

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 126 of 1979

## AN ACT

Relating to the prevention and eradication  
of diseases in plants

[Assented to 15 October 1979]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Plant Diseases Control Act 1979. Short title
2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the Gazette. Commencement
3. The Acts specified in the Schedule are repealed. Repeal
4. All appointments of inspectors, declarations of quarantine areas or notifiable diseases or prohibitions relating to the importation or introduction of any plants, made under any of the Acts repealed by section 3, which are in force at the date of the commencement of this Act, are appointments, declarations or prohibitions for the purposes of this Act as if they had been made under this Act. Savings
5. This Act binds the Crown. Act binds Crown
6. In this Act, unless the contrary intention appears - Interpretation
  - "Chief Inspector" means the Chief Inspector of Plants and Diseases appointed under section 7(1);
  - "disease" includes -
    - (a) any infection or affection of a fruit or plant that the Minister, by notice in the Gazette, declares to be a disease for the purposes of this Act and includes any stage of development of the disease prior to the existence of a disease; and

## Plant Diseases Control

(b) an abnormality or disorder of, or injury to, fruit or a plant caused by a pest;

"fruit" includes the flesh, peel, skin, shell, husk, seed, stone or nut of any fruit;

"host fruit" means fruit of a species that is susceptible to disease;

"host plant" means a plant of a species that is susceptible to disease;

"inspector" includes the Chief Inspector;

"orchard" means any place where host plants are grown or propagated;

"owner" includes an occupier, manager or superintendent and, in relation to a vehicle, train, aircraft, vessel, carriage or conveyance, the person in charge thereof;

"packaging" means any covering, container, package, case, box, bag, wrapping or packing of any material or description that is being or has been used to cover or contain fruit or a plant;

"pest" means any organism or micro-organism that the Minister, by notice in the Gazette, declares to be a pest for the purposes of this Act;

"plant" means -

(a) any, or any part of, a tree, vine, flower, shrub, vegetable or other vegetation; and

(b) any material, whether alive or dead, used for the propagation of the items referred to in paragraph (a),

and includes sawn or dressed timber;

"quarantine area" means an area declared under this Act to be a quarantine area.

Appointment  
of Chief  
Inspector,  
inspectors

7.(1) The Minister may appoint a person to be Chief Inspector of Plants and Diseases.

(2) The Minister may appoint a person to be an inspector.

Plant Diseases Control

(3) The Chief Inspector and inspectors shall hold office subject to such terms and conditions as the Minister may determine.

(4) An inspector shall be issued with a form of identification approved by the Chief Inspector.

8.(1) The Minister may, by notice in the Gazette, prohibit, either absolutely or subject to compliance with conditions specified in the notice, the importation or introduction into or possession in, the Territory or any part of the Territory of -

Prohibition  
of import-  
ation

- (a) fruit or plant affected by disease or a pest;
- (b) fruit or a plant of a species that is, in the opinion of the Minister, likely to introduce a pest or disease into the Territory;
- (c) host fruit or a host plant of a species that has been grown in a place, specified in the notice, in which host fruit or host plants of that species grown in that place are subject to pests or diseases; and
- (d) packaging in which any fruit or plant affected by a pest or disease has been or is contained or packed, or any goods with which the packaging, fruit or plant has come in contact.

(2) A person shall not contravene or fail to comply with a requirement contained in a notice under sub-section (1).

Penalty: \$5,000 or imprisonment for 12 months.

9.(1) The Minister may, by notice in the Gazette, specify a place as a place through which host fruit, host plants or packaging may be introduced into the Territory.

Specification  
of places of  
introduction

(2) A person shall not at any time after a place has been specified under sub-section (1) introduce any host fruit, host plants or packaging into the Territory except through that place.

Penalty: \$5,000 or imprisonment for 12 months.

10. The Minister may, by notice in the Gazette, declare any place or area to be a quarantine station in which -

Quarantine  
stations

- (a) fruit, plants or packaging may, subject to this Act, be subjected to any examination, disinfection or disinfestation or be otherwise treated, disposed of or destroyed; and

Plant Diseases Control

(b) fruit and plants may be grown for the purposes of this Act.

Quarantine  
areas

11.(1) The Minister may, by notice in the Gazette -

- (a) declare a part of the Territory to be a quarantine area either in respect of all pests and diseases or such pests and diseases as are specified in the notice;
- (b) prohibit the removal from a quarantine area of any fruit or plant of a species specified in the notice or of any packaging or other thing that, in his opinion, may transmit a pest or disease;
- (c) require an owner of land within a quarantine area to take the prescribed measures for the control or eradication of a pest or disease specified in the notice;
- (d) require an owner of land within a quarantine area to take such measures as are specified in the notice, in addition to those prescribed, for the control or eradication of a pest or disease; and
- (e) prohibit the planting and propagation of plants, or plants of a specified species, within a quarantine area during the period specified in the notice.

