Authorised Version

Plant Biosecurity Regulations 2026

S.R. No. 43/2026

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Authorised Version

STATUTORY RULES 2026

S.R. No. 43/2026

Plant Biosecurity Act 2010

Plant Biosecurity Regulations 2026

The Governor in Council makes the following Regulations:

Dated: 19 May 2026

Responsible Minister:

MICHAELA SETTLE
Minister for Agriculture

SHELBY RAE
Clerk of the Executive Council

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

(a) to require possession of an assurance certificate, a plant health certificate or a plant health declaration in certain circumstances and to provide exemptions from this requirement; and

(b) to prescribe particulars for assurance certificates, plant health certificates and plant health declarations in certain circumstances; and

(c) to require the presentation of prescribed material, certificates or declarations in certain circumstances; and

(d) to prescribe the manner of attaching a warning to seized or detained packages, plants or plant products; and

(e) to prescribe plants for the purposes of the **Plant Biosecurity Act 2010**; and

(f) to specify activities for which inspectors can impose fees and charges; and

(g) to prescribe offences under that Act which may be enforced by infringement notices and penalties for infringement notices; and

(h) to prescribe other matters for the purposes of that Act.

2 Authorising provision

These Regulations are made under section 141 of the **Plant Biosecurity Act 2010**.

3 Commencement

These Regulations come into operation on 30 May 2026.

4 Revocations

The following Regulations are **revoked**—

(a) the Plant Biosecurity Regulations 2016[1];

(b) the Plant Biosecurity Amendment Regulations 2024[2].

5 Definitions

In these Regulations—

area freedom certificate means a certificate issued by an officer of a department responsible for agriculture in another State or Territory that contains the details required under regulation 8(3);

department responsible for agriculture in another State or Territory includes a department in another State or Territory administering a corresponding law;

grape phylloxera means the pest *Daktulosphaira vitifolii* (Fitch);

phylloxera exclusion zone means any part of another State or Territory that has been identified under a corresponding law for the purpose of preventing the entry of grape phylloxera into that part of the State or Territory;

plant or plant product of the genus Vitis includes the following of the genus *Vitis*—

(a) grapevines;

(b) potted vines;

(c) cuttings;

(d) rootlings;

(e) leaves;

(f) stems;

(g) grapes for table use or winemaking;

(h) juice;

(i) plant samples taken for diagnostic purposes;

potato cyst nematode means the pest *Globodera rostochiensis* (Wollenweber) (Skarbilovich);

root vegetable includes beetroot, carrot, parsnip, potato, radish, rutabaga, swede, sweet potato and turnip;

the Act means the **Plant Biosecurity Act 2010**.

Part 2—Plant pest and disease control

6 Prescribed materials

For the purposes of Division 1 of Part 2 of the Act, the following materials are prescribed materials—

(a) any plant or plant product of the genus *Vitis*;

(b) used agricultural equipment used for the culture, harvesting, packing or processing of any plant or plant product of the genus *Vitis*;

(c) a used package which contains, is known to have contained, or is reasonably suspected of containing or having contained, any plant or plant product of the genus *Vitis*;

(d) earth material, including samples of soil for diagnostic purposes, that originates from a property on which any plant or plant product of the genus *Vitis* is grown;

(e) root vegetables, bulbs, nursery plants or seedlings that have been grown in soil or in a soil-free medium in contact with soil;

(f) used agricultural equipment used for the culture, harvesting, packing or processing of root vegetables, bulbs, nursery plants or seedlings described in paragraph (e);

(g) a used package which contains, is known to have contained, or is reasonably suspected of containing or having contained, any root vegetables, bulbs, nursery plants or seedlings described in paragraph (e);

(h) earth material in which root vegetables, bulbs, nursery plants or seedlings described in paragraph (e) have been grown, including samples of soil for diagnostic purposes.

7 Prescribed States and Territories

For the purposes of sections 8(1) and 14 of the Act—

(a) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States; and

(b) the Northern Territory and the Australian Capital Territory are prescribed Territories.

8 Requirement to send and possess certificate or declaration with prescribed materials

(1) For the purposes of section 8(1C) of the Act, a person must comply with paragraph (b)(i) of that subsection in respect of all prescribed material, unless—

(a) the prescribed material is specified in subregulation (2); or

(b) regulation 9 applies to the person.

(2) For the purposes of subregulation (1)(a), the following prescribed materials are specified—

(a) material prescribed under regulation 6(a) or (d) that originates from a phylloxera exclusion zone;

(b) material prescribed under regulation 6(b) that is from a phylloxera exclusion zone;

(c) material prescribed under regulation 6(c) that is from a phylloxera exclusion zone;

(d) material prescribed under regulation 6(a), (b), (c) or (d) that originates from an area for which an area freedom certificate has been issued in relation to grape phylloxera;

(e) material prescribed under regulation 6(e), (f), (g) or (h) that originates from an area for which an area freedom certificate has been issued in relation to potato cyst nematode;

(f) a plant in tissue culture.

