

Plant Diseases Act 1924

As at 5 February 2016

Proposed repeal:

The Act is to be repealed on the commencement of Sch 6 to the *Biosecurity Act 2015 No 24*.

Reprint history (since 1972):

Reprint No 1

6 August 1975

Reprint No 2

28 November 1978

Reprint No 3

8 October 1981

Reprint No 4

5 December 1991

Reprint No 5

20 August 1996

Reprint No 6

22 July 2003

Long Title

An Act to make further provision to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit; to provide for the eradication of such diseases and pests, and to prevent the spread thereof; to make certain provisions with regard to the sale and grading of fruit and vegetables; to make certain provisions as to cotton plants; to repeal the *Vine and Vegetation Diseases and Fruit Pests Act 1912*; to amend the *Fruit Cases Act 1912* and certain other Acts; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *Plant Diseases Act 1924*.

2 Savings and transitional provisions

Schedule 3 has effect.

3 Definitions

(1) In this Act, unless the context or subject-matter otherwise requires: "**Approved**" means approved for the time being by the Director-General. "**Covering**" or "**package**" includes any case, box, bag, wrapper, packing, or material of whatsoever description used

or intended to be used for packing. "**Department**" means the Department of Industry and Investment. "**Director-General**" means the Director-General of the Department. "**Disease**" means any organism of the vegetable kingdom, bacterium, fungus, viroid, virus or mycoplasma organism which causes an abnormal or unhealthy condition in plants, and includes anything declared by order under section 28B to be a disease for the purposes of this definition. "**Emergency disease**" means a disease declared by an order under section 28B to be an emergency disease for the purposes of this Act. "**Emergency pest**" means a pest declared by an order under section 28B to be an emergency pest for the purposes of this Act. "**Fruit**" means any of the types of fruit listed in Schedule 1 or any other edible product of a plant declared by order under section 28B to be a fruit for the purposes of this definition, and includes the peel, skin or shell of any such type of fruit or plant. "**Infected**" means infected or infested with disease or pest. "**Inspector**" means inspector appointed under this Act. "**Land**" includes:

(a) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and

(b) a watercourse, river or stream, whether tidal or non-tidal.

"**Nursery**" means any land or premises whereon or wherein plants are grown for the purpose of sale or disposal in their living state. "**Occupier**" includes any person having the charge, control, or management of any orchard, nursery, land, or premises. "**Orchard**" means any place where fruit-producing plants are grown. "**Owner**" includes the holder of any lease or licence from the Crown and any person deriving title thereunder. "**Pest**" means any organism of the animal kingdom, other than the vertebrata, which feeds upon or is injurious to plants and includes anything declared by order under section 28B to be a pest for the purposes of this definition. "**Plant**" means any member of the vegetable kingdom and includes the seed or any part of a plant whether living or dead and whether attached to a plant or separate therefrom. "**Regulations**" means regulations made under this Act. "**Sell**" includes offering or attempting to sell, exposing for sale, and sending, forwarding, or delivering for sale. "**Treat**" means carry out a procedure for curing, alleviating, controlling, preventing or eradicating a disease or pest. "**Vegetable**" means any of the types of vegetable listed in Schedule 2 or any other edible product of a plant declared by order under section 28B to be a vegetable for the purposes of this definition, and includes the peel, skin or shell of any such type of vegetable or plant.

(2) For the purposes of this Act, a power to issue a proclamation, to make an order or to give a notification, a notice or an authority shall include and shall be deemed always to have included a power:

(a) to revoke or amend that instrument, or

(b) to extend or suspend for any period the effect of that instrument.

(3) (Repealed)

3A Power of Minister to delegate functions

(1) The Minister may delegate to a person the exercise of any of the Minister's functions under this Act, other than this power of delegation.

(2) A delegation under this section:

(a) shall be in writing,

(b) may be general or limited, and

(c) may be revoked, wholly or partly, by the Minister.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Minister.

(5) A delegation under this section does not prevent the exercise of a function by the Minister nor does it prevent an officer of the Department from exercising such a function in accordance with an authority conferred by the Minister.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(7) This section does not apply to functions of the Minister under section 13A.

4 Power to regulate or prohibit the introduction of things likely to introduce disease

(1) The Minister may by order published in accordance with subsection (3) regulate or prohibit the importation, introduction, or bringing into the State (or into any specified portion thereof) either generally or from any country or place, or the bringing into one portion of the State from any other portion of:

(a) any plant, fruit, or other thing of any nature or kind whatsoever which in the Minister's opinion is likely to introduce any disease or pest into the State or into any specified portion thereof, as the case may be, or

(b) any covering or goods in, or with which, any such plant, fruit, or thing has been contained, or packed, or with which it has come in contact, or

(c) anything which is infected.

(2) Unless it sooner ceases to be in force, an order made under subsection (1) is revoked on the tenth anniversary of the date on which it was published in the Gazette.

(3) An order made by the Minister under this section is to be published in the Gazette. However, if the Minister considers the order is required urgently, the order may be published:

(a) in a newspaper circulating, or by radio or television broadcast, in the area to which the order applies, or

(b) on the Department's internet website.

(4) If an order is published in accordance with subsection (3) (a) or (b), the Minister is to publish the order as soon as practicable in the Gazette.

For orders under this section see the Historical notes at the end of this Act.

5 Power to appoint places of entry and quarantine

(1) The Minister may by order published in the Gazette:

(a) appoint any specified ports or places to be the only ports or places of entry into the State for plants or fruit or for any specified kind of plants or fruit,

(b) appoint quarantine stations where plants may be grown, or where plants, fruit, coverings, or any thing of any nature or kind whatsoever which has come in contact with plants or fruit may be inspected, treated, destroyed, or otherwise disposed of,

(c) prohibit the use, storage, or carriage within the State or within any specified portion thereof of coverings in or with which any plant or fruit has been contained or packed or of any thing which is likely to convey any disease or pest,

(d) prohibit the removal from any place of any plant or fruit or of any thing which is likely to convey any disease or pest either absolutely or subject to conditions specified in the order.

(e) (Repealed)

(2) (Repealed)

5A Treatment and eradication of diseases and pests

(1) For the purpose of treating a disease or pest or preventing the spread of disease or a pest, or for the purpose of eradicating or lessening the risk of disease or pest or to prevent any disease or pest attacking or being harboured, the Minister may, by order, require an appropriate person:

(a) to do or permit such acts, or to take such measures (including the uprooting and destruction of plants or fruit and the destruction of packages), as are specified in the order, or

(b) to prohibit such acts or the taking of such measures as are specified in the

order.

For orders under this section see the Historical notes at the end of this Act.

(2) An order made under subsection (1):

- (a) may be limited in its application to a specified part of the State,
- (b) may require the measures referred to in subsection (1) to be taken and the acts so referred to to be done or permitted at a time or times specified in the order,
- (c) may require the measures referred to in subsection (1) to be taken and the acts so referred to to be done or permitted in relation to any thing (whether or not infected) including plants, fruit and coverings, and
- (d) unless it sooner ceases to be in force, is revoked on the fifth anniversary of the date on which it was published in accordance with this section.

(2A) An order made by the Minister under this section is to be published in the Gazette. However, if the Minister considers the order is required urgently, the order may be published:

- (a) in a newspaper circulating, or by radio or television broadcast, in the area to which the order applies, or
- (b) on the Department's internet website.

(2B) If an order is published in accordance with subsection (2A) (a) or (b), the Minister is to publish the order as soon as practicable in the Gazette.

(3) Sections 40 and 41 of the *Interpretation Act 1987* apply to an order made under subsection (1) in the same way as they apply to a statutory rule within the meaning of that Act published on the NSW legislation website.

(4) In this section: "**appropriate person**" means:

- (a) an owner or occupier of land or premises, or
- (b) a person in possession of plants, fruit, coverings or any other things, whether of the same or of a different kind or nature.

6 Declaration of quarantine area

(1) The Minister may by notification declare any land therein described to be a quarantine area on account of the presence or suspected presence of any disease or pest.

(2) A notification by the Minister under this section is to be published in the Gazette. However, if the Minister considers the notification is required urgently, the notification may be published:

- (a) in a newspaper circulating, or by radio or television broadcast, in the area to which the notification applies, or
- (b) on the Department's internet website.

(3) If a notification is published in accordance with subsection (2) (a) or (b), the Minister is to publish the notification as soon as practicable in the Gazette.

7 Undertaking in prescribed cases

(1) The Minister may, if the Minister thinks fit, instead of declaring land to be a quarantine area, accept an undertaking, in a form approved by the Director-General, given by the owner or occupier of the land to comply with the requirements mentioned therein.

(2) Upon any such undertaking being given, the land mentioned therein shall for the period therein specified be deemed to be a quarantine area, and the person giving the undertaking shall comply with all the terms and conditions thereof.

(3) The Minister may release an owner or occupier of land from an undertaking given by the owner or occupier and, upon that release, subsection (2) shall cease to have effect with respect to that undertaking and the period referred to in that subsection shall be deemed to have ended.

(4) For the purposes of this section, an inspector may, on behalf of the Minister, accept an undertaking given by an owner or occupier in a form acceptable to the inspector and release the owner or occupier from an undertaking.

