

**PLANT DISEASES AND IRRIGATION  
(AMENDMENT) ACT.**

**Act No. 33, 1962.**

An Act to make further provision with respect to powers of inspectors, offences and proof in certain proceedings under the Plant Diseases Act, 1924, as amended by subsequent Acts; for these and other purposes to amend that Act, as so amended, and the Irrigation Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 3rd December, 1962.]

**Elizabeth II,  
No. 33, 1962**

**BE**

**Plant Diseases and Irrigation (Amendment) Act.**

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Plant Diseases and Irrigation (Amendment) Act, 1962".

(2) The Plant Diseases Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Plant Diseases Act, 1924-1962.

(3) The Irrigation Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Irrigation Act, 1912-1962.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
38, 1924.

**2.** The Plant Diseases Act, 1924, as amended by subsequent Acts, is amended—

Sec. 12.  
(Employ-  
ment of  
assistants.)

(a) by omitting subsection two of section twelve;

Sec. 13.  
(Power to  
stop, enter  
and search.)

(b) (i) by omitting subsection one of section thirteen and by inserting in lieu thereof the following subsections :—

(1) At any place on or near the boundary of the State, any portion of the State, quarantine area or land to or in respect of which a proclamation, notification or undertaking given under or pursuant to this Act or regulations applies, an inspector may display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching such place.

In this subsection "place" includes road whether public or otherwise.

(1A)

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(1A) (a) The driver or person in charge of a vehicle approaching towards such sign shall stop or cause such vehicle to be stopped within a reasonable distance of such sign and keep such vehicle stationary for the purposes of enabling an inspector to exercise the powers conferred on him by or under this Act or any such proclamation, notification, undertaking or regulation. No. 33, 1962

(b) An inspector may in respect of any such vehicle exercise the like powers as are conferred upon him in respect of a vehicle under subsection (1B) of this section.

(1B) An inspector may, upon production of the prescribed written evidence of his appointment, enter any land, premises, place, vehicle or vessel in or on which he has reasonable grounds for suspecting there is any plant, fruit or other thing referred to in paragraph (a) of subsection one of section four of this Act or covering or goods referred to in paragraph (b) of the same subsection and may search and inspect the same and open any part of any such vehicle or vessel or require the driver or person in charge of any such vehicle or vessel to open any part thereof, for the purpose of ascertaining whether the same or any part thereof or anything therein or thereon is infected, or is or apparently is being conveyed with or in such vehicle or vessel contrary to any provision of this Act or any proclamation, notification or undertaking given under this Act, or any regulation. Such inspector may for the purposes aforesaid inspect such roots of plants, take such samples and open such coverings or packages as may be reasonably necessary for the purposes aforesaid and may do such other things as he may deem necessary or expedient for the purpose of preventing the importation, introduction or bringing or spread of any disease or pest into or in the State or any portion thereof.

(1c)

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(1C) Nothing in this section shall authorise an inspector to enter in or upon or to search or inspect that portion of any premises which is used for residential purposes except under a written authority given by the Minister. Any such authority shall be limited to a particular case.

(1D) If a person—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of paragraph (a) of subsection (1A) of this section;
- (b) refuses or wilfully neglects to submit any vehicle or vessel or any plant, fruit or other thing referred to in paragraph (a) of subsection one of section four of this Act or covering or goods referred to in paragraph (b) of the same subsection in or upon such vehicle or in his possession to search and inspection, or being the driver or person in charge of any such vehicle, to open any part thereof in accordance with the directions of such inspector; or
- (c) wilfully obstructs, hinders, impedes or avoids entry, search or inspection or fails to afford reasonable assistance to such inspector to enter, search or inspect,

such person shall be guilty of an offence against this Act.

(ii) by omitting from subsection two of the same section the word "conveyance" and by inserting in lieu thereof the word "vehicle";

(c) by inserting next after section twenty-five the following new sections :—

New secs.  
25A, 25B.

Demanding  
name and  
place of  
abode.

