STATUTES AMENDMENT (ORIENTAL FRUIT MOTH CONTROL, RED SCALE CONTROL AND SAN JOSE SCALE CONTROL) BILL 1967

House of Assembly, 24 August 1967, page 1597

Second reading

**The Hon. G. A. BYWATERS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Oriental Fruit Moth Control Act, 1962-64, the Red Scale Control Act, 1962-1964 and the San José Scale Control Act, 1962-1964. Read a first time.

The Hon. G. A. BYWATERS: I move: *That this Bill be now read a second time.*

It amends three Acts which are in almost identical terms and which deal with the control of oriental fruit moth, red scale and San Jose scale respectively. Two major problems have arisen in relation to the administration of these Acts. Firstly, the provisions relating to the conduct of a poll by which the orchardists within a district decide whether to establish or dissolve a committee, empowered under the respective Acts to take steps towards the eradication of those pests, are somewhat ambiguous. It is not clear whether the owner of two or more orchards is entitled to two or more votes or only to one. Secondly, under the Act the chairman of the committee is the person in whose name legal proceedings are taken. This has in a number of cases aroused some antipathy towards the chairman personally. This is, of course, most undesirable and it has therefore been decided to incorporate the committees and provide simply that proceedings are to be taken by the committee in its own name.

The Bill provides as follows: Part I containing clause 1 is merely formal. Part II amends the Oriental Fruit Moth Control Act as follows. Clause 2 is merely formal. Clause 3 amends section 5 of the principal Act by striking out the provision that an orchard is to be registered and substituting a provision that either the owner or keeper of an orchard is to be registered in respect of an orchard. A new subsection is inserted which requires the applicant for registration to furnish information as to where his orchard or orchards is or are situated and the number of host trees therein.

Clause 4 amends section 6 of the principal Act. Subsection (3) of this section has given rise to a certain amount of ambiguity and it is therefore struck out and two new subsections inserted in lieu of it. These new subsections contain substantially the contents of the previous subsection (3), but the ambiguity raised whether a person who has registered two or more orchards is entitled to two or more votes is removed by amending subsection (4) which, so far as is relevant, will read “each voter shall have one vote only whether registered as the owner or keeper of one or a number of orchards”.

Clause 5 inserts new section 7a in the principal Act which incorporates every committee appointed pursuant to section 7 of the Act. Clause 6 amends section 9 of the principal Act by striking out the reference to the chairman in relation to the recovery of fees and charges by action in a local court. Clauses 8 and 9 make similar amendments to sections 10 and 15 of the principal Act. Part III, which contains clauses 10 to 17, makes identical amendments to the Red Scale Control Act, 1962-1964, and Part IV, which contains clauses 18 to 25, makes identical amendments to the San José Scale Control Act, 1962-1964.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.