

PLANT DISEASES (REGISTRATION FEES).

5° and 6° GEO. VI., No. XXXIII.

No. 33 of 1941.

AN ACT to repeal the *Plant Diseases (Registration Fees) Act, 1939*, and to make provision for authorising the prescribing of special registration fees for the registration of orchards under the *Plant Diseases Act, 1914-1939*, in certain cases.

[Assented to 16th December, 1941.]

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:—

1. This Act may be cited as the *Plant Diseases (Registration Fees) Act, 1941*, and shall commence on the first day of July, one thousand nine hundred and forty-two. Short title and commencement.
2. This Act shall be read in conjunction with the *Plant Diseases Act, 1914-1939* (No. 23 of 1914, as amended), hereinafter referred to as the principal Act. This Act to be read in conjunction with the *Plant Diseases Act, 1914-1939*.
3. As from the commencement of this Act, the *Plant Diseases (Registration Fees) Act, 1939*, is hereby repealed. Repeal.
4. (1) Notwithstanding anything to the contrary contained in the proviso to paragraph (c) of subsection (2) of section thirty-five of the principal Act (as amended by section four of the Act No. 10 of 1935) but subject as hereinafter provided, it shall be lawful for the Governor, while this Act is in operation, by regulation made under section thirty-five of the principal Act to fix as the registration fee to be paid for the registration of an orchard, the area of which is not less than one acre, a sum not exceeding one shilling and sixpence for every acre comprised in the area of such orchard: Power to prescribe special registration fee.

Provided that—

(A) (i) This subsection shall not apply to—

(a) a nursery; or

(b) an orchard or any part of an orchard the area of which is not less than one acre if and while all the fruit trees or fruit vines planted therein are less than four years old.

(ii) For the purposes of this Act, any part of an orchard to which subparagraph (b) of paragraph (i) of this proviso applies, shall, for the purpose of the assessment of registration fees under this subsection, be deemed to be severable from the remaining part of the orchard of which it forms a part, and shall be treated as a separate and distinct orchard.

(iii) Any orchard or part of an orchard referred to in subparagraph (b) of paragraph (1) of this proviso shall become subject to this subsection and be assessable to a special registration fee under this Act as on and from the first day of July in the year in which the fruit trees or fruit vines planted therein become or will become four years old.

(B) Where the orchard or part of the orchard to which this subsection applies consists only of grape vines, and the fruit thereof is used only for the manufacture of wine, the aggregate amount of the registration fee payable in respect of such orchard or part of the orchard under the regulation made under the authority of this subsection shall not in any event exceed the sum of two pounds ten shillings.

(2) Nothing in subsection (1) of this section shall affect the fixation of the registration fee of one shilling for the registration under the principal Act of—

(a) an orchard the area of which is less than one acre; and

(b) a nursery of any area; and

- (c) an orchard or part of an orchard which, by virtue of the proviso to subsection (1) of this section is not subject to subsection (1) of this section;

and "a part of an orchard" referred to in paragraph (c) of this subsection shall, for the purposes of the fixation of the said registration fee of one shilling, be deemed to be severable from the remaining part of the orchard of which it is a part and shall be treated as a separate and distinct orchard.

(3) For the purposes of any regulation made under the authority of this section—

- (a) the term "one acre"

- (i) in the case of an orchard in which either fruit trees or fruit vines, or both fruit trees and fruit vines, are growing in a compact or continuous formation—means one acre, according to measurements;
- (ii) in the case of an orchard in which only fruit trees are growing and the same are not growing in a compact or continuous formation—means every one hundred fruit trees;
- (iii) in the case of an orchard in which only fruit vines are growing and the same are not growing in a compact or continuous formation—means every four hundred fruit vines;
- (iv) in the case of an orchard in which both fruit trees and fruit vines are growing, and the same are not growing in a compact or continuous formation—means every one hundred trees and for the purpose of computing the number of trees, four vines shall count as one tree;

- (b) the term "nursery" shall mean an area of land in which fruit trees or fruit vines are planted and grown solely for the purposes of sale and transplantation.