

NORTHERN TERRITORY OF AUSTRALIA

PLANT HEALTH AMENDMENT REGULATIONS 2020

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Subordinate Legislation No. 18 of 2020

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**Subordinate Legislation No. 18 of 2020\***

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## ***Plant Health Amendment Regulations 2020***

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Plant Health Act 2008*.

Dated 26 June 2020

V. S. O' Halloran  
Administrator

By Her Honour's Command

G. F. McCarthy  
Minister for Local Government, Housing and Community Development  
acting for  
Minister for Primary Industry and Resources

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\* Notified in the *Northern Territory Government Gazette* on 1 July 2020.

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## 1 Title

These Regulations may be cited as the *Plant Health Amendment Regulations 2020*.

## 2 Commencement

These Regulations commence on the day on which they are notified in the *Gazette*.

## 3 Regulations amended

These Regulations amend the *Plant Health Regulations 2011*.

## 4 Regulation 3 amended (Definitions)

- (1) Regulation 3, definitions ***corresponding law***, ***government certificate*** and ***host plant***

*omit*

- (2) Regulation 3

*insert*

***area freedom certificate***, in relation to a declared pest, means a certificate or other form of certification issued by a government official responsible for agriculture in a State or another Territory that certifies that the State or Territory, or a specified area of a State or another Territory, is free of the declared pest.

***corresponding law***, see regulation 29.

***export permit*** means a permit issued under regulation 36A.

***government certificate***, in relation to a plant or plant-related material being introduced into the Territory, means a certificate or other form of certification that:

- (a) certifies matters in relation to the plant or plant-related material; and
- (b) is issued by a government official responsible for agriculture in a State or another Territory.

***grape plant*** means the plant belonging to the genus *Vitis*.

***grape product*** means a product of crushing berries of a grape plant, including juice, skins, seeds, pulp and any incidentally crushed stems and leaves.

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**grapevine material** means any part of a grape plant, other than a grape product, table grape, wine grape or the dried berry.

**interstate assurance certificate**, in relation to a plant or plant-related material being introduced into the Territory, means a certificate or other form of certification that:

- (a) is issued in the State or Territory where the plant was grown or the plant-related material was produced; and
- (b) is recognised in the Territory in accordance with section 45 of the Act as:
  - (i) an assurance certificate made under a corresponding law in that State or Territory; or
  - (ii) a document that is in the nature of an assurance certificate and made under a corresponding law in that State or Territory.

**Phylloxera Exclusion Zone** means an area:

- (a) specified under a corresponding law as being free of the declared pest; or
- (b) recognised by the National Vine Health Steering Committee as being free of the declared pest.

**table grapes** means whole berries of a grape plant, intended for consumption while fresh, including stalks to which the berries are attached but not including leaves or any other part of a grape plant.

**wine grapes** means whole berries of a grape plant intended for the production of wine, including stalks to which the berries are attached but not including leaves or any other part of a grape plant.

- (3) Regulation 3, definition **related scheme**, before "assurance"

*insert*

interstate

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**5 Regulation 4A inserted**

After regulation 4, in Part 1

*insert*

**4A Regulation of plants and plant-related materials**

For section 17 of the Act, Parts 2 and 2B of these Regulations prohibit, restrict and impose other requirements in relation to the introduction into the Territory and export from the Territory of plants and plant-related materials.

*Notes for regulation 4A*

- 1 *Any plant or plant-related material being introduced into the Territory from another country must also comply with the Biosecurity Act 2015 (Cth) and any other applicable Commonwealth legislation.*
- 2 *A contravention of a provision in Part 2 or 2B is an offence against section 17(6) of the Act.*

**6 Regulation 5 repealed (Introduction of plants and plant-related materials)**

Regulation 5

*repeal*

**7 Regulation 7 replaced**

Regulation 7

*repeal, insert*

**7 Ants in potting mix**

- (1) This regulation provides for the control of the following declared pests:
  - (a) *Anoplolepis gracilipes* (Fr. Smith), also known as yellow crazy ant;
  - (b) *Linepithema humile* (Mayr), also known as Argentine ant;
  - (c) *Solenopsis invicta* (Buren), also known as red imported fire ant;
  - (d) *Wasmannia auropunctata* (Roger), also known as electric ant.