8 Quarantine

- (1) Where land is by the provisions of this Act quarantined, the quarantine may be general or in respect of a particular disease or pest.
- (2) The nature of the quarantine shall be stated in the notice or notification imposing the quarantine or in the undertaking given with respect to any land or plants or fruit under the provisions of section 7.
- (3) A quarantine may be imposed or declared for a disease or pest although the land is already in quarantine for another disease or pest.
- (4) The course of action to be taken by the owner or occupier of land when the land is directed to be quarantined shall be as prescribed by regulation, or if there is no regulation applicable thereto, then as directed by the Minister.
- (5) The Minister may by notification apply to any specified part of a quarantine area special and more drastic regulations than those which may be operating in the rest of the quarantine area.
- (6) The Minister may by notification direct that all plants of a particular class and the fruit thereof within a quarantine area or within some specified part of a quarantine area shall be treated for the disease or pest in respect of which the quarantine is imposed whether the plants or fruit are diseased or infected or not.
- (7) A notification by the Minister under this section is to be published in the Gazette. However, if the Minister considers the notification is required urgently, the notification may be published:
 - (a) in a newspaper circulating, or by radio or television broadcast, in the area to which the notification applies, or
 - (b) on the Department's internet website.
- (8) If a notification is published in accordance with subsection (7) (a) or (b), the Minister is to publish the notification as soon as practicable in the Gazette.

9 Seizure of plants

- (1) Any plant, fruit, covering, or other thing which is dealt with or disposed of in any way contrary to any direction or prohibition contained in any proclamation or any direction given by an inspector or in any way contrary to an order or the regulations may be seized by an inspector and when so seized:
 - (a) is to be destroyed, or
 - (b) is to be dealt with in such other manner as the Director-General directs.
- (2) Any expense thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from either the owner or the person in charge of such plant, fruit, covering, or thing.

10 Notification of notifiable diseases and pests

- (1) This section applies to the following diseases and pests ("**notifiable diseases and pests**"):
 - (a) emergency diseases and emergency pests,
 - (b) diseases and pests specified for the purposes of this section by the Governor by proclamation published in the Gazette.
- (2) A person:
 - (a) who owns or occupies any land or premises on which the person suspects there is a notifiable disease or pest, or
 - (b) who owns, or is in charge of, or has in his or her possession or control, a plant, plant product or soil that the person suspects is infected with a notifiable disease or pest, or
 - (c) who is, in a professional capacity, consulted in relation to a plant, plant product or soil that the person suspects is infected with a notifiable disease or pest,and who does not, as soon as possible after becoming aware of or suspecting the presence

of the notifiable disease or pest report its presence to an inspector or the Director-General by the quickest means of communication available to the person is guilty of an offence.

Maximum penalty: 100 penalty units.

11 Inspectors

(1) The Director-General may, by notification in the Gazette, appoint inspectors for the purposes of this Act.

(2) An inspector has, and may exercise, the functions conferred or imposed on the inspector by this Act or the regulations.

(3) The Director-General may authorise in writing any person to perform any or all of the functions of an inspector.

(4) An authority under subsection (3) may be limited in its operation to a specified part of the State.

11A (Repealed)

12 Employment of assistants

(1) An inspector may employ such assistants as the inspector deems necessary in carrying out the provisions of this Act.

(2) (Repealed)

13 Powers of inspection

(1) At any place on or near the boundary of the State, any portion of the State, quarantine area or land to or in respect of which a notification, order or undertaking given under or pursuant to this Act or regulations applies, an inspector may display a traffic sign of a type approved in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching such place. In this subsection "**place**" includes road whether public or otherwise.

(1A)

(a) The driver or person in charge of a vehicle approaching towards such sign shall stop or cause such vehicle to be stopped within a reasonable distance of such sign and keep such vehicle stationary for the purposes of enabling an inspector to exercise the powers conferred on the inspector by or under this Act or any such notification, order, undertaking or regulation.

(b) An inspector may in respect of any such vehicle exercise the like powers as are conferred upon the inspector in respect of a vehicle under subsection (1BA).

(1B) An inspector may enter any land, premises, vehicle or vessel for the purpose of:

(a) searching for or inspecting any plants, fruit, coverings or other things (whether of the same or a different kind) that the inspector believes on reasonable grounds:

(i) are infected or are likely to convey infection, or

(ii) have been introduced into the State or any portion of the State, or are being conveyed or dealt with, in contravention of any notification, order or undertaking given under this Act or the regulations, or

(b) installing a device to monitor any pest or disease, or inspecting such a device already installed, or

(c) determining whether any duty or obligation imposed by or under this Act has been discharged.

(1BAA) An inspector may enter any land, premises, vehicle or vessel for the purpose of carrying out surveillance work in relation to any plants, coverings or other things if the inspector reasonably suspects that a disease or pest is present at or is likely to spread to that land, premises, vehicle or vessel.

(1BA) An inspector exercising a power conferred by this section may:

(a) for the purpose of searching for or inspecting any plants, fruit, coverings or other things referred to in subsection (1BAA) or (1B) (a):

(i) open any part of a vehicle or vessel (or require the driver or person in charge of the vehicle or vessel to do so), and

- (ii) open any coverings, or
 - (b) take samples of or take photographs or video recordings of any such plants, fruit, coverings or other things, or
 - (c) install, or inspect any device installed, for monitoring a pest or disease.
- (1C) Nothing in this section shall authorise an inspector to enter in or upon or to search or inspect that portion of any premises which is used for residential purposes except under a written authority given by the Minister. Any such authority shall be limited to a particular case.
- (1D) (Repealed)
- (2) An inspector may serve a notice on the owner or person in charge of any plant, fruit, covering, vehicle, vessel or other thing, whether of the same or of a different kind or nature, which the inspector is satisfied is infected requiring the owner or person in charge to take such measures or do such acts as are specified in the notice, or as are prescribed, to treat the infection.
- (3) A power conferred by this section to enter any land, premises, vehicle or vessel is not to be exercised unless the inspector:
 - (a) has been issued by the Director-General with a certificate of authority, and
 - (b) in the case of entry of any land or premises--gives reasonable notice to the occupier of the land or premises, unless the giving of notice would defeat the purpose for which it is intended to exercise the power, and
 - (c) exercises the power at a reasonable hour of the day, unless it is being exercised in an emergency, and
 - (d) produces the certificate of authority if required to do so by a person apparently in occupation of the premises or in charge of the vehicle or vessel, and
 - (e) uses no more force than is reasonably necessary to effect the entry.
- (4) A certificate of authority must:
 - (a) state that it is issued under this Act, and
 - (b) give the name of the inspector to whom it is issued, and
 - (c) describe the nature of the powers conferred and the source of the powers, and
 - (d) state the date (if any) on which it expires, and
 - (e) state that the powers do not authorise entry, without the consent of the occupier, into any part of premises used for residential purposes, except as authorised under subsection (1C), and
 - (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

13A Control orders

- (1) The Minister may, by order in writing, authorise an inspector to enter any land or premises specified or described in the order and there to carry out such work, for the prevention or control of any pest or disease, as the order may authorise.
- (1A) If the Minister believes on reasonable grounds that it is necessary to do so in order to eradicate or prevent the spread of an emergency disease or emergency pest, an order may authorise an inspector to do any of the following:
 - (a) destroy or otherwise dispose of any plants or fruit (whether or not infected), or any coverings with which such plants or fruit have been contained,
 - (b) destroy any other property (other than a dwelling).
- (2) An order under this section may be made only if the Minister believes on reasonable grounds that the work authorised by the order is necessary in order to avoid:
 - (a) a danger to the health of the public or to consumers of food or produce derived from plants or to persons working with plants, or
 - (b) an undue hazard to the environment, or
 - (c) an adverse effect on trade in any plant or a product derived from the plant.
- (3) A right of entry conferred by an order under this section includes, in so far as the

work authorised by the order reasonably requires it, a right to enter any place forming the curtilage of, or used in connection with, any premises used for residential purposes, but not a right to enter a portion of any premises actually used as a dwelling.

(4) Before an inspector, in pursuance of an order under this section, enters any land or premises for the first time:

(a) a copy of the order is to be served on the occupier of the land or premises, if the land or premises are particularly identified in the order as land or premises to which the order applies, or

(b) if the order applies to the land or premises because it is expressed to apply within a specified area that includes the land or premises, the terms of the order are to be published in at least one newspaper circulating in the area or notified in such other manner as the Minister may specify in the order.

(5) An order under this section, unless it sooner ceases to be in force, ceases to be in force 12 months after the date on which it was made and, while in force, is subject to any conditions specified in it.

(6) An order under this section must inform occupiers of any land or premises of their rights under section 13B.

(7) The provisions of section 40 (notice of statutory rules to be tabled) and section 41 (disallowance of statutory rules) of the *Interpretation Act 1987* apply to an order under this section in the same way as they apply to a statutory rule.

13B Objection to certain works authorised by control order

(1) An occupier of land or premises on which works are authorised, by an order under section 13A, to be carried out may object to the carrying out of those works on the land or premises, and Schedule 4 applies in respect of any such objection.

(2) Each objection duly made and lodged is to be considered by the Director-General, who, taking into account both the merits of the objection and the significance of the works authorised by the order to be carried out on the land or premises:

(a) may confirm that the works authorised by the order are to be carried out on the land or premises (and, in so doing, may or may not specify conditions or restrictions to be observed by the inspector when carrying out the works), or

(b) may direct that the works authorised by the order are not to be carried out on the land or premises (and, in so doing, may or may not direct the carrying out of alternative works).

(3) Any confirmation or direction under subsection (2) is to be reduced to writing and, on being notified to the objector in accordance with Schedule 4, has effect as if it were an order of the Minister under section 13A (except that no objection may be made to it under this section).

(4) This section does not apply to an order under section 13A (1) that relates to an emergency disease or emergency pest or to an order referred to in section 13A (1A).

14 Power to require owner or occupier of land or premises to prevent spread of disease

An inspector may serve on the owner or occupier of any land or premises a notice requiring the owner or occupier to take such measures or do such acts as are specified in such notice, or are prescribed, to control or prevent the spread of any disease or pest (including, if reasonably necessary in the circumstances, the destruction of any place or thing on the land or premises that is inhabited by any disease or pest).

15 Quarantine of infected lands or premises

(1) If an inspector has reasonable grounds to suspect the presence of a disease or pest on any land or premises, the inspector may serve on the owner or occupier a notice requiring the owner or occupier to quarantine the land and premises and the plants on the land or premises for a specified period, and to take such measures or do such acts as are specified in such notice or are prescribed.

