**VINE, FRUIT, AND VEGETABLE BILL 1910**

**Legislative Council, 9 November 1910, pages 419 - 422**

Second reading

The MINISTER of AGRICULTURE, in moving the second reading, said the Vine, Fruit, and Vegetable Act of 1885 was the first measure enacted in any British State having for its purpose the general control of pests and diseases which attacked, or might be found attacking any plant, which was brought to the borders of the State for the purpose of being introduced, or which might already be growing in the State. Since this Act had been in force the value of such legislation had become recognised in practically every British province, and, as far as the whole of the States of the Commonwealth and the Dominion of New Zealand were concerned, the South Australian Act had been, taken as a model framework upon which the respective Acts of those States had been designed. If a greater compliment to the value of such an Act were needed, it was found only in the fact that its operations here had resulted in retaining a greater freedom from pests which injuriously affected plant life than was enjoyed by any other State in the Commonwealth which had legislated subsequently to South Australia. Amongst these might be mentioned the exclusion of such insects of world-wide destructiveness as the phylloxera of the grape vine, the San Jose scale, the fruit flies, and the pear and cherry slug. Valuable as it had proved, time and practice had shown wherein improvements and alterations were desirable to bring its provisions into line with the altered conditions which prevailed at the present day. Most of those sought in the Bill had been incorporated in the Vegetation Diseases Acts of the adjoining States, and that had been done chiefly at the suggestion of the Government Horticultural Expert (Mr. Quinn), founded upon the defects which practice had shown to a very great extent nullified the value of operations otherwise likely to be of great value. For the purposes of facilitating administration, it was sought in clause 3 to transfer the powers and duties conferred specifically upon the Commissioner of Crown Lands in the principle Act. To the Minister of Agriculture, or any Minister of the Crown who might be charged by the Governor with the administration of the Act. It might be incidentally mentioned that no Minister of Agriculture existed when the principle Act became law, and the wider scope contained in the amendment form was meant to meet any future subdivision of portfolios and departments allotted to the Minister of the day. The additional power of appointment contained in clause 4 was desired to enable the Government to give a legal status to a leading official whose appointment had become necessary to effect a continuity of policy. In the past the senior inspector had possessed no authority beyond other inspectors, whilst the whole of the responsibility of carrying out the law devolved upon him in directing the operations of inspectors and advising the Government in respect to the administration of the law in so far as technical and scientific aspects of the matter wore concerned. That amended the definition section of the Act. At present the expression "tree or plant" was defined; what was intended and needed to be defined was the word "tree" and the word "plant." Clause 6 amended section 4 of the principal Act by extending the powers of proclamation conferred upon the Governor, Paragraph E gave powers of prohibition of the introduction of any disease or insect. That would apply only to introductions from any other part of the Commonwealth of Australia. That limitation had been rendered necessary by the enactment of the Quarantine Act by the Commonwealth Parliament, which Act now controlled introductions from extra-Australian sources. Paragraph F gave the necessary powers to make quarantine areas within the boundaries of the State as distinguished from inter-State boundaries. That was rendered necessary for the purposes of preventing the dissemination of any disease which, owing to its insidious character, was not readily detected by any practicable form of examination of the product before transport. The need of that power was an impending cause whereby much injury might be inflicted upon producers and consumers in various parts of the State. Had not the Commonwealth Government consented to proclaim certain districts in this State a quarantined area, it was possible that the dreaded Irish potato blight might have effected a lodgement in the principal potato-producing area of the State. On the other hand, unless the quarantine were adjusted to meet the peculiar conditions of production and consumption which prevailed in other portions of the State, considerable and unnecessary dislocation of the industries of production and distribution of that and kindred vegetable products must shortly ensue. The alteration could only be readjusted by the State Government being placed in a position to exercise such powers of quarantine as would satisfy the Federal authorities and cause thein to withdraw their present restrictions upon the area referred to. The power of internal quarantine existed under the State law dealing with vegetation diseases in Victoria. as follows:—Vegetation Diseases Act, 1896. Clause 3, subsection 2 read:—"The Governor in Council, by proclamation in the "Government Gazette," may either absolutely, or subject to any regulations, prohibit the bringing into any portion of Victoria from any other portion of Victoria specified in such proclamation, of any tree, plant, or vegetable which, in the opinion of the Governor in Council, is likely to spread any disease or insect in Victoria, and may at any time alter or revoke any such proclamation." The insect Pests Amendment Act of 1898, of Western Australia. Clause 3. subsection 3, read: —''The Governor may by proclamation prohibit either absolutely, or except in accordance with regulations under this Act, the bringing into any specified portion of Western Australia from any other portion or specified portion of Western Australia, of any specified plant, fruit, fungus, parasite, insect, or other thing which in his opinion is diseased or likely to spread disease."' The Diseases in Plants Act of 1896, of Queensland. Clause 5 read:—"The Governor may from time to time by proclamation in the 'Gazette' declare the removal of any, or every tree, plant, or vegetable from or out of any nursery, orchard, or other place. The boundaries whereof shall be defined in such proclamation shall either be absolutely prohibited or permitted, only subject to such reservations and upon such conditions as may be prescribed by any regulations." The Vegetation Diseases Act of 1897, of New South Wales. Clause 1, subsection II., read:—"The Governor by proclamation in the 'Gazette' may prohibit the bringing into any portion of this colony from any other portion of the said colony specified in such proclamation, of any plant which is, in the opinion of the Governor, likely to spread any disease or insect in the colony, and may at any time order or revoke any such proclamation.'' The Orchard and Garden Pests Act of 1903, of New Zealand. Clause 4, subsection II., read: — "The Governor may by Order in Council prohibit the bringing into any specified portion of New Zealand, from any other portion or specified portion of New Zealand, of any specified plant, fruit, fungus, parasite, insect, or other thing which in his opinion is diseased or likely to spread disease." It would thus be seen that precedents in abundance were forthcoming to support the passage of this section. Subsection G was the outcome of a series or resolutions passed at the conference of Ministers of Agriculture held in Melbourne in August, 1900, as follows:— (17) "'Irish blight (resolution) that immediate efforts to secure uniform and effective legislation be made by all States with regard to potatoes and other solanaceous plants." (18) Resolution—"That each State shall divide its whole area into districts and take immediate steps to ascertain the extent of the prevalence of Irish blight within its borders with a view to quarantining all districts where the disease is found to exist." (20) Resolution—"That any declared infected district