(2) A person shall not contravene or fail to comply with a requirement contained in a notice under sub-section (1).

Penalty: \$5,000 or imprisonment for 12 months.

Notifiable  
pests or  
diseases

12.(1) The Minister may, by notice in the Gazette, declare a pest or disease specified in the notice to be a notifiable pest or disease.

(2) A person who discovers any fruit or plant affected by a notifiable pest or disease, shall -

- (a) immediately notify the Chief Inspector of that discovery; and
- (b) furnish to the Chief Inspector such information in relation to that discovery as the Chief Inspector may require.

Penalty: \$5,000 or imprisonment for 12 months.

Plant Diseases Control

(3) The owner of an orchard in which there is any fruit or plant affected by a notifiable pest or disease, shall be deemed to have discovered that the fruit or plant was so affected unless the contrary is proved.

13.(1) The Minister may, by notice in the Gazette, require the owner of an orchard to apply to all host plants in that orchard such treatment and measures as the Minister considers necessary to prevent the outbreak or spread of a pest or disease specified in the notice.

Requirement  
for treat-  
ment

(2) A person shall not contravene or fail to comply with a requirement contained in a notice under sub-section (1).

Penalty: \$2,000 or imprisonment for 6 months.

14.(1) An inspector may, with or without assistance -

Rights of  
entry

- (a) enter into or upon any land, premises, vehicle, train, aircraft, vessel, carriage or conveyance on or in which there is or he suspects that there is any fruit, plant or packaging affected by a pest or disease; and
- (b) examine any fruit, plant or packaging found by him in a search carried out pursuant to paragraph (a) for the purposes of determining whether it is so affected.

(2) An inspector shall, prior to the exercise of his powers under sub-section (1), produce the form of identification referred to in section 7(4) to the owner of the land, premises, vehicle, train, aircraft, vessel, carriage or conveyance entered pursuant to sub-section (1) who requests to see it.

(3) An inspector may disinfect, disinfest or treat, or cause to be disinfected or treated, any fruit or plant referred to in sub-section (1), or any packaging or goods in or with which that fruit or plant has been packed, that he finds to be or is reasonably likely to be, affected by a pest or disease.

(4) An inspector may remove or destroy, or cause to be removed or destroyed, or direct the owner of any fruit, plant or premises to remove or destroy, any fruit, plant, packaging or goods that the inspector finds to be affected by any pest or disease, and any packaging or goods in or with which any fruit or plant so affected has been packed.

Plant Diseases Control

(5) A person shall not contravene or fail to comply with a direction under sub-section (4).

Penalty: \$5,000 or imprisonment for 12 months.

Inspector  
to report  
to Minister

15. Where an inspector enters any land, premises, vehicle, train, aircraft, vessel, carriage or conveyance in pursuance of his powers under section 14 without the permission of the owner thereof, he shall, as soon as practicable after so entering, report in writing to the Minister -

- (a) the name, address or location at which the entry took place;
- (b) the date of entry;
- (c) the action, if any, taken by him under this Act on or in relation to the land, premises, vehicle, train, aircraft, vessel, carriage or conveyance, as the case may be; and
- (d) the articles, if any, removed in pursuance of section 14(4).

Erection  
of notices

16.(1) An inspector may make or erect on any land, fruit, plant or packaging that has been found affected by any pest or disease such marks or notices as he considers necessary to indicate that a specimen or sample of the land, fruit, plant or packaging has been removed for the purposes of examination or that on examination has been found to be affected by a pest or disease.

(2) If the removal of any fruit or plant from any land or premises has been prohibited under any provision of this Act, an inspector may erect or cause to be erected on that land or premises a notice stating that fact.

(3) A person shall not interfere with any mark or notice made or erected under this section.

Penalty: \$5,000 or imprisonment for 12 months.

Erection  
of traffic  
signs

17.(1) An inspector may erect, at or near a quarantine station, quarantine area or other place affected by a disease or pest a traffic sign approved by the Chief Inspector for the purpose of controlling or regulating traffic for the purposes of this Act.

(2) No person shall contravene or fail to comply with a requirement appearing on a traffic sign erected pursuant to sub-section (1).

Penalty: \$2,000 or imprisonment for 6 months.

Plant Diseases Control

18.(1) If an inspector is of the opinion that any fruit or plant is affected by a pest or disease, he may serve on the owner of the land or premises on or in which the fruit or plant was discovered a notice directing that measures specified in the notice be taken for the control or eradication of the pest or disease.

