

PLANT DISEASES CONTROL ORDINANCE 1969

77

No. 25 of 1969

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

[Assented to 30 September, 1969]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This Ordinance may be cited as the *Plant Diseases Control Ordinance 1969*. Short title
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.* Commencement
3. The following Ordinances are repealed:— Repeal
 - Plant Diseases Ordinance 1918*;
 - Plant Diseases Ordinance 1924*;
 - Plant Diseases Ordinance 1925*;
 - Plant Diseases Ordinance 1928*.
4. In this Ordinance, unless the contrary intention appears— Definitions
 - “actinomycete” means any member of the Class *Actinomycetales* which is capable of causing a disease in a plant;
 - “bacterium” means any member of the Class *Schizomycetes* which is capable of causing a disease in a plant;
 - “disease” means any condition of or in a plant which consists of the presence of, is caused by or is due to the operation, development or growth of a parasite, and “diseased” has a corresponding meaning;
 - “fungus” means any member of the Phylum *Eumocophyta* which is capable of causing a disease in a plant;
 - “insect” means any member of the Phylum *Arthropoda* which is capable of causing a disease in a plant;

* The date fixed was 31 December, 1969 (see *Northern Territory Government Gazette* No. 53 of 31 December, 1969, page 429).

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“inspector” means a person appointed under section 5 of this Ordinance to be an inspector for the purposes of this Ordinance;

“nematode” means any member of the Phylum *Nematoda* which is capable of causing a disease in a plant;

“owner”, in relation to land, a dwelling, a building or other premises, includes lessee or occupier;

“package” includes every thing in which a plant is or has been packed, cased, covered, enclosed or contained for carriage or transportation;

“parasite” means a parasitic actinomycete, bacterium, fungus, insect, nematode or virus;

“plant” includes a tree, vine, flower, shrub, vegetable or other vegetation, the seed, fruit or other product of a plant and any part of a plant whether or not it is attached to the plant;

“quarantine area” means land declared under section 13 of this Ordinance to be a quarantine area for the purposes of this Ordinance in respect of a specified family, genus or species of plant;

“sale” includes barter and exchange;

“the Director” means the Director, Animal Industry and Agriculture Branch, Northern Territory Administration Division, Department of the Interior;

“virus” means any submicroscopic obligatory parasite which is capable of causing a disease in a plant.

Appointment of
inspectors

5. The Administrator may, by notice in the *Gazette*, appoint persons to be inspectors for the purposes of this Ordinance.

Powers of
inspectors

6.—(1.) An inspector may—

(a) at any reasonable time—

(i) go upon any land;

(ii) enter any dwelling, building or other premises; or

(iii) board any ship or other vessel, vehicle or aircraft,

where he has reasonable cause to suspect that there is a diseased plant or its package thereon or therein;

(b) at any reasonable time inspect or examine—

(i) a plant that is being grown, kept or offered or displayed for sale in any place; or

(ii) its package,

where he has reasonable cause to suspect that

the plant is diseased, and for the purpose of such an inspection or examination may, subject to the next succeeding sub-section, open or break any such package;

- (c) direct an owner of any land, dwelling, building or other premises or other person to take such measures as the inspector specifies for the prevention or eradication of disease in a plant on that land or in that dwelling, building or other premises or in the possession of that person, as the case may be;
- (d) where the presence or absence of disease in a plant or consequential contamination of its package cannot be determined conveniently or definitely at the place where he inspected or examined it, remove it to some other place for the purpose of such determination;
- (e) seize and destroy a diseased plant or its package; and
- (f) prohibit the removal of a diseased plant or its package from the place where he inspected or examined it.

(2.) Where an inspector wishes to have a package opened he shall, if the person who possesses it is present, first direct that person to open it.

7. A person shall not contravene a prohibition in force under the last preceding section.

Penalty: Two hundred dollars.

Contravention of prohibition made by inspector

8.—(1.) Subject to the next succeeding sub-section, a person shall not import or introduce a plant into the Territory from a State or other Territory of the Commonwealth unless—

Conditions of importation, &c., of plants from States or Territories

- (a) it is accompanied by a certificate, under the hand of a person performing functions in that State or other Territory analogous to the functions of an inspector under this Ordinance and dated not earlier than seven days prior to the date of the importation or introduction, certifying that at the date of the certificate the plant was free from disease; or
- (b) he has, at least seven days before he imports or introduces it, given the Director notice in writing of his intention to do so.

Penalty: Two hundred dollars.