shall include an area of not less than half a mile in width immediately within its boundaries wherein potatoes or other solanaceous plants shall not be grown," The advantage of possessing that power to forbid the growing of certain plants for a given period was only manifest in respect to extirpating any pest, or disease, whose treatment was one of starving it out by resting the soil, as far as that particular plant was concerned. In clause 7 the insertion of the words "or disease" was necessary to make the safe-guarding power more complete. Clause 8 gave power to seize and destroy diseases and insects and diseased fruit, trees, plants. &c., and any package containing them. That power was, of course, in aid of the general objects of the Act. Clause 9 gave a general penalty for contraventions of the Act. Clause 10 gave additional authority to erect certain notices on quarantined land. In clause 11 the power sought in subsection 1 was meant to apply to instances where well-known pests were found infesting orchards or gardens, and for which well-proved remedies were available. In such cases there should be no need for inspectors to report first to the Minister the occurrence of these pests, make recommendations for treatment, and receive his sanction to issue instructions to the occupier of the land to take steps to destroy the pests (as the present law demanded, and then return to the locality to find the pests had increased in a wholesale manner whilst all this work of circumlocution had been in progress. The alteration suggested to that form of procedure was strongly urged by a subcommittee of fruitgrowers belonging to the Advisory Board of Agriculture last year. To deal effectively with pests and diseases prompt action was essential. Subsection 2 safeguarded the owner of infested trees against any display or over-zealousnessness on the part of inspectors. Subsections (3) and (4) needed to be read conjointly. (Mr. Moulden—"Subclause 3 confers enormously extensive powers." ) Yes, and it was really necessary that the inspector should be invested with extensive powers in connection with such dangerous diseases as the Irish blight. They could not be too careful. (Mr. Moulden—"That is an annual plant, not a tree.") At present an inspector had power to seize and destroy only a single plant that might be diseased. (Mr. Moulden—"Well, make it a Potato Act.") That would not meet the case, because fruitgrowers had to be safeguarded against diseases. It was necessary that the inspector should have the power to destroy disease-infested trees, especially in back gardens, where fruit was not grown specialty for market, in order to protect the growers who were in the business commercial purposes. (Mr. Moulden—"Did not the Bill originate by reason of the Irish blight?'') Not at all. It was introduced by Mr. Coombe last year, at a time when Irish blight was not so bad as today. There was just as much necessity for the protection of the fruitgrower as the potato producer, and he regretted to say that there was not an area that could be called clean in South Australia with regard to the potato blight. (Mr. Lucas—"What steps have been taken to deal with blight?"). The Federal quarantine laws were being put into force. The only protection they now had was that infected produce could not be sent from one part of the State to another. The Federal quarantine areas were so large that the Government desired to remove the Federal control and have smaller areas quarantined. The first portion of subsection 3 was an extension of the principle conceded in clause 9 of the principal Act, and subsection 4 gave power to apply treatment, or destruction, when urgently necessary at the expense of the occupier of the land on which the disease existed. The power to recover the actual expense incurred was essential if the Government acquiesced in the wishes of the deputation of orange and lemon growers, who requested the Government to undertake to fumigate their trees and charge for the cost of the work. There were many precedents forthcoming to indicate the justice of recovering those costs. The power to recover actual costs of eradication of disease was conferred upon the Government by the Vegetation Diseases Act, 1898, of Victoria, clause 9, subsection 3. In Western Australia the Insect Pests Amendment Act, 1898, conferred such powers under clause 8, subsection 3. The Diseases in Plants Act, of 1896, of Queensland, in clause 15 made all such costs or eradication recoverable from the occupier or owner of the land. In New South Wales the Vine and Vegetation Diseases Act, 1906, clause 4, authorised the inspector to take measures to eradicate diseases and recover the costs from negligent persons who had been notified to destroy such diseases on their land. Under the Orchard and Garden Pests Act, of l903, of New Zealand, clause 8, subsection 3, the inspector was authorised "to enter upon the land of persons who neglect his notices, and to destroy pests at the expense in all things of the neglecting occupier." Subsection 5 was an extension of the principle carried into effect in the Commonwealth Quarantine Act, wherein the Minister of Trade and Customs had debated his powers to expert officers in every State, so that it was not necessary the chief quarantine officer for plants to seek special permission to destroy a plant, or a case of fruit, immediately if considered its destruction was urgently necessary to prevent the spread of disease contained thereon or therein. Subsection 6 was intended to facilitate the operations of the law in the direction of securing- more prompt action in the suppression of destructive pests than had been possible heretofore. Subsection 7 has been inserted in the House of Assembly, giving power of appeal to the Minister. (Mr. .Duncan—"Does not subsection 5 apply to the whole crop as well as to a single case?") Yes, it might do. Would not Mr. Duncan destroy the whole if it was affected in the general interests? There was much negligence on the part of some persons who had fruit trees. Not long ago a man showed him a pear as a sample of the fruit from some trees which had been condemned as affected with codlin moth. The single pear shown him was apparently free from codlin moth, but if he had been on the spot he might have been able to find dozens of pears affected by the pest. An inspector made a second visit to the orchard in question, and said that the only way to prevent a spread of the pest was to destroy the trees. (Mr. Moulden—"The codlin moth is all through the stringy bark forests.") Every effort was being made to check the spread of the disease. Growers of citrus fruits recently asked him to undertake tire compulsory fumigation of trees. (Mr. Lucas—"There are recognised fumigators going about.") It had been put to him that in order to expedite their work they treated several frees at once, but the Government fruit, expert informed him that the only effective method of fumigation was to treat the trees singly. On payment of a fee of 1/6 per tree the work would be done by the Government, but if the inspector had not power to compel all owners to fumigate when necessary the expenditure incurred by those desirous of having trees free from disease would be wasted. The great difficulty was that persons with a few fruit trees in their back yards sadly neglected them as a rule. (Mr. Moulden—"Sometimes; not as a rule") Even if it was done sometimes it became a menace to the whole State. Prompt action was necessary, and in order to prevent circumlocution an inspector should have power to compel an owner to fumigate his trees, or when they were very badly affected to have them destroyed. (Mr. Moulden—"An appeal board would be desirable, such as the Phylloxera Board.") He believed the establishment of such a board would be of great advantage, or perhaps the Phylloxera Board might be allowed to act under the Bill. (Mr. Pascoe—"I am afraid that would nullify the effect of the whole Bill.") He desired to put the legislation into operation as soon as it was passed, and as the ripening season was approaching he would be glad if members would facilitate the passing of the measure as quickly as possible. He moved the second reading of the Bill.