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- (2) A person must not introduce into the Territory a plant grown in potting mix unless:
- (a) the plant was grown in an area where an area freedom certificate for the declared pests is in force; or
  - (b) a government certificate or interstate assurance certificate certifies that:
    - (i) the plant was inspected and found to be not infested with the declared pests before it is introduced; or
    - (ii) the place where the plant was grown is more than 5 km from the boundary of any area infested with the declared pests; or
  - (c) the plant is introduced in accordance with a permit for introduction.

**7A      Ants in turf**

- (1) This regulation provides for the control of the following declared pests:
- (a) *Anoplolepis gracilipes* (Fr. Smith), also known as yellow crazy ant;
  - (b) *Linepithema humile* (Mayr), also known as Argentine ant;
  - (c) *Solenopsis invicta* (Buren), also known as red imported fire ant;
  - (d) *Wasmannia auropunctata* (Roger), also known as electric ant.
- (2) A person must not introduce into the Territory any turf unless:
- (a) the turf was grown in an area where an area freedom certificate for the declared pests is in force; or
  - (b) the turf is introduced in accordance with a permit for introduction.

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**8 Regulation 11 replaced**

Regulation 11

*repeal, insert*

**11 Scale insects and sucking insects**

- (1) This regulation provides for the control of a declared pest that belongs to:
- (a) the Superfamily *Coccoidea*; or
  - (b) the Superfamily *Aleyrodoidea*.
- (2) A person must not introduce into the Territory any nursery stock unless:
- (a) the nursery stock was grown in an area where an area freedom certificate for the declared pests is in force; or
  - (b) a government certificate or interstate assurance certificate certifies that the nursery stock was given an approved treatment for the declared pests before the stock is introduced; or
  - (c) the nursery stock is introduced in accordance with a permit for introduction.

**9 Regulation 12 amended (Soil borne pests and snails – plants generally)**

(1) Regulation 12(1)

*omit, insert*

- (1) This regulation provides for the control of the declared pests specified in Schedule 1.

(2) Regulation 12(2)(a) and (b)

*omit, insert*

- (a) the plant was grown in an area where an area freedom certificate for the declared pests is in force; or
- (b) the plant is completely free of soil and a government certificate or interstate assurance certificate certifies the matters required under subregulation (4).



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- (3) Regulation 12(3)(b) and (c), (4) and (5), before "assurance"  
*insert*  
interstate
- (4) Regulation 12(4)(b)  
*omit, insert*
- (b) for a plant other than a grape plant – was grown more than 50 m from a grape plant; and
- (ba) was grown more than 20 km from the boundary of any area infested with the pest specified in item 4 of Schedule 1; and

## **10 Regulation 17 replaced**

Regulation 17

*repeal, insert*

## **17 Grape plants**

- (1) This regulation provides for the control of the declared pest *Daktulosphaira vitifolia* (Fitch) (grape phylloxera).
- (2) A person must not introduce grapevine material into the Territory from another country unless the grapevine material is introduced in accordance with a permit for introduction.

*Examples for subregulation (2)*

*Cuttings, rootlets, grafted rootlets, diagnostic samples of the plant, germplasm material, leaves and roots.*

- (3) A person must not introduce grapevine material into the Territory from a State or another Territory unless:
- (a) the grapevine material was grown in a Phylloxera Exclusion Zone or in an area where an area freedom certificate for the declared pest is in force; and
- (b) the grapevine material is introduced in accordance with a permit for introduction; and
- (c) in the case of grapevine material consisting of, or including, cuttings or rootlets – a government certificate or interstate assurance certificate certifies that the cuttings or rootlets were given an approved treatment for the declared pest before they are introduced.

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- (4) A person must not introduce a grape product into the Territory unless:
- (a) a government certificate or interstate assurance certificate certifies that the grape product was grown in a Phylloxera Exclusion Zone; or
  - (b) the grape product comes from an area where an area freedom certificate for the declared pest is in force.
- (5) A person must not introduce table grapes into the Territory unless:
- (a) a government certificate or interstate assurance certificate certifies that the table grapes were grown in a Phylloxera Exclusion Zone; or
  - (b) the table grapes were grown in an area where an area freedom certificate for the declared pest is in force; or
  - (c) the table grapes are introduced in accordance with a permit for introduction and a government certificate or interstate assurance certificate certifies that the table grapes were given an approved treatment for the declared pest before they are introduced.
- (6) A person must not introduce wine grapes into the Territory unless:
- (a) a government certificate or interstate assurance certificate certifies that the wine grapes were grown in a Phylloxera Exclusion Zone; or
  - (b) the wine grapes were grown in an area where an area freedom certificate for the declared pest is in force.

