**FRUIT AND PLANT PROTECTION BILL 1968**

**Legislative Assembly, 4 September 1968, pages 1079-80**

Second reading

The Hon. D. N. BROOKMAN (Minister of Lands) obtained leave and introduced a Bill for an Act to protect fruit and plants from pests and disease. Read a first time.

The Hon. D. N. BROOKMAN: I move:

That this Bill be now read a second time.

It repeals the Vine, Fruit, and Vegetable Pro­tection Act. 1885-1959, and substitutes foi it a new Act to be entitled the Fruit and Plant Protection Act. 1968. This legislation deals with matters of vital importance to the protection of trees and vegetation and their fruit and products from destruction or injury by pests or disease. The present Vine, Fruit, and Vegetable Protection Act was enacted substantially in its present form in 1885. It has become increasingly outdated and ineffective in its application to modern methods of production and transportation. Many attempts have been made by regulation to improve the efficacy of the provisions necessary to ensure adequate restrictions upon the introduction and dissemination of pests and diseases, but it has become increasingly clear that a major revision of the Act is necessary.

The Bill cannot itself provide specifically for future contingencies, for it is of course, impossible to anticipate and to provide remedies in advance for outbreaks of pests and disease. The purpose of the Bill is, therefore, to ensure that adequate power to deal with such outbreaks will exist when they occur. It thus attempts to achieve a maximum of flexibility, ensuring that power will exist where necessary, but that orchardists. viticulturists and others affected by its provisions are not subjected to unnecessary and gratuitous prohibitions and restraint. The provisions of the Bill are as follows: Clause 1 is merely formal. Clause 2 provides for the repeal of the Vine, Fruit, and Vegetable Protection Act, 1885-1959. It continues the inspectors appointed under the repealed Act in office and provides that the regulations and proclamations under that Act shall continue in force so far as they are applicable to the new Act. Clause 3 is the definition section. Perhaps the most significant definitions are those of disease, pest and plant. "Disease” is defined as including any infection or affection of a fruit or plant that the Governor declares to be a disease for the purposes of the Act, and any abnormality or disorder of, or injury to, a fruit or plant caused by a pest. “Pest" is defined as any organism or micro-organism that the Governor declares to be a pest for the purposes of the Act. A “plant" includes the species of vegetation specified in the definition. whether alive or dead, and materials from which they may be propagated. The definition includes sawn or dressed timber which has been causing some concern because of the possibility of disease being transmitted thereby.

Clause 4 empowers the Governor to prohibit either absolutely or conditionally the introduction or importation into the State of any pest, or any fruit or plant affected by disease, any fruit or plant of a species that is likely to introduce a pest or disease into the State, any host fruit or host plant of any species that has been grown in an area where host fruit or host plants of that species are subject to pests or disease, and any packaging or goods in or with which diseased fruit or plants have been packed. Clause 5 enables the Governor to specify certain ports and places as the only ports or places through which host fruit or host plants may be introduced into the State. Clause 6 enables the Governor to establish quarantine stations where diseased fruit and plants may be examined, disinfected or destroyed.

Clause 7 empower the Governor to declare portions of the State to be quarantine areas. He may prohibit the removal of fruit or plants from the quarantine area; he may require the owners of land within the quarantine area to take prescribed measures for the control or eradication of a pest or disease; he may specify measures, in addition to those prescribed, to be taken by owners of land, dis­criminating, if necessary, between various portions of the quarantine area; and he may prohibit the planting and propagation of plants within the quarantine area during the period specified in the proclamation. Clause 8 enables the Governor to declare certain pests and diseases to be notifiable pests and diseases. If a person discovers any fruit or plant affected by a notifiable pest or disease he is required to notify the Chief Inspector forthwith. Subclause (3) places on the owner the onus of proving that the owner of an orchard did not know of the pest or disease. Clause 9 enables the Governor to proclaim such preventive measures directed against pests and diseases, to be taken by the owners of orchards, as he deems necessary.

Clause 10 provides for the appointment and remuneration of inspectors. Clause 11 establishes the powers of inspectors. Under subclause (1) an inspector may enter upon any land, premises, vehicle, train, aircraft, vessel, carriage or conveyance on or in which there is, or he suspects that there is, any fruit or plant affected by a pest or disease; subclause (2) empowers the inspector to disinfect or treat the fruit or plant and any packaging in which it has been packed. Subclause (3) empowers the inspector to remove and destroy any fruit or plant that he finds affected by any prescribed pest or disease and any packaging in which it has been packed. Clause 12 enables an inspector to direct the owner of property to take prescribed measures for the control or eradication of a pest or disease and to prevent the removal of fruit or plants from that property.

Clause 13 empowers the Minister, if he is of opinion that the owner of property is not taking proper measures to control or eradicate a pest or disease, to authorize an inspector to take such measures. Clause 14 provides that an inspector is not to be liable for any action taken bona fide, and without negligence, in the exercise of his powers under the Act. Clause 15 makes it an offence to obstruct or impede an inspector.

Clause 16 provides for the summary disposal of offences. Clause 17 provides for the service or notices to be given under the Act. Clause 18 deals with the appropriation of moneys for the purposes of the Act. Clause 19 empowers the Governor to make regulations for the purposes of the Act. This Bill re-enacts the old Vine. Fruit, and Vegetable Protection Act with substantially the same powers but in a better and more workable form.

Mr. CORCORAN secured the adjournment of the debate.