Directions

(2) An inspector may serve upon the owner of any land that is or premises that are, in his opinion, in such proximity to the place in which fruit or a plant was found to be affected by a pest or disease that the pest or disease might be transmitted to that land or those premises, a notice directing that measures specified in the notice be taken to prevent the spread of the pest or disease.

(3) A person shall not contravene or fail to comply with a notice under this section.

Penalty: \$5,000 or imprisonment for 12 months.

19.(1) If, in the opinion of the Minister, adequate measures for the control or eradication of a pest or disease are not being taken, the Minister may direct an inspector to implement such measures for the control or eradication of the pest or disease as are specified in the direction, including the destruction of any fruit, plants and packaging.

Further  
measures  
of control

(2) Where the Minister has given a direction under sub-section (1), an inspector may, with or without assistance, enter upon land or premises and implement measures for the control or eradication of a pest or disease in accordance with the directions of the Minister.

20.(1) The Chief Inspector may, if he is satisfied that -

Orchards

(a) an orchard is habitually, or has been for a period of 2 years, neglected or uncultivated; and

(b) by reason of neglect of the orchard a disease or pest is likely to be spread,

serve on the owner of the orchard a notice to show cause, within 14 days after the service of the notice on him, why the plants specified in the notice should not be destroyed.

(2) The Chief Inspector shall consider any matter brought to his attention within the period referred to in sub-section (1) by the owner of the orchard on

Plant Diseases Control

whom a notice under that sub-section has been served, and if he is satisfied that adequate arrangements have been made by that owner to ensure that a disease or pest is not likely to be spread by reason of the state of that orchard, notify the owner accordingly or, if he is not so satisfied, serve on the owner a further notice indicating that the Chief Inspector intends, not earlier than 14 days after the service of that further notice, to destroy the plants specified in the notice referred to in sub-section (1).

(3) A person served with a notice under sub-section (2) may appeal to a Court of Summary Jurisdiction -

(a) within 14 days after his being served with the notice; and

(b) in the prescribed manner and form,

against the decision of the Chief Inspector, and on such an appeal being lodged, the Chief Inspector shall take no action to destroy the relevant plants until the appeal has been determined.

(4) Where an appeal is not lodged within the period referred to in sub-section (3) or an appeal under that sub-section is determined adversely to the appellant, the Chief Inspector shall cause the plants specified in the notice referred to in sub-section (1) to be destroyed and for that purpose may enter on the land on which the orchard is situated with such workmen, equipment and assistance as is reasonably necessary to destroy the plants.

(5) All costs incurred by the Chief Inspector in carrying out his functions under sub-section (4) shall be a debt due and payable to the Territory by the owner of the orchard.

Supply of  
name and  
address

21.(1) An inspector may require a person whom he suspects of committing or attempting to commit an offence against this Act or the Regulations to supply the inspector with his name and place of residence.

(2) No person shall -

(a) fail or refuse to state his name and place of residence; or

(b) give a name or place of residence that is not his true name or place of residence,



Plant Diseases Control

when required by an inspector to provide that information in accordance with sub-section (1).

Penalty: \$2,000 or imprisonment for 6 months.

22.(1) No liability shall attach to an inspector for any thing done by him in good faith and without negligence in the exercise or the performance, or purported exercise or performance, of his powers or functions under this Act.

Liability

(2) No liability shall attach to any person for any thing done by him in good faith without negligence in assisting an inspector purporting to exercise or perform his powers or functions under this Act.

23. No person shall obstruct, hinder or impede an inspector, or a person acting in good faith assisting an inspector, in the exercise or performance of his powers or functions under this Act.

Obstruction  
of inspector

Penalty: \$5,000 or imprisonment for 12 months.

24. The Chief Inspector may recover from a person in a court of competent jurisdiction, as a debt due to the Territory, the amount expended by the Territory resulting from the contravention or failure to comply by that person with a provision of this Act or the Regulations.

Recovery of  
costs

25. Proceedings for offences under this Act shall be disposed of summarily.

Proceedings  
for offences

26. Where, under this Act, provision is made for an inspector to serve a notice upon the owner of any land or premises, that notice may be served -

Service of  
notices

(a) personally;

(b) by registered post; or

(c) by affixing it in some conspicuous place upon the land or premises.

27. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for the purposes of carrying out or giving effect to this Act, in particular the provision of -

Regulations

(a) methods for the control or regulation of traffic for the purposes of this Act; and

Plant Diseases Control

(b) penalties not exceeding \$1,000 for the contravention or failure to comply with a provision of the Regulations.

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SCHEDULE

Section 3

REPEALED ACTS

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Number and Year	Act
No. 25, 1969	<u>Plant Diseases Control Act 1969</u>
No. 4, 1972	<u>Plant Diseases Control Act 1972</u>

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