

An Ordinance relating to the Prevention and Eradication of Diseases of Plants.

1. This Ordinance may be cited as the *Plant Diseases Ordinance 1918-1959*.*

2 In this Ordinance, unless the contrary intention appears—

“Plant” includes the seeds, or any part, of a plant;

“Disease” means any disease affecting plants which the Administrator in Council, by notice in the *Gazette*, declares to be a disease within the meaning of this Ordinance;

“Diseased” means affected with disease;

“Inspector” means any inspector of plants appointed under Ordinance;

“Citrus plants” includes all plants belonging to the sub-family or tribe Citratæ;

“Owner” includes occupier, lessee, licensee, manager or other person entitled to any land whether on his own account or as agent, trustee or attorney;

“Superintendent” means the person for the time being holding office as, or performing the duties of, the Superintendent of Agriculture of the Northern Territory;

“Ginnery” means any premises or place at which the fibre is separated from the seed of cotton;

“Ratoon cotton” means any cotton obtained from the second or any subsequent growth made by cotton plants, whether the plants have borne a crop or have been in any way cut down or burnt or destroyed or eaten by stock and includes tree cotton or any perennial cotton;

“Ratoon cotton plant” means any cotton plant which remains under cultivation for a period exceeding the growing season in which it was sown;

Short title.

Short title amended:
No. 17, 1938,
s. 4.

Definitions.

Amended by
No. 23, 1924,
s. 2; No. 19,
1925, s. 2;
No. 16, 1928,
s. 2; and No.
22, 1959, s. 6
and First
Schedule.

* The *Plant Diseases Ordinance 1918-1959* comprises the *Plant Diseases Ordinance 1918* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date of Assent by Administrator.	Date of Commencement.
<i>Plant Diseases Ordinance 1918</i>	No. 5, 1918	11th April, 1918	..	11th April, 1918
<i>Plant Diseases Ordinance 1924</i>	No. 23, 1924	16th October, 1924	..	16th October, 1924
<i>Plant Diseases Ordinance 1925</i>	No. 19, 1925	3rd December, 1925	..	3rd December, 1925
<i>Plant Diseases Ordinance 1928</i>	No. 16, 1928	3rd August, 1928	..	3rd August, 1928
<i>Administrator's Council Ordinance 1959</i>	No. 22, 1959	..	7th July, 1959	28th April, 1960

“Pest” means any fungus or insect which the Administrator in Council, by notice in the *Gazette*, declares to be a pest.

Administrator in Council may make declaration as to diseases or pests.

Substituted by No. 16, 1928, s. 3.
Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.

3.—(1.) The Administrator in Council may, by notice in the *Gazette*, declare that any disease, fungus, or insect affecting plants is a disease or pest, as the case may be, within the meaning of this Ordinance.

Amended by No. 22, 1959, s. 6 and First Schedule.

(2.) The Administrator in Council may, by notice in the *Gazette*, declare that any disease, fungus, or insect is no longer a disease or pest, as the case may be, within the meaning of this Ordinance.

Appointment of inspectors.

4.—(1.) For the purpose of the administration of this Ordinance the Administrator may appoint such persons as he thinks fit as inspectors.

(2.) All appointments made under this section shall be notified in the *Gazette*.

Importation of plants from States.

5. No plant, other than fruit, vegetables, or nuts intended for human consumption shall be imported into the Northern Territory by sea from any State of the Commonwealth unless—

- (a) it is accompanied by a certificate, signed by the Director of Agriculture of the State of origin, or by an officer thereto authorized by him in writing, certifying that the plant is free from disease, and
- (b) notice that the plant is about to be imported is first given to the inspector at the place of importation.

Penalty: Twenty pounds.

Compensation.

6.—(1.) The Administrator may pay compensation as prescribed for any plants destroyed in pursuance of this Ordinance which are at the time of destruction in profitable bearing or more than two years old from bud or graft.

Amended by No. 16, 1928, s. 4.

(2.) The amount of compensation payable shall be determined by the Administrator upon the recommendation of the inspector:

Provided that where plants are actually diseased or infected with pest the compensation payable shall not exceed one-half the value of the plants:

Provided further that in no case shall the compensation payable for a single plant, whether diseased or not, exceed the sum of Two pounds.

6A. Any person who plants, grafts or propagates any citrus plants unless the consent in writing of the Superintendent has been first obtained shall be guilty of an offence.

Penalty: Twenty-five pounds.

Planting without consent.

Inserted by No. 23, 1924, s. 3.

6B. Applications for the consent of the Superintendent to the planting, grafting or propagation of citrus plants shall be made in writing to the Superintendent and shall state the area and location of the land on which it is desired to grow citrus plants and whether citrus plants have been previously grown on or near the land.

Application for permission to plant.

Inserted by No. 23, 1924, s. 3.

6C. If any disease or pest appears in any citrus plants, the owner of the land on which the plants are growing shall forthwith after discovering the fact, give notice thereof to the Superintendent.

Outbreak of disease to be reported.

Inserted by No. 23, 1924, s. 3.

6D. An inspector may at all reasonable times enter and inspect any land upon which citrus plants are growing or have been grown and any person who wilfully impedes an inspector in the execution of his duty shall be guilty of an offence.

Inspection of land upon which citrus plants are growing.

Inserted by No. 23, 1924, s. 3.

Penalty: Twenty-five pounds.

6E. Any person who commits a breach of, or neglects to comply with, any of the provisions of this Ordinance or the Regulations shall be guilty of an offence and liable, where no other penalty is provided, to a penalty of Twenty-five pounds.

Offences.

Inserted by No. 23, 1924, s. 3.

6F. Sections six A, six B, six C and six D of this Ordinance shall only apply—

Application of Ordinance.

Inserted by No. 23, 1924, s. 3; amended by No. 22, 1959, s. 6 and First Schedule.

- (a) to that part of the Territory which is situate north of the nineteenth parallel of South latitude; and
- (b) to such other parts of the Territory as are specified by the Administrator in Council by notice in the *Gazette*.

6G. All proceedings in respect of penalties for offences against this Ordinance or the Regulations may be heard and determined by a justice of the peace or a special magistrate upon the complaint of an inspector.

Proceedings for offences.

Inserted by No. 23, 1924, s. 3.

6H. Any person who grows any ratoon cotton plants shall be guilty of an offence.

Penalty: Fifty pounds.

Ratoon cotton not to be grown.

Inserted by No. 19, 1925, s. 3.

6I. Any person who sends any ratoon cotton to a ginnery shall be guilty of an offence.

Ratoon cotton not to be sent to a ginnery.

Inserted by N. 19, 1925, s. 3.

Penalty: Fifty pounds.

Prohibition on growing of casual cotton.

Inserted by No. 19, 1925, s. 3.

Power of Administrator to fix dates.

Inserted by N. 19, 1925, s. 3; amended by N. 22, 1959, s. 6 and First Schedule.

6J. Any person who grows any cotton plants except for commercial purposes shall be guilty of an offence.

Penalty: Fifty pounds.

6K. The Administrator in Council may, by notice in the *Gazette* of the Northern Territory, fix—

(a) a date in any year before which cotton plants or the débris of cotton plants must be destroyed by fire; and

(b) dates in any year between which planting or sowing cotton may not take place.

Destruction of cotton plants.

Inserted by No. 19, 1925, s. 3; amended by No. 22, 1959, s. 6 and First Schedule.

6L. Any owner of land who fails to destroy or cause to be destroyed by fire before the fifteenth day of August, or, if the Administrator in Council fixes a date in pursuance of the last preceding section, before that date, in each year any cotton plants growing or being upon his land and the débris of any such cotton plants shall be guilty of an offence.

Penalty: Fifty pounds.

Close season for cotton.

Inserted by No. 19, 1925, s. 3; amended by No. 22, 1959, s. 6 and First Schedule.

6M. Any owner of land who plants or sows any cotton between the fifteenth day of August and the fifteenth day of October, or, if the Administrator in Council has fixed dates in pursuance of section 6K of this Ordinance, between those dates, in any year shall be guilty of an offence.

Penalty: Fifty pounds.

Powers of inspector in regard to cotton.

Inserted by No. 19, 1925, s. 3; amended by No. 22, 1959, s. 6 and First Schedule.

6N. An inspector or any other person authorized in writing by the Administrator in Council may at all reasonable times between the fifteenth day of August and the fifteenth day of October, or, if the Administrator in Council has fixed dates in pursuance of section 6K of this Ordinance between which the planting or sowing of cotton is prohibited, between those dates, in any year enter upon any land whether enclosed or not for the purpose of ascertaining whether there are any cotton plants or débris of cotton plants thereon.

Destruction of cotton plants by inspector.

Inserted by No. 19, 1925, s. 3.

6O.—(1.) If any owner fails to destroy or cause to be destroyed any cotton plants or the débris thereof in accordance with section six L of this Ordinance, an inspector or any other person authorized in writing by the Administrator, with such assistants as are considered necessary by the inspector or that person, may enter upon the land and use such means and take such measures and do and perform such acts or things as to him appear proper or necessary to be done to ensure the destruction of any cotton plants or débris thereon.

(2.) All reasonable costs, charges and expenses incurred by the inspector or authorized person in destroying cotton plants or débris in accordance with the last preceding sub-section shall be

repaid by the owner of the land and in the name of the Administrator may be recovered, together with the costs of the proceedings, from the owner by proceedings in a summary way before a Special Magistrate or two or more Justices.

6P. Any person who obstructs or hinders any inspector or any person authorized in accordance with sections six N or six O of this Ordinance in the exercise of his duty or the carrying out of his powers under this Ordinance, shall be guilty of an offence.

Obstructing inspectors.
Inserted by
No. 19, 1925,
s. 3.

Penalty: Twenty-five pounds.

6Q. In any legal proceedings under this Ordinance—

- (a) a certificate purporting to be signed by an officer of the Lands Department that any person's name appears in any register book kept in the Department as proprietor or lessee or licensee of any land; or
- (b) a certificate purporting to be signed by an officer of the Darwin Town Council or any Road Board that any person is rated as an owner or occupier in respect of any land within the Town of Darwin or any Road District within which the land is situated,

Evidence.
Inserted by
No. 19, 1925,
s. 3.

shall be *prima facie* evidence that the person is the owner of the land.

6R. In any legal proceeding under this Ordinance no proof shall be required—

- (a) of any authority to prosecute; or
- (b) of the appointment of any inspector; or
- (c) of the authority of any person to exercise the powers and functions of an inspector.

No proof of certain authorities necessary.
Inserted by
No. 19, 1925,
s. 3.

7.—(1.) The Administrator may make regulations not inconsistent with this Ordinance prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular authorizing the destruction of plants whose destruction is considered necessary or desirable for the prevention or eradication of disease or pest, and prescribing matters providing for and in relation to the eradication of any disease or pest.

Regulations.
Sub-section (1.)
amended by
No. 16, 1928,
s. 5.

(2.) The regulations may prescribe penalties not exceeding Fifty pounds for any breach of the regulations.

(3.) All regulations made by the Administrator under this Ordinance shall be notified in the *Gazette*, and copies thereof shall forthwith be forwarded to the Minister.

(4.) The Minister may, by notice in the *Gazette*, disallow any regulation, and the regulation shall thereupon cease to have effect.