- (2) The notice may specify the date on which a measure or act is to be taken or done or commenced and the period within which any such measure or act is to be completed.
- (3) The quarantine period specified is to be a period not exceeding 40 days, or such other period as the Director-General may determine in a specified case.

16 Recovery of expenses

In case of any default in compliance with the terms of:

- (a) any notice given by an inspector under sections 13, 14, or 15,
- (b) any direction given or order published by the Minister in accordance with this Act,
- (c) (Repealed)

the Minister may authorise an inspector to do or cause to be done all such things as are necessary in order to comply with the terms of any such notice, direction or order, and the expenses thereby incurred shall be recoverable by an inspector in any court of competent jurisdiction from the person guilty of the default.

16A Permits

- (1) An inspector may, on application or on the inspector's own initiative, issue a permit authorising a person, or class of persons, to move:
 - (a) any plants or fruit that are infected or which, in the inspector's opinion, are likely to cause the introduction or spread of any disease or pest, or
 - (b) any covering or goods in, or with, which plants or fruit referred to in paragraph (a) have been contained, or packed, or with which the covering or goods have come into contact, or
 - (c) any other thing which, in the inspector's opinion, is capable of causing the introduction or spread of any disease or pest, or
 - (d) any plant, fruit, covering, goods or other thing into, or out of, a quarantine area.
- (2) A permit has effect for the period of time, and subject to any conditions, specified in the permit.
- (3) The inspector may specify such conditions as the inspector thinks fit having regard to the plants, fruit, covering, goods or thing to be moved, or the disease or pest, to which the permit relates.
- (4) An inspector may, at any time, revoke or vary a permit, or a condition of a permit.
- (5) A permit is issued or a permit or condition is revoked or varied:
 - (a) in the case of a permit issued to a particular person--by means of an instrument in writing given to the person, or
 - (b) in the case of a permit issued to a specified class of persons--by means of an instrument published on the Department's internet website or published in any other manner that, in the opinion of the Director-General, is most likely to bring it to the attention of the persons who will be affected by it.
- (6) A person is not guilty of an offence under section 26 in respect of the movement of any plants, fruit, covering, goods or thing that is done in accordance with a permit issued under this section.

17 Power to destroy etc infected plants, coverings etc

An inspector may destroy or otherwise dispose of, or treat, any plants or fruit which are infected, or any coverings with which such plants or fruit have been contained or packed or any other plants, fruit or coverings with which they have come in contact.

18 Power to require information and documents

- (1) An inspector may do any of the following for the purposes of controlling, eradicating or preventing the spread of a disease or pest:
 - (a) require a person to answer any question that the inspector reasonably believes

- may provide information relevant to the control or eradication of the disease or pest or prevention of the spread of the disease or pest,
- (b) require a person to produce any record or document,
- (c) inspect and take extracts from or copies of any record or other document.

(2) A person who:

- (a) refuses to answer, to the best of the person's knowledge, a question put in accordance with a requirement made under subsection (1), or
- (b) gives, to such a question, an answer which to the person's knowledge is false or misleading, or
- (c) without reasonable excuse, fails to produce any record or document,

is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

(3) A person is not guilty of an offence under this section unless it is established that the inspector:

- (a) warned the person that a failure or refusal to comply with the requirement is an offence, and
- (b) identified himself or herself as an inspector to the person.

18AA Protection from incrimination

(1) A person is not excused from a requirement under this Act to make a statement, to give or furnish information, to answer a question or to produce a document on the ground that the statement, information, answer or document might incriminate the person or make the person liable to a penalty.

(2) However, any statement made or any information or answer given or furnished by a natural person in compliance with a requirement under this Act is not admissible in evidence against the person in criminal proceedings (except proceedings for an offence under section 18, 23 (2), 25A or 25C) if:

- (a) the person objected at the time to doing so on the ground that it might incriminate the person, or
- (b) the person was not warned on that occasion that the person may object to making the statement or giving or furnishing the information or answer on the ground that it might incriminate the person.

(3) Any document produced by a person in compliance with a requirement under this Act is not inadmissible in evidence against the person in criminal proceedings on the ground that the document might incriminate the person.

(4) Further information obtained as a result of a document produced, a statement made or information or answer given or furnished in compliance with a requirement under this Act is not inadmissible on the ground:

- (a) that the document, statement, information or answer had to be produced, made, given or furnished, or
- (b) that the document, statement, information or answer might incriminate the person.

18A Detention notices

(1) In this section, a reference to a covering includes a reference to any fruit or plant contained in the covering.

(2) This section applies to:

- (a) a covering that is required by an order made under section 28A to be branded or labelled in a specified manner and is not so branded or labelled,
- (b) a fruit that is required by the Act or such an order to be graded or packed in a specified manner and is not so graded or packed, and
- (c) a vegetable that is required by the Act or such an order to be graded or packed in a specified manner and is not so graded or packed.

(3) Where a person is in possession or control of coverings or fruit or vegetables to which this section applies, an inspector may give to that person a notice that is in the approved

form and requires that person, except in so far as the notice is cancelled as provided by subsection (9):

- (a) to keep at a specified place,
- (b) to refrain from selling, or otherwise dealing with or disposing of, and
- (c) to refrain from permitting or suffering any other person to sell or otherwise deal with or dispose of,

those coverings, that fruit or those vegetables.

(4) An inspector may identify in the approved manner the coverings or fruit or vegetables to which a notice given under subsection (3) relates.

(5) If a person has been given a notice under subsection (3), an inspector may, at the request of that person, change the brands or labels on a covering to which the notice relates to the extent necessary to ensure that the covering is branded or labelled as required by the order made under section 28A.

(5A) A person who requests an inspector to exercise the power conferred by subsection (5) is liable, as a condition of that power being exercised, to pay the prescribed fee in the prescribed manner.

(5B) If the prescribed fee is not paid within the prescribed period, it is recoverable in a court of competent jurisdiction as a debt due to the Crown.

(6) Where a person has been given a notice under subsection (3) and an inspector has not exercised the powers conferred on the inspector by subsection (5), that person shall:

- (a) regrade or repack the fruit or vegetables to which the notice relates to the extent necessary to ensure that that fruit is or those vegetables are, graded or packed as required by the order made under section 28A and to ensure that the covering containing that fruit or those vegetables is branded or labelled as so ordered, or
- (b) deal with, or dispose of, the fruit or vegetables to which the notice relates in a manner for the time being approved or directed in writing by an inspector.

(7) A person shall be deemed to have complied with subsection (6) if that which the person would be required to do in order to comply therewith is done on the person's behalf or at the person's direction.

(8) For the purposes of section 9, a person who is required to comply with subsection (6) in respect of a covering or fruit or vegetables and fails to do so shall be deemed to have dealt with, or disposed of, that covering or fruit or those vegetables contrary to the direction of an inspector.

(9) Where a notice has been given under subsection (3) and an inspector:

- (a) has exercised the powers conferred on the inspector by subsection (5) in respect of a covering to which the notice relates, or
- (b) is satisfied that subsection (6) has been complied with in respect of a covering, or of fruit or vegetables, to which the notice relates,

an inspector shall give to the person to whom the notice was given a cancellation of the notice in the approved form in so far as the notice relates to that covering or fruit or those vegetables.

(10) An inspector may identify in the approved manner the coverings or fruit or vegetables to which a cancellation given under subsection (9) relates.

(11) In any prosecution for an offence against this Act in respect of coverings, fruit or vegetables, proof that a notice was given under subsection (3) in relation to the coverings, fruit or vegetables shall be prima facie evidence that the notice had not, at the time of the alleged offence, been cancelled in so far as it related to the coverings, fruit or vegetables.

(12) Where a prescribed fee for the purposes of this section is paid by a person who is not the owner of the coverings or fruit or vegetables in respect of which the payment is made, an amount equal to the amount of that fee may be recovered from the owner by that person in any court of competent jurisdiction as a debt due and owing by the owner to the

extent to which it has not been waived or remitted in accordance with subsection (13).

(13) The Minister may waive or remit the whole or any part of a prescribed fee for the purposes of this section.

19 Penalty notices

(1) In this section, "**prescribed offence**" means an offence against this Act or the regulations that is prescribed by the regulations for the purposes of this section.

(2) An inspector authorised under subsection (3) may serve a penalty notice on a person if it appears to the inspector that the person has committed a prescribed offence.

(3) The Director-General may authorise in writing an inspector to exercise the power conferred by subsection (2) and may, at any time, revoke such an authorisation by notice in writing given to the inspector.

(4) A penalty notice is a notice to the effect that, if the person served does not want the matter to be determined by a court, the person may pay, within the period and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(5) A penalty notice may be served personally or by post.

(6) If the amount of penalty prescribed for an alleged offence is paid in accordance with a penalty notice, no person is liable to further proceedings for the alleged offence.

(7) Payment under this section is not to be regarded as an admission of liability for the purpose of, and is not in any way to affect or prejudice, any civil proceeding arising out of the same occurrence.

(8) The regulations may do all or any of the following:

(a) prescribe an offence for the purposes of this section by specifying the offence or referring to the provision creating the offence,

(b) prescribe the amount of penalty payable for the offence if dealt with under this section,

(c) prescribe different amounts of penalties for different offences or classes of offences.

(9) The amount of a penalty prescribed under this section must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(10) This section does not limit the operation of any other provision of, or any other provision made under, this or any other Act relating to proceedings that may be taken in respect of offences.

20 (Repealed)

21 Power to destroy plants in an abandoned orchard or nursery

(1) An inspector who has reasonable cause to believe that any disease or pest is likely to be present in, or spread from, an orchard or nursery because it is neglected or abandoned may report the matter to the Minister. The Minister is required to give notice to the owner or occupier of the orchard or nursery if the Minister decides to exercise the powers conferred on the Minister by this section.