(3) An area freedom certificate must include the following details—

(a) the name of the pest or disease in relation to which the certificate is issued;

(b) a description of the area of the prescribed State or Territory or part thereof in which that pest or disease is known not to occur;

(c) the signature of the officer who issued the certificate and the officer's position;

(d) the name of the State or Territory department, agency or authority that issued the certificate.

9 Requirement to present prescribed material for inspection, examination and treatment

For the purposes of section 8(1C) of the Act, a person must comply with paragraph (b)(ii) of that subsection if the prescribed material in the person's possession is not specified in regulation 8(2) and the person—

(a) is not in possession of an assurance certificate, a plant health certificate or a plant health declaration for the prescribed material; or

(b) is in possession of an assurance certificate for the prescribed material which does not comply with section 11 of the Act; or

(c) is in possession of a plant health certificate for the prescribed material which does not comply with section 12 of the Act; or

(d) is in possession of a plant health declaration for the prescribed material which does not comply with section 13 of the Act.

10 Requirement to present certificate or declaration for inspection

A person who is required under regulation 9(b), (c) or (d) to present any prescribed material for inspection, examination or treatment must also present for inspection any assurance certificate, plant health certificate or plant health declaration that accompanies the prescribed material.

Penalty: 5 penalty units.

11 Prescribed place for inspection, examination and treatment

For the purposes of section 8(1C)(b)(ii) of the Act, a prescribed place is the Melbourne Wholesale Fruit, Vegetable and Flower Market at Cooper Street, Epping.

12 Prescribed particulars for certificates and declarations

For the purposes of sections 11(b), 12(b) and 13(b) of the Act, the prescribed particulars for an assurance certificate, a plant health certificate or a plant health declaration are details that identify the prescribed material to which the certificate or declaration relates.

Part 3—Property identification codes

13 Prescribed plants

For the purposes of section 15(1) of the Act, the plants listed in Schedule 1 are prescribed.

Part 4—Marking and identification

14 Prescribed fruit and vegetables for marking locality

For the purposes of section 46(3)(b) of the Act, the fruit and vegetables listed in Schedule 2 are prescribed.

15 Warnings

(1) For the purposes of section 83 of the Act, the prescribed manner of attaching a warning is to attach a label in the form set out in Schedule 3 to the package, plants or plant products.

(2) If a warning is attached to a package, plants or plant products in the prescribed manner, a person must not—

(a) detach the warning or cause or permit it to be detached without the written consent of the inspector or inspection agent who attached it to the package, plants or plant products; or

(b) deface or obscure the warning or permit it to be defaced or obscured.

Penalty: 10 penalty units.

Part 5—Fees and charges

16 Fees and charges

(1) An inspector may impose fees and charges at the amounts or rates fixed by the Minister under section 55 of the Act for—

(a) inspecting any plant, plant product, plant vector, used package, used equipment or beehive; and

(b) inspecting land, including inspecting any plant growing on the land; and

(c) supervising the treatment of any plant, plant product, plant vector, used package, used equipment, earth material or beehive; and

(d) supervising the destruction or disposal of any plant, plant product, plant vector, plant refuse, used package, used equipment, earth material or beehive.

(2) The owner or the person apparently in charge of the consignment of any plant, plant product, plant vector, plant refuse, used package, used equipment, earth material, beehive or land referred to in subregulation (1) must pay the relevant fee or charge referred to in that subregulation.

(3) An inspector may impose fees and charges at the amounts or rates determined by the Minister under section 55 of the Act for the preparation of a compliance agreement for the purposes of section 47 of the Act.

(4) An inspector may impose fees and charges at the amounts or rates determined by the Minister under section 55 of the Act to ensure the compliance agreement referred to in subregulation (3) is complied with.

(5) The person requesting the preparation of a compliance agreement must pay the fees and charges referred to in subregulation (3).

(6) A party to a compliance agreement made under section 47 of the Act, other than the Crown, must pay the fees and charges referred to in subregulation (4).

Part 6—Infringement notices

17 Prescribed offences and penalties

(1) For the purposes of section 119(1) of the Act, the offences specified in Column 1 of the table in Schedule 4 are offences in respect of which an infringement notice may be issued.

(2) For the purposes of section 119(2) of the Act, the prescribed infringement penalty for an offence for which an infringement notice may be served is the penalty specified in Column 2 of the table in Schedule 4 in respect of that offence.

