

## QUARANTINE (PLANTS) REGULATIONS

\*1\*The Quarantine (Plants) Regulations (in force under the Quarantine Act 1908) as shown in this reprint comprise Statutory Rules 1935 No. 91 amended as indicated in the Tables below.

Table of Statutory Rules

Year number	Date of notification in Gazette	Date of commencement	Application, and saving or transitional provisions
1935 No. 91	19 Sept 1935	19 Sept 1935	
1936 No. 36	26 Mar 1936	26 Mar 1936	
1937 No. 30	18 Mar 1937	18 Mar 1937	
116	16 Dec 1937	16 Dec 1937	
1939 No. 20	23 Mar 1939	23 Mar 1939	
49	15 June 1939	15 June 1939	
1940 No. 43	29 Feb 1940	29 Feb 1940	
1948 No. 63	3 June 1948	3 June 1948	
92	29 July 1948	29 July 1948	
1950 No. 27	22 June 1950	22 June 1950	
78	9 Nov 1950	9 Nov 1950	
1953 No. 4	22 Jan 1953	22 Jan 1953	
1954 No. 3	7 Jan 1954	7 Jan 1954	
1955 No. 71	27 Oct 1955	27 Oct 1955	
1956 No. 24	22 Mar 1956	22 Mar 1956	
66	24 Sept 1956	24 Sept 1956	
1957 No. 75	30 Dec 1957	30 Dec 1957	
1959 No. 73	31 Aug 1959	31 Aug 1959	
1961 No. 29	6 Mar 1961	6 Mar 1961	
1963 No. 110	1 Nov 1963	1 Nov 1963	
1964 No. 117	28 Aug 1964	28 Aug 1964	
1965 No. 82	25 June 1965	25 June 1965	
1966 No. 13	3 Feb 1966	14 Feb 1966	
1967 No. 45	20 Apr 1967	20 Apr 1967	
1968 No. 86	26 July 1968	26 July 1968	
1969 No. 106	31 July 1969	31 July 1969	R. 2
1973 No. 157	24 Aug 1973	1 Sept 1973	R. 11
1975 No. 29	27 Feb 1975	1 Mar 1975	R. 6
1977 No. 130	15 Aug 1977	1 Sept 1977	
1980 No. 118	30 May 1980	30 May 1980	R. 2
1982 No. 178	30 July 1982	30 July 1982	
1984 No. 27	29 Feb 1984	1 Mar 1984	R. 4
1988 No. 193	29 July 1988		

## Table of Amendments

ad.=added or inserted am.=amended rep.=repealed rs.=repealed and substituted

Provision affected	How affected
R. 3 178	am. 1948 No. 63; 1953 No. 4; 1973 No. 157; 1975 No. 29; 1982 No.
Rr. 4, 5	am. 1973 No. 157
R. 6	rs. 1954 No. 3 am. 1955 No. 71; 1967 No. 45 rs. 1973 No. 157 am. 1975 No. 29; 1977 No. 130; 1982 No. 178; 1984 No. 27 rep. 1988 No. 193
R. 7	am. 1953 No. 4 rs. 1954 No. 3 am. 1955 No. 71; 1965 No. 82; 1967 No. 45 rep. 1973 No. 157
R. 7A	ad. 1954 No. 3 am. 1955 No. 71; 1967 No. 45 rep. 1973 No. 157
Rr. 7B, 7C	ad. 1954 No. 3 am. 1967 No. 45 rep. 1973 No. 157
R. 7D	ad. 1964 No. 117 am. 1967 No. 45 rep. 1973 No. 157
R. 8	am. 1973 No. 157
R. 9	rs. 1953 No. 4
R. 10	am. 1973 No. 157
R. 13	am. 1965 No. 82
R. 15	am. 1982 No. 178
R. 16	am. 1964 No. 117; 1982 No. 178
R. 17	am. 1975 No. 29
R. 19	am. 1982 No. 178
R. 20	rep. 1954 No. 3
R. 20A	ad. 1948 No. 92
R. 21	am. 1936 No. 36 rs. 1937 No. 30 am. 1939 Nos. 20 and 49; 1948 No. 63; 1950 No. 27; 1956 Nos. 24 and 66; 1957 No. 75; 1959 No. 73; 1961 No. 29; 1963 No. 110; 1964 No. 117; 1967 No. 45; 1969 No. 106; 1982 No. 178
Rr. 21A-21C	ad. 1950 No. 27 am. 1982 No. 178
R. 21D	ad. 1950 No. 27 am. 1964 No. 117 rs. 1968 No. 86 am. 1982 No. 178
R. 21E	ad. 1950 No. 78
R. 22A	ad. 1937 No. 116 rs. 1940 No. 43
R. 23	rs. 1940 No. 43 am. 1982 No. 178
R. 23A	ad. 1936 No. 36

	am. 1982 No. 178	
R. 24	am. 1982 No. 178	
R. 25	am. 1964 No. 117; 1982 No. 178	
R. 26	am. 1948 No. 63; 1982 No. 178	
R. 27	am. 1973 No. 157; 1982 No. 178	
R. 27A	ad. 1953 No. 4	
R. 28	am. 1982 No. 178	
R. 29	rep. 1964 No. 117	
R. 30	am. 1937 No. 116	
	rep. 1964 No. 117	
R. 31	am. 1964 No. 117; 1982 No. 178	
Rr. 32, 33	am. 1982 No. 178	
R. 34	am. 1964 No. 117; 1982 No. 178	
R. 34A	ad. 1953 No. 4	am. 1982 No. 178
R. 34B	ad. 1953 No. 4	
R. 35	am. 1967 No. 45; 1980 No. 118 heading to The Schedules	rep.
	1982 No. 178	
Heading to The first Schedule	rep. 1982 No. 178	
Heading to Schedule 1	ad. 1982 No. 178	
First Schedule	am. 1948 No. 63; 1965 No. 82; 1967 No. 45; 1973 No. 157; 1982 No. 178	
Heading to Second Schedule	rep. 1982 No. 178	
Heading to Schedule 2	ad. 1982 No. 178	
Second Schedule	rs. 1954 No. 3 am. 1955 No. 71 rs. 1966 No. 13; 1973 No. 157; 1975 No. 29; 1977 No. 130; 1984 No. 27	
Schedule 2	rep. 1988 No. 193	
Third Schedule	rep. 1964 No. 117	