(2) Any person aggrieved by a decision of the Minister under subsection (1) may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision.

(3) (Repealed)

(4) After the end of the period prescribed by the procedural rules under the *Civil and Administrative Tribunal Act 2013* within which an application may be made under subsection (2) for an administrative review of a decision in relation to an orchard or nursery, the Minister may cause an inspector to destroy all plants within the orchard or nursery that in the inspector's opinion are likely to harbour or spread diseases or pests, but only if:

(a) such an application has not been made within that period, or

(b) if such an application has been made within that period--the application has

been dismissed or withdrawn or the decision otherwise affirmed.

(5) Costs incurred in exercising the power conferred by subsection (4) are recoverable in a court of competent jurisdiction as a debt due to the Crown from the owner of the orchard or nursery concerned, or, if the orchard or nursery is not occupied by its owner, from the occupier of the orchard or nursery.

22 (Repealed)

23 Owner to have right of entry

(1) The owner of land or premises occupied by another person, whether as lessee or in any other capacity, has the right to enter and remain on the land or premises for the purpose of performing a duty or obligation imposed on owners of land or premises by this Act or the regulations.

(2) A person who obstructs or hinders the performance by another person of a duty or obligation imposed on that other person by this Act or the regulations is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

24 Notices to be given in writing

(1) Any notice to be given to any person under this Act or the regulations shall be in writing, and may be served on such person personally, or left at or posted by registered letter to the person's usual or last known place of abode in this State, or if such person or the person's address is unknown or if the person has no place of business or place of abode in this State, then service may be effected by affixing the notice in a conspicuous place on the land to which the notice relates.

(2) Where a notice is served or given under this Act or the regulations by an inspector, the notice may, by notice served in accordance with subsection (1), be revoked or amended, or its effect extended or suspended for any period, by the Director-General or by an inspector authorised by the Director-General in writing.

(3) Subsection (2) does not affect the power of an inspector to revoke or amend a notice which the inspector personally has served or given or to extend or suspend the effect of such a notice.

24A Protection of emergency actions

(1) The Minister may, by order published in the Gazette, declare:

(a) that a plant disease emergency involving an emergency disease or emergency pest affects a specified part or the whole of New South Wales or there is a likelihood that such an emergency is imminent in New South Wales, and

(b) that it is necessary to make orders or take other actions under this Act ("**emergency actions**") to eradicate or prevent the spread of the emergency disease or emergency pest concerned, and

(c) the specified period (the "**emergency period**") during which emergency actions are required to be taken to enable the eradication or prevention of the spread of the emergency disease or emergency pest to occur.

(2) A court must not issue an interim injunction, make any other interim order or give any other interim relief having the effect of preventing, restricting or deferring any emergency action or anything authorised or required to be done pursuant to an emergency action during the emergency period.

(3) An order under this section takes effect on publication or on such later day as is specified in the order.

(4) This section does not prevent a court from making a permanent injunction or other final order in any proceedings at any time.

25 Persons not entitled to compensation

(1) No person shall be entitled to compensation by reason of anything done by any inspector or other person in the exercise of any power or the discharge of any duty or obligation conferred or imposed by this Act or the regulations, or in respect of any loss or injury that may directly or indirectly result therefrom unless the same was occasioned

wilfully, negligently, or maliciously.

(2) This section does not prevent the payment of compensation in accordance with an agreement entered into by this State.

25A Demanding name and place of abode

(1) An inspector who finds a person committing an offence against this Act or the regulations or who finds a person whom, on reasonable grounds, the inspector suspects of having committed or attempted to commit any such offence may demand from the person the person's name and place of abode.

(2) Any person who on demand made in accordance with subsection (1):

(a) fails or refuses to state the person's name or place of abode, or

(b) gives a false name or place of abode,

is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

25B Personation of inspector

Any person who forges or counterfeits any written evidence of authority of an inspector or makes use of any forged, counterfeited or false written evidence of such an authority or personates an inspector named in any written evidence of authority of an inspector or falsely pretends to be such an inspector is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

25C Assaulting, threatening, obstructing etc an inspector

A person who assaults, threatens, resists, obstructs or hinders an inspector in the exercise of a function conferred or imposed on an inspector by or under this Act is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

25D Corruption

A person who, without lawful authority, offers, makes or gives to an inspector a payment, gratuity or present in consideration of the inspector's doing or omitting to do any act or thing relating to the exercise of a function conferred or imposed on an inspector by or under this Act is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

26 Offences

(1) Every person commits an offence against this Act who, personally or by the person's servant or agent:

(a) without reasonable excuse, sells, or brings onto or removes from the person's premises, any plant, fruit, covering or thing of any nature whatever with the knowledge that the plant, fruit, covering or thing:

(i) is infected or is likely to convey infection, or

(ii) was imported, introduced or brought into New South Wales or any part of New South Wales in contravention of a provision of any order, notification or undertaking made or given under this Act or the regulations, or

(b) alters, falsifies or misuses any notice or document issued by an inspector, or makes a false statement to an inspector, or

(c) does or attempts to do any act in breach of the provisions of this Act, or of any notification, order, or undertaking given under this Act or any regulation, which act is not by any other provision of this Act specifically constituted an offence against this Act, or

(d) without reasonable excuse fails or neglects to perform any duty or obligation imposed on the person by this Act, or by any notification, order, or undertaking given under this Act or any regulation which failure or neglect is not by any other provision of this Act specifically constituted an offence against this Act, or

(e) without reasonable excuse fails or neglects to comply with any direction given

under this Act by the Minister or an inspector or the requirements of any notice served upon the person or given to the person by an inspector under this Act or the regulations, or

(f) in the State or any portion thereof has in the person's possession any plant, fruit, covering, package, goods or thing of any nature or kind whatsoever which, to the person's knowledge, was imported, introduced or brought into the State or portion thereof contrary to this Act or any regulation, order or notification made under this Act, or

(g) without reasonable excuse, introduces into New South Wales any plant, fruit, vegetable, package or covering with the knowledge that it is infected with a pest or disease, or

(h) destroys, damages or interferes with a device installed under section 13.

(1A) A person who, but for this subsection, would be liable to be convicted for an offence under both section 25A (2) (b) and subsection (1) (b) of this section in respect of the same matter is liable to be convicted in respect of only one of those offences.

(2) A person who is found guilty of an offence against subsection (1) is liable to a penalty not exceeding 100 penalty units.

(2A) Proceedings for an offence against this Act or the regulations shall be dealt with summarily before the Local Court.

(2B) Any such proceedings must be commenced not later than 2 years from when the offence was alleged to have been committed.

(3) Where in any proceeding against any person for an offence arising under subsection (1) (a), (f) or (g) knowledge of the accused must be shown, such knowledge shall be presumed unless and until the contrary is proved, and the accused satisfies the court that the want of knowledge was reasonable, and was in no way imputable to negligence on the part of the accused personally, the accused's servant or agent.

(4) In any such proceeding, in addition to any other method of proof available, evidence that the person proceeded against appears by the record kept by the council of the area (within the meaning of the *Local Government Act 1993*) under section 602 of that Act to be the owner or occupier of the land in respect of which the proceeding is taken shall be evidence until the contrary is proved that such person is the owner or occupier, as the case may be, of the land.

(5) In any proceeding against any person for any offence against this Act or a contravention of any provision of any regulation, proclamation, order or notification made under this Act proof that any plant, fruit, covering, package, goods or other thing of any nature or kind whatever specified therein was found in any portion of the State in the possession of any person shall be prima facie evidence that the same was imported, introduced or brought into that portion of the State by such person.

(6) In any proceeding against any person for an offence against this Act or the regulations a certificate purporting to be signed by the Director-General stating that a person has been appointed or authorised to act as an inspector under this Act and during any period specified in the certificate held office or was authorised to act as such an inspector shall be prima facie evidence of the facts stated therein.

(7) In any proceeding against any person for an offence against this Act any printed paper purporting to be an order by the Minister published under this Act and to be printed by the Government Printer shall be evidence that an order by the Minister, in the words printed in that paper, was duly published under this Act.

(8) In this section, "**notification**" includes a notice.

27 Recoverable expenses of authorised inspector

Where an inspector or person authorised by the Minister carries out any work under the provisions of section 9 or section 16 or section 21 (4), the expenses recoverable by an inspector shall include a proportionate part of the salary or wages of the person carrying out the work,

having regard to the time occupied by the person in carrying out the work and in travelling for such purpose, and the necessary expenses incurred in connection with such travelling.

28 Regulations

(1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular and without limiting the generality of the foregoing power, the Governor may make regulations with respect to the following matters:

(a) (Repealed)

(ai) the traffic sign to be displayed pursuant to section 13 (1), and any fixed warning signs of the presence of inspectors,

(aii) the written evidence of authority to be produced by an inspector under section 13 (1B),

(b) applications for permits under section 16A, and fees in relation to any such permits,

(c) the branding or labelling of coverings containing fruit or plants,

(d) the grading and packing of fruit or vegetables,

(di) the restriction or prohibition of the packing for sale or sale of coverings that are not branded or labelled as prescribed or fruit or vegetables that are not graded or packed as prescribed,

(dii) the identification of the variety or grade, or both the variety and grade, of unpacked fruit or vegetables that are exposed or displayed for sale,

(diii) the restriction or prohibition of the exposure or display for sale of fruit or vegetables to which regulations made for the purpose of paragraph (dii) relate unless the variety or grade of the fruit or vegetables is, or, if the case requires, both their variety and grade are, identified as prescribed,

(e) the inspection of and the granting of certificates as to the quality and condition of fruit, plants, or vegetables intended for sale or export,

(f) prescribing the payment and recovery of fees generally under this Act, including fees:

(i) (Repealed)

(ii) in respect of any inspection, treatment or destruction by an inspector,

(iii) for the granting of any certificate as to quantity or condition,

(iv) for the purposes of section 18A, and

(v) for any other service (including the granting of any other type of certificate) provided under this Act or the regulations,

(g) the conferring on a person liable to pay fees under this Act of a right to apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision in respect of the withdrawal of credit facilities from, or the refusal to extend such facilities to, that person in relation to the payment of those fees.