25A. (1) An inspector who finds a person committing an offence against this Act or the regulations or who finds a person whom, on reasonable

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reasonable grounds, he suspects of having committed or attempted to commit any such offence may demand from the person his name and place of abode. No. 33, 1962

(2) Any person who upon demand made as aforesaid—

(a) fails or refuses to state his name or place of abode; or

(b) gives a false name or place of abode,  
shall be guilty of an offence against this Act.

25B. Any person who forges or counterfeits any written evidence of appointment of an inspector or makes use of any forged, counterfeited or false written evidence of such an appointment or personates an inspector named in any written evidence of appointment of an inspector or falsely pretends to be such an inspector shall be guilty of an offence against this Act. Personation  
of inspector.

- (d) (i) by omitting from paragraph (a) of subsection one of section twenty-six the words “proclamation or regulation under this Act” and by inserting in lieu thereof the words “proclamation, notification or undertaking given under this Act or any regulation”; Sec. 26.  
(Offences.)
- (ii) by omitting from paragraph (c) of the same subsection the words “proclamation or regulation thereunder” and by inserting in lieu thereof the words “proclamation, notification or undertaking given under this Act or any regulation, which act is not by any other provision of this Act specifically constituted an offence against this Act”;
- (iii) by omitting from paragraph (d) of the same subsection the words “proclamation or regulation thereunder” and by inserting in lieu thereof the words “proclamation, notification or undertaking given under this Act or any regulation”

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regulation which failure or neglect is not by any other provision of this Act specifically constituted an offence against this Act”;

(iv) by inserting next after paragraph (e) of the same subsection the following word and new paragraph :—

; or

(f) in the State or any portion thereof has in his possession any plant, fruit, covering, package, goods or thing of any nature or kind whatsoever which, to his knowledge, was imported, introduced or brought into the State or portion thereof contrary to this Act or any regulation, proclamation or notification made under this Act.

(v) by inserting next after subsection two of the same section the following new subsection :—

(2A) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a stipendiary magistrate or two justices in petty sessions.

(vi) by inserting next after subsection four of the same section the following new subsections :—

(5) In any proceeding against any person for any offence against this Act or a contravention of any provision of any regulation, proclamation or notification made under this Act proof that any plant, fruit, covering, package, goods or other thing of any nature or kind whatever specified therein was found in any irrigation area as defined in the Irrigation Act, 1912, as amended by subsequent Acts, the Wentworth Irrigation Act, as amended by subsequent Acts or the Hay Irrigation Act, 1902, as amended by subsequent Acts, in the possession of any person shall

cf. Act No.  
73, 1912,  
s. 26 (3).

shall be prima facie evidence that the same was imported, introduced or brought into such irrigation area by such person. No. 33, 1962

(6) In any proceeding against any person for an offence against this Act, a certificate purporting to be signed by the Director-General of Agriculture stating that a person has been appointed as an inspector under this Act and during any period specified therein held office as such shall be prima facie evidence of the facts stated therein.

(e) (i) by inserting next after paragraph (a) of sub-section one of section twenty-eight the following new paragraphs :— Sec. 28.  
(Regulations.)

(ai) the traffic sign to be displayed pursuant to subsection one of section thirteen of this Act, and any fixed warning signs of the presence of inspectors;

(a ii) the written evidence of appointment to be produced by an inspector under subsection (1B) of section thirteen of this Act;

(ii) by inserting next after the same subsection the following new subsection :—

(1A) Regulations made pursuant to paragraph (ai) of subsection one of this section may make provision for the use of fixed, movable or portable traffic signs, either in conjunction or as alternatives.

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended— Amendment  
of Act No.  
73, 1912.

(a) by omitting section 19c;

Sec. 19c.  
(Entry on  
land for  
treatment of  
trees, &c.)

(b)

**Legislative Assembly Members Superannuation (Further  
Amendment) Act.****No. 33, 1962**

Sec. 26.

(General  
regula-  
tions.)

- (b) (i) by omitting paragraph (n) of subsection one of section twenty-six;
- (ii) by omitting paragraph (n1) of the same subsection;
- (iii) by omitting subsection three of the same section.
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