

1991—No. 459

***PLANT DISEASES ACT 1924—REGULATION**

(Plant Diseases (General) Regulation 1991)

NEW SOUTH WALES



[Published in Gazette No. 121 of 30 August 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.

Citation

1. This Regulation may be cited as the Plant Diseases (General) Regulation 1991.

Commencement

2. This Regulation commences on 1st September, 1991.

Definitions

3. (1) In this Regulation:

“**Department**” means the Department of Agriculture;

“**the Act**” means the Plant Diseases Act 1924.

(2) In this Regulation, a reference to a form is a reference to a form set out in Schedule 1.

Detention and release of coverings: fees

4. For the purposes of section 18A (5A) of the Act:

*Replaces 1991—No. 439

- (a) the prescribed fee for changing the brand or label on a covering is \$1 for each 0.1m³ (or part) of the internal volume of the covering; and
- (b) the prescribed manner for payment of the fee is by paying the fee to an inspector or by presenting the notice given under section 18A (3) of the Act at an office of the Department at which fees are received and by paying the fee at that office.

Inspection fees

5. (1) The fee payable for inspection by an inspector of a covering, or of fruit or vegetables, to determine whether section 18A (6) of the Act has been complied with in respect of the covering or fruit or vegetables is 25 cents for each 0.1m³ (or part) of the internal volume of:

- (a) in the case of a covering—the covering; or
- (b) in the case of fruit or vegetables—the covering in which the fruit or vegetables were packed at the time the notice under section 18A (3) of the Act was given.

(2) The fee may be paid to the inspector or by presenting the notice given under section 18A (3) of the Act at an office of the Department at which fees are received and by paying the fee at that office.

Fees for disinfection

6. The fee payable for disinfection of plants by spraying or dipping by an inspector at a port of entry or quarantine station is \$15 for each 15 minutes work (or part) done by each inspector carrying out the treatment.

Form of notice of intention to destroy plants

7. The notice to be given by the Minister under section 21 of the Act is to be in Form 1.

Notice of appeal against proposed destruction of plants

8. (1) For the purposes of section 21 (2) of the Act:

- (a) the prescribed manner for making an appeal is by lodging a notice of appeal in Form 2 with the Clerk of the Local Court nearest to the orchard or nursery; and
- (b) the prescribed period for making the appeal is the period ending 14 days after the Minister's notice of intention to destroy plants is given.

(2) Within the same period a copy of the notice must be lodged by the appellants with the Director-General of the Department.

Hearing of appeal

9. At least 21 days' notice of the date and time for the hearing of an appeal is to be given by the Clerk of the Local Court to the appellant and the Director-General of the Department. The notice is to be in Form 3.

Repeal

10. The Plant Diseases Regulations are repealed.

SCHEDULE 1—FORMS

(C1. 3)

Form 1

(C1. 7)

PLANT DISEASES ACT 1924

Notice by Minister of intention to destroy plants in uncultivated or neglected orchard or nursery

To

of

(an orchard)

It has been reported to me that (a nursery) situated at

of which you are the (owner)
(occupier) is habitually/has been for

2 years (neglected) (orchard)
(uncultivated) and that the (nursery) is

because of neglect likely to spread a certain (disease)
(pest) namely:

Now, take notice that I, the Minister for Agriculture and Rural Affairs, have decided to exercise the powers conferred on me by section 21 of the Plant Diseases Act 1924 in connection with the (orchard)
(nursery)

Date:

Minister for Agriculture and Rural Affairs.

Form 2

(C1. 8)

PLANT DISEASES ACT 1924

Notice of appeal under section 21

To the Clerk of the Local Court

I am the (owner) of (an orchard) situated at
(occupier) of (a nursery)

and as the Minister for Agriculture and Rural Affairs on
gave notice to me that the Minister had decided to exercise the powers conferred on
the Minister by section 21 of the Plant Diseases Act 1924 in connection with the
(orchard) take notice that I desire to appeal from the decision of the Minister to the
(nursery)

Local Court on the following grounds:

Date:

(Signature)

(Full postal address)

Form 3

(C1. 9)

PLANT DISEASES ACT 1924

Notice of hearing of appeal under section 21

TAKE NOTICE that has notified an intention to appeal against a
decision of the Minister for Agriculture and Rural Affairs under section 21 of the

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Plant Diseases Act 1924, and that the appeal will be heard at the Local Court at
in New South Wales, on at 10 am. or as soon
after that time as the other business of the Court will permit.

Date: 19 .

Clerk of the Local Court.

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SCHEDULE 1—FORMS**EXPLANATORY NOTE**

The object of this Regulation is to repeal the Plant Diseases Regulations and to re-enact the provisions of that Regulation having continuing relevance. This Regulation contains provisions relating to fruit and vegetables, including provisions that:

- prescribe a fee for the changing of brands and labels on defective coverings of fruit and vegetables and the manner of payment of the fee; and
- prescribe a fee for certain inspections; and
- prescribe forms relating to the notice to be given to destroy plants in an neglected orchard or nursery and appeals against that intention being implemented; and
- prescribe a fee for disinfection of plants by spraying or dipping.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.