(2.) The last preceding sub-section does not apply to or in relation to the importation or introduction into the Territory of fruit, vegetables or nuts intended for sale for human consumption, or to cut flowers.

Prohibition on importation or introduction of plants

9. The Administrator in Council may, by notice in the *Gazette*, prohibit the importation or introduction of a specified plant—

- (a) into the Territory or any specified part of the Territory from any place or any specified place outside the Territory; or
- (b) into any specified part of the Territory from any other part of the Territory or any other specified part of the Territory.

Breach of prohibition under last section

10. A person shall not import or introduce a plant into the Territory or a part of the Territory in contravention of a prohibition in force under the last preceding section.

Penalty: Two hundred dollars.

Importation of diseased plants

11.—(1.) A person shall not, without the consent in writing of the Administrator, import or introduce a diseased plant into the Territory.

Penalty: Two hundred dollars.

(2.) The Administrator may, by writing under his hand, consent to the importation or introduction into the Territory of a diseased plant if in his opinion its importation or introduction is for scientific purposes and all necessary precautions will be taken to safeguard against the disease spreading.

Cotton plants

12. A person shall not grow the cotton plant *Gossypium hirsutum* or *Gossypium barbadense* in the Territory except—

- (a) commercially;
- (b) with the permission in writing of the Administrator; and
- (c) in accordance with—
 - (i) the prescribed conditions (if any);
 - (ii) the conditions (if any) specified by the Administrator in the written permission; and
 - (iii) any directions which the Administrator may from time to time give to the person with respect to the plant.

Penalty: Two hundred dollars.

Notification of disease

13.—(1.) A person who, being the owner of any land, dwelling, building or other premises on or in which a plant is growing, becomes aware of the presence of a notifiable disease in that plant shall as soon as practicable notify the Director or an inspector of that fact.

Penalty: Two hundred dollars.

(2.) In this section, “notifiable disease” means a disease that is, for the time being, declared by the Administrator, by notice in the *Gazette*, to be a notifiable disease for the purpose of this section.

14. The Administrator may, by notice in the *Gazette*, declare the Territory or a specified part of the Territory to be a quarantine area for the purposes of this Ordinance in respect of a specified family, genus or species of plant.

Declaration of quarantine

15. A person shall not, without the consent in writing of the Administrator, remove or cause to be removed from a quarantine area a plant the family, genus or species of which is specified in the declaration of that quarantine area.

Removal of diseased plant from quarantine area

Penalty: Two hundred dollars.

16. The Administrator may, by writing under his hand, direct—

Destruction of plants or crops in quarantine area

(a) the owner of any land, dwelling, building or other premises in a quarantine area on or in which is growing a plant the family, genus or species of which is specified in the declaration of the quarantine area; or

(b) an inspector,

to destroy or treat, in such manner as the Administrator specifies, that plant.

17. A person, being a person specified in paragraph (a) of the last preceding section, shall not fail to comply with a direction given to him under that section.

Penalty for failure to comply with directions

Penalty: Two hundred dollars.

18. If any person fails to comply with direction given to him under this Ordinance by the Administrator or an inspector, an inspector may do or cause to be done any act or thing required to be done by the direction and all expenses incurred in the inspector so doing shall be a debt due from that first-mentioned person to the Commonwealth recoverable in a court of competent jurisdiction.

Liability for expenses of act done by inspector

19. A person shall not obstruct or hinder an inspector in the performance of his functions, the exercise of his powers or the discharge of his duties under this Ordinance.

Obstructing or hindering inspector

Penalty: Two hundred dollars.

20.—(1.) Subject to this section, the Administrator may pay compensation for any plant destroyed in pursuance of this Ordinance.

Compensation for destroyed plants

(2.) The amount of compensation to be paid in each case shall, subject to the next two succeeding sub-sections, be determined by the Administrator upon the recommendation of an inspector.

(3.) The amount of compensation payable under this section in respect of any one plant shall not exceed Twenty dollars.

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(4.) Compensation is not payable under this section in respect of a diseased plant that is or has been offered for sale.

Evidence

21. In legal proceedings under this Ordinance, a certificate under the hand of the Registrar-General for the Territory or the Deputy Registrar-General for the Territory stating that a specified person is the registered proprietor or lessee of specified land is *prima facie* evidence that the person is the registered proprietor or lessee, as the case may be, of that land.

Regulations

22. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular prescribing penalties not exceeding One hundred dollars for offences against the regulations.
