

## Seeds Regulations 2010

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 *Seeds Act 1985*.

11 June 2010

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

BRYAN GREEN

Minister for Primary Industries and Water

### 1. Short title

These regulations may be cited as the *Seeds Regulations 2010*.

### 2. Commencement

These regulations take effect on 30 June 2010.

### 3. Interpretation

In these regulations –

*Act* means the *Seeds Act 1985*;

*hard seed* means hard seed as defined by the International Seed Testing Rules;

*inert matter* means inert matter as defined by the International Seed Testing Rules;

*International Seed Testing Association* means the association based in Switzerland that has the primary purpose of developing, adopting and publishing standard procedures for sampling and testing seeds;

*International Seed Testing Rules* means the Rules and Annexes published in 1999, and as amended from time to time, by the International Seed Testing Association;

*other seed* means other seed as defined by the International Seed Testing Rules;

*pure seed* means pure seed as defined by the International Seed Testing Rules;

*unidentified seed* means any seed that is unable to be immediately identified by means of an internationally accepted genus and species name;

*viable seed* means seeds capable of germination as defined by the International Seed Testing Rules.

### 4. Prohibited seeds

(1) For the purpose of the Act, the following seeds are prohibited seeds:

(a) a kind of seed specified in Schedule 1;

(b) a seed that is declared a List A pest or a List B pest under the *Plant Quarantine Act 1997*;

(c) an unidentified seed.

(2) If the common name or botanical name of a kind of seed is not specified in Schedule 1 its prescribed common name or prescribed botanical name is the common name, or botanical name, respectively, listed as being correct for that kind of seed in the –

(a) "CSIRO Handbook of Australian Weeds" or "CSIRO Handbook of Economic Plants of Australia" published by the Commonwealth Scientific and Industrial Research Organisation, as amended from time to time; or

(b) "ISTA List of Stabilized Plant Names", published by the International Seed Testing Association, as amended from time to time.

## 5. Submission of samples

(1) For section 10(2) of the Act, a sample of seeds is to be submitted in the manner for submission of a sample of seeds that is specified in –

(a) the International Seed Testing Rules; or

(b) any variation of those Rules as approved by the Secretary by a notice published in the *Gazette*.

(2) For section 10(7) of the Act, the quantity of seeds is the minimum quantity, specified by the International Seed Testing Association, of seeds of the kind that are to be submitted for testing.

## 6. Particulars relating to testing of sample seeds

For the purpose of section 10(3) of the Act, the particulars in respect of a sample of seeds are as follows:

(a) the pure seed content of that sample;

(b) the viable seeds expressed as a proportion of pure seed;

(c) other seeds expressed as a number per unit mass of each kind;

(d) the inert matter content;

(e) the hard seed content expressed as a proportion of pure seed.

## 7. Taking of samples

(1) For section 10(6) of the Act, a sample of seeds is to be taken –

(a) from a package, or bulk quantity, from each seedlot in accordance with the requirements, in respect of the taking of a sample of seeds from packages, or bulk quantities, from seedlots, specified in the International Seed Testing Rules; and

(b) in sufficient quantities to provide a sample of not less than twice the appropriate quantity of seeds specified by the International Seed Testing Association as required for a sample of seeds.

**(2)** A person submitting a sample of seeds under section 10(2) of the Act is to –

**(a)** place the sample of seeds in a package and fasten and seal the package; and

**(b)** inscribe on the package of seeds or on a label attached to the package –

**(i)** the information required to be specified on the package in accordance with section 6 of the Act; and

**(ii)** the number of packages of seeds, or the bulk quantity from a seedlot, from which the seeds have been taken for sampling, that is represented by the sample; and

**(iii)** if known, the name and address of the owner, or consignor or person in possession of, the seeds sampled; and

**(iv)** the date on which the sample was taken; and

**(c)** forward the sample to the Official Seed Testing Laboratory.

**(3)** If it is impracticable to take the quantity of a sample referred to in subregulation (1), then, despite subregulation (2), a person submitting a sample of seeds under section 10(2) of the Act is to –

**(a)** take 2 unopened packages of seeds to be sampled; and

**(b)** fasten and seal each package; and

**(c)** inscribe on each package, or on a label attached to each package, the particulars referred to in subregulation (2)(b); and

**(d)** inscribe on one package, or on a label attached to one package, that the package is the original package; and

**(e)** inscribe on the other package, or on a label attached to the other package, that the package is the second package; and

**(f)** forward both the packages to the Official Seed Testing Laboratory.

**(4)** If a person in charge, or apparently in charge, of seeds is present during the taking of a sample of the seeds and so requests, the person taking the sample is to –

**(a)** provide a sample of seeds not less than 3 times the appropriate quantity referred to in subregulation (1); and

**(b)** include, together with the particulars required to be specified on the package in accordance with subregulation (2)(b), the information that the package contains 3 times the quantity required under subregulation (1).

