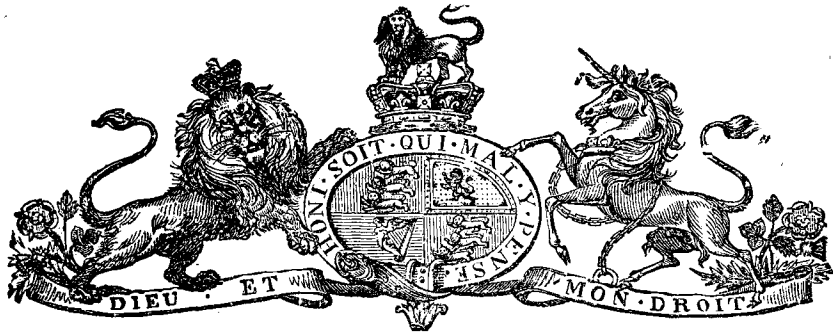


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 21.

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AN ACT to prevent the introduction into A.D. 1898.  
*Tasmania* of Diseases, Insects, Fungi, and  
other Pests affecting Vegetation.

[7 October, 1898.]

**BE** it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited as “The Vegetation Diseases Act, 1898.” Short title.

**2** In this Act, unless inconsistent with the subject-matter or context Interpretation.  
thereof—

“Disease” means any disease affecting plants, and which the Governor in Council may from time to time, by Proclamation in the *Gazette*, declare to be a disease within the meaning of this Act, and whether or not caused by or consisting of the presence of insects or fungus :

“Diseased” means affected with disease :

“Fungus” means any fungus or vegetable parasite whatever which the Governor in Council may from time to time, by Proclamation in the *Gazette*, declare to be a fungus within the meaning of this Act :

“Insect” means any insect whatever which the Governor in Council may from time to time, by proclamation in the *Gazette*, declare to be an insect within the meaning of

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this Act, and includes any such insect in whatever stage of existence the same may be :

“Inspector” means any person appointed an Inspector under this Act :

“Minister” means “The Minister for Agriculture :”

“Plant” means any tree, vine, flower, shrub, vegetable, or other vegetation of economic value, and extends to the seed, fruit, or other product of such plant, and to every part thereof, whether attached to or separated therefrom.

Importation of plants liable to introduce disease &c. may be prohibited.

**3—**(1.) The Governor in Council, by Proclamation in the *Gazette*, may prohibit the importation, introduction, or bringing into *Tasmania* of any plant which is, in the opinion of the Governor in Council, likely to introduce any disease or insect into *Tasmania*, and may at any time alter or revoke any such Proclamation ; such prohibition may be either absolute or contingent on the non-performance of any conditions prescribed by Regulations made under this Act.

(2.) Any person who imports, introduces, or brings, or causes or knowingly permits to be imported, introduced, or brought into *Tasmania* any plant in contravention of any Proclamation made under this Section, shall be guilty of an offence against this Act.

Insects, plants, packages, &c. may be seized.

**4—**(1.) No person shall import, introduce, bring, or cause or knowingly permit to be imported, introduced, or brought into *Tasmania* any insect or fungus, except for scientific purposes only, and with the consent of the Minister.

(2.) Any insect, fungus, or plant imported, introduced, or brought into *Tasmania* contrary to this Act or to any Proclamation made hereunder, or any diseased plant imported, introduced, or brought into *Tasmania*, and any package or thing containing, or suspected to contain or to have contained any such diseased plant, may forthwith be seized by any Inspector, and shall be destroyed or otherwise dealt with as the Minister may direct.

Power to enter.

**5** Any Inspector may at any time enter upon any vessel, ship, or place, with or without assistants, and search for insects and fungi and diseased plants and packages likely to convey disease, and may remain there for that purpose so long as may be reasonable.

Appointment of Inspectors.

**6—**(1.) The Governor in Council may from time to time nominate and appoint such Officers of the Customs and other persons as may be deemed necessary to be Inspectors under this Act, and may from time to time suspend, dismiss, or remove any such Inspectors.

(2.) The Governor in Council may also provide for the remuneration of any such Inspectors out of any moneys appropriated by Parliament for that purpose.

(3.) The production of a copy of the *Gazette* containing any notice of the appointment of any person to the office of an Inspector shall be sufficient evidence of such appointment.

Regulations.

**7—**(1.) The Governor in Council may, subject to the provisions of this Act, make Regulations for all or any of the following purposes, namely :—

i. For prescribing the form of notices and orders to be given and made under this Act, and the time when, and the manner in which, such notices are to be given and served :

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- ii. For prescribing the conditions under which the plants named in any Proclamation made under Section Three of this Act may be introduced or brought into *Tasmania*: A.D. 1898. —
- iii. For prescribing penalties for the breach of any Regulation, not exceeding, for the first offence, One Pound, and not exceeding, for any subsequent offence, Ten Pounds:
- iv. Generally for carrying into effect the provisions of this Act.
- (2.) All such Regulations shall be published in the *Gazette*, and in at least One newspaper published in *Hobart* and *Launceston*, and shall be laid before both Houses of Parliament within Fourteen days after the making thereof if Parliament be then sitting, and if Parliament be not sitting, then within Fourteen days after the commencement of the next session of Parliament. To be laid before Parliament.
- 8**—(1.) Every person shall be guilty of an offence against this Act— Offences.
- i. Who in any manner obstructs or impedes, or attempts to obstruct or impede, any Inspector acting under the authority of this Act: Obstructing execution of Act.
- ii. Who disobeys or fails to comply with any of the provisions of this Act, or any Proclamation made or direction or order given pursuant to such provisions. Disobeying orders, &c.
- (2.) If any person is guilty of an offence against this Act for which no penalty is specially provided, he shall for every such offence be liable on conviction to a penalty not exceeding Ten Pounds. Penalty.
- 9** All penalties imposed by this Act or any Regulation made hereunder may be recovered before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*. Recovery of penalties. 19 Vict. No. 8. 19 Vict. No. 10.
- 10** In any legal proceeding against any person for any breach of or non-compliance with any of the provisions of this Act, the onus of proving that any plant was not imported, introduced, or brought into *Tasmania* in contravention of any Proclamation made under this Act, shall rest upon the defendant. Onus of proof upon defendant.
- 11** No action shall be brought against any person for anything done by him in pursuance of any authority conferred by or under this Act unless the same be commenced within Four months next after the thing complained of has been done. Limitations of actions.
- 12** No person acting in pursuance of any authority conferred by or under this Act shall be deemed to be a trespasser by reason of any entry, or removal, or destruction, or be liable for any damage occasioned in carrying out the provisions of this Act, or of any Proclamation or Regulation made thereunder, unless the damage was occasioned by such person wilfully and without necessity. No authorised person liable for damage unless wilful.
- 13** This Act shall be read as included in Schedule (1.) of "The Department of Agriculture Act, 1897."

