

## PLANT DISEASES.

10° and 11° GEO. VI., No. XXV.

No. 25 of 1946.

**AN ACT** to amend the Plant Diseases Act, 1914-1939, by making provision, subject to a poll being taken, for a Compulsory Fruit Fly Foliage Baiting Scheme within districts and for matters connected therewith and incidental thereto.

[Assented to 14th January, 1947.]

**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:—

Short title.  
cf. No. 5 of  
1939, s. 3.

1. This Act may be cited as the *Plant Diseases Act Amendment Act, 1946*, and shall be read as one with the Plant Diseases Act, 1914-1939 (Act No. 23 of 1914 as reprinted pursuant to the Amendments Incorporation Act, 1938, with amendments up to and including No. 5 of 1939), hereinafter referred to as the principal Act.

New sections  
12A-12D.

2. Sections are inserted after section twelve of the principal Act as follows:—

Power to  
demand vote  
for a  
compulsory  
fruit fly  
foliage  
baiting  
scheme.

12A. Any incorporated Fruit Growers' Association, or any road board constituted under the Road Districts Act, 1919-1943, or any municipality constituted under the Municipal Corporations Act, 1906-1943, may, by writing under its common seal, delivered to the Minister, request in respect of orchards registered under section eight of this Act and situated within any district, that the question whether or not a compulsory fruit fly foliage baiting

scheme should be introduced within such district be submitted to the vote of the owners or occupiers of orchards registered as aforesaid within such district.

For the purposes of this and the three next following sections, the term "district" means a road board district constituted under the Road Districts Act, 1919-1943, or a municipality constituted under the Municipal Corporations Act, 1906-1943, or such portion of such road board district or municipality as shall be specified and defined in the request aforesaid, and approved by the Minister as an area to which the provisions of this and the three next following sections should apply.

12B. (1) When any such request has been made as aforesaid, the Minister may, if he thinks fit, direct that the votes of the owners or occupiers of orchards registered as aforesaid within such district shall be taken on a day to be fixed by the Minister, not less than twenty-one days nor more than six weeks after the delivery of such request, and such day shall be notified in a newspaper circulating in the district; and on such day a poll shall be taken of all such owners or occupiers aforesaid for or against the proposed introduction within such district of a compulsory fruit fly foliage baiting scheme under and for the purposes of this Act.

Vote of owners and occupiers of registered orchards, how taken. (cf. No. 38 of 1919 s. 286.)

(2) For the taking of such poll, the Minister shall cause a special roll of such owners and occupiers to be prepared and only owners and occupiers of orchards registered as aforesaid within such district shall be qualified to vote at such poll.

(3) For the taking of such poll, voting papers in the prescribed form shall be used, and regulations under this Act may prescribe the manner in which and the conditions under which such poll may be taken.

12C. If, on a poll being taken, at least sixty per centum of those owners and occupiers who vote on the question, vote in favour of the introduction within such district of the said scheme, then the following provisions shall operate and have effect:—

Power, under certain circumstances to appoint a committee.

- (a) The Minister shall, by notice in the *Gazette*, appoint and name a Committee to administer, subject to this Act, the fruit fly

foliage baiting scheme within such district, and to control and prevent the fruit fly pest therein, for a period of three years from such date as the Minister shall specify in the notice.

- (b) Such Committee shall consist of five members, four of whom shall be persons who were entitled to vote at the poll aforesaid and who shall be nominated by the Association, board or municipality making the request for the poll; and the fifth member shall be an inspector nominated by the Minister, and who shall be Chairman of the Committee. All members of the Committee shall hold office during the pleasure of the Governor.
- (c) The Governor may make regulations prescribing the holding of and procedure for meetings of the Committee, the filling of casual vacancies and the payment of fees and allowances to members of the Committee for their services as such, and for such purposes may delegate powers to the Minister.
- (d) The Committee shall have the following powers, namely:—

Powers of  
Committee.

- (i) For the purposes of this Act, to establish and administer a Fund, which shall consist of—

Firstly—such advances, if any, as the Fruit Growing Industry Trust Fund Committee, constituted under the Fruit Growing Industry (Trust Fund) Act, 1941, may, in its discretion but with the approval of the Minister, make to the Committee under this Act;

Secondly — moneys received from charges for services rendered in respect of the baiting of orchards under the scheme;

Thirdly—contributions made to the fund under this Act; and

Fourthly — penalties imposed upon persons convicted of any offences under this section, which penalties notwithstanding the Fines and Penalties Appropriation Act, 1909, are hereby declared to be payable into the Fund.

- (ii) To purchase, hire or acquire plant, equipment and materials for the purposes of the scheme.
- (iii) To appoint and engage such officers and employees as the Committee shall think fit and to remunerate them with moneys from the Fund established under this section.
- (iv) By any person or persons authorised in writing by the Committee under the hand of its Chairman, to enter upon any orchard or orchards within such district as the Committee shall decide, and to bait all or any fruit trees and fruit vines or kinds or varieties of fruit trees and fruit vines in such orchard as the Committee shall from time to time determine, with such materials as may be prescribed.
- (v) To fix a scale of charges to be paid by and to demand payment from the owner or occupier of any such orchard for the baiting carried out by or on behalf of the Committee: Provided that the maximum charge in respect of orchards of one acre or more shall be three shillings per acre or part of an acre for each and

every baiting, and, in respect of orchards of less than one acre, shall be three farthings per tree or fruit vine baited for each and every baiting. The Committee, with the approval of the Minister, may fix a minimum charge of sixpence per baiting in respect of orchards of less than one acre.

- (vi) To commence and maintain proceedings against, and to recover from, any owner or occupier who, after demand, fails to pay such charges, by summary process in the Court of Petty Sessions nearest to the orchard in respect of which such charge shall have been made, provided that the Committee may, in its discretion, waive or settle any such charges. Any complaint and proceedings under this paragraph may be made and maintained on behalf of the Committee by and in the name of its Chairman; and
  - (vii) such other powers, not inconsistent with this Act, as may be prescribed.
- (e) The Committee shall not, except in relation to any matter in which it is especially authorised by the Minister to act on behalf of the Crown, be the agent or servant or the representative of the Crown; and
  - (f) a member of the Committee shall not be personally liable for any act done in good faith by the Committee or by the member acting as such.

Frequency  
of polls.

12D. No poll under section twelve B of this Act shall, in respect of any district, be taken more frequently than once in every two years and nine months.

Citation of  
principal Act  
as amended.

3. The principal Act as amended by this Act may be cited as the Plant Diseases Act, 1914-1946.