**FRUIT FLY (COMPENSATION) BILL 1954**

**Legislative Assembly, 30 November 1954, pages 1581-2**

Second reading

Introduced by the Hon. A. W. CHRISTIAN. Read a first time.

The Hon. A. W. CHRISTIAN (Minister of Agriculture)—I move— *That* this Bill be now read a second time.

Its object is to provide compensation for loss arising from the campaign for the eradication of fruit fly which commenced in the spring of last year in the eastern suburbs of Adelaide. On the discovery of fruit fly in the area stripping and spraying were begun and two pro­bations were made. The first, made on October 1, last year, prohibited the removal of fruit from the area, and the second, made on October 8, prohibited the growing or planting of certain plants. These plants were tomatoes, peppers, egg plants, ornamental solanum, rock melon, sweet melon and cucumbers. For convenience I shall refer to these plants as “prohibited plants. ’’

Following the practice of other years the Government proposes that compensation shall be given for loss arising from these measures, and is accordingly introducing this Bill. The Bill provides for compensation in the same way as in previous years, except with respect to prohibited plants. The early outbreak of fruit fly creates difficult questions concerning the compensation which should be given with respect to these plants. After giving the whole matter very careful consideration, the Government has decided that the proper course would be to give compensation with respect to the plants only where they were planted before October 8, 1953. It is not proposed to give compensation to any person who had intended to plant prohibited plants but was prevented from doing

so by the proclamation. It is felt that such claims would be difficult to deal with, and that, in any event, the growers concerned would have had an opportunity to grow other plants the growing of which was not prohibited.

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The details of the Bill are as follows— Clause 3 provides first that a person who suffers loss by reason of stripping or spraying on any land while the removal of fruit therefrom is prohibited by the proclamation made on October 1 last year shall be entitled to compensation. Compensation will be available both for the taking of fruit and for incidental damage. Second, clause 3 provides for compensation for loss arising by reason of the prohibition of removal of fruit from any land by reason of that proclamation. Third, clause 3 provides for compensation for loss arising when the person is prohibited from continuing to grow a prohibited plant which he had planted on his land before October 8, 1953, Where a prohibited plant was planted before October 8, 1953, a right to compensation will arise under the Bill in one of two ways. If the plant was destroyed by strippers before October 8, the grower will be entitled to compensation for the destruction of the plant. If strippers did not remove the plant before that date the grower will be entitled to compensation by reason of being prohibited from continuing to grow the plant. Clause 3 also provides that compensation with respect to prohibited plants shall not exceed an amount equal to the expense incurred by the person claiming the compensation in planting and tending the plants before growing the plants became unlawful

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Clause 4 lays down the times within which, claims under the Bill must be lodged with the Fruit Fly Compensation Committee. Claims arising from stripping and spraying and from the prohibition of growing plants must be lodged before February 1, 1955, and claims arising from the prohibition of removing fruit by July 1, 1955.

Mr. DUNSTAN secured the adjournment of the debate.