



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 38 of 1954

An Act to provide for compensation for loss arising from measures to eradicate fruit fly.

[Assented to 16th December, 1954.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Fruit Fly (Compensation) Act, 1954". Short title.
2. This Act is incorporated with the Fruit Fly Act, 1947-1953, and that Act and this Act shall be read as one Act. Incorporation.
3. (1) Any person who suffers loss by reason of— Compensation.
 - (a) any of the acts to which this section applies ; or
 - (b) being prohibited from removing fruit from any land by the proclamation made under the Vine, Fruit, and Vegetable Protection Act, 1885-1936, on the first day of October, nineteen hundred and fifty-three and published in the *Gazette* of that date at page 892 (hereinafter called "the first-mentioned proclamation") ; or
 - (c) being prohibited by the proclamation made under the Vine, Fruit, and Vegetable Protection Act, 1885-1936, on the eighth day of October, nineteen hundred and fifty-three and published in the *Gazette* of that date at page 938 (hereinafter called "the second-mentioned proclamation") from growing on any land any plant mentioned in the second schedule to the second-mentioned proclama-

tion if that plant was planted or being grown on that land before the eighth day of October, nineteen hundred and fifty-three,

shall, subject to subsection (4) of this section, be entitled to compensation for that loss as provided in the Fruit Fly Act, 1947-1953.

(2) This section shall apply to—

(a) any act done pursuant to or in the intended exercise of powers conferred by the fruit fly regulations, if such act is done on land while the removal of fruit therefrom is prohibited by the first-mentioned proclamation ;

(b) any act done in the course of or incidentally to the doing of any such act as mentioned in paragraph (a) of this subsection.

(3) This section shall apply to acts done and loss or damage caused whether before or after the passing of this Act.

(4) Compensation for loss arising from the destruction pursuant to the fruit fly regulations of any plant mentioned in the second schedule to the second-mentioned proclamation or for loss mentioned in paragraph (c) of subsection (1) of this section shall not exceed an amount equal to the expenses incurred by the person claiming compensation in planting and tending the plant.

Claim for compensation.

4. Notwithstanding the provisions of section 5 of the Fruit Fly Act, 1947-1953, a notice of claim under that section for compensation under section 3 of this Act—

(a) if the claim is for loss resulting from any act or from the prohibition of growing any plant, shall be delivered to the committee before the first day of February, nineteen hundred and fifty-five; or

(b) if the claim is for loss resulting from the prohibition of removing fruit from any land, shall be delivered to the committee before the first day of July, nineteen hundred and fifty-five.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.