(1A) Regulations made pursuant to subsection (1) (ai) may make provision for the use of fixed, movable or portable traffic signs, either in conjunction or as alternatives.

(1B) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (1) (g) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

(2) The regulations may create an offence punishable by a penalty not exceeding 50 penalty units.

(2A), (2B) (Repealed)

(2C) A provision of a regulation may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind,
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body, or
 - (d) provide for specified persons, places, matters or things, or specified classes of persons, places, matters or things, to be exempted, either absolutely or subject to conditions, from that or any other provision of a regulation,
- or may do any combination of those things.
- (3) (Repealed)

28A Orders

- (1) The Minister may make orders for or with respect to any matter relating to:
 - (a) the grading or packing of fruit or vegetables, or
 - (b) the branding or labelling of coverings containing fruit, vegetables or other plants.
- (1A) An order under this section must be published in the Gazette.
- (2) An order may make provision for or with respect to a matter by applying, adopting or incorporating by reference, with or without modification:
 - (a) any of the provisions of an Act of New South Wales or the Commonwealth, or of any regulations or other instruments made under such an Act, as in force at a particular time or as in force from time to time, or
 - (b) any matter contained in any other instrument or writing as in force or existing at the time when the order takes effect.
- (3) An order may provide for specified persons, places, matters or things, or specified classes of persons, places, matters or things, to be exempted, either absolutely or subject to conditions, from that or any other order.
- (3A) Before an order relating to a matter referred to in subsection (1) (b) is made, the proposed order must be published in at least one newspaper circulating in the area to which the order will apply or in such other publication as the Minister considers appropriate.
- (3B) To the extent that an order relates to a matter referred to in subsection (1) (b), it is revoked on the fifth anniversary of the date on which it was published in the Gazette unless it sooner ceases to be in force.
- (4) The following provisions of the *Interpretation Act 1987* apply to an order made under this section in the same way as they apply to a statutory rule within the meaning of that Act:

- section 30 (which relates to the effect of amendment or repeal of statutory rules)
- section 40 (notice of statutory rules to be tabled)
- section 41 (disallowance of statutory rules)
- section 42 (2) (which relates to matters for which statutory rules may make provision).

28B Orders relating to diseases and pests

- (1) The Minister may, by order, declare:
 - (a) any organism of the vegetable kingdom, bacterium, fungus, viroid, virus or mycoplasma organism which causes an abnormal or unhealthy condition in plants, or any other thing, to be a disease for the purposes of this Act, and
 - (b) an edible product of a species of plant to be fruit for the purposes of this Act, and
 - (c) any thing to be a pest for the purposes of this Act, and
 - (d) plants of any kind to be vegetables for the purposes of this Act, and
 - (e) that any specified provision of this Act or the regulations:

- (i) applies only to a specified disease or pest, or
 - (ii) does not apply to a specified disease or pest, and
 - (f) a disease to be an emergency disease for the purposes of this Act, and
 - (g) a pest to be an emergency pest for the purposes of this Act.
- (2) An order made by the Minister under this section is to be published in the Gazette. However, if the Minister considers the order is required urgently, the order may be published:
- (a) in a newspaper circulating, or by radio or television broadcast, in the area to which the order applies, or
 - (b) on the Department's internet website.
- (3) If an order is published in accordance with subsection (2) (a) or (b), the Minister is to publish the order as soon as practicable in the Gazette.

For proclamations made under section 3 (3) and deemed to be made under this section, and proclamations made under this section, see the Historical notes at the end of this Act.

28BA Commencement of orders and notifications by Minister

An order or notification made or given by the Minister under this Act commences on the day it is published in accordance with this Act, or on such later day as may be specified in the order or notification.

28C Delegation

The Director-General may delegate the exercise of any function of the Director-General under this Act (other than this power of delegation) to any member of staff of the Department.

29 Sale of fruit etc not up to fair average quality

- (1) No person shall sell any fruit or vegetables unless such fruit or vegetables are so packed or arranged that the outer layer or shown surface thereof is a true indication of the fair average quality of the whole of such fruit or vegetables.
- (1AA) The fact that more than ten per centum of such fruit or vegetables is substantially smaller than or inferior to the outer layer or shown surface of such fruit or vegetables shall be prima facie evidence that the fair average quality of such fruit or vegetables is not truly indicated.
- (1A) Where fruit or vegetables are arranged in such a manner that there is more than one outer layer or shown surface, subsection (1) applies to each such outer layer or shown surface.
- (1B) Nothing in subsection (1) affects the requirements of any regulation relating to the packing of fruit or vegetables or the arrangement of fruit or vegetables that are exposed or displayed for sale.
- (2) No person shall sell any fruit or vegetables contained in any package which also contains any foreign substance in a greater proportion than is prescribed.
- (3) A person who contravenes a provision of this section is guilty of an offence and liable to a penalty not exceeding 100 penalty units.
- (4) In any proceedings for a breach of any of the provisions of this section, it shall be a sufficient defence if the person proceeded against satisfies the court that the fruit or vegetables in respect of the sale of which the proceedings are taken were sold by the person in the package in which they were received without repacking or the admixture of any foreign substance.

30 (Repealed)

Schedule 1 Types of fruit

(Section 3 (1))

berry fruit

cacti

citrus fruit

melons

plantation fruits

pome fruit

stone fruit

tropical fruits

the following fruit--carambola, feijoa, fig, guava, jackfruit, jujube, longan, loquat, mammey sapote, medlar, olive, pepino, persimmon, pomegranate, sapodilla, tomato, cherry tomato, tamarillo, quandong, date and abiu.

Schedule 2 Types of vegetable

(Section 3 (1))

chinese vegetables

cruciferae

curcubit group

herbs

leaf vegetables

legumes

onion group

root vegetables

vine vegetables

the following vegetables--rhubarb, alfalfa, aniseed, choko, artichoke, asparagus, capsicum, celeriac, celery, chilli, corella, corn, courgette, eggplant, horseradish, mushroom, okra, paprika, pepper and rosella.

Schedule 3 Savings and transitional provisions

(Section 2)

Part 1 – General

1 Savings and transitional regulations

(1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the following Acts:

Plant Diseases Amendment Act 1995

Horticultural Legislation Amendment Act 2000, but only to the extent that it amends this Act

Plant Diseases Amendment Act 2010

Primary Industries Legislation Amendment (Biosecurity) Act 2012

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

Part 2 – Provisions consequent on enactment of Plant Diseases Amendment Act 1995

2 Definition

In this Part, "**amending Act**" means the *Plant Diseases Amendment Act 1995*.

3 Continuation of certain instruments

(1) Any proclamation made under section 3 (3), and in force immediately before the commencement of Schedule 1 (4) to the amending Act, is taken to be a proclamation in force under section 28B as inserted by Schedule 1 (25) to the amending Act.

(2) Any proclamation made under section 5, and in force immediately before the commencement of Schedule 1 (7) to the amending Act, is taken to be an order made under that section as amended by that item and may be amended or repealed accordingly.

(3) Any proclamation or order so taken to be made under this Act is, unless it sooner ceases to be in force, revoked on the tenth anniversary of the commencement of Schedule 1 (4) and (7), respectively, to the amending Act.

Part 3 – Provisions consequent on enactment of Horticultural Legislation Amendment Act 2000

4 Definition

In this Part, "**amending Act**" means the *Horticultural Legislation Amendment Act 2000*.

5 Continuation of certain orders made under section 5A

(1) An order made under section 5A of this Act that is in force immediately before the amendment of that section by the amending Act is taken to be an order in force under section 5A of this Act (as amended by the amending Act).

(2) Any such order is, unless it sooner ceases to be in force, revoked on the date on which it would have been revoked by the operation of section 5A as in force immediately before its amendment by the amending Act.

6 Revocation of existing orders under section 28A

(1) To the extent that an existing order relates to a matter referred to in section 28A (1)

(b) of this Act, the order is revoked on the fifth anniversary of the date on which Schedule 1.2 [3] to the amending Act commenced unless the order sooner ceases to be in

force.

(2) In this clause, "**existing order**" means an order in force under section 28A of this Act immediately before the commencement of Schedule 1.2 [3] to the amending Act.

Part 4 – Provisions consequent on enactment of Statute Law (Miscellaneous Provisions) Act (No 2) 2004

7 Continuity of things done by Chief, Division of Plant Industries

Anything done by the Chief, Division of Plant Industries under or for the purposes of a provision of this Act is, to the extent that the thing done had effect immediately before the amendment of this Act by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2004*, taken to have been done by the Director-General.

Part 5 – Provision consequent on enactment of Plant Diseases Amendment Act 2010

8 Proclamations to regulate or prohibit introduction of things likely to introduce disease

(1) A proclamation in force under section 4 immediately before the amendment of that section by the *Plant Diseases Amendment Act 2010* is taken to be an order made by the Minister under that section.

(2) For the purposes of section 4 (2), a proclamation that is taken to be an order made by the Minister by subclause (1) is taken to have been made on the date on which the proclamation was originally published in the Gazette.

Part 6 – Provisions consequent on enactment of Primary Industries Legislation Amendment (Biosecurity) Act 2012

9 Continuation of certain instruments

Any proclamation made under section 28B, and in force immediately before the commencement of Schedule 4 [29] to the *Primary Industries Legislation Amendment (Biosecurity) Act 2012*, is taken to be an order in force under that section, and may be amended or repealed accordingly.

Schedule 4 Objections to works authorised by control order

(Section 13B)

1 Manner of making objection

An objection must:

- (a) be made in writing addressed to the Director-General, and
- (b) identify the property concerned, the objector and the objector's contact details.

