



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 50 of 1964

An Act to amend the Oriental Fruit Moth Control Act, 1962, the Red Scale Control Act, 1962, and the San José Scale Control Act, 1962.

[Assented to 30th October, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Statutes Amendment (Oriental Fruit Moth Control, Red Scale Control and San José Scale Control) Act, 1964". Short title and arrangement.

(2) This Act is arranged as follows :—

PART I—Preliminary (Section 1).

PART II—Amendments of Oriental Fruit Moth Control Act, 1962 (Sections 2-7).

PART III—Amendments of Red Scale Control Act, 1962 (Sections 8-13).

PART IV—Amendments of San José Scale Control Act, 1962 (Sections 14-19).

PART II.

AMENDMENTS OF ORIENTAL FRUIT MOTH CONTROL ACT, 1962.

2. (1) The Oriental Fruit Moth Control Act, 1962, as amended by this Act, may be cited as the "Oriental Fruit Moth Control Act, 1962-1964". Citation.

1964. Statutes Amendment (Oriental Fruit No. 50.
Moth Control, Red Scale Control and
San Jose Scale Control) Act, 1964.

(2) The Oriental Fruit Moth Control Act, 1962, is in this Part referred to as "the principal Act".

Amendment of
principal Act,
s. 3.—
Interpretation.

3. Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition:—

"keeper", in relation to an orchard, means a person who carries on the business of an orchardist thereon.

Enactment of
principal Act,
s. 9a.—

4. The following section is inserted in the principal Act after section 9 thereof:—

Committee
may require
control and
eradication of
Oriental Fruit
Moth.

9a. (1) If it appears to the Committee of a district or any member thereof that any tree, vine, shrub or plant within the district is, or is likely to be, affected with Oriental Fruit Moth, the Committee may serve upon the occupier of the land or premises on which the tree, vine, shrub or plant is found a notice in accordance with subsection (2) of this section signed by the Chairman of the Committee directing that the occupier shall take such measures for the control and eradication of Oriental Fruit Moth as are specified in the notice.

(2) The notice may require the occupier to bait, spray, fumigate, prune or otherwise treat, within such period as is specified in the notice, all or any of his trees, vines, shrubs and plants with such materials and by such methods as are specified in the notice, but no materials or methods shall be so specified unless they have been recommended by the Director of Agriculture.

(3) If the occupier fails to comply with the notice according to the tenor thereof, he shall be guilty of a contravention of this Act.

(4) The Committee shall, as soon as practicable after serving the notice, report that fact and the circumstances of the case to the Minister.

(5) If, upon the report of the Committee, the Minister is satisfied that the occupier has not complied with the notice according to the tenor thereof, or that, notwithstanding compliance therewith, Oriental Fruit Moth has not been eradicated from the land or premises in respect of which the notice was served, the Minister may direct the Committee or any member thereof to take such steps as the Committee deems necessary for the eradication of Oriental Fruit Moth, including, if the Minister so directs, the

destruction of any specified trees, vines, shrubs or plants or any specified kind or kinds of trees, vines, shrubs or plants on the land or premises.

(6) Upon any such direction it shall be lawful for the Committee or any member thereof to act as so directed without any further or other authority.

(7) The Committee may, by and in the name of the Chairman of the Committee, recover, as a debt, by action in any court of competent jurisdiction, the amount of any expenses incurred by the Committee or any member thereof in acting under subsection (6) of this section.

(8) Any notice under this section shall be served by post or given personally to the occupier or his agent, or, if it is not known to the Committee who is the occupier of the land, or if the land is unoccupied and it is not known to the Committee who is the owner thereof, the notice shall be served by affixing it to some conspicuous object on the land.

(9) Where the Committee proposes to issue a notice under this section in respect of land which is unoccupied, the notice may be served upon the owner thereof, and thereupon the provisions of this section shall extend in relation to the owner as if the references to "the occupier" in this section were references to "the owner".

5. Section 10 of the principal Act is amended by inserting at the end thereof the following subsection :—

Amendment of principal Act, s. 10.—
Contributions to Committee.

(5) An owner or keeper of an orchard registered under this Act shall, upon being requested so to do by notice in writing under the hand of the Chairman of a Committee, furnish to the Committee on or before the twenty-eighth day of February in each year a statement in writing truly setting forth the number of host trees in that orchard and the respective ages of such trees as at the first day of January in that year.

