STATUTES AMENDMENT (ORIENTAL FRUIT MOTH CONTROL, RED SCALE CONTROL AND SAN JOSE SCALE CONTROL) BILL 1964

House of Assembly, 20 October 1964, page 520

Second reading

**The Hon. D. N. BROOKMAN (Minister of Agriculture)** moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for 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. 1520 Lottery and Gaming Bill. Pest Control Bill. [October 20, 1964.]

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

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

*That this Bill be now read a second time.*

It is designed to strengthen the provisions of the three Acts recently passed to provide for committees to control and eradicate the diseases of oriental fruit moth, red scale and San José scale. The Bill makes only certain necessary amendments to the three Acts, pending further consideration of other desirable amendments which are not considered urgent. Certain of the committees have encountered difficulties in giving effect to their programmes for pest control and the purpose of the Bill is therefore to confer greater powers on the three types of committee.

The Bill is divided into Parts. Part I is of a formal nature. Part II makes three principal amendments to the Oriental Fruit Moth Control Act. Clause 3 inserts new section 9a in the principal Act to give oriental fruit moth committees power to issue notices requiring certain measures for the eradication of oriental fruit moth. Under subsection (2) of the new section any such notice may require an occupier of land on which the disease is found or is likely to occur to bait, spray, prune or otherwise treat his trees, vines, and the like with specified materials and by specified methods, the materials and methods having been approved by the Director of Agriculture. Upon failure to comply with the notice the occupier will be liable to a penalty not exceeding £100 (subsection (3) and section 14 of the principal Act) and, by virtue of subsections (4), (5) and (6), the Minister may authorize the committee to take certain measures for the eradication of the disease, including the destruction of the occupier’s trees, vines and the like. Subsection (7) provides for the recovery of expenses so incurred by the committee, and subsection (8) is a machinery provision. Subsection (9) extends the provisions of the section to the owner of land in a case where it is unoccupied.

Clause 4 adds a new subsection to section 10 of the principal Act relating to the committee’s power to require growers to make contributions to the committee towards the general costs of the administration of the principal Act. Such contributions are levied according to the number of host trees in a grower’s orchard. However, there is no power in the principal Act to require growers to state the number of trees in their orchards. The new subsection provides that, upon receiving notice in writing so to do, an owner or keeper of an orchard must furnish to the committee a statement of the number of host trees in his orchard and the ages of those trees. This will facilitate the determination of the amount he is liable to pay to the committee. Clause 5 adds a new subsection to section 15 of the principal Act to enable committees to prosecute for offences against the principal Act and to receive any fines imposed. Clause 6 and the schedule make two minor amendments of a drafting nature to the principal Act. Parts III and IV make identical amendments to the Red Scale Control Act and the San José Scale Control Act respectively. The three Acts, which are similar, were passed in 1962 and, on the whole, they have worked well. However, this is new legislation and no pattern existed on which the Acts could readily be based, and they are necessarily somewhat experimental in form. The amendments in the Bill appear necessary to give the committees power to do their jobs properly but, at the same time, it could rightly be said that the committees have operated well up to the present. They have been brought in, as provided in the original Act, with the approval of the growers and have the support of the growers. I believe the Acts have proved to be useful legislation that safeguards the position in fruit areas from these all serious diseases. With the amendments in the present Bill, I believe that the Acts will be effective and I expect that members generally will support the Bill.

Mr. CURREN secured the adjournment of the debate.