2 Lodgment of objection

An objection is duly lodged only if it is:

- (a) received at the place specified, and within the time specified, by the relevant order, or
- (b) delivered to an inspector who has entered the land or premises of the objector to carry out works authorised by the order.

3 Outcome of objection to be notified

Notice of any confirmation or direction under section 13B (2) in relation to the objection is to be promptly given to the objector.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

(1) For proclamations pursuant to sec 3 (3) and deemed to be proclamations under sec 28B, or orders or proclamations under sec 28B, see GGs No 35 of 14.2.1975, p 581; No 39 of 9.3.1984, p 1456 (revoked GG No 27 of 5.3.1999, p 1773); No 2 of 8.1.1988, p 11 (revoked GG No 109 of 10.11.1989, p 9474); No 109 of 10.11.1989, p 9474; No 131 of 27.10.1995, p 7433 (revoked GG No 111 of 1.9.2006, p 7841); No 138 of 10.11.1995, p 7727 (revoked GG No 111 of 1.9.2006, p 7841); No 64 of 18.6.1997, p 4389 (revoked GG No 111 of 1.9.2006, p 7841); No 22 of 6.2.1998, p 568; No 92 of 12.6.1998, p 4255 (revoked GG No 84 of 30.6.2006, p 5027); No 126 of 28.8.1998, p 6942 (revoked GG No 111 of 1.9.2006, p 7841); No 171 of 11.12.1998, p 9514 (revoked GG No 125 of 10.10.2005, p 8737); No 4 of 8.1.1999, pp 34 (revoked GG No 111 of 1.9.2006, p 7841), 35 (revoked GG No 111 of 1.9.2006, p 7841); No 15 of 5.2.1999, p 458; No 53 of 30.4.1999, p 2948 (revoked GG No 111 of 1.9.2006, p 7841); No 91 of 28.5.2004, p 3289 (revoked GG No 125 of 10.10.2005, p 8737); No 116 of 7.7.2004, p 5765 (revoked GG No 125 of 10.10.2005, p 8737); No 170 of 29.10.2004, p 8327 (revoked GG No 125 of 10.10.2005, p 8737); No 200 of 17.12.2004, p 9496 (revoked GG No 125 of 10.10.2005, p 8737); No 125 of 10.10.2005, p 8737 (revoked GG No 111 of 1.9.2006, p 7841); No 111 of 1.9.2006, p 7841 (see also GG No 116 of 2.11.2012, p 4581) and No 116 of 2.11.2012, p 4581.

(2) For orders made pursuant to sec 4 on or after 28.9.2010, see <http://www.dpi.nsw.gov.au/aboutus/about/legislation-acts/plant-diseases>. For proclamations before that date, see GGs No 108 of 15.8.1975, p 3243; No 110 of 22.8.1975, p 3435; No 129 of 8.7.1976, p 4339 (revoked GG No 11 of 3.2.1995, p 590); No 30 of 13.2.1981, p 762 (am GG No 6 of 9.1.1987, p 65); No 147 of 1.11.1985, p 5675 (revoked GG No 154 of 18.11.1994, p 6769); No 2 of 8.1.1988, p 11 (revoked GG No 109 of 10.11.1989, p 9474); No 79 of 29.4.1988, p 2403 (revoked GG No 89 of 17.7.1992, p 4970); No 30 of 10.3.1989, p 1333 (revoked GG No 41 of 8.3.1991, p 1902); No 109 of 10.11.1989, p 9474; No 41 of 8.3.1991, pp 1900, 1902 (revoked GG No 127 of 19.11.1993, p 6835); No 127 of 13.9.1991, p 7910; No 144 of 14.10.1991, p 8873 (revoked GG No 124 of 12.11.1993, p 6721); No 153 of 1.11.1991, pp 9211 (revoked GG No 18 of 7.2.1992, p 683), 9212 (revoked GG No 142 of 24.12.1993, p 7453); No 18 of 7.2.1992, p 683; No 40 of 27.3.1992, p 1980; No 89 of 17.7.1992, p 4970; No 105 of 28.8.1992, p 6121 (revoked GG No 154 of 18.11.1994, p 6767); No 124 of 12.11.1993, p 6721; No 127 of 19.11.1993, p 6835; No 142 of 24.12.1993, p 7453; No 154 of 18.11.1994, pp 6767 (revoked GG No 200 of 17.12.2004, p 9497), 6769; No 138 of 10.11.1995, p 7727 (revoked GG No 3 of 12.1.1996, p 93), No 3 of 12.1.1996, p 93; No 13 of 31.1.1997, p 321 (am GG No 32 of 3.3.2000, p 1597) (revoked GG No 11 of 19.1.2007, p 186); No 126 of 28.8.1998, p 6942 (revoked GGs No 45 of 14.2.2003, p 1646 (see also GG No 114 of 18.7.2003, p 7395) and No 93 of 21.7.2006, p 5799); No 4

of 8.1.1999, pp 34, 35; No 55 of 5.5.2000, p 3744 (revoked GG No 25 of 24.1.2003, p 458); No 37 of 17.3.2000, p 2000 (revoked GG No 33 of 31.1.2003, p 671); No 71 of 20.4.2001, p 1966 (revoked GG No 80 of 4.5.2001, p 2313); No 80 of 4.5.2001, p 2313 (revoked GG No 115 of 24.7.2001, p 5611); No 115 of 24.7.2001, p 5611 (revoked GG No 34 of 1.2.2002, p 625); No 19 of 11.1.2002, p 95 (revoked GG No 54 of 1.3.2002, p 1268); No 34 of 1.2.2002, p 625 (revoked GG No 29 of 25.2.2005, p 619); No 39 of 24.3.2002, p 2313 (revoked GG No 201 of 1.11.2002, p 9366); No 14 of 17.1.2003, p 291 (revoked GG No 116 of 7.7.2004, p 5763); No 25 of 24.1.2003, pp 458, 459 (revoked GG No 175 of 8.12.2006, p 10532); No 33 of 31.1.2003, p 671 (revoked GG No 99 of 3.7.2009, p 3892); No 45 of 14.2.2003, p 1646 (see also GG No 114 of 18.7.2003, p 7395); No 89 of 23.5.2003, p 4870 (revoked GG No 200 of 17.12.2004, p 9497); No 93 of 30.5.2003, pp 4957 (revoked GG No 52 of 13.4.2006, p 2224), 4960 (revoked GG No 52 of 13.4.2006, p 2224); No 95 of 6.6.2003, p 5040 (revoked GG No 66 of 19.5.2006, p 3127); No 104 of 27.6.2003, p 6359 (revoked GG No 52 of 13.4.2006, p 2224); No 132 of 29.8.2003, p 8961 (revoked GG No 175 of 8.12.2006, p 10532); No 12 of 16.1.2004, pp 202, 203; No 19 of 30.1.2004, p 330 (revoked GG No 175 of 8.12.2006, p 10532); No 47 of 27.2.2004, pp 837 (revoked GG No 114 of 8.9.2006, p 7936), 840, 843 (revoked GG No 103 of 18.8.2006, p 6534), 846 (revoked GG No 52 of 13.4.2006, p 2224); No 63 of 26.3.2004, p 1554 (revoked GG No 52 of 13.4.2006, p 2224); No 91 of 28.5.2004, p 3289 (revoked GG No 75 of 9.6.2006, p 4040); No 116 of 7.7.2004, p 5763 (revoked GG No 99 of 3.7.2009, p 3892); No 200 of 17.12.2004, p 9497 (see also GG No 45 of 15.4.2005, p 1412) (revoked GG No 66 of 19.5.2006, p 3129); No 7 of 14.1.2005, p 126 (revoked GG No 103 of 18.8.2006, p 6534); No 26 of 18.2.2005, p 439; No 30 of 4.3.2005, p 677 (revoked GG No 175 of 8.12.2006, p 10532); No 52 of 13.4.2006, pp 2226, 2230 (revoked GG No 84 of 25.6.2010, p 2906); No 66 of 19.5.2006, p 3129 (revoked GG No 189 of 22.12.2006, p 11839); No 93 of 21.7.2006, p 5799; No 111 of 1.9.2006, p 7840; No 123 of 13.10.2006, pp 8753, 8754 (revoked GG No 41 of 9.3.2007, p 1753); No 124 of 20.10.2006, p 8872; No 168 of 1.12.2006, p 10161 (revoked GG No 152 of 28.11.2008, p 11430); No 189 of 22.12.2006, p 11839; No 11 of 19.1.2007, p 186 (revoked GG No 152 of 28.11.2008, p 11434); No 41 of 9.3.2007, p 1753 (revoked GG No 84 of 25.6.2010, p 2906); No 66 of 11.5.2007, p 2714 (see also erratum published in GG No 68 of 18.5.2007, p 2828) (revoked GG No 152 of 28.11.2008, p 11430); No 75 of 6.6.2007, p 3641 (revoked GG No 152 of 28.11.2008, p 11430); No 81 of 22.6.2007, p 3832 (revoked GG No 152 of 28.11.2008, p 11430); No 81 of 22.6.2007, p 3834 (revoked GG No 99 of 3.7.2009, p 3892); No 33 of 14.3.2008, p 2269 (see also erratum published in GG No 50 of 9.5.2008, p 3819) (revoked GG No 128 of 3.10.2008, p 9704); No 48 of 2.5.2008, pp 2998, 2999, 3000 (revoked GG No 84 of 25.6.2010, p 2906), 3001 (revoked GG No 84 of 25.6.2010, p 2906), 3003, 3004 (see also erratum published in GG No 50 of 9.5.2008, p 3819) (revoked GG No 99 of 3.7.2009, p 3892); No 128 of 3.10.2008, p 9704; No 152 of 28.11.2008, pp 11432 (revoked GG No 84 of 25.6.2010, p 2906), 11434; No 158 of 19.12.2008, pp 12865 (revoked GG No 84 of 25.6.2010, p 2906), 12867; No 29 of 6.2.2009, pp 790 (revoked GG No 84 of 25.6.2010, p 2906), 803 (revoked GG No 84 of 25.6.2010, p 2906), 806 (revoked GG No 84 of 25.6.2010, p 2906); No 73 of 15.5.2009, pp 2253, 2254 (revoked GG No 84 of 25.6.2010, p 2906); No 99 of 3.7.2009, p 3889-3891; No 136 of 25.9.2009, pp 5224, 5225; No 31 of 12.2.2010, p 804; No 38 of 12.3.2010, p 1219; No 66 of 21.5.2010, p 2182; No 74 of 11.6.2010, p 2363; No 84 of 25.6.2010, pp 2907, 2912; No 94 of 23.7.2010, p 3583 and No 111 of 3.9.2010, pp 4316, 4321.