Schedule 1—Prescribed plants

Regulation 13

Chestnuts (where the growing area contains not less than 20 chestnut plants)
Grapevines (where the growing area is not less than 0·5 hectares)

Schedule 2—Prescribed fruit and vegetables

Regulation 14

Abiu

Acerola

Achachairu

Apple

Apricot

Avocado

Babaco

Banana

Bitter Melon

Black Sapote

Blackberry

Blueberry

Bottle Melon

Boysenberry

Brazil Cherry

Breadfruit

Caimito (Star Apple)

Cape Gooseberry

Capsicum

Carambola (Starfruit)

Cashew Apple

Casimiro (White Sapote)

Cherimoya

Cherry

Chilli

Choko

Citron

Cocoa Berry

Coffee Berry
Cumquat
Custard Apple
Date
Dragon Fruit
Durian
Eggplant
Feijoa
Fig
Goji Berry
Granadilla
Grape
Grapefruit
Grumichama
Guava
Hog Plum
Jaboticaba
Jackfruit
Jew Plum
Jujube
Kiwifruit
Lemon
Lime
Loganberry
Long Melon
Longan
Loofa
Loquat
Lychee
Mandarin

Mango
Mangosteen
Medlar
Miracle Fruit
Monstera
Mulberry
Nashi
Nectarine
Olive
Orange
Passionfruit
Pawpaw
Peach
Peacharine
Pear
Pepino
Persimmon
Plum
Plumcot
Pomegranate
Prickly Pear
Pummelo
Quandong
Quince
Rambutan
Raspberry
Rollinia
Rose Apple
Santol
Sapodilla

Soursop

Strawberry

Strawberry Tree

Sweetsop (Sugar Apple)

Tamarillo

Tangelo

Tomato

Wax Jambu (Java Plum)

Schedule 3—Warning

Regulation 15(1)

WARNING

STOP SALE

The packages, plants or plant products to which this warning is attached do not comply with the **Plant Biosecurity Act 2010**. It is an offence for any person selling or removing them to detach this warning without the written consent of an inspector or to deface or obscure this warning.

Items	Quantity
Name of inspector	
Signature of inspector	
Date	Time

Schedule 4—Infringement offences and infringement penalties

Regulation 17

In this Schedule—

relevant prescribed material means material prescribed under regulation 6(a), (b), (d), (e), (f), (h) or (i) other than prescribed material specified in regulation 8(2).

Item	*Column 1* *Offence*	*Column 2* *Infringement penalty*
1	An offence against section 8(1) of the Act if the offence involves relevant prescribed material	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
2	An offence against section 8(1A) of the Act if the offence involves relevant prescribed material	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
3	An offence against section 8(1B) of the Act if the offence involves relevant prescribed material	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
4	An offence against section 9(1) of the Act if the offence involves relevant prescribed material	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
5	An offence against section 10(1) of the Act	5 penalty units
6	An offence against section 15(1) of the Act	6 penalty units
7	An offence against section 15(5) of the Act	1 penalty unit
8	An offence against section 18(2) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate

Item	*Column 1* *Offence*	*Column 2* *Infringement penalty*
9	An offence against section 19(5) of the Act	6 penalty units
10	An offence against section 20(2) of the Act	2 penalty units
11	An offence against section 20(3) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
12	An offence against section 25(2) of the Act	10 penalty units in the case of a natural person 40 penalty units in the case of a body corporate
13	An offence against section 25(3) of the Act	10 penalty units in the case of a natural person 40 penalty units in the case of a body corporate
14	An offence against section 25(4) of the Act	10 penalty units in the case of a natural person 40 penalty units in the case of a body corporate
15	An offence against section 26(5) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
16	An offence against section 27(2) of the Act	10 penalty units in the case of a natural person 40 penalty units in the case of a body corporate
17	An offence against section 33(3) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
18	An offence against section 35(4) of the Act	6 penalty units

Item	*Column 1* *Offence*	*Column 2* *Infringement penalty*
19	An offence against section 38(2) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
20	An offence against section 43(4) of the Act	6 penalty units
21	An offence against section 45(1) of the Act	6 penalty units
22	An offence against section 45(4) of the Act	6 penalty units
23	An offence against section 46(1) of the Act	6 penalty units
24	An offence against section 98 of the Act	6 penalty units
25	An offence against section 104(5) of the Act	6 penalty units
26	An offence against section 111(2) of the Act	6 penalty units
27	An offence against section 132(1)(b) of the Act	6 penalty units
28	An offence against section 132(1)(e) of the Act	6 penalty units
29	An offence against section 132(1)(g) of the Act	6 penalty units
30	An offence against section 133A(1) of the Act	6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate
31	An offence against section 134(2) of the Act	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
32	An offence against regulation 15(2)	1 penalty unit

Endnotes

[1] Reg. 4(a): S.R. No. 53/2016 as amended by S.R. No. 113/2024.

[2] Reg. 4(b): S.R. No. 113/2024.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2025 is $203.51. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.