## TABLE OF PROVISIONS

## Regulation

1. Citation
2. Repeal
3. Interpretation
4. Importer's notice
5. Timber-Importer's notice
8. Permit to deliver
9. Conveyance to quarantine station
10. Delivery into quarantine and interstate transfer
11. Packages and packing
12. Staff obedience
13. Release from quarantine
14. Removal of plants from quarantine
15. Disposal of plants from quarantine
16. Treating and reconditioning plants and goods
17. Quarantine of plants not otherwise provided for in Regulations
18. Infected goods landed in quarantine
19. Costs to be paid by the importer
- 20A. Noxious animals and plants
21. Certificates, permits etc.
- 21A. Permits, conditions and restrictions relating to Avocados
- 21B. Permits, conditions and restrictions relating to plants capable of being infected with Narcissus Fly
- 21C. Permits, conditions and restrictions relating to grape vines
- 21D. Potatoes
- 21E. Permits, conditions and restrictions relating to nursery stock
22. Cotton and cotton seed
- 22A. Treatment of raw cotton
23. Cotton from north-western Australia
- 23A. Rice
24. Hops
25. Nursery stock free from soil
26. Importation of peanuts
27. Importation of fodder
- 27A. Goods and plants infected with Siricidae (Wood wasps)
28. Importation of insects
31. Disinfection of cases, bags and similar packages
32. Depreciation or injury of imported plants
33. Disposal of plants and packing seized under Act
34. Entering and removing goods from Quarantine Station
- 34A. Inspection of goods and plants
- 34B. Plants and goods ordered into quarantine not to be moved
35. Penalty for breach of Regulations

## SCHEDULE 1 - FORMS

## QUARANTINE (PLANTS) REGULATIONS

### Citation

1. These Regulations may be cited as Quarantine (Plants) Regulations.\*1\*  
SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

### Repeal

2. Part VII of the Quarantine Regulations 1927 as amended prior to the date of commencement of these Regulations, is hereby repealed.

### Interpretation

3. (1) In these Regulations, unless the contrary intention appears:

“approved place” means a place approved under section 46A of the Act;

“Chief Quarantine Officer” means a Chief Quarantine Officer for the Plant division of Quarantine;

“consignment” means a consignment of goods of the same kind, or of related kinds, discharged at one port, at one time, from one vessel for one importer;

“container system unit” means a container (including a lift-van or a tank but not including a vehicle):

- (a) designed for repeated use as a unit of cargo-handling equipment in the transport of goods by ships or aircraft specially constructed, adapted or equipped for the handling and carrying of containers of the kind to which the container belongs in the course of a transportation system in which goods are transported to, in and from the ship or aircraft in containers of that kind; and
- (b) fitted with devices to permit its ready handling in the course of that system; and includes normal accessories and equipment of such a container when used or transported with the container;

“examination” includes inspection;

“goods” includes plants and plant products;

“Government nursery” means a nursery operated by the Government of a State or of the Commonwealth, whether or not it forms part or the whole of a quarantine station;

“holding space” means a space used, or intended for use, exclusively for holding goods performing quarantine in Australia;

“holiday”, in relation to the performance of a service by an officer, means a day generally observed as a holiday by officers of the Public Service of the State or Territory in which the service is performed at the place at which the service is performed;

“importer” includes owner or consignee or the agent for either;

“plant product” means any processed material that is wholly or partly of plant origin, but does not include material that has been so processed as to preclude the reasonable possibility that it may harbour a quarantinable disease, a disease affecting animals or plants or a pest;

“proclaimed port” means a port declared by Proclamation under section 13 of the Act to be a first port of entry for oversea vessels or to be a port where imported animals and plants or any particular kinds of animals or plants may be landed;

“service” means a service rendered by a quarantine officer;

“supervision”, in relation to a consignment of goods, includes the verification of the manifest relating to that consignment;

“the Act” means the Quarantine Act 1908; and

“the Director” means the Director of Quarantine.

(1A) For the purposes of these Regulations, goods shall be deemed to be diseased if they are in a deteriorated or abnormal condition, whether or not that condition is dependent on the presence of, or is due to the operation, development, growth or effect of, a disease.

(2) In these Regulations any reference to a Schedule shall be read as a reference to a Schedule to these Regulations and any reference to a Form shall be read as a reference to a form contained in Schedule 1.

(3) Strict compliance with the Forms contained in Schedule 1 shall not be necessary and substantial compliance shall be sufficient.

#### Importer's notice

4. Any person desirous of landing any imported plants shall give to the quarantine officer at the port of landing a notice and a declaration in accordance with a form approved by the Director.

#### Timber-Importer's notice

5. No person shall import any timber (either logs or sawn timber) unless he has given to the quarantine officer at the port of entry a notice and declaration in accordance with a form approved by the Director.

#### Permit to deliver

8. A quarantine officer shall in respect of any imported plants or goods not otherwise provided for under these Regulations and found after careful inspection to be free from disease, issue a permit authorizing delivery of the plants or goods in accordance with a form approved by the Director.

#### Conveyance to quarantine station

9. Where plants or goods have been ordered into quarantine, a quarantine officer may order the plants or goods to be conveyed to a quarantine station or to any other place, and thereupon the plants

or goods shall be conveyed to the quarantine station or other place in such manner and by such means as a quarantine officer directs.