The Hon T. PASCOE supported the Bill, and regarded it as a very necessary measure in South Australia at the present juncture, not only in regard to fruit, but particularly as it applied to the potato industry. If it had not been for the Commonwealth regulations introduced early that year, potato blight would probably have been scattered throughout the whole of the potato districts in South Australia. Although there was a great deal of grumbling about the quarantine regulations of the Federal Parliament, it was a good thing to save those people from themselves. Even if it meant the destruction of some crops and a loss to the owners it was better that they should lose temporarily than that the whole State should lose. A meeting of growers had been held, and in regard to phylloxera and codlin moth it was stated that the diseases had been allowed to go too far before they took action. If they had destroyed a few trees in the first place the probability was the diseases would not have made the ravages they had in South Australia. They must act quickly, and the danger of having boards going round was that they would delay the operation of the Act. The diseases were broadcast, and would always exist if there was delay in dealing with them. There were difficulties connected with clearing trees of codlin moth. In some seasons the spread of the moth was more difficult to cope with owing to climatic conditions. Continuous rain washed the spray off the trees, so that they had to be sprayed more often. Where they had officers who were expert and held their position because of their knowledge, and were the inspectors under the Bill, they could be depended on. He took it that the Chief Inspector, Mr. Quinn, had the power to do what was required. He did not think airy sub-inspector should have those powers. The appeal of the Minister and the opinions of Messrs, McDonald and Homburg in the Lower House, coming from two districts where there were a greater number affected than anywhere else, should weigh with members. They must give certain strong powers to the inspector in the administration of an Act of the character of the one before them. He had had some experience of fumigation, and a deputation had waited on him and impressed on him the great difficulty with regard to the system in the case of orange peals. They had informed him that certain contractors undertook the fumigation of trees. They had a fairly big plant, and if the big grower wanted them it was less expensive to fumigate pro rata 1,000 trees than, say, the ten trees of the small grower. (Mr. Lucas—"They won't go to the small grower.") It was not that, but the big growers took up the whole of their time. The big growers were complaining that the little man was the sinner, and that the scale from the citrus trees was being spread by the wind and birds, and nullifying the effect of their work and expense. He thought he had left a recommendation to the effect that the Government should get a small plant to deal with the small grower, and in that way the disease might be kept in check in the State. He thought the Council would, as far as possible, expedite the passage of the Bill, and he hoped members would not make the administration of the Act too cumbersome. They must have an officer they could depend on and give him a fairly free hand. There was no need for a board with the inspector and Minister in charge. Market gardeners might not think it necessary, but they were looking to the immediate loss rather than to the ultimate gain in years to come. There was no danger of the industry being ruined, because the disease had not got the hold it would get if unchecked. Mr. Quinn would not be a party to the persecution or ruining of any man. He (Mr. Pascoe) had every confidence in him as an officer, and the order to destroy trees would not be given unless Mr. Quinn had inspected them and was perfectly satisfied such a course was necessary. He was a horticultural expert, and would not order the destruction of the trees simply on the report of a sub-inspector. He would support the second reading.