6. Section 15 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof) :—

Amendment of principal Act, s. 15—
Proceedings for offences.

(2) A complaint for any such offence committed within a district may be laid by and in the name of the Chairman of the Committee for that district, and any fine imposed in proceedings for that offence shall be paid to that Committee for the use of that Committee.

7. The provisions of the principal Act specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of the Schedule.

Further amendments of principal Act.

PART III

AMENDMENTS OF RED SCALE CONTROL ACT, 1962.

Citation.

- 8.** (1) The Red Scale Control Act, 1962, as amended by this Act, may be cited as the "Red Scale Control Act, 1962-1964".
- (2) The Red Scale Control Act, 1962, is in this Part referred to as "the principal Act".

Amendment of
principal Act,
s. 3—
Interpretation.

- 9.** Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition:—
- "keeper," in relation to an orchard, means a person who carries on the business of an orchardist thereon.

Enactment of
s. 9a of
principal Act—

- 10.** The following section is inserted in the principal Act after section 9 thereof:—

Committee may
require control
and eradication
of Red Scale.

9a. (1) If it appears to the Committee of a district or any member thereof that any tree, vine, shrub or plant within the district is, or is likely to be, affected with Red Scale, the Committee may serve upon the occupier of the land or premises on which the tree, vine, shrub or plant is found a notice in accordance with subsection (2) of this section signed by the Chairman of the Committee directing that the occupier shall take such measures for the control and eradication of Red Scale as are specified in the notice.

(2) The notice may require the occupier to bait, spray, fumigate, prune or otherwise treat, within such period as is specified in the notice, all or any of his trees, vines, shrubs and plants with such materials and by such methods as are specified in the notice, but no materials or methods shall be so specified unless they have been recommended by the Director of Agriculture.

(3) If the occupier fails to comply with the notice according to the tenor thereof, he shall be guilty of a contravention of this Act.

(4) The Committee shall, as soon as practicable after serving the notice, report that fact and the circumstances of the case to the Minister.

(5) If, upon the report of the Committee, the Minister is satisfied that the occupier has not complied with the notice according to the tenor thereof, or that, notwithstanding compliance therewith, Red Scale has not been eradicated from the land or premises in respect of which the notice was served, the Minister may direct the Committee or any member thereof to take such steps as the Committee deems necessary for the eradication of Red Scale, including, if the Minister so directs, the destruction of any specified trees, vines, shrubs or plants or any specified kind or kinds of trees, vines, shrubs or plants on the land or premises.

(6) Upon any such direction it shall be lawful for the Committee or any member thereof to act as so directed without any further or other authority.

(7) The Committee may, by and in the name of the Chairman of the Committee, recover, as a debt, by action in any court of competent jurisdiction, the amount of any expenses incurred by the Committee or any member thereof in acting under subsection (6) of this section.

(8) Any notice under this section shall be served by post or given personally to the occupier, or his agent, or, if it is not known to the Committee who is the occupier of the land, or if the land is unoccupied and it is not known to the Committee who is the owner thereof, the notice shall be served by affixing it to some conspicuous object on the land.

(9) Where the Committee proposes to issue a notice under this section in respect of land which is unoccupied, the notice may be served upon the owner thereof, and thereupon the provisions of this section shall extend in relation to the owner as if the references to "the occupier" in this section were references to "the owner."

11. Section 10 of the principal Act is amended by inserting at the end thereof the following subsection :—

Amendment of
principal Act,
s. 10—
Contributions
to Committee.

(5) An owner or keeper of an orchard registered under this Act shall, upon being requested so to do by notice in writing under the hand of the Chairman of a Committee furnish to the Committee on or before the twenty-eighth day of February in each year a statement in writing truly setting forth the number of host trees in that orchard and the respective ages of such trees as at the first day of January in that year.

12. Section 15 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof) :—

Amendment of
principal Act,
s. 15—
Proceedings
for offences.

(2) A complaint for any such offence committed within a district may be laid by and in the name of the Chairman of the Committee for that district, and any fine imposed in proceedings for that offence shall be paid to that Committee for the use of that Committee.

13. The provisions of the principal Act specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of the Schedule.

Further
amendments
of principal
Act.

PART IV.

AMENDMENTS OF SAN JOSE SCALE CONTROL ACT,
1962.

Citation.

