

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 21 of 1934.

## AN ORDINANCE

### Relating to Diseases and Pests affecting Plants.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited at the *Plant Diseases Ordinance* Short title. 1934.
2. This Ordinance shall commence on a date to be fixed by Commencement. the Minister by notice in the *Gazette*.
3. The *Vine and Vegetation Diseases and Fruit Pests* Repeal. Ordinance 1922 is repealed.
4. The Acts of the State of New South Wales specified in the State Acts to First Schedule to this Ordinance shall cease to apply to the cease to apply. Territory.
- 5.—(1.) In this Ordinance, unless the contrary intention Definitions. appears—

“Director-General” means the Director-General of Health;

“Disease”, in relation to plants, means any disease, pest, virus or condition declared by the Minister by notice in the *Gazette* to be a disease, and includes any such disease at any stage of its development;

“Fruit” means the edible fructification of any plant, and any plant or plant product declared by the Minister by notice in the *Gazette* to be a fruit; and includes the seed, nut, skin, peel or shell of any such fruit, whether wholly or in part;

“Goods” includes all kinds of movable property;

“Inspector” means an inspector appointed under this Ordinance;

“Insect” means—

- (a) any form of animal life, within the biological classification Insecta, having a segmented body and paired jointed appendages, such as an ant, bee, beetle, bug, butterfly, earwig, flea, fly, gnat, grasshopper, leaf-hopper, louse, locust, scale insect, termite, or thrips;

(b) any form of animal life, within the biological classification Arachnida, such as a spider, a mite or a tick; and

(c) any other animal species declared by the Minister by notice in the *Gazette* to be an insect, and includes any such insect in any stage of development;

“Minister” means the Minister of State for Health;

“Occupier” in relation to any plantation, place or premises, means the person in actual occupation, or if there is no such person, the lessee, licensee, tenant or person having the charge, control, management or use thereof;

“Owner” in relation to any plantation, place or premises, means the person entitled to the possession thereof;

“Package” includes every means by which plants or goods are cased, covered, enclosed, contained or packed for carriage, storage, sale or any other purpose;

“Pest” means any member of the animal or plant kingdom declared by the Minister, by notice in the *Gazette*, to be a pest and includes any such pest in any stage of development;

“Plant” means any member or part of any member of the plant kingdom;

“Plantation” means any land, place or premises, and includes an orchard, nursery, bush house, glass-house or garden of any kind whereon or wherein any plant is grown;

“Sell” includes barter or exchange; and also includes offer or attempt to sell or receive, have in possession, expose, send, forward or deliver for sale, or cause, suffer, permit or allow to be sold or offered or exposed for sale; and “sale” has a corresponding meaning;

“This Ordinance” includes any regulations made thereunder; and

“Vegetables” means asparagus, beetroot, cauliflowers, celery, chilies, cucumber, pumpkins, rhubarb, squashes, marrows, tomatoes, potatoes, and edible parts of herbaceous or other plants commonly used for food and any plant or plant product declared by the Minister, by notice in the *Gazette*, to be a vegetable; and includes the seed, skin, peel or shell of any such vegetable, whether wholly or in part.

(2.) In this Ordinance, quarantine has relation to measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation and disinfection of goods, soil or plants, having as their object the prevention of the introduction or spread of pests or diseases affecting plants.

6. The Minister may, by notice in the *Gazette*—

Prohibition of  
introduction of  
plants, insects,  
diseases or  
pests.

- (a) prohibit, either absolutely or subject to such conditions as he thinks fit or as are prescribed, the introduction into, or transport within or through the Territory, of any plant, insect, pest or disease or any thing which he considers likely to contain any plant, insect, pest or disease;
- (b) appoint places to be the only places of entry for plants, insects, soil or goods into the Territory;
- (c) appoint places to be quarantine stations—
  - (i) for the performance of quarantine by plants, insects, soil or goods;
  - (ii) for the introduction for scientific purposes of plants and insects; and
  - (iii) for the treatment of plants, soil or goods affected with pests or diseases;
- (d) declare, for such period as he thinks necessary, the whole or any part of the Territory or any place or plantation in which any pest or disease affecting plants, soil or goods exists, or is believed to exist, to be a quarantine area;
- (e) prohibit, either absolutely or subject to such conditions as he thinks fit to specify in the notice, the removal from any place of any plant, insect, soil or goods;
- (f) exempt any place, for such time or subject to such conditions as he thinks fit, from all or any of the provisions of this Ordinance; and
- (g) appoint such inspectors as he considers necessary for carrying out this Ordinance.

7. An inspector may—

Powers of  
inspector.

