



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 108 of 1985

An Act to amend the Fruit and Plant Protection Act, 1968.

[Assented to 7 November 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Fruit and Plant Protection Act Amendment Act, 1985". Short title.

(2) The Fruit and Plant Protection Act, 1968, is in this Act referred to as "the principal Act".

2. Section 3 of the principal Act is amended—

(a) by inserting after the definition of "plant" the following definition:

"premises" means any land, building or structure (including a moveable building or structure);

and

(b) by inserting after the definition of "quarantine area" the following definition:

"vehicle" includes an aircraft or a vessel.

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "The Governor may, by proclamation" and substituting the passage "The Minister may, by notice published in the *Gazette*";

(b) by striking out from subsection (1) the passage "the proclamation" wherever it appears and substituting, in each case, the passage "the notice";

(c) by striking out from paragraph (b) of subsection (1) the word "Governor" and substituting the word "Minister";

(d) by inserting after paragraph (c) of subsection (1) the following paragraph:

Amendment of
s. 3—
Interpretation.

Amendment of
s. 4—
Minister may
prohibit
introduction of
certain fruit and
plants into the
State.

(ca) any soil or other substance in which a plant affected by disease has been growing;;

(e) by striking out from subsection (2) the passage “a proclamation” and substituting the passage “a notice”;

and

(f) by striking out from subsection (2) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 5—
Minister may specify ports and places wherethrough host fruit and plants may be introduced into the State.

4. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “The Governor may, by proclamation” and substituting the passage “The Minister may, by notice published in the *Gazette*”;

(b) by striking out from subsection (2) the word “proclamation” and substituting the word “notice”;

and

(c) by striking out from subsection (2) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 6—
Quarantine stations.

5. Section 6 of the principal Act is amended—

(a) by striking out the passage “The Governor may, by proclamation” and substituting the passage “The Minister may, by notice published in the *Gazette*”;

and

(b) by striking out the passage “subjected to any examination, disinfected or otherwise treated, destroyed or otherwise disposed of” and substituting the passage “held in quarantine, examined, disinfected, treated, destroyed or otherwise disposed of”.

Amendment of s. 7—
Quarantine areas.

6. Section 7 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”;

and

(b) by striking out subsection (3).

Amendment of s. 8—
Notifiable pests and diseases.

7. Section 8 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “The Governor may, by proclamation” and substituting the passage “The Minister may, by notice published in the *Gazette*”;

(b) by striking out from subsections (2) and (3) the passage “by proclamation” and substituting, in each case, the passage “under subsection (1)”;

and

(c) by striking out from subsection (2) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 9—
Measures to be taken by orchardists.

8. Section 9 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”;

and

(b) by striking out subsection (3).

9. Section 11 of the principal Act is amended—

Amendment of
s. 11—
Powers of
inspectors.

(a) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) An inspector may enter and inspect premises in or on which he reasonably suspects there is—

(a) any fruit or plant affected by pest or disease;

or

(b) soil in which a plant affected by disease has been growing.

(2) An inspector may stop, detain and inspect any vehicle in or on which he reasonably suspects there is—

(a) any fruit or plant affected by pest or disease;

or

(b) soil in which a plant affected by disease has been growing.

(3) In the course of carrying out an inspection under this section an inspector may—

(a) disinfect or otherwise treat any fruit, plant, soil, packaging or other goods;

(b) require the owner of any fruit or plant to deliver the fruit or plant to a quarantine station;

(c) remove and destroy any fruit or plant affected by a prescribed pest or disease, and any packaging in which any fruit or plant affected by a prescribed pest or disease has been packed;

(d) remove and dispose of any soil in which a plant affected by a prescribed pest or disease has been growing;

and

(e) take such photographs or films as he thinks fit.

(3a) In the exercise of his powers under this Act, an inspector may be accompanied by such persons as he considers necessary or desirable in the circumstances.

(3b) A person shall not hinder or obstruct an inspector, or a person accompanying an inspector, in the exercise by the inspector or the person accompanying the inspector, of the powers conferred by this Act.

Penalty: Five thousand dollars.

(3c) A person of whom a requirement is made under this section shall not refuse or fail to comply with the requirement.

Penalty: Five thousand dollars.;

(b) by striking out from subsection (4) the word “land” and substituting the word “premises”;

(c) by striking out from subsection (5) the passage “land or” twice occurring;

and

(d) by striking out from subsection (6) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 12—
Inspector may require owners to take prescribed measures.

10. Section 12 of the principal Act is amended—

(a) by striking out from subsections (1) and (3) the passage “land or”;

(b) by striking out from subsection (2) the word “land” and substituting the word “premises”;

and

(c) by striking out from subsection (4) the passage “Two hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 13—
Minister may empower inspectors to take action.

11. Section 13 of the principal Act is amended by striking out from subsections (2) and (3) the passage “land or”.

Repeal of s. 15.

12. Section 15 of the principal Act is repealed.

Amendment of s. 17—
Service.

13. Section 17 of the principal Act is amended by striking out the passage “land or”.

Repeal of s. 19 and substitution of new section.

14. Section 19 of the principal Act is repealed and the following section is substituted:

Minister may vary or revoke notices under this Act.

19. The Minister may, by notice published in the *Gazette*, vary or revoke a notice given by him under this Act.

Amendment of s. 20—
Regulations.

15. Section 20 of the principal Act is amended—

(a) by inserting after paragraph (ga) the following paragraph:

(gb) prescribing, and providing for information to be set out in, certificates for the identification of any specified class of fruit, plant, soil or vehicle brought into the State;;

and

(b) by striking out from paragraph (h) the passage “two hundred dollars” and substituting the passage “one thousand dollars”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor