

Plant Quarantine Regulations 2007

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Plant Quarantine Act 1997.

25 June 2007

W. J. E. COX

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Plant Quarantine Regulations 2007.

2. Commencement

These regulations take effect on the seventh day after the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations, unless the contrary intention appears –

"**Act**" means the Plant Quarantine Act 1997;

"**carrier**" means the operator of any vessel entering Tasmania;

"**GST**" has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

"**overtime hours**" means, where a shift begins or ends outside working hours, the hours that –

(a) immediately lead up to or follow on from working hours; and

(b) make up part of that shift;

"**penalty hours**" means the hours that make up a shift where the whole of the shift falls outside working hours;

"**unit of freight**" means –

(a) a container used to transport freight; or

(b) a truck, trailer or other motor vehicle used to transport freight other than a motor vehicle that is a car brought into Tasmania on a ferry by an accompanying passenger; or

- (c) any other thing used to transport freight; or
- (d) any agricultural equipment or other machinery; or
- (e) any other thing that is freight in its own right;

"**working hours**" means the period from 7 a.m. until 7 p.m. on any weekday other than a public holiday or bank holiday.

PART 2 - Fees and charges

4. Fees and charges payable by carriers

The fees and charges specified in Schedule 1 are prescribed as the fees and charges that are payable by carriers for the matters to which they respectively relate.

5. Fees and charges payable for requesting certificate of release

The fees and charges specified in Schedule 2 are prescribed as the fees and charges that are payable by persons requesting a certificate of release under section 74 of the Act.

6. Fees and charges payable for applications under Act

The fees and charges specified in Schedule 3 are prescribed as the fees and charges that are payable by persons making an application under the Act for the matters to which they respectively relate.

7. Fees include GST

The fees and charges specified in Schedule 1, 2 and 3 (other than items 1 and 2 of Schedule 3) are GST inclusive.

PART 3 - Miscellaneous

8. Offences under Act

(1) The offences described in Column 2 of Schedule 4 under the respective sections specified in Column 1 of that Schedule are prescribed as the offences under the Act in respect of which infringement notices may be issued.

(2) The penalties specified in Column 3 of Schedule 4 are prescribed as the penalties payable in respect of the prescribed offences to which the respective infringement notices relate.

9.

See Schedule 5.

SCHEDULE 1 - Fees and charges payable by carriers

Regulation 4

Item	Matter	Fee
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		(Fee units)
1.	Examination of documents or vessel under the Act –	
	(a) within working hours	12 per quarter-hour or part quarter-hour, for each inspector
	(b) outside working hours, and –	
	(i) within overtime hours, on a –	
	weekday or Saturday	18 per quarter-hour or part quarter-hour, for each inspector
	Sunday, public holiday or bank holiday	24 per quarter-hour or part quarter-hour, for each inspector
	(ii) within penalty hours on any day –	
	for an examination lasting 4 hours or less	384 for each inspector
	for an examination lasting more than 4 hours	384 plus 24 per-quarter hour or part quarter-hour in excess of 4 hours, for each inspector
2.	Examination of unit of freight under the Act	5 per unit of freight

SCHEDULE 2 - Fees and charges payable by persons requesting certificate of release

Regulation 5

Item	Matter	Fee
		(Fee units)
1.	Examination of documents or examination, treatment or dealing with prescribed matter under the Act –	
	(a) within working hours	12 per quarter-hour or part quarter-hour, for each inspector
	(b) outside working hours, and –	
	(i) within overtime hours, on a –	
	weekday or Saturday	18 per quarter-hour or part quarter-hour, for each inspector
	Sunday, public holiday or bank holiday	24 per quarter-hour or part quarter-hour, for each inspector
	(ii) within penalty hours on any day –	
	for an examination lasting 4 hours or less	384 for each inspector
	for an examination lasting more than 4 hours	384 plus 24 per quarter-hour or part quarter-hour in excess of 4 hours, for each inspector