- (a) seize and, after such written notice as is prescribed, treat or dispose of in the prescribed manner, any plant, insect, soil or goods brought into the Territory in contravention of this Ordinance;
- (b) enter, inspect or search any plantation or any place where plants or goods are stored, sold, held, or exposed for sale, or where he reasonably suspects plants or goods are being stored or held, and take such samples as he considers necessary for the purposes of this Ordinance;
- (c) examine or order into quarantine for examination or for such treatment as he thinks fit—
  - (i) any plants, either in transit or held or exposed for sale or disposal in any other way, which, in his opinion, are or are likely to be affected with any pest or disease; or
  - (ii) any plants or goods which contain or appear to contain any insect, pest or disease agent;

- (d) by written notice to the owner or occupier of any place, order the destruction or treatment, within the time or in the manner stated in the notice, of any plants which are affected or suspected of being affected with any pest or disease, or of any plants, soil or goods which, in his opinion, contain or appear to contain any insect, pest or disease agent or constitute an obstacle to the control of any pest or disease, or which, in his opinion, may be a source of danger to other plants, soil or goods and ought to be treated or destroyed; and
- (e) order all packages with which plants, soil or goods have been contained to be treated or disposed of in the time and in the manner directed by the Director-General.

**Sale of fruit  
and vegetables.**

8. Any person who exposes for sale or sells any plants, fruit or vegetables which are affected with any pest or disease or any fruit or vegetables which are so displayed that the outer layer or shown surface thereof is not a true indication of the fair average quality and size of the whole of the fruit or vegetables, shall be guilty of an offence.

Penalty: Twenty pounds.

**Notices.**

9.—(1.) Any notice to be given under this Ordinance to any person shall be in writing and may be served on that person either personally, or left at, or posted by registered letter to, his usual or last known place of abode in the Territory, or, if the person or his address is unknown, or if he has no place of business or abode in the Territory, service may be effected by affixing the notice in a conspicuous place on the plantation to which the notice relates.

(2.) Any such notice may by writing so served, be revoked, suspended or varied by the person authorized to give the notice.

**Default by  
owner or  
occupier, &c.**

10.—(1.) Where any person fails to comply with the requirements of any notice given under this Ordinance, the Minister may authorize an inspector to take such measures to carry out the requirements of the notice as the Minister thinks fit.

(2.) The cost of taking any such measures may be recovered from that person as a debt due to the Crown.

(3.) Any amount recoverable under this section shall include a proportionate part of the salary or wages of any person taking the measures, having regard to the time occupied by him in taking the measures and in travelling for that purpose, and the necessary expenses in connexion with the travelling.

**11. Any person who—**

Offences.

- (a) hinders or obstructs any person in the performance of any duty or obligation imposed upon him by this Ordinance;
- (b) does or attempts to do any act in contravention of the provisions of this Ordinance or any notice published or given thereunder; or
- (c) neglects to perform any duty or obligation imposed on him under this Ordinance,

shall be guilty of an offence.

Penalty: Fifty pounds.

**12.** Any person guilty of an offence against or in contravention of any of the provisions of this Ordinance shall, where no other penalty is provided, be liable to a penalty not exceeding Fifty pounds. Penalties.

**13.—(1.)** The fees prescribed under this Ordinance shall be a debt due to the Crown and shall be paid by the owner or importer of the plants, soil or goods, or the grower of the plants, as the case may be. Recovery of fees and expenses.

(2.) Any debts due to the Crown in pursuance of this Ordinance may be sued for and recovered by action instituted by an inspector in any Court of Petty Sessions as a civil debt recoverable summarily.

**14.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular with respect to— Regulations.

- (a) the conditions under which plants, soil, packages or goods may be brought into the Territory;
- (b) the inspection, examination, detention, treatment or disposal of, or other measures in relation to, plants, soil, packages or goods with a view to preventing the introduction of, or to securing the eradication or control of, or to lessening the risk of damage by, pests or diseases;
- (c) quarantine stations appointed under this Ordinance and the plants, insects, soil or goods within those stations;
- (d) the display and sale of fruit and vegetables;
- (e) the inspection of plantations and the measures to be taken to control or eliminate insects, pests and diseases of plants thereon;

- (f) the payment of fees for the inspection, examination, detention, treatment or disposal of plants, soil or goods, or in connexion with any action ordered to be taken in pursuance of this Ordinance with respect to plants; soil or goods; and
- (g) the imposition of penalties not exceeding Fifty pounds in respect of breaches of the regulations.

### THE SCHEDULE.

Reference to Act.	Short Title.
No. 14, 1901 .. ..	Vine and Vegetation Diseases Act, 1901.
No. 37, 1906 .. ..	Vine and Vegetation Diseases (Fruit Pests) Act, 1906.

Dated this third day of September, 1934.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. ALLAN GUY

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.