

**PLANT DISEASES (AMENDMENT) ACT,
1978, No. 10**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1978.

An Act to amend the Plant Diseases Act, 1924, to increase the penalties under that Act, to make further provision relating to the enforcement of that Act and for other purposes. [Assented to, 6th March, 1978.]

Plant Diseases (Amendment).

BE 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 :—

1. This Act may be cited as the "Plant Diseases Short title. (Amendment) Act, 1978".

2. The Plant Diseases Act, 1924, is amended in the manner set forth in Schedule 1. Amendment of Act No. 38, 1924.

3. A regulation in force immediately before the com- Savings. mencement of this Act prescribing the written evidence of an inspector's authority for the purposes of section 13 (1B) of the Plant Diseases Act, 1924, shall not cease to be in force by reason of anything in this Act.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PLANT DISEASES ACT, 1924.

(1) Section 3, definition of "Prescribed"—

Omit the definition.

(2) (a) Section 5 (1) (b)—

Omit "disinfected", insert instead "treated".

(b) Section 5 (1) (d)—

After "or fruit", insert "or of any thing which is likely to convey any disease or pest".

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(3) Section 5A (1) (b)—

Omit “fruit or plants”, insert instead “plants, fruit, coverings or any other things, whether of the same or of a different kind or nature”.

(4) Section 9—

Omit “or by any person authorised in writing by the Minister either generally or specifically”.

(5) Section 10 (1)—

Omit “Under Secretary”, insert instead “Director-General”.

(6) (a) Section 13 (1B)—

Omit the subsection, insert instead :—

(1B) An inspector may, upon production of the prescribed written evidence of his authority—

- (a) enter any land, premises, structure, place, vehicle or vessel for the purpose of searching for or inspecting any plants, fruit, coverings or other things, whether of the same or of a different kind or nature, which he has reasonable grounds for suspecting are infected or are likely to convey infection or have been introduced into the State or any portion thereof, or are being conveyed or dealt with, in contravention of any proclamation, notification, order or undertaking given under this Act or any regulation;

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(b) open any part of a vehicle or vessel or any coverings for the purpose of searching for or inspecting any plants, fruit, coverings or other things referred to in paragraph (a) or require the driver or person in charge of any vehicle or vessel to open any part thereof for that purpose; or

(c) take samples of any plants, fruit, coverings or other things referred to in paragraph (a).

(b) Section 13 (1D)—

Omit the subsection.

(c) Section 13 (2)—

Omit the subsection, insert instead :—

(2) An inspector may serve a notice on the owner or person in charge of any plant, fruit, covering, vehicle, vessel or other thing, whether of the same or of a different kind or nature, which he is satisfied is infected requiring him to take such measures or do such acts as are specified in the notice, or as are prescribed, to treat the infection.

(7) (a) Section 17—

Omit “, fumigate, or otherwise dispose of”, insert instead “or otherwise dispose of, or treat”.

Plant Diseases (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PLANT DISEASES ACT, 1924
 —*continued.*

(b) Section 17—

Omit “other fruit”, insert instead “other plants, fruit”.

(8) (a) Section 18—

Omit “for sale”, insert instead “which the inspector suspects on reasonable grounds are intended for sale”.

(b) Section 18—

Omit “wilfully”, insert instead “knowingly”.

(9) Section 21—

Omit “or police”.

(10) Section 22 and heading thereto—

Omit the section and heading.

(11) Sections 25C, 25D—

After section 25B, insert :—

Assaulting,
threatening,
obstructing,
etc., an
inspector.

25C. A person who assaults, threatens, resists, delays or obstructs an inspector in the exercise or performance of any of his powers, authorities, duties or functions under this Act shall be guilty of an offence against this Act and liable to a penalty not exceeding \$1,000.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

25D. A person who, without lawful authority, **Corruption.** offers, makes or gives to an inspector any payment, gratuity or present in consideration that the inspector will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions under this Act shall be guilty of an offence against this Act and liable to a penalty not exceeding \$1,000.

(12) (a) Section 26 (1) (a)—

Omit “which has been introduced into this State”, insert instead “which was imported, introduced or brought into the State or any portion thereof”.

(b) Section 26 (1) (e)—

Omit “by the Minister”, insert instead “under this Act by the Minister or an inspector”.

(c) Section 26 (1A)—

After section 26 (1), insert :—

(1A) Any person who commits an offence under subsection (1) (a) or (f) shall be liable to a penalty not exceeding \$1,000.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(d) Section 26 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

(e) Section 26 (5)—

Omit “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,”, insert instead “in any portion of the State”.

(f) Section 26 (5)—

Omit “such irrigation area”, insert instead “that portion of the State”.

(13) (a) Section 28 (1) (dii), (diii)—

After section 28 (1) (di), insert :—

(dii) the identification of the grade of unpacked fruit or vegetables that are exposed or displayed for sale;

(diii) the restriction or prohibition of the exposing or displaying for sale of unpacked fruit or vegetables which are required to be graded as prescribed without their grade being identified as prescribed;

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(b) Section 28 (1) (f) (ii)—

Omit “disinfection, or destruction by an inspector at any port of entry or quarantine station”, insert instead “treatment or destruction by an inspector”.

(c) Section 28 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

(d) Section 28 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(14) (a) Section 29 (1A), (1B)—

After section 29 (1), insert :—

(1A) Where fruit or vegetables are arranged in such a manner that there is more than one outer layer or shown surface, subsection (1) applies to each such outer layer or shown surface.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(1B) Nothing in subsection (1) affects the requirements of any regulation relating to the packing of fruit or vegetables or the arrangement of fruit or vegetables that are exposed or displayed for sale.

(b) Section 29 (3)—

Omit “forty dollars”, insert instead “\$500”.