#### Delivery into quarantine and interstate transfer

10. When a quarantine officer has ordered any plants or goods into quarantine he shall issue an order to be served on the importer of the plants or goods, and shall forward to the Customs or other officer in charge, a permit authorizing delivery of the said plants or goods, either to a quarantine station or for inter-State transfer in accordance with a form approved by the Director.

#### Packages and packing

11. (1) Any package which has contained any diseased plants or goods may if so directed by the Chief Quarantine Officer, be disinfected or treated as prescribed.

(2) Any package or packing material connected with any imported plants or goods and consisting of straw, moss, fibre, peat, sawdust, cotton waste, or other material, considered by the quarantine officer likely to introduce disease or pests shall be ordered into quarantine and fumigated, treated or destroyed as directed by the Chief Quarantine Officer.

(3) Any packing material with which plants or goods are packed or which accompanies any plants or goods to serve as packing, filling, lining, wrapping, moisture retention, protection or for any other purpose, consisting of soil containing an appreciable admixture of vegetable matter, grass, hay, chaff, hulls of seeds, leaves and twigs of plants, bark or forest litter, shall be ordered into quarantine and forthwith destroyed at the quarantine station or at any place that may be approved by the Chief Quarantine Officer.

#### Staff obedience

12. Any person employed in any quarantine station shall obey the orders and carry out the instructions of the quarantine officer in charge and shall assist by every means within his power to prevent any spread of disease or pests.

#### Release from quarantine

13. Any plants or goods which have undergone quarantine and treatment and which, after examination by the quarantine officer, are certified by him to be free from disease, may be removed from the quarantine station on the issue by the quarantine officer to the importer of a certificate of release from quarantine and a permit to remove in accordance with a form approved by the director.

#### Removal of plants from quarantine

14. Any imported plants or goods which have been treated at a quarantine station or other place approved by the Chief Quarantine Officer in accordance with these Regulations, and released from quarantine, and in respect of which a permit to remove has been issued, shall be removed forthwith by the importer.

#### Disposal of plants from quarantine

15. If any plants or goods in quarantine in respect of which a permit to remove has been issued, are not removed and remain unclaimed after a period of 7 days, they may be sold or destroyed, or otherwise disposed of as directed by the Director.

#### Treating and reconditioning plants and goods

16. Any imported fruit, vegetables (including tubers, bulbs, corms, and rhizomes), nuts, cereals, pulse, or other seed, of which any proportion is on inspection by a quarantine officer found to be or suspected of being affected with a disease, or any cereals, pulse, or other seed found on inspection to be mixed with the seed of a proclaimed weed pest, shall be ordered into quarantine, and may, under the supervision of a quarantine officer, be sorted at a quarantine station or other approved place, subject to the following conditions, viz.:

- (a) The fruit, vegetables, nuts, cereals, pulse, or other seed shall, as directed by a quarantine officer, be removed to a quarantine station or other approved place.
- (b) Any such fruit, vegetables, nuts, cereals, pulse, or other seed treated, sorted, or cleaned to the satisfaction of the quarantine officer shall, with the exception of bananas, which may be delivered unpacked, be repacked in clean cases, bags, or other packages, which shall be supplied by the importer, who may then be permitted to take delivery under an order issued by a quarantine officer.
- (c) Any case, bag, or other package which has contained any diseased fruit, vegetables, nuts, cereals, pulse, or other seed, shall, unless treated as directed under section 56 of the Act to the satisfaction of the Chief Quarantine Officer, be destroyed or otherwise disposed of as ordered by the director.
- (d) Any fruit, vegetables, nuts, cereals, pulse, or other seed which have been sorted and are deemed by a quarantine officer to be diseased, may, at the expense of the importer, and if approved by the Minister be re-shipped and exported, or may be destroyed or denatured as prescribed. any seed of a proclaimed or prohibited weed pest shall, at the importer's expense, be destroyed or denatured as prescribed, or in such manner and at such place as the Chief Quarantine Officer may direct.
- (e) The importer shall, unless a quarantine officer decides that the work shall be performed by the Department at the cost of the importer, provide all cartage and labour in connection with the treatment, sorting, picking over, cleaning, or repacking of any imported fruit, vegetables, nuts, cereals, pulse, or other seed, or goods.

#### Quarantine of plants not otherwise provided for in Regulations

17. (1) Any plant not otherwise provided for in these Regulations shall be retained in quarantine for such period as the Chief Quarantine Officer deems necessary, having regard to the nature and condition of the plant and the place from which it comes.

- (2) In subregulation (1), "plant" includes plant product.

#### Infected goods landed in quarantine

18. Any imported goods found to be infested with a noxious insect or pest or fungus, may if so directed by the Chief Quarantine Officer be landed in quarantine and treated under the supervision of a quarantine officer at a quarantine station or depot or other approved place.

Costs to be paid by the importer

19. Unless the Chief Quarantine Officer decides that the work shall be performed by the Department, at the cost of the importer, all cartage and labour in connection with the treatment of such goods shall be provided by the importer.

Noxious animals and plants

20A. (1) Where the Director becomes aware of the presence of any noxious animal or plant on any vessel, he shall notify the master of the vessel that the animal or plant is a noxious animal or plant, as the case may be.

(2) A person shall not land, or permit to be landed, from any vessel, any noxious animal or plant.

(3) Where any noxious animal or plant is found to be on any vessel, the director may order the vessel into quarantine or may order the treatment of the vessel and any cargo which is on the vessel or which has been off loaded from the vessel in such a manner and by such means as will, in the opinion of the Director, ensure the destruction of all noxious animals or plants on the vessel or in the cargo.

(4) Where any cargo has been off loaded from a vessel in which the presence of noxious animals or plants has been detected, the Director may take all measures he considers necessary to ensure the destruction of any noxious animals or plants which are or have been in that cargo or which have escaped from that vessel, and for that purpose, without limiting the generality of the foregoing provisions of this subregulation, he may order that any place or building where the cargo is, or has been, and any place or building where he considers the noxious animals or plants may be at large, shall be treated in such manner and by such means as will ensure the complete destruction of the noxious animals or plants.

