

**PLANT DISEASES ACT 1924—REGULATION**

(Relating to grading and packaging standards for certain fruits and vegetables)

NEW SOUTH WALES



*[Published in Gazette No. 41 of 8 March 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Plant Diseases Act 1924, has been pleased to make the Regulation set forth hereunder.

IAN ARMSTRONG  
Minister for Agriculture and Rural Affairs.

The Plant Diseases Regulations are amended:

- (a) by omitting Regulation 19 and by inserting instead the following Regulation:

**Grading, packing etc. of potatoes**

19. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to potatoes);
- (b) clauses 24, 25 and 27 to the extent that they apply to potatoes;
- (c) clauses 7 (b), 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to potatoes;
- (d) clauses 1–4, 6–8, 9 (b) and (c), 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to potatoes) and 11 of Schedule 16.

(2) Part 4 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to potatoes is incorporated in these Regulations.

(3) A person must not pack for sale or sell potatoes unless the incorporated provisions relating to:

- (a) the grading and packing of potatoes; and
  - (b) the branding or labelling of coverings containing potatoes, are complied with in relation to the potatoes.
- (b) by inserting in Regulation 21 (1) (d) after the matter “7,” the matter “8,”;
- (c) by inserting after Regulation 22 the following Regulations:

**Grading, packing etc. of broccoli**

23. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to broccoli);
- (b) clauses 24, 25 and 27 to the extent that they apply to broccoli;
- (c) clauses 7 (b), 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to broccoli;
- (d) clauses 1–4, 6.1, 7, 8, 9 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to broccoli) and 10 of Schedule 25.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to broccoli is incorporated in these Regulations.

(3) A person must not pack for sale or sell broccoli unless the incorporated provisions relating to:

- (a) the grading and packing of broccoli; and
- (b) the branding or labelling of coverings containing broccoli, are complied with in relation to the broccoli.

**Grading, packing etc. of celery**

24. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to celery);
- (b) clauses 24, 25 and 27 to the extent that they apply to celery;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to celery;

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(d) clauses 1–4, 5.2, 6–9, 11 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to celery) and 12 of Schedule 26.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to celery is incorporated in these Regulations.

(3) A person must not pack for sale or sell celery unless the incorporated provisions relating to:

(a) the grading and packing of celery; and

(b) the branding or labelling of coverings containing celery, are complied with in relation to the celery.

**Grading, packing etc. of Brussels sprouts**

25. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

(a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to Brussels sprouts);

(b) clauses 24, 25 and 27 to the extent that they apply to Brussels sprouts;

(c) clauses 7 (b), 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to Brussels sprouts;

(d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to Brussels sprouts) and 11 of Schedule 27.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to Brussels sprouts is incorporated in these Regulations.

(3) A person must not pack for sale or sell Brussels sprouts unless the incorporated provisions relating to:

(a) the grading and packing of Brussels sprouts; and

(b) the branding or labelling of coverings containing Brussels sprouts,

are complied with in relation to the Brussels sprouts.

(d) by omitting Regulations 34 and 35 and by inserting instead the following Regulations:

**Grading, packing etc. of peaches and nectarines**

34. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to peaches and nectarines);
- (b) clauses 24, 25 and 27 to the extent that they apply to peaches and nectarines;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to peaches and nectarines;
- (d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to peaches and nectarines) and 11 of Schedule 20.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to peaches and nectarines is incorporated in these Regulations.

(3) A person must not pack for sale or sell peaches or nectarines unless the incorporated provisions relating to:

- (a) the grading and packing of peaches and nectarines; and
- (b) the branding or labelling of coverings containing peaches and nectarines,

are complied with in relation to the peaches or nectarines.

**Grading, packing etc. of apricots**

35. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to apricots);
- (b) clauses 24, 25 and 27 to the extent that they apply to apricots;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to apricots;
- (d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to apricots) and 11 of Schedule 21.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to apricots is incorporated in these Regulations.

(3) A person must not pack for sale or sell apricots unless the incorporated provisions relating to:

- (a) the grading and packing of apricots; and
  - (b) the branding or labelling of coverings containing apricots, are complied with in relation to the apricots.
- (e) by omitting Regulations 38–40 and by inserting instead the following Regulations:

**Grading, packing etc. of bananas**

38. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to bananas);
- (b) clauses 24, 25 and 27 to the extent that they apply to bananas;
- (c) clauses 7 (b), 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to bananas;
- (d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to bananas) and 11 of Schedule 18.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to bananas is incorporated in these Regulations.

(3) A person must not pack for sale or sell bananas unless the incorporated provisions relating to:

- (a) the grading and packing of bananas; and
- (b) the branding or labelling of coverings containing bananas, are complied with in relation to the bananas.

**Grading, packing etc. of cherries**

39. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to cherries);
- (b) clauses 24, 25 and 27 to the extent that they apply to cherries;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to cherries;

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(d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to cherries) and 11 of Schedule 22.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to cherries is incorporated in these Regulations.

(3) A person must not pack for sale or sell cherries unless the incorporated provisions relating to:

(a) the grading and packing of cherries; and

(b) the branding or labelling of coverings containing cherries, are complied with in relation to the cherries.