## **11 Regulation 24 replaced**

Regulation 24

*repeal, insert*

## **24 Grape plant related equipment**

- (1) This regulation provides for the control of the declared pest *Daktulosphaira vitifolii* (Fitch) (grape phylloxera).
- (2) Despite regulation 26, a person must not introduce any equipment used in a vineyard into the Territory unless:
  - (a) the equipment is introduced in accordance with a permit for introduction; and

- 
- (b) a government certificate or interstate assurance certificate certifies that the equipment:
    - (i) was in a Phylloxera Exclusion Zone for each of the 14 days immediately before it is introduced; or
    - (ii) was given an approved treatment for the declared pest before it is introduced.

*Examples for subregulation (2)*

*Grape harvesters, hand tools, grape bins and used trellis posts.*

## **12 Regulation 26 and Part 2A replaced**

*repeal, insert*

### **25A Hay and other fodder**

- (1) This regulation provides for the control of the declared pests specified in regulation 7(1) and Schedule 1.
- (2) A person must not introduce hay or other fodder into the Territory unless:
  - (a) the hay or fodder was grown in an area where an area freedom certificate for the declared pests is in force; or
  - (b) the hay or fodder is introduced in accordance with a permit for introduction.

### **26 Standards for certain plant-related materials**

- (1) This regulation provides for the control of all declared pests.
- (2) A person must not introduce the following plant-related material into the Territory except in accordance with a permit for introduction:
  - (a) used packaging of a plant or plant product;
  - (b) used containers or pallets that might reasonably be affected by a declared pest;
  - (c) used agricultural equipment;
  - (d) used earth moving equipment.

*Example for subregulation (2)(c)*

*Equipment used to harvest mangos.*

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- (3) For subregulation (2)(c) and (d), agricultural equipment or earth moving equipment is taken to be used even if it was used only for field tests or factory trials.
  - (4) To meet the test for issuing a permit under regulation 36(2), a government certificate or interstate assurance certificate certifying at least one of the following is sufficient to establish that the introduction of the plant-related material will not expose the Territory to the risk of infestation of declared pests:
    - (a) that the material was given an approved treatment for declared pests before it is introduced;
    - (b) that the material was cleaned in an approved manner to remove all soil, plant residue, declared pests and any other matter that may transport declared pests before it is introduced.

*Note for regulation 26*

*In the case of equipment used in a vineyard, the equipment must comply with regulation 24.*

## **26A Control of *Xanthomonas citri* subsp. *citri*. (citrus canker)**

- (1) This regulation provides for the control of the declared pest *Xanthomonas citri* subsp. *citri*.

*Note for subregulation (1)*

*Xanthomonas citri* subsp. *citri* causes citrus canker.

- (2) Subregulations (3) and (4) apply to:
  - (a) any declared host plant for *Xanthomonas citri* subsp. *citri*.; and
  - (b) any plant-related material in respect of a declared host plant for *Xanthomonas citri* subsp. *citri*.
- (3) A person must not introduce into the Territory the declared host plant or plant-related material unless:
  - (a) the plant or plant-related material was grown in or comes from an area where an area freedom certificate for the declared pest is in force; or
  - (b) the plant or plant-related material is introduced in accordance with a permit for introduction.
- (4) A person must not export from the Territory the declared host plant or plant-related material except in accordance with an export permit.

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**26B Control of tomato potato psyllid**

- (1) This regulation provides for the control of the declared pest *Bactericera cockerelli*, also known as tomato potato psyllid.
- (2) A person must not introduce into the Territory a declared host plant for tomato potato psyllid unless:
  - (a) the host plant was grown in an area where an area freedom certificate for the declared pest is in force; or
  - (b) a government certificate or interstate assurance certificate certifies that the host plant was, before it is introduced:
    - (i) given an approved treatment for tomato potato psyllid; and
    - (ii) given an approved inspection for tomato potato psyllid and found not to be infested with that pest; and
    - (iii) packed in an approved manner; or
  - (c) the host plant is introduced in accordance with a permit for introduction.
- (3) The inspection specified in subregulation (2)(b)(ii) is not required if the declared host plant is fumigated before it is introduced.