SCHEDULE 3 - Fees and charges payable for applications under Act

Item	Matter	Fee (Fee units)
1.	Application for permit under section 19 or 26 of the Act	45
2.	Application for declaration of approved quarantine place under section 71 of the Act	135
3.	If an application under item 1 or 2 involves an examination of documents, prescribed matter or premises under the Act, in addition to the fee in that item, the fee for an examination set out in item 1 of Schedule 1	

SCHEDULE 4 - Offences under Act

Column 1	Column 2	Column 3
Section of Act	General description of offence	Penalty units
14	Failing to notify List B pest or disease	In case of – (a) body corporate – 10 (b) natural person – 5
15	Failing to notify new or unknown pest or disease	In case of – (a) body corporate – 10 (b) natural person – 5
16	Possessing List A or List B pest or disease without written permission	In case of – (a) body corporate – 10 (b) natural person – 5
22	Failing to comply with direction relating to quarantine area except in accordance with specified restriction or prohibition	In case of – (a) body corporate – 10 (b) natural person – 5
27	Carrying out activity in infected area	In case of – (a) body corporate – 10

		(b) natural person – 5
28	Failing to comply with direction relating to infected area	In case of – (a) body corporate – 10 (b) natural person – 5
31	Moving prescribed matter in or out of control area except in accordance with specified restriction or prohibition	In case of – (a) body corporate – 10 (b) natural person – 5
32	Carrying out activity in control area except in accordance with specified restriction or prohibition	In case of – (a) body corporate – 10 (b) natural person – 5
33(4)	Failing to comply with notice relating to control area	In case of – (a) body corporate – 10 (b) natural person – 5
34(2)	Failing to comply with requirement relating to control area	In case of – (a) body corporate – 5 (b) natural person – 3
37	Moving prescribed matter in or out of protected area except in accordance with specified restriction or prohibition or as authorised	In case of – (a) body corporate – 10 (b) natural person – 5
39	Carrying out activity in protected area except in accordance with specified restriction or prohibition	In case of – (a) body corporate – 10 (b) natural person – 5
47(3)	Failing to comply with condition of control agreement	In case of – (a) body

		corporate – 10 (b) natural person – 5
56(2)	Failing to comply with direction of inspector	In case of – (a) body corporate – 5 (b) natural person – 3
62(3)	Failing to comply with direction relating to assistance or facilities	In case of – (a) body corporate – 5 (b) natural person – 2
63	Refusing to give proper name and address or giving false name and address	In case of – (a) body corporate – 5 (b) natural person – 3
68(2)	Failing to comply with condition or restriction relating to importation	In case of – (a) body corporate – 10 (b) natural person – 1
69	Importing, or allowing import of, List A or List B pest or disease	In case of – (a) body corporate – 10 (b) natural person – 5
70(3)	Entering, leaving or taking things into or out of approved quarantine place without authority	In case of – (a) body corporate – 10 (b) natural person – 5
72(2)	Removing, or allowing removal of, prescribed matter from approved quarantine place without authority	In case of – (a) body corporate – 10 (b) natural person – 5
75(2)	Failing to comply with requirement to assist	In case of – (a) body

		corporate – 10 (b) natural person – 5
100(2)	Failing to stop vehicle or keep vehicle stationary	In case of – (a) body corporate – 10 (b) natural person – 5
100(3)	Damaging, defacing, removing or interfering with sign	In case of – (a) body corporate – 10 (b) natural person – 5
101	Moving, destroying or interfering with trap or equipment	In case of – (a) body corporate – 10 (b) natural person – 5
103	Failing to comply with requirement relating to records	In case of – (a) body corporate – 10 (b) natural person – 5

SCHEDULE 5

The amendments effected by Regulation 9 and this Schedule have been incorporated into the authorised version of the Plant Quarantine Regulations 1998.

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 4 July 2007.

These regulations are administered in the Department of Primary Industries and Water.

Table Of Amendments

Citation	Serial Number	Date of commencement
Plant Quarantine Regulations 2007	S.R. 2007, No. 52	11.7.2007