The Hon. J. H. HOWE agreed that it was a matter of urgency. Considerable losses had been sustained in consequence of the destruction of vegetables and fruit, and the codlin moth was most difficult to eradicate. In America at a certain season scores of hogs were turned into the orchards in order to eat up the fruit which had fallen, by reason of the codlin grub's ravages, and thus destroy the grubs in the fruit. If they did not kill the grub they would not eradicate the pest. The moth deposited its tiny egg on the apple, and it was hatched there, the little grub eating its way to the core, and destroying the fruit. When it had finished its eating the grub left the apple and got into some crevice in a tree or fence for shelter, as in the case of the silkworm. Spraying would not get rid of the pest, and his experience was that it paid him better to buy apples than to grow them. The black and red scale in the citrus trees, constituted a serious nuisance, the latter being difficult to eradicate, and he believed spraying with cyanide of potassium was the only remedy. If the Government would follow the suggestion of Mr. Pascoe, and have an independent staff for eradicating it from the cottage and villa gardens in the towns it would be a good thing. Fumigation was the only way to eradicate the scale. They must protect the orchardists, who had expended a great deal of money, and not insist on them keeping their orchards clean, and yet allow neighbours to permit the pests to increase. By passing that measure they would be assisting vignerons and others, and he would give all the assistance he could in getting the Bill through.

On the motion of the Hon. J. WARREN the debate was adjourned till the next day.

VINE, FRUIT, AND VEGETABLE BILL.

Adjourned debate on second reading(See page 423.)