(5) In ordering treatment for the purposes of this regulation, the Director may order treatment by fumigation, disinfection, spraying, dusting or any other means, and may order that the treatment be carried out with such chemicals, materials or agents as he considers most effective or convenient for the particular circumstances of the case.

(6) Where the Director has ordered treatment in pursuance of this regulation, the treatment shall be carried out at the expense of the master.

(7) For the purposes of this regulation "noxious animal or plant" means any genus or species of any type of animal or plant life which may, in the opinion of the Director, cause, or be likely or capable of causing, damage to, or destruction of, plants, or may become a pest of plants.

Certificates, permits etc.

21. Any person desirous of landing any imported plant shall, at the time of giving notice as required by regulation 4, furnish also the following declarations, certificates, notices and permits, and comply with the following conditions:

#### Bananas from Fiji

A. In the case of bananas (genus *Musa*) (fruit only) from Fiji, a certificate dated and signed by a responsible officer of the Department of Agriculture of Fiji, certifying that the bananas are free from disease.

#### Citrus fruits

B. (1) In the case of citrus fruits from any country in which citrus canker (*Xanthomonas campestris* pv. *citri* (Hase) Dye) does not exist, a certificate dated and signed by a responsible officer of the Department of Agriculture of the country of origin, certifying:

- (a) that the fruit was grown in the country specified;
- (b) that the consignment is free from citrus canker;
- (c) that the fruit after picking and prior to packing was effectively fumigated with hydrogen cyanide gas or by such other gas or method as is approved by the Director; provided that citrus fruits, which are unaccompanied by a certificate of treatment, shall on arrival be ordered into Quarantine and, if found on examination to be free from visible pest or disease, may be admitted with or without treatment, as ordered by the Director.

(2) In the case of pips (imported as pips) the certificate shall certify the country of origin, the occurrence of, or freedom from citrus canker in the said country, the nature of the preparation and treatment of the pips and that the pips are clean and free from pulp.

#### Apples from New Zealand

D. (1) In the case of apples from New Zealand a certificate signed by a responsible officer of the Department of Agriculture of New Zealand identifying the fruit, stating the quantity and the district in which the apples were grown and certifying:

- (a) that the disease known as "Fire Blight" or "Pear Blight" (*Erwinia amylovora* (Burrill) Winslow et al.) does not exist in the said district;
- (b) that the apples were grown and packed in the said district for shipment from the port stated in the certificate; and
- (c) that the apples are free from adherent spurs and leaves.

(2) Each case of the consignment shall be labelled or branded with the letters and figures under which the name of the grower and the district of production are registered with the Department of Agriculture of New Zealand-in addition to any other marks which may serve to identify the consignment.

#### Vegetables

E. (1) In the case of vegetables from any country (other than swedes from New Zealand), a certificate dated and signed by a responsible officer of the department of Agriculture of the country of origin identifying the vegetables, stating the quantity, and certifying:

- (a) that they were grown in the country named;
- (b) that the pest known as Cabbage Butterfly (*Pieris rapae* (L.)) does not exist in the part of the country in which they were grown;

- (c) that they were, on inspection prior to shipment, found to be free from *Pieris rapae* (L.); and
- (d) that they were packed in the country of origin in clean new packages.

(1A) In the case of swedes from New Zealand, a certificate dated and signed by a responsible officer of the Department of Agriculture of that country stating that the swedes have been topped, tailed and washed and are packed in new bags.

(2) For the purposes of this subregulation "vegetables" means borecole, broccoli, brussels sprouts, cabbage, cauliflower, chou moellier, horseradish, kohlrabi, radish, rape, swedes, turnip or any vegetable whatsoever of the family Cruciferae, and includes lettuce.

Seeds

F. (1) In this paragraph, unless the contrary intention appears:

"bean seed" means seed of a variety or strain of the genus *Phaseolus* (including cultivated beans such as French, kidney, stringless, navy, butter, haricot, lima and climbing beans);

"free from disease" means:

(a) free from:

- (i) a bacterial disease caused by *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye, *Pseudomonas syringae* pv. *phaseolicola* (Burkholder) Young, Dye and Wilkie or *Corynebacterium flaccumfaciens* (Hedges) Dowson; and
- (ii) Scab or Anthracnose caused by *Colletotrichum lindemuthianum* (Sacc. and Magn.) Briosi and Cav.; and

(b) free from the virus disease Mosaic except to the extent of not more than a two per centum trace;

"permit" means a permit to import seed into Australia issued by the director;

"premises" means the premises where the seed is stored or treated;

"seed" means the seed of any variety or strain of:

- (a) the species *Linum usitatissimum* L. (flax or linseed);
- (b) the species *Glycine max* (L.) Merr. (soy or soya bean);
- (c) the species *Zea mays* L. (maize, sweet corn, pop corn and related types);
- (d) the genus *Nicotiana* (tobacco and related plants);
- (e) the genus *Arachis* (peanuts or ground nuts);
- (f) the genus *Sorghum* (including grain sorghums, sweet sorghums, broom millets, Sudan grass and related plants);
- (g) the species *Lycopersicon esculentum* Miller (tomato);

- (h) the genus *Phaseolus* (including cultivated beans such as French, kidney, stringless, navy, butter, haricot, lima and climbing beans);
- (j) the genus *Avena* (including all varieties and types of cultivated oats);
- (k) the genus *Hordeum* (including all varieties and types of cultivated barley);
- (l) the species *Secale cereale* L. (including all varieties and types of cultivated rye);
- (m) the genus *Triticum* (including all varieties and types of cultivated wheat);
- (n) the species *Medicago sativa* L., *Medicago media* Pers., *Medicago falcata* L. and *Medicago glutinosa* M. Bieb. and derivatives of any of those species or any closely related species known by the common name of lucerne or alfalfa;
- (p) the species *Melilotus albus* Medik (Bokhara clover);
- (q) the genus *Dolichos*;
- (r) the species *Carthamus tinctorius* L. (safflower);
- (s) the genus *Agropyron*;
- (t) the genus *Helianthus*; or
- (u) the genus *Vigna*.

