinds may be imported or brought into this State :
- iv. The diseases of or affecting plants and the bacteria, fungi, and insects which shall be diseases, bacteria, fungi, and insects respectively within the meaning of this Act :

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*Plant Diseases.*

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- v. The species or kinds of plants in respect of which notice shall be given before the same are imported into the State, the time and mode of giving such notice, and the procedure to be adopted and the measures to be taken in relation thereto :
- vi. The measures to be taken for the prevention, eradication, or control of any disease affecting any kind of plant and the persons by whom, the times at which, and the manner in which the same shall be taken :
- vii. The fees to be charged for inspection of any plant, package, or container, or of any premises, and the persons by whom, and the times at which the same shall be payable, with power to discriminate between different cases or classes of cases and in respect of different localities or places : and
- viii. Returns which shall be made by the grower, seller, importer, or exporter, as the case may be, of any plant and the times at which and the manner in which the same shall be made and furnished.

(2) Any such regulation may impose a penalty of Five Pounds for the breach of any regulation so made.