**Grading, packing etc. of asparagus**

40. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

(a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to asparagus);

(b) clauses 24, 25 and 27 to the extent that they apply to asparagus;

(c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to asparagus;

(d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to asparagus) and 11 of Schedule 23.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to asparagus is incorporated in these Regulations.

(3) A person must not pack for sale or sell asparagus unless the incorporated provisions relating to:

(a) the grading and packing of asparagus; and

(b) the branding or labelling of coverings containing asparagus,

are complied with in relation to the asparagus.

**Grading, packing etc. of lychees**

41. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to lychees);
- (b) clauses 24, 25 and 27 to the extent that they apply to lychees;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to lychees;
- (d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule I to lychees) and 11 of Schedule 24.

(2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to lychees is incorporated in these Regulations.

(3) A person must not pack for sale or sell lychees unless the incorporated provisions relating to:

- (a) the grading and packing of lychees; and
- (b) the branding or labelling of coverings containing lychees, are complied with in relation to the lychees.

(f) by omitting Regulation 43 and by inserting instead the following Regulation:

**Grading, packing etc. of tomatoes**

43. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to tomatoes);
- (b) clauses 24, 25 and 27 to the extent that they apply to tomatoes;
- (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 10 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to tomatoes;
- (d) clauses 1–4, 6.1, 6.2, 6.3 (a)–(d), 6.5, 7–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to tomatoes) and 11 of Schedule 17.

(2) In incorporating the provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders referred to in clause (1), a reference in clause 6.3 of Schedule 17 to those Orders to tomatoes that are intended to be exported to non-OECD Scheme member countries is to be taken to be a reference to tomatoes that are not intended for export.

(3) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to tomatoes is incorporated in these Regulations.

(4) A person must not pack for sale or sell tomatoes unless the incorporated provisions relating to:

- (a) the grading and packing of tomatoes; and
  - (b) the branding or labelling of coverings containing tomatoes, are complied with in relation to the tomatoes.
- (g) by omitting from Regulation 47 (1) (d) the matter “1, 2, 4–6” and by inserting instead the matter “1–6”;
- (h) by omitting Regulation 67 and by inserting instead the following Regulation:

**Grading, packing etc. of avocados**

67. (1) The following provisions of the Commonwealth Export Control (Fresh Fruits and Vegetables) Orders are incorporated in these Regulations:

- (a) clause 23 (to the extent that that clause applies the provisions specified in paragraphs (c) and (d) to avocados);
  - (b) clauses 24, 25 and 27 to the extent that they apply to avocados;
  - (c) clauses 7, 8, 9.1, 9.3 (a)–(c), 18 and 11 (a), (d), (e) and (f) of Schedule 1 to the extent that they apply to avocados;
  - (d) clauses 1–4, 6–9, 10 (except to the extent that it applies clause 11 (b) and (c) of Schedule 1 to avocados) and 11 of Schedule 19.
- (2) Part 6 of the Commonwealth Prescribed Goods (General) Orders to the extent that it applies to avocados is incorporated in these Regulations.
- (3) A person must not pack for sale or sell avocados unless the incorporated provisions relating to:
- (a) the grading and packing of avocados; and
  - (b) the branding or labelling of coverings containing avocados, are complied with in relation to the avocados.
- (i) by inserting after Regulation 68 the following Regulations:

**Labelling of fruit and vegetables**

69. (1) A person who packs for sale or sells any fruit or vegetables in a package must ensure that the package is marked or labelled in a manner which clearly and legibly displays the words



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“Packed by” followed by the name and address, or the registered trade mark, of the person who packed the product.

(2) Clause (1) does not apply to any fruit or vegetable in relation to which there is a similar requirement provided by another provision of these Regulations.

**Reuse of used packages**

70. (1) Any person who packs for sale or sells any fruit or vegetables in a package which has already been used must first remove or obliterate all previous incorrect information displayed on the outside of the package and on every label attached to the outside of the package.

(2) A person need not comply with clause (1) if the package used displays a label which:

- (a) is of a size not less than 100 mm by 70 mm; and
- (b) displays the full trade or product description required by the relevant Regulation.

(3) The package must be clean and free from all residues of previous use.

**Penalties**

71. Any person who contravenes a provision of these Regulations is guilty of an offence and liable to a penalty not exceeding \$1,000.

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Plant Diseases Regulations:

- (a) to apply certain provisions of the Commonwealth Export Control (Fresh Fruit and Vegetables) Orders (with respect to potatoes, broccoli, celery, Brussel sprouts, peaches, nectarines, apricots, bananas, cherries, asparagus, lychees, tomatoes and avocados) relating to the grading, classification and packaging of those fruits and vegetables; and
  - (b) to enable the reuse of fruit and vegetable packages provided that certain conditions are complied with; and
  - (c) to require that packages of fruit and vegetables for sale display the name and address or the registered trade mark of the person who packed them; and
  - (d) to specify that a person who contravenes a provision of those Regulations is liable to a penalty not exceeding \$1,000.
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