(2) A person shall not import seed into Australia unless he is the holder of a permit.

(3) Subject to this paragraph, the Director may issue a permit on such terms and conditions as he thinks fit.

(4) An application for a permit to import seed for sowing shall be in accordance with Form Q.-P.6 and shall be forwarded to the Chief Quarantine Officer of the State in which the seed is to be sown.

(4A) The Director shall not issue a permit to import seed for sowing unless:

- (a) in the case of bean seed to be imported in a bag or parcel containing at least 5 kilograms in weight of seed:
  - (i) there is produced to the Director a certificate, given by a competent authority for or on behalf of the government of the country in which the seed was produced, certifying that the plants from which the seed was harvested were inspected during their growth and found to be free from disease;
  - (ii) the Director is satisfied that that inspection was thoroughly and efficiently carried out and that the harvesting, threshing, winnowing, cleaning, grading and bagging of the seed, and the sealing and labelling of the bag or parcel containing the seed, was carried out under the supervision of the competent authority or another person on his behalf; and
  - (iii) the Director is satisfied that measures adequate for ensuring that the seed would be free from disease were taken in respect of the selection of the stock from which the

seed was grown, the selection of the soil in which the seed was grown and the isolation of the plants from which the seed was harvested from other bean plants during their growth; and

- (b) in any other case:
  - (i) the quantity of the seed is, in the opinion of the Director not greater than the minimum quantity of seed necessary to establish, under quarantine, a variety or strain of the particular species or genus in australia; and
  - (ii) the Director is satisfied that the seed will, before sowing, be subjected to any treatment directed by the Director.

(5) All seed imported under a permit for sowing, other than bean seed imported in a bag or parcel containing at least 5 kilograms in weight of seed, shall be grown in quarantine for at least one season and during that period shall be subject to such examination and treatment as the Director considers necessary.

(6) Where any disease is detected in any plants so grown the Director may order the destruction of the plants or may order such treatment of the plants and the soil in which the plants were grown as he considers necessary.

(7) Where any plants are ordered to be destroyed in pursuance of subparagraph (6), the Director may, in his discretion, order the destruction of the residue, if any, of the seed imported under the permit.

(8) Where seed (other than the seed of the genus *Arachis*) is intended for purposes other than sowing:

- (a) the application for a permit shall be in accordance with Form Q.-P.7 and shall be forwarded to the Chief Quarantine Officer of the State into which the seed is to be imported;
- (b) the importer shall enter into a bond in accordance with Form Q.-P.8;
- (c) the seed shall be conveyed forthwith from the place where it is landed to the premises of the importer, and those premises shall, in the opinion of the Chief Quarantine Officer, offer adequate safeguards to quarantine;
- (d) the seed shall not be removed from the premises of the importer until it has been treated in such a way as to destroy its viability; and
- (e) the importer shall maintain an accurate record of the quantity of the seed imported, the treatment given to the seed and the manner of disposal of the seed and shall offer every facility for such examination of the record and of his premises as the Chief Quarantine Officer considers necessary.

#### Permits, conditions and restrictions relating to Avocados

21A. (1) In this regulation "bud wood, scions or seeds" means the bud wood, scions or seeds of the species *Persea americana* Mill. (Avocado).

(2) An application to the Director for a permit to import into Australia bud wood, scions or seeds shall be in writing and signed by the proposed importer.

(3) The proposed importer shall forward the application through the Chief Quarantine Officer in the State in which the bud wood, scions or seeds are to be sown or used for budding and the Chief Quarantine Officer shall endorse on the application such recommendation as he thinks fit.

(4) Where bud wood, scions, or seeds are ordered into quarantine under section 54 of the Act, the bud wood, scions or seeds shall be detained in quarantine for a period of 3 years unless the Director certifies in writing, before the expiration of that period, that the plants are free from disease.

Permits, conditions and restrictions relating to plants capable of being infected with Narcissus Fly

21B. (1) In this regulation:

“Narcissus fly” includes a fly of the type known as *Merodon equestris* Fab., *eumerus strigatus* Fallen or *Eumerus tuberculatus* Rond.;

“plants” means plants or any parts of plants of the following genera:

- (a) *Amaryllis*;
- (b) *Cooperia*;
- (c) *Cyrtanthus*;
- (d) *Galanthus*;
- (e) *Galtonia*;
- (f) *Habranthus*;
- (g) *Hymenocallis*;
- (h) *Hyacinthus*;
- (i) *Iris*;
- (j) *Leucojum*;
- (k) *Lilium*;
- (l) *Narcissus*;
- (m) *Panocratium*;
- (n) *Scilla*;
- (o) *Tulipa*;
- (p) *Vallota*;
- (q) *Zephyranthes*;

“qualified authority” means a person who, in the opinion of the Director, is duly qualified to certify to the matters in relation to which the expression is used.