(3) For orders under sec 5A, see GGs No 161 of 17.12.1976, pp 5609-5612 (see also GG No 133 of 7.9.1984, p 4483); No 11 of 22.1.1982, p 269; No 133 of 7.9.1984, p 4483 (see also GG No 147 of 19.10.1984, p 5144); No 183 of 28.12.1984, p 6515; No 100 of 5.7.1985, p 3376; No 179 of 20.11.1987, p 6507; No 76 of 15.6.1990, p 5000 (revoked

GG No 161 of 7.12.1990, p 10690); No 161 of 7.12.1990, p 10690 (revoked GG No 154 of 18.11.1994, p 6771); No 154 of 18.11.1994, p 6771; No 22 of 6.2.1998, p 568 (revoked GG No 148 of 16.10.1998, p 8238); No 148 of 16.10.1998, p 8238 (see also GG No 137 of 5.9.2003, p 9144) (revoked GG No 179 of 14.11.2003, p 10517); No 178 of 7.11.2003, p 10405; No 179 of 14.11.2003, p 10517 (see also GG No 197 of 19.12.2003, p 11459); No 185 of 21.11.2003, p 10670 (revoked GG No 197 of 19.12.2003, p 11459); No 137 of 4.11.2005, pp 9333, 9335 (see also GG No 139 of 11.11.2005, p 9386); No 8 of 9.1.2009, p 260; No 21 of 23.1.2009, p 463 (revoked GG No 172 of 13.12.2013, p 5745); No 45 of 6.5.2011, p 2831; No 159 of 22.11.2013, p 5323 (see also erratum published in GG No 172 of 13.12.2013, p 5747) (revoked GG No 32 of 17.4.2015, p 997); No 172 of 13.12.2013 (revoked GG No 7 of 5.2.2016, p 121), p 5745, No 32 of 17.4.2015, p 997 and No 7 of 5.2.2016, p 119.

The above does not constitute a complete list of orders and proclamations under the Act. Proclamations or orders made under sec 4 (1) are revoked pursuant to sec 4 (2) on the tenth anniversary of the date of publication in the Gazette. Orders made under sec 5A (1) are revoked pursuant to sec 5A (2) (d) on the fifth anniversary of the date of publication in the Gazette.

Table of amending instruments *Plant Diseases Act 1924 No 38*. Assented to 17.12.1924.
This Act has been amended as follows:

193 7	No 35	<i>Statute Law Revision Act 1937</i> . Assented to 23.12.1937.
196 2	No 33	<i>Plant Diseases and Irrigation (Amendment) Act 1962</i> . Assented to 3.12.1962. Date of commencement, 13.8.1965, sec 1 (4) and GG No 102 of 13.8.1965, p 2566.
196 5	No 33	<i>Decimal Currency Act 1965</i> . Assented to 20.12.1965. Date of commencement of sec 4, 14.2.1966, secs 1 (3), 2 (1) and the <i>Currency Act 1965</i> (Commonwealth), sec 2 (2).
196 9	No 3	<i>Horticultural Stock and Nurseries Act 1969</i> . Assented to 14.3.1969. Date of commencement, 1.3.1973, sec 1 (2) and GG No 25 of 23.2.1973, p 514.
197 1	No 27	<i>Plant Diseases (Amendment) Act 1971</i> . Assented to 27.9.1971. Date of commencement of sec 2, 1.12.1972, sec 1 (2) and GG No 127 of 1.12.1972, p 4833; date of commencement of sec 4, 17.12.1976, sec 1 (2) and GG No 161 of 17.12.1976, p 5591.
197 2	No 48	<i>Reprints Act 1972</i> . Assented to 9.10.1972.
197 5	No 80	<i>Fruit Cases (Repeal) Act 1975</i> . Assented to 10.12.1975.
197 8	No 10	<i>Plant Diseases (Amendment) Act 1978</i> . Assented to 6.3.1978.
	No 67	<i>Metric Conversion Act 1978</i> . Assented to 6.4.1978. Date of commencement of Sch 1, Item 32, 27.7.1979, sec 4 (2) (amended by <i>Metric Conversion (Amendment) Act 1978</i> , sec 2 (b)) and GG No 98 of 27.7.1979, p 3607. Amended by <i>Metric Conversion (Amendment) Act 1978 No 175</i> . Assented to 29.12.1978.
198 0	No 17 3	<i>Plant Diseases (Amendment) Act 1980</i> . Assented to 17.12.1980.
198		<i>Plant Diseases (Amendment) Act 1987</i> . Assented to 15.4.1987. Date of commencement

7	No 17	of Sch 1, 1.9.1988, sec 2 (2) and GG No 138 of 26.8.1988, p 4478. Amended by <i>Statute Law (Miscellaneous Provisions) Act (No 1) 1987 No 48</i> .
	No 48	<i>Statute Law (Miscellaneous Provisions) Act (No 1) 1987</i> . Assented to 28.5.1987. Date of commencement of Sch 32, except as provided by sec 2 (13), 1.9.1987, sec 2 (2) and GG No 136 of 28.8.1987, p 4809.
199	No 17	<i>Statute Law (Miscellaneous Provisions) Act 1991</i> . Assented to 3.5.1991. Date of commencement of the provisions of Sch 1 relating to the <i>Plant Diseases Act 1924</i> , 1.9.1991, Sch 1 and GG No 119 of 23.8.1991, p 7055.
199	No 57	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1992</i> . Assented to 8.10.1992. Date of commencement of the provision of Sch 1 relating to the <i>Plant Diseases Act 1924</i> , assent, Sch 1.
	No 112	<i>Statute Law (Penalties) Act 1992</i> . Assented to 8.12.1992. Date of commencement, assent, sec 2.
199	No 11	<i>Statute Law Revision (Local Government) Act 1995</i> . Assented to 9.6.1995. Date of commencement of the provision of Sch 1 relating to the <i>Plant Diseases Act 1924</i> , 23.6.1995, sec 2 (1) and GG No 77 of 23.6.1995, p 3279.
	No 44	<i>Plant Diseases Amendment Act 1995</i> . Assented to 26.10.1995. Date of commencement, 1.12.1995, sec 2 and GG No 145 of 1.12.1995, p 8116.
199	No 30	<i>Statute Law (Miscellaneous Provisions) Act 1996</i> . Assented to 21.6.1996. Date of commencement of Sch 3, 3 months after assent, sec 2 (3).
199	No 77	<i>Administrative Decisions Legislation Amendment Act 1997</i> . Assented to 10.7.1997. Date of commencement of Sch 5.23, 1.3.1999, sec 2 and GG No 25 of 26.2.1999, p 969.
199	No 31	<i>Statute Law (Miscellaneous Provisions) Act 1999</i> . Assented to 7.7.1999. Date of commencement of Sch 2.29, assent, sec 2 (2).
200	No 70	<i>Plant Diseases Amendment Act 2000</i> . Assented to 6.9.2000. Date of commencement, assent, sec 2.
	No 96	<i>Horticultural Legislation Amendment Act 2000</i> . Assented to 13.12.2000. Date of commencement of Sch 1.2, 1.3.2001, sec 2 (2) and GG No 45 of 1.3.2001, p 1078.
200	No 112	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2001</i> . Assented to 14.12.2001. Date of commencement of Sch 3, assent, sec 2 (1).
200	No 91	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2004</i> . Assented to 10.12.2004. Date of commencement of Sch 1.25, assent, sec 2 (2).
200	No 58	<i>Statute Law (Miscellaneous Provisions) Act 2006</i> . Assented to 20.6.2006. Date of commencement of Sch 1.21, assent, sec 2 (2).
200	No 94	<i>Miscellaneous Acts (Local Court) Amendment Act 2007</i> . Assented to 13.12.2007. Date of commencement of Sch 4, 6.7.2009, sec 2 and 2009 (314) LW 3.7.2009.
200	No 33	<i>Exotic Diseases of Animals Amendment Act 2008</i> . Assented to 25.6.2008. Date of commencement, assent, sec 2.
200	No 9	<i>Statute Law (Miscellaneous Provisions) Act 2009</i> . Assented to 1.7.2009. Date of commencement of Sch 2.42, 17.7.2009, sec 2 (2); date of commencement of Sch 4,

	56	17.7.2009, sec 2 (1).
2010	No 59	<i>Statute Law (Miscellaneous Provisions) Act 2010</i> . Assented to 28.6.2010. Date of commencement of Sch 2.73, 9.7.2010, sec 2 (2).
	No 70	<i>Plant Diseases Amendment Act 2010</i> . Assented to 28.9.2010. Date of commencement, assent, sec 2.
	No 119	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2010</i> . Assented to 29.11.2010. Date of commencement of Sch 1.26, 7.1.2011, sec 2 (2).
2012	No 31	<i>Primary Industries Legislation Amendment (Biosecurity) Act 2012</i> . Assented to 29.5.2012. Date of commencement of Sch 4, assent, sec 2 (1).
2013	No 95	<i>Civil and Administrative Legislation (Repeal and Amendment) Act 2013</i> . Assented to 20.11.2013. Date of commencement, 1.1.2014, sec 2.