**26C Control of European house borer**

- (1) This regulation provides for the control of the declared pest *Hylotrupes bajulus*, also known as European house borer.
- (2) A person must not introduce into the Territory a plant or plant-related material specified in subregulation (3) unless:
  - (a) it was grown in or comes from an area where an area freedom certificate for the declared pest is in force; or
  - (b) a government certificate or interstate assurance certificate certifies that it was given an approved treatment for European house borer within 72 hours before it is introduced; or
  - (c) it is introduced in accordance with a permit for introduction.
- (3) Subregulation (2) applies to the following:
  - (a) a tree of the genus *Abies*, *Araucaria*, *Picea*, *Pinus* or *Pseudotsuga*;

- 
- (b) any wood or wood product made from a tree of the genus *Abies*, *Araucaria*, *Picea*, *Pinus* or *Pseudotsuga*.
- (4) However, subregulation (2) does not apply to the following:
- (a) any wood product made only of heartwood;
  - (b) any wood product made only of reconstituted wood;
  - (c) wooden household goods or furniture introduced by or on behalf of a person for the personal use of the person or a member of the person's household in the Territory;
  - (d) any wood less than 100 cm<sup>2</sup> in volume;
  - (e) any wood less than 4 mm thick;
  - (f) any wood treated with a preservative effective against European house borer in accordance with the Australian Standard for Preservative Treatments of Timber (AS 1604);
  - (g) wooden pallets or packaging material from a supplier approved under a compliance scheme administered by Western Australia's Department of Primary Industries and Regional Development.

*Example for subregulation (4)(c)*

*The home furniture shipped by a family moving to the Territory.*

### **13 Regulation 27 replaced**

Regulation 27

*repeal, insert*

### **27 Certificates**

A government certificate or interstate assurance certificate required under these Regulations must be in force at the time of introduction.

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**14 Regulation 29 replaced**

Regulation 29

*repeal, insert*

**29 Corresponding laws**

For section 45 of the Act, each of the following is declared to be a corresponding law:

- (a) *Biosecurity Act 2015* (NSW);
- (b) *Biosecurity Act 2014* (Qld);
- (c) *Biosecurity Act 2019* (Tas);
- (d) *Biosecurity and Agriculture Management Act 2007* (WA);
- (e) *Pest Plants and Animals Act 2005* (ACT) and *Plant Diseases Act 2002* (ACT);
- (f) *Plant Biosecurity Act 2010* (Vic);
- (g) *Plant Health Act 2009* (SA).

**15 Regulation 36 amended (Permit for introduction)**

Regulation 36(3)

*omit, insert*

- (3) A permit for introduction may be subject to conditions imposed by the Chief Inspector.

**16 Regulation 36A inserted**

After regulation 36

*insert*

**36A Export permit**

- (1) For these Regulations, the Chief Inspector may issue an export permit to a person to export specified plants or plant-related materials from the Territory to a State or another Territory.

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- (2) The Chief Inspector must not issue an export permit unless satisfied the export will not contravene any plant health or bio-security requirements of the State or the other Territory.
- (3) An export permit may be subject to conditions imposed by the Chief Inspector.

**17 Regulation 39 repealed (Recognised assurance schemes and assurance certificates)**

Regulation 39

*repeal*

**18 Regulations further amended**

The Schedule has effect.

**19 Repeal of Regulations**

These Regulations are repealed on the day after they commence.



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**Schedule      Regulations further amended**

regulation 18

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Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulations 8(2), 9(3)(c), 10(3), 13(3), 14(2)(b), 15(2)(b)(i) and (ii), 16(2), 19(2), 20(2), 22(2)(b) and (c)	assurance ( <i>all references</i> )	interstate assurance
regulation 28, heading	<b>government certificate or assurance</b>	
regulations 28(1) and (2) and 37(1)(b)	assurance ( <i>all references</i> )	interstate assurance