- (2) A person shall not import into Australia any plants unless:
- (a) the plants have been grown in a country or area free from all types of Narcissus fly, or, before exportation to Australia, have been fumigated or subjected to heat treatment; and
  - (b) the plants have, on examination immediately prior to exportation to Australia, been certified by a qualified authority to be free from diseases caused by fungi, bacteria, viruses and nematodes.
- (3) For the purposes of this regulation, plants shall be deemed to have been fumigated or subjected to heat treatment if:
- (a) they have been fumigated with methyl bromide at the treatment schedule rate the equivalent of 32 grams of methyl bromide for each cubic metre of capacity for a period of 3 hours at a temperature of 21 degrees Celsius;
  - (b) they have been fumigated with hydrocyanic acid at a gas concentration the equivalent of 1 kilogram of hydrocyanic gas for each 60 cubic metres of capacity for a period of 24 hours at a temperature of between 15 degrees Celsius 18 degrees Celsius; or
  - (c) they have been subjected to hot-water or vapour-heat treatment in which the plants, after a preliminary heating process, are maintained for a period of not less than one and one-half hours at a temperature of 43 degrees Celsius; and the fumigation treatment has been carried out under the supervision of qualified persons and the plants have been so distributed whilst being fumigated or treated that the gas or heat reaches each plant receiving treatment.
- (4) An application for a permit to import plants into Australia shall be made in writing to the Director and shall be accompanied by certificates issued by a responsible officer of the Department of Agriculture or other appropriate Department of the Government of, or a qualified authority in, the country from which the plants are exported certifying that the plants have been grown, fumigated or treated, as the case may be, and have been examined in accordance with the conditions specified in subregulations (2) and (3) of this regulation.

#### Permits, conditions and restrictions relating to grape vines

- 21C. (1) In this regulation "plants" means plants or any parts of plants of the genus *Vitis*.
- (2) An application to the Director for a permit to import plants into Australia shall be in writing, signed by the proposed importer, and shall specify the variety, quantity, nature and source of supply of plants in respect of which the application is made, the reason for the importation of the plants, the method of transport by which the plants are to be imported into Australia and the date upon which it is estimated that the plants will arrive in Australia.
- (3) Where the plants are to be grown in a State, the application shall be forwarded to the Director through the Chief Quarantine Officer for that State who shall endorse on the application such recommendation as he thinks fit.

(4) Where any plants are ordered into quarantine under section 54 of the act, the plants shall be detained in quarantine for a period of 5 years unless the Director certifies in writing, before the expiration of that period, that the plants are free from disease.

(5) An officer or an officer of Customs may destroy any plants imported into australia otherwise than in accordance with a permit or in contravention of these Regulations.

#### Potatoes

21D. (1) Where the Director, by instrument in writing, consents to the importation of tubers or parts of tubers of plants of the species *Solanum tuberosum* L. for purposes other than the production of plants of that species, this regulation applies to any tubers or parts of tubers that are imported into Australia in accordance with the instrument.

(2) Where tubers or parts of tubers to which this regulation applies are imported into Australia, a quarantine officer shall not authorize their delivery to the importer under section 54 of the Act unless:

- (a) the tubers or parts of tubers have been treated for the purpose of rendering them non-viable;
- (b) particulars of the manner in which they have been so treated have been furnished to the quarantine officer; and
- (c) the quarantine officer is satisfied that treatment of the tubers or parts of tubers in that manner would be effective to render them non-viable.

(3) Where tubers or parts of tubers to which this regulation applies are ordered into quarantine, treatment in such a manner as will render them non-viable is a prescribed treatment for the purpose of section 56 of the Act.

#### Permits, conditions and restrictions relating to nursery stock

21E. (1) In this regulation:

“approved authority” means a Department or authority of the Commonwealth or a State equipped for plant introduction work or a research organization or person registered by the Director under subregulation (3) of this regulation;

“nursery stock” means all living plant material used in a nursery and includes:

- (a) woody plants;
- (b) seedlings of herbaceous plants; and
- (c) slips, cuttings, layers, runners, offsets and similar material used for vegetative propagation of woody or herbaceous plants.

(2) A research organization or a person may apply to the Director for registration as an approved authority for the purposes of this regulation.

(3) The Director may, in his absolute discretion, register or refuse to register a research organization or person as an approved authority.

(4) A person shall not import any nursery stock into Australia unless:

- (a) he is an approved authority; and
- (b) he is the holder of a permit issued by the Director for the importation of that nursery stock.

(5) An application for registration under this regulation and an application for a permit to import nursery stock shall be forwarded through the Chief Quarantine Officer in the State in which the nursery stock is to be grown and the Chief Quarantine Officer shall endorse on an application such recommendation as he thinks fit.

(6) An approved authority shall deliver a permit issued for the importation of nursery stock with the notice and declaration required to be given by regulation 4 of these Regulations.

#### Cotton and cotton seed

22. (1) Any person desirous of importing cotton seed for the purpose of extracting oil or for manufacturing purposes, shall comply with the following conditions:

(2) Prior to shipment an application for permission to import shall be made to the Minister stating the quantity desired to be imported, the origin of the seed, port of shipment, the treatment (if any) given in the country of origin, the vessel and anticipated date of arrival in Australia.

(3) A permit to import shall be obtained from the Minister, subject to any conditions which he may think fit to impose.

#### Treatment of raw cotton

22A. The importation of raw cotton (lint or linters) which is subject to quarantine shall be subject to the following conditions:

- (a) The bales of raw cotton shall, on importation, be delivered direct to the mills for manufacture;
- (b) All coverings or wrappings and staves used in packing or baling the raw cotton shall, when any bale is opened, be removed from the cotton contained therein and burnt in the mill premises; and
- (c) Except in the case of raw cotton imported from the United States of America, all cotton debris, waste matter, seed and other material separated from the raw cotton during processing by the first machines through which the cotton passes shall be burnt in the mill premises or be crushed between steel rollers in those premises.

#### Cotton from north-western Australia

23. (1) The removal of raw cotton (lint and linters) from north-western Australia to any part of the Commonwealth other than the State of Queensland shall be subject to the conditions prescribed by regulation 22A of these Regulations.

(2) The removal of cotton seed from north-western Australia to any other part of the Commonwealth shall be subject to the condition that the cotton seed shall be treated for a period of at least one hour by the dry heat process, at a temperature of at least 63 degrees Celsius in an apparatus approved by the Director.

(3) In this regulation, "north-western Australia" means that part of Western Australia north of latitude 26 degrees south, together with the Northern Territory of Australia.