The Hon. J. WARREN said the Bill con­tained a number of drastic clauses that placed enormous power in the hands of the inspectors. Before the Government were permitted to go to that length they should be in a position to show that an effective remedy could be applied. Many years ago the flocks of South Australia were badly af­fected with the scab, but a remedy was found, and in the course of a few years the disease was completely wiped out. Similarly legislation for the prevention of pleuro had proved effective. He remembered that the late Hon. J. H. Angas fought hard for the perfecting of that measure, which had cleared the State of the disease. The same course could be followed in regard to fruit diseases. They knew that the application of strong tobacco smoke or cyanide generated by sulphuric acid was effective treatment for the peach aphis, American blight, and aphides, but up to the present no remedy had been found for the codlin moth, which was one of the worst fruit diseases in Australia. In the “Journal of Agriculture” for July there ap­peared a report of experiments carried out by Mr. Thomas Sage, an orchard inspector, at Nuriootpa, in 1908-9, with lead arsenates on Mr. Hugh Kennedy’s orchard, in which there were eight rows of trees. The inside rows were treated with arsenates, but one outside row was simply bandaged, and the other outside row was not bandaged at all. How was it possible for any man to be successful by the adoption of that method? The trees treated with the arsenate of lead gave a larger percentage of clean fruit than the others, the percentage of clean fruit being about 70, but there was nothing to show which of the two methods—bandaging or spraying—was the more successful. Last year he carried out some experiments on his own account with Swift’s arsenate of lead, and the year before he tried Kedzic solution of arsenic. Several of his trees were sprayed at the prescribed times, and he found that the trees that were un- sprayed had less of the codlin than those that had been treated. It had been stated that the moth had been eradicated from Western Australian orchards by the parasite discovered by M. Compere, the ex­pert in that State, but he understood that that was not strictly correct. He believed there was a good deal of jealousy among the officials in that State, and it would be well for the Government to have a thorough in­vestigation into the claim made on behalf of the parasite as a means of eradicating the codlin moth. Last year, in order to try to save some of his fruit from the birds, he had a pear and apple tree covered with hessian. The fruit ripened, and when he picked the trees he found there was not a single codlin moth in the fruit of either tree. Although the fruit that had fallen before the covering was put over was badly infested, that course would not be possible for a large grower, but it might be of value to a person who had a few well-laden fruit trees. He understood one clause of the Bill gave the officers of the Department power to prescribe to the owner of an orchard what action he should take, and if he failed to carry it out or to destroy the pest they could apply to the Commissioner for the right to cut down his trees. That clause should not be allowed, as before that was done the Government should show that the remedies prescribed by the officials were efficacious. The orchadists were having hard work to make ends meet on account of the low price of fruit and the high price of labor, which was mounting up from time to time. It would be a great loss to South Australia if that method was pursued, as the State produced some of the finest fruit in the world, and everything possible should be done to preserve the trees from destruction, and at the same time remove the parasites. Cyanide of potassium was effective in destroying the scale and other pests that attacked citrus trees, and if the efficacy of that system were established people should be compelled to use it. There were vegetable pests. There was a regulation in force which prevented tomatoes being sent north of Gawler. He had sent vegetables 600 miles north of Ade­laide, and they were a splendid means of keeping the people in health in that dry country, and were necessary to human life. Perhaps the Minister of Agriculture could explain the circumstances in regard to that matter. He hoped the Bill would prove of as much benefit to South Aus­tralia as the Scab in Sheep Act had proved valuable in preventing the spread of scab.

The Hon. B. A. MOULDEN said he had tabled a short amendment providing for the appointment of a board, at the request of the growers in the district east of Ade­laide. They were desirous of having the right of appeal to a board rather than to the Minister. In view of the fact that if the amendment were carried it would involve the recasting of the Bill in respect to the election of a board somewhat on the lines of the Phylloxera Board, it would mean delay which would prevent the Bill being carried this session. Mr. H. Hobbs, on behalf of a number of the growers, had seen him, and stated they would prefer the Bill, drastic as it was, to the possibility of delay. The quaran­tine that existed was disastrous to the grower. In tabling the amendment he disclaimed any intention to reflect upon the inspector, Mr. Quito, who was an efficient

officer, and had at heart the interest- the people he served. He did not i pose to proceed with the amendment

The MINISTER of AGRICUTURE said, in reply to Mr. Warren, and in con­nection with the matter of the carriage of tomatoes north of Gawler, that he had asked the Federal authorities to remove the embargo if the tomatoes were grown under special conditions, especially if grown in glass houses. They had written, in reply, to the effect, and provided the toma­toes were grown under the conditions pre­scribed in his letter, they were prepared to issue another proclamation withdrawing the embargo. That proclamation was in course of preparation, and the people of Broken Hill would benefit. He thanked members for the way in which they had treated the Bill.

The second reading was carried.