

New Zealand

ANALYSIS

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1940, No. 20

Title. AN ACT to amend the Orchard and Garden Diseases Act, 1928. [4th October, 1940

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Orchard and Garden Diseases Amendment Act, 1940, and shall be read together with and deemed part of the Orchard and Garden Diseases Act, 1928 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. I, p. 136

Prohibition of introduction of diseased plants, &c.

2. (1) The Governor-General may from time to time, by Order in Council, make regulations prohibiting, either absolutely or except in accordance with the regulations,—

(a) The introduction into New Zealand, either generally or from any specified country, part of a country, port, or place, of any plant, part of a plant, fruit, seed, timber (whether sawn or unsawn), or other thing which in his opinion is likely to introduce into New Zealand any disease or any fungus, bacterium, insect, or virus which might cause an unhealthy condition in any plant:

- (b) The introduction into New Zealand of any fungus, bacterium, insect, or virus which is likely to introduce any disease into New Zealand or which is likely to cause an unhealthy condition in any plant.

(2) Any regulations under this section may provide that it shall be necessary to obtain a permit from the Minister for the introduction into New Zealand of any plant, part of a plant, fruit, seed, timber, fungus, bacterium, insect, virus, or other thing specified in the regulations, and that the Minister, in his discretion, may refuse any application for a permit, or may grant the application wholly or partly and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any regulations under this section may—

- (a) Appoint any specified ports to be the only ports of entry for plants, fruit, seeds, or timber, or for any specified plants, fruit, seeds, or timber:
- (b) Appoint quarantine grounds where plants, fruit, seeds, or timber, and the packages containing the same or with which the same may have come into contact, may be detained for the purpose of observation or for the purpose of being inspected, disinfected, destroyed, or otherwise disposed of.

3. (1) The authority to make regulations conferred on the Governor-General by the principal Act is hereby extended to authorize the making of all such regulations as he may consider necessary for the purpose of eradicating or preventing the spread of any disease.

Regulations as to control and eradication of diseases.

(2) Without limiting the general power conferred by the principal Act as extended by the last preceding subsection, it is hereby declared that regulations may be made for all or any of the following purposes:—

- (a) Providing that any land on which any specified disease is found may, together with any adjoining land, be declared by an Inspector to be an infected area:

- (b) Prohibiting or restricting, except with the approval of an Inspector and upon or subject to any conditions he may think fit to impose, the introduction into an infected area or the removal from an infected area of any plant, part of a plant, fruit, seed, timber, fungus, bacterium, insect, or virus which is diseased or likely to spread disease:
- (c) Prescribing the treatment and measures to be adopted in respect of any plants which are diseased or likely to become diseased, and requiring the cleansing or disinfecting of tools and other things which may have come into contact with any such plant:
- (d) Providing for the destruction or special treatment of any specified plants and for the payment of compensation for such destruction or treatment at such rates as may be fixed by the regulations:
- (e) Providing for the appointment of advisory committees and for the payment of fees and allowances to members of such committees:
- (f) Prescribing the functions and powers of Inspectors:
- (g) Providing that any persons who sow or plant any seeds or viable portion of any specified plant shall give such information or make such returns in relation thereto as may be specified in the regulations.

Repeals
and savings.

4. (1) Paragraphs (a), (b), and (c) of section four of the principal Act are hereby repealed.

(2) All Orders in Council and other acts of authority that originated under any of the said enactments, and are subsisting or in force at the passing of this Act, shall enure for the purposes of the principal Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.