#### Rice

23A. No person shall import rice plants (*Oryza sativa* L.) or rice seed or any rough or unmilled rice or rice capable of germinating, except for food purposes, for milling in preparation of food or for other manufacturing purposes unless:

- (a) An application for permission to import has been made to the Minister stating the nature and quantity to be imported, the country of origin, the reasons for the importation and the precautions to be taken to procure plants or seed free from disease;
- (b) A permit to import is obtained from the Minister, subject to any conditions which he may think fit to impose; and
- (c) The application is made for or on behalf of a State Department of agriculture.

#### Hops

24. (1) Any person desirous of importing hops (the fruit of *Humulus lupulus* L.) for manufacturing purposes, from countries other than those which are known to be free from downy mildew and mosaic diseases, shall comply with the following conditions:

(2) An application for permission to import for special purposes shall be made to the Minister, stating the nature and quantity desired to be imported, the reasons for the importation, the precautions to be taken to procure hops free from disease and to ensure delivery without escape.

(3) A permit to import shall be obtained from the Minister subject to any condition which he may think fit to impose, in addition to the requirement that such hops when imported shall be contained in sealed metal-lined cases, shall be landed in quarantine and opened under the supervision of a quarantine officer, at the factory or brewery for immediate use in the manufacture.

#### Nursery stock free from soil

25. (1) Any imported plant, nursery stock, cuttings or other plant parts growing in soil, sand or earth shall be ordered into quarantine and thoroughly freed from such material by being washed in water, or otherwise treated as directed by the Director.

(2) Where any goods, not being plants referred to in subregulation (1), that contain, or have adhering to them, soil, earth or sand are ordered into quarantine, the goods are subject to treatment, by

being washed in water or by being treated in such other manner as the Director directs, for the purpose of removing that soil, earth or sand.

#### Importation of peanuts

26. (1) A person shall not import peanuts into Australia for purposes other than sowing unless he is the holder of a permit issued by the Director.

(1A) Subject to this regulation, the Director may issue a permit on such terms and conditions as he thinks fit.

(1B) The application for a permit shall be in accordance with Form Q.-P.7 and shall be forwarded to the Chief Quarantine Officer of the State into which the seed is to be imported.

(2) In the case of peanuts which are imported for purposes other than sowing the importer shall obtain the approval of the Director as to the suitability of his premises for storage and roasting and shall comply with the following conditions:

- (a) The peanuts shall be removed from the wharf to premises approved by the director for the purposes of storing under bond, roasting or manufacturing;
- (b) The peanuts shall not be sold or disposed of or removed from the said premises in a raw or unmanufactured condition with the exception of:
  - (i) those peanuts which are held in bond in premises approved for storage only, which may be removed to other approved premises, for the purposes of roasting or manufacturing; and
  - (ii) those peanuts from which the shells have been removed and destroyed at the premises approved for roasting or manufacturing;
- (c) Each consignment of peanuts shall be roasted or manufactured within 3 months from the date of taking delivery, or such other period as approved by the Director;
- (d) The peanuts (in the shell) shall, in the process of roasting be heated to a temperature within the roasting chamber of not less than 115 degrees celsius a period of not less than one hour or other temperature or time approved by the Director;
- (e) The treatment of each consignment of peanuts shall be completed before the commencement of the treatment of any subsequent consignment unless on the receipt of written application from the importer, variation for special purposes is approved by the Director;
- (f) The importer shall keep a register of every consignment received and the quantity stored under bond, roasted or manufactured and shall furnish weekly to the Chief Quarantine Officer a statement of the quantity so treated, the register being available for inspection by a quarantine officer;
- (g) Each bag of peanuts prior to being removed from the wharf, shall be legibly stencilled with the initials of the name of the importer, and with the consecutive number of consignment (e.g.-Consignment No. 1, No. 2, No. 3, &c.);

- (h) All empty bags in which the peanuts have been imported, shall, unless disinfected or treated in a manner approved by the Director be destroyed by burning under supervision as and when directed by a quarantine officer.

(3) For the purposes of this regulation, "peanuts" means the fruit of any variety or strain of the genus *Arachis*.

#### Importation of fodder

27. (1) In the case of fodder, hay or chaff (other than fodder, hay or chaff for the use of animals in quarantine, or from New Zealand) the permit to import shall be reported by the Chief Quarantine Officer (Animals) to the chief Quarantine Officer who shall order such additional treatment to that prescribed under the Quarantine (Animals) Regulations, as he considers necessary to prevent the introduction of plant diseases and pests.

(2) When notice has been received by the Chief Quarantine Officer of a proposed importation of grain to be used or likely to be used as fodder, he shall at once inform the Chief Quarantine Officer (Animals).

#### Goods and plants infected with *Siricidae* (Wood wasps)

27A. (1) Where goods are:

- (a) subject to quarantine by reason of being infected with the quarantinable disease *Siricidae* (Wood wasps) or of having been in contact with or exposed to infection from that disease; or
- (b) ordered into quarantine by a quarantine officer by reason of being, or being likely to be, in his opinion, infected with the quarantinable disease *Siricidae* (Wood wasps) (being a disease affecting plants) or a source of infection with that disease; a quarantine officer may direct the owner, or the person having the custody, of the goods, to treat the goods, or cause the goods to be treated, by fumigation or spraying, or by a heat process, for the purpose of destroying the disease in the goods.

(2) Where plants in a part of the Commonwealth in which the quarantinable disease *Siricidae* (Wood wasps) exists, being plants declared by Proclamation to be subject to quarantine, are ordered into quarantine, a quarantine officer may direct the owner, or the person having the custody, of the plants, to treat the plants, or cause the plants to be treated, by fumigation or spraying, or by a heat process, for the purpose of destroying the disease in the plants and, in the case of live plants, the quarantine officer may direct that the plants be cut or felled for the purpose of treatment.