14. (1) The San José Scale Control Act, 1962, as amended by this Act, may be cited as the "San José Scale Control Act, 1962-1964".

(2) The San José Scale Control Act, 1962, is in this Part referred to as "the principal Act".

Amendment of
principal Act,
s. 3—
Interpretation.

15. Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition:—

"keeper", in relation to an orchard, means a person who carries on the business of an orchardist thereon.

Enactment of
principal Act,
s. 9a—

16. The following section is inserted in the principal Act after section 9 thereof:—

Committee
may require
control and
eradication of
San José Scale.

9a. (1) If it appears to the Committee of a district or any member thereof that any tree, vine, shrub or plant within the district is, or is likely to be, affected with San José Scale, the Committee may serve upon the occupier of the land or premises on which the tree, vine, shrub or plant is found a notice in accordance with subsection (2) of this section signed by the Chairman of the Committee directing that the occupier shall take such measures for the control and eradication of San José Scale as are specified in the notice.

(2) The notice may require the occupier to bait, spray, fumigate, prune or otherwise treat, within such period as is specified in the notice, all or any of his trees, vines, shrubs and plants with such materials and by such methods as are specified in the notice, but no materials or methods shall be so specified unless they have been recommended by the Director of Agriculture.

(3) If the occupier fails to comply with the notice according to the tenor thereof, he shall be guilty of a contravention of this Act.

(4) The Committee shall, as soon as practicable after serving the notice, report that fact and the circumstances of the case to the Minister.

(5) If, upon the report of the Committee, the Minister is satisfied that the occupier has not complied with the notice according to the tenor thereof, or that, notwithstanding compliance therewith, San José Scale has not

been eradicated from the land or premises in respect of which the notice was served, the Minister may direct the Committee or any member thereof to take such steps as the Committee deems necessary for the eradication of San José Scale, including, if the Minister so directs, the destruction of any specified trees, vines, shrubs or plants or any specified kind or kinds of trees, vines, shrubs or plants on the land or premises.

(6) Upon any such direction it shall be lawful for the Committee or any member thereof to act as so directed without any further or other authority.

(7) The Committee may, by and in the name of the Chairman of the Committee, recover, as a debt, by action in any court of competent jurisdiction, the amount of any expenses incurred by the Committee or any member thereof in acting under subsection (6) of this section.

(8) Any notice under this section shall be served by post or given personally to the occupier, or his agent, or, if it is not known to the Committee who is the occupier of the land, or if the land is unoccupied and it is not known to the Committee who is the owner thereof, the notice shall be served by affixing it to some conspicuous object on the land.

(9) Where the Committee proposes to issue a notice under this section in respect of land which is unoccupied, the notice may be served upon the owner thereof, and thereupon the provisions of this section shall extend in relation to the owner as if the references to "the occupier" in this section were references to "the owner".

17. Section 10 of the principal Act is amended by inserting at the end thereof the following subsection :—

Amendment of
principal Act,
s. 10—
Contributions
to Committee.

(5) An owner or keeper of an orchard registered under this Act shall, upon being requested so to do by notice in writing under the hand of the Chairman of a Committee, furnish to the Committee on or before the twenty-eighth day of February in each year a statement in writing truly setting forth the number of host trees in that orchard and the respective ages of such trees as at the first day of January in that year.

18. Section 15 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof) :—

Amendment of
principal Act,
s. 15—
Proceedings
for offences.

(2) A complaint for any such offence committed within a district may be laid by and in the name of the chairman

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of the Committee for that district, and any fine imposed in proceedings for that offence shall be paid to that Committee for the use of that Committee.

Further amendments of principal Act.

19. The provisions of the principal Act specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of the Schedule.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

Sections 7, 18 and 19.

THE SCHEDULE

ACTS AMENDED.

Short Title of Act.	Manner Amended.
Oriental Fruit Moth Control Act, 1962	Section 6, proviso to subsection (3)—Strike out “occupiers” and insert “keepers”. Section 11—Before “his” insert “its or”.
Red Scale Control Act, 1962	Section 6, proviso to subsection (3)—Strike out “occupiers” and insert “keepers”. Section 11—Before “his” insert “its or”.
San José Scale Control Act, 1962	Section 6, proviso to subsection (3)—Strike out “occupiers” and insert “keepers”. Section 11—Before “his” insert “its or”.