This Act has also been amended pursuant to orders under secs 8 (2), 9 (3) and 9A of the *Reprints Act 1972 No 48* (formerly *Acts Reprinting Act 1972*). Order dated 16.11.1978, and published in GG No 166 of 24.11.1978, p 4858, declaring that the *Plant Diseases Act 1924* is an enactment to which sec 8 (2) and sec 9 (3) of the *Acts Reprinting Act 1972* apply. Order dated 16.11.1978, and published in GG No 166 of 24.11.1978, p 4858.

Table of amendments No reference is made to certain amendments made by the *Decimal Currency Act 1965*, the *Reprints Act 1972*, and Schedule 3 (amendments replacing gender-specific language) to the *Statute Law (Miscellaneous Provisions) Act 1996*.

Long title	Am 1987 No 17, Sch 1 (1).
Sec 1	Am 1980 No 173, Sch 2 (1).
Sec 2	Subst 1995 No 44, Sch 1 (1).
Sec 3	Am 1971 No 27, sec 3 (1) (a); 1978 No 10, Sch 1 (1); 1980 No 173, Sch 1 (1); 1987 No 17, Sch 1 (2) (am 1987 No 48, Sch 31); 1991 No 17, Sch 1; 1995 No 44, Sch 1 (2)-(4); 2004 No 91, Sch 1.25 [1]-[3]; 2010 No 59, Sch 2.73; 2010 No 119, Sch 1.26; 2012 No 31, Sch 4 [1]-[3].
Sec 3A	Ins 1987 No 17, Sch 1 (3). Am 2000 No 70, Sch 1 [1]; 2004 No 91, Sch 1.25 [4].
Sec 4	Am 1980 No 173, Sch 1 (2); 1995 No 44, Sch 1 (5) (6); 2010 No 70, Sch 1 [1]-[4].
Sec 5	Am 1971 No 27, sec 4 (a); 1978 No 10, Sch 1 (2); 1980 No 173, Sch 1 (3); 1995 No 44, Sch 1 (7) (8).
Sec 5A	Ins 1971 No 27, sec 4 (b). Am 1978 No 10, Sch 1 (3); 1987 No 48, Sch 32; 1995 No 44, Sch 1 (9) (10); 2000 No 96, Sch 1.2 [1] [2]; 2009 No 56, Sch 4.51 [1] [2]; 2012 No 31, Sch 4 [4]-[8].
Sec 6	Am 1980 No 173, Sch 1 (4); 2012 No 31, Sch 4 [9] [10].
Sec 7	Am 1980 No 173, Sch 1 (5); 1991 No 17, Sch 1; 1995 No 44, Sch 1 (11); 2004 No 91, Sch 1.25 [1]; 2012 No 31, Sch 4 [11].
Sec 8	Am 2012 No 31, Sch 4 [12]-[14].
Sec 9	Am 1971 No 27, sec 4 (c); 1978 No 10, Sch 1 (4); 1995 No 44, Sch 1 (12); 2004 No 91, Sch 1.25 [1]; 2006 No 58, Sch 1.21.
Sec 10	Am 1978 No 10, Sch 1 (5); 2004 No 91, Sch 1.25 [5]. Subst 2012 No 31, Sch 4 [15].
Sec 11	Am 1980 No 173, Sch 2 (2). Subst 1992 No 57, Sch 1. Am 2004 No 91, Sch 1.25 [5].
Sec 11A	Ins 1971 No 27, sec 3 (1) (b). Am 1980 No 173, Sch 1 (6); 1987 No 17, Sch 1 (4). Rep 1992 No 57, Sch 1.
Sec 12	Am 1962 No 33, sec 2 (a).

Sec 13	Am 1962 No 33, sec 2 (b); 1971 No 27, secs 3 (1) (c), 4 (d); 1978 No 10, Sch 1 (6); 1991 No 17, Sch 1; 2000 No 70, Sch 1 [2]-[4]; 2010 No 70, Sch 1 [5]; 2012 No 31, Sch 4 [16]-[18].
Sec 13A	Ins 2000 No 70, Sch 1 [5]. Am 2012 No 31, Sch 4 [19] [20].
Sec 13B	Ins 2000 No 70, Sch 1 [5]. Am 2004 No 91, Sch 1.25 [5] [6]; 2012 No 31, Sch 4 [21].
Sec 14	Am 1995 No 44, Sch 1 (13).
Sec 15	Am 1995 No 44, Sch 1 (14); 2012 No 31, Sch 4 [22] [23].
Sec 16	Am 1971 No 27, sec 4 (e); 2010 No 70, Sch 1 [6] [7].
Sec 16A	Ins 2010 No 70, Sch 1 [8].
Sec 17	Am 1978 No 10, Sch 1 (7).
Sec 18	Am 1978 No 10, Sch 1 (8). Subst 1987 No 17, Sch 1 (5). Am 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15); 2012 No 31, Sch 4 [24] [25].
Sec 18AA	Ins 2012 No 31, Sch 4 [26].
Sec 18A	Ins 1971 No 27, sec 2 (a). Am 1980 No 173, Sch 1 (7); 1987 No 17, Sch 1 (6); 1991 No 17, Sch 1; 2009 No 56, Sch 2.42.
Sec 19	Am 1969 No 3, sec 24 (1) (a); 1978 No 67, Sch 1; GG No 166 of 24.11.1978, p 4858; 1980 No 173, Schs 1 (8), 2 (3). Rep 1987 No 17, Sch 1 (7). Ins 1995 No 44, Sch 1 (16). Am 2004 No 91, Sch 1.25 [1].
Sec 20	Rep 1987 No 17, Sch 1 (8).
Sec 21	Am 1978 No 10, Sch 1 (9); 1987 No 17, Sch 1 (9); 1995 No 44, Sch 1 (17); 1997 No 77, Sch 5.23 [1]; 1999 No 31, Sch 2.29; 2013 No 95, Sch 2.116 [1]-[3].
Sec 22 and heading	Rep 1978 No 10, Sch 1 (10).
Sec 23	Subst 1987 No 17, Sch 1 (10). Am 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15).
Sec 24	Am 1980 No 173, Sch 1 (9); 1987 No 17, Sch 1 (11); 1995 No 44, Sch 1 (18); 2004 No 91, Sch 1.25 [1].
Sec 24A	Ins 2012 No 31, Sch 4 [27].
Sec 25	Am 2012 No 31, Sch 4 [28].
Sec 25A	Ins 1962 No 33, sec 2 (c). Am 1987 No 17, Sch 1 (12); 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15).
Sec 25B	Ins 1962 No 33, sec 2 (c). Am 1971 No 27, sec 3 (1) (d); 1987 No 17, Sch 1 (13); 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15).
Secs 25C, 25D	Ins 1978 No 10, Sch 1 (11). Subst 1987 No 17, Sch 1 (14). Am 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15).
Sec 26	Am 1962 No 33, sec 2 (d); 1971 No 27, secs 3 (1) (e), 4 (f); 1978 No 10, Sch 1 (12); 1980 No 173, Sch 1 (10); 1987 No 17, Sch 1 (15); 1992 No 112, Sch 1; 1995 No 11, Sch 1; 1995 No 44, Sch 1 (15) (19)-(23); 2000 No 70, Sch 1 [6]; 2004 No 91, Sch 1.25 [7]; 2007 No 94, Sch 4; 2008 No 33, Sch 2.7 [1]; 2010 No 70, Sch 1 [5] [9] [10].
Sec 27	Am 1980 No 173, Sch 2 (4); 1987 No 17, Sch 1 (16).
Sec 28	Am 1937 No 35, Second Sch; 1962 No 33, sec 2 (e); 1969 No 3, sec 24 (1) (b); 1971 No 27, secs 2 (b), 3 (1) (f), 4 (g); 1978 No 10, Sch 1 (13); 1980 No 173, Sch 2 (5); 1987 No 17, Sch 1 (17); 1987 No 48, Sch 32; 1991 No 17, Sch 1; 1992 No 112, Sch 1; 1995 No 44, Sch 1 (24); 1997 No 77, Sch 5.23 [2]; 2008 No 33, Sch 2.7 [2]; 2010 No 70, Sch 1 [11]; 2013 No 95, Sch 2.116 [4] [5].
Sec 28A	Ins 1991 No 17, Sch 1. Am 2000 No 96, Sch 1.2 [3]; 2009 No 56, Sch 4.51 [3]-[5].
Sec 28B	Ins 1995 No 44, Sch 1 (25). Am 2000 No 96, Sch 1.2 [4]; 2010 No 119, Sch 1.26; 2012 No 31, Sch 4 [29]-[32].
Sec 28BA	Ins 2012 No 31, Sch 4 [33].
Sec 28C	Ins 2004 No 91, Sch 1.25 [8].

Sec 29	Am 1978 No 10, Sch 1 (14); 1987 No 17, Sch 1 (18); 1992 No 112, Sch 1; 1995 No 44, Sch 1 (15).
Sec 30 and short heading	Rep 1975 No 80, Sch 1.
Short headings before secs 1, 4, 11, 19, 20, 21, 23 and 29	Rep 1987 No 17, Sch 1 (19).
Schs 1, 2	Ins 1995 No 44, Sch 1 (26). Am 2001 No 112, Sch 3.11.
Sch 3	Ins 1995 No 44, Sch 1 (26). Am 2000 No 96, Sch 1.2 [5] [6]; 2004 No 91, Sch 1.25 [9]; 2010 No 70, Sch 1 [12] [13]; 2012 No 31, Sch 4 [34] [35].
Sch 4	Ins 2000 No 70, Sch 1 [7]. Am 2004 No 91, Sch 1.25 [5].