(3) Where a quarantine officer, in pursuance of this regulation, directs that goods or plants be treated for the purpose of destroying the quarantinable disease *Siricidae* (Wood wasps) in the goods or plants and the goods or plants are not treated to his satisfaction, the quarantine officer may carry out that treatment, or cause the treatment to be carried out, to his satisfaction, at the expense of the owner of the goods or plants.

#### Importation of insects

28. (1) Insects and parasites of insects shall not be imported unless:

- (a) the importer, prior to shipment, has certified the present state of knowledge concerning the life history, hosts, hyper-parasites (if any) and the economic value of the insects or parasites together with a description of the experiments which it is proposed to conduct and the precautions which are to be taken during the course of the experiments to prevent escape of any insect or parasite;
  - (b) the importer, prior to shipment, has made an application for permission and has obtained the consent of the Director to that importation;
  - (c) the importer has given at least 2 days' notice of the arrival of the insects or parasites.
- (2) The insects shall remain in quarantine for such time as the Director requires.

#### Disinfection of cases, bags and similar packages

31. Cases, bags, and similar packages which have been used in the packing of any diseased plants shall, if the Chief Quarantine Officer orders their disinfection, be subjected to the same disinfecting process as is required under section 56 of the Act for the plants packed therein, or shall be immersed in boiling water kept boiling, for a period of not less than 5 minutes.

#### Depreciation or injury of imported plants

32. Any loss occasioned during the removal, handling, or treatment of any imported plant under the direction of a quarantine officer shall be borne by the owner of such plant, and he shall have no claim whatever against the commonwealth for compensation for any such loss.

#### Disposal of plants and packing seized under Act

33. Any plant or goods, together with any case, package, or packing material seized under the provisions of section 68 of the Act shall be removed to a quarantine station, and if their introduction is not absolutely prohibited under the Act, they may, after due detention and treatment, and provided that, in the opinion of the Chief Quarantine Officer, there is no danger to be apprehended by their introduction, be sold, or otherwise disposed of, as directed by the Director.

#### Entering and removing goods from Quarantine Station

34. No person shall enter or leave, nor shall any animal, vehicle, or goods of any description whatsoever be taken into or out of a quarantine station for plants without the approval of the quarantine officer in charge.

#### Inspection of goods and plants

34A. (1) A quarantine officer may, at any time, enter any premises or place for the purpose of inspecting, and may inspect, any plants or goods which are, or, in his opinion, are likely to be, infected with a quarantinable disease.

(2) A person having the custody of plants or goods which are, or, in the opinion of a quarantine officer, are likely to be, infected with a quarantinable disease, shall make those plants or

goods available for inspection by a quarantine officer at such time and in such manner as the officer directs.

(3) Where a quarantine officer inspects plants or goods under this regulation, the person having the custody of those plants or goods shall pay a fee in respect of that inspection in accordance with Schedule 2.

Plants and goods ordered into quarantine not to be moved

34B. A person shall not, except in accordance with directions given by a quarantine officer, move, or suffer or permit to be moved, any plants or goods ordered into quarantine.

Penalty for breach of Regulations

35. Except in those cases where a penalty is specially provided in the Act for any offence against the Act or breach of the Regulations made thereunder, the penalty for a breach of any of these Regulations shall be a sum not exceeding \$2,000.

SCHEDULE 1

Q.-P.6 Regulation 21  
COMMONWEALTH OF AUSTRALIA  
Quarantine Act 1908  
(PLANTS)

APPLICATION FOR PERMIT TO IMPORT SEED FOR SOWING

Type of seed (Here insert common name)

To the Chief Quarantine Officer (Plants) in the State of

I hereby make application, in accordance with regulation 21 of the Quarantine (Plants) Regulations, for permission to import into Australia the following seed for sowing:

- Genus or species
- Variety or strain
- Quantity
- Name and address of consignor
- Locality where seed grown
- Special reason for importation
- Nature of treatment given or proposed to be given to seed before despatch to Australia
- Proposed date of shipment

Dated this day of ,19

Importer

Q.-P.7 Regulations 21 and 26  
COMMONWEALTH OF AUSTRALIA  
Quarantine Act 1908  
(PLANTS)

APPLICATION FOR PERMIT TO IMPORT SEED FOR PURPOSES OTHER THAN SOWING

Type of seed (Here insert common name)

To the Chief Quarantine Officer (Plants) in the State of

I hereby make application, in accordance with regulation 21/26 of the Quarantine (Plants) Regulations, for permission to import into Australia the following seed:

- Genus or species
- Variety or strain
- Quantity
- Locality where seed grown
- Purpose for which seed required
- Proposed date of shipment

Dated this day of , 19

Importer

Q.-P.8

Regulation 21

COMMONWEALTH OF AUSTRALIA  
Quarantine Act 1908  
(PLANTS)  
BOND

Know all Men by these presents that I of \_\_\_\_\_ in the State of \_\_\_\_\_ am held and firmly bound to the Commonwealth of Australia in the sum of Two hundred dollars, to be paid to the King for the purposes of the said commonwealth, for which payment well and truly to be made I bind myself, my executors and administrators.

Sealed with my seal.

The condition of this Bond is such that if, in relation to all seed imported by me under a permit issued under regulation 21 of the Quarantine (Plants) Regulations, the following conditions are complied with, namely:

- (a) The seed is conveyed forthwith from the place where it is landed to my premises;
- (b) The seed is not removed from my premises until it has been treated in such a way as to destroy its viability;
- (c) An accurate record of the quantity of seed imported, the treatment given to the seed and the manner of disposal of the seed is maintained and every facility is afforded to the Chief Quarantine Officer for such examination of the record and of my premises as the Chief Quarantine Officer considers necessary; and
- (d) The provisions of the Quarantine (Plants) Regulations are complied with, then this Bond shall be void, but otherwise shall remain in full force and virtue.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed, sealed and delivered by the said \_\_\_\_\_  
Signature in the presence of \_\_\_\_\_

Signature of witness  
Address  
Occupation