## **8. Treating of samples**

**(1)** A package, containing a sample of seeds, forwarded to the Official Seed Testing Laboratory under regulation 7(2)(c) for testing by the Laboratory, is to be treated in the following manner before the seeds are tested:

**(a)** the contents of the package are to be mixed;

- (b) the contents of the package are to be divided into 2 equal portions;
  - (c) one of the portions is to be placed in the original package and the other portion in a second package;
  - (d) the second package is to be fastened and sealed;
  - (e) the particulars referred to in regulation 7(2)(b) are to be inscribed on the second package, or on a label attached to that package.
- (2) The sample of seeds placed in the original package under subregulation (1)(c) is to be used for the testing of the seeds.
- (3) The sample of seeds placed in the second package under subregulation (1)(c) is to be retained for a period of 12 months.
- (4) The second package of seeds retained under subregulation (3) may be used –
- (a) for the retesting of the seeds if required; and
  - (b) if there is a dispute, as a sample representing the bulk of the seeds sampled originally, if the package is opened and examined in the presence of the parties to the dispute.
- (5) The contents of the package of seeds forwarded under regulation 7(3)(f), and inscribed or labelled "original package" under regulation 7(3)(d), are to be used for the testing of the seeds.
- (6) The contents of the package of seeds forwarded under regulation 7(3)(f), and inscribed or labelled "second package" under regulation 7(3)(e) –
- (a) are to be retained for a period of 12 months; and
  - (b) may be used as specified in subregulation (4).
- (7) If a package of seeds forwarded to the Official Seed Testing Laboratory for sampling has specified on it, in accordance with regulation 7(4)(b), that the package contains 3 times the quantity of seeds required under regulation 7(1) –
- (a) the contents of the package are to be divided into 3 equal portions; and
  - (b) one of the portions is to be placed in a package and fastened and sealed; and
  - (c) the portion referred to in paragraph (b) is to be forwarded or delivered by certified mail to the person named in accordance with regulation 7(2)(b)(iii) on the original package forwarded for testing; and
  - (d) the remaining 2 portions are to be treated under this regulation as if the portions were the 2 equal portions referred to in subregulation (1)(b).

## 9. Prescribed schemes

For section 21 of the Act, the Schemes for the Varietal Certification of Seed Moving in International Trade, published from time to time by the Council of the Organization for Economic Co-operation and Development, are prescribed.

## 10. Procedures relating to schemes

For section 21(5) of the Act, an accredited person is to identify a seed as certified or registered by maintaining any records required by the Secretary for each scheme.

### SCHEDULE 1 - Prohibited Seeds

Regulation 4(1)(a)

	<b>Column 1</b> <b>Botanical Name</b>	<b>Column 2</b> <b>Common Name</b>
1.	<i>Acanthospermum hispidum</i>	Starburr
2.	<i>Achnatherum brachychaetum (Stipa brachychaeta)</i>	Espartillo
3.	<i>Alhagi pseudalhagi</i>	Camel Thorn
4.	<i>Allium triquetrum</i>	Three Corner Garlic
5.	<i>Alternanthera pungens</i>	Khaki Weed
6.	<i>Ambrosia</i> spp.	Ragweeds
7.	<i>Argemone</i> spp.	Mexican Poppy, American Poppy
8.	<i>Argeratina</i> spp. ( <i>Eupatorium</i> spp.)	Crofton Weed, Mist Flower
9.	<i>Baccharis halimifolia</i>	Groundsel Bush
10.	<i>Berberis</i> spp.	Barberry
11.	<i>Bidens pilosa</i>	Cobbler's Pegs
12.	<i>Calicotome spinosa</i>	Spiny Broom
13.	<i>Calotropis procera</i>	Calotrope
14.	<i>Cannabis</i> spp.	Indian Hemp
15.	<i>Cardaria draba</i>	Hoary Cress
16.	<i>Carthamus glaucus</i>	Glaucous Star Thistle
17.	<i>Carthamus leucocaulos</i>	Glaucous Star Thistle
18.	<i>Centaurea</i> spp.	Knapweeds
19.	<i>Cestrum parqui</i>	Green Poison Berry
20.	<i>Chamaesyce drummondii (Euphorbia drummondii)</i>	Caustic Weed
21.	<i>Conium maculatum</i>	Hemlock
22.	<i>Conringia orientalis</i>	Hare's Ear
23.	<i>Convolvulus arvensis</i>	Field Bindweed
24.	<i>Cyperus</i> spp.	Nutgrasses, Sedges
25.	<i>Diplotaxis tenuifolia</i>	Sand Rocket
26.	<i>Ecballium elaterium</i>	Squirting Cucumber

27.	<i>Echium italicum</i>	Italian Bugloss
28.	<i>Eriocereus</i> spp.	Harrisia Cactus
29.	<i>Euphorbia esula</i>	Leafy Spurge
30.	<i>Euphorbia lathyris</i>	Caper Spurge
31.	<i>Gaura</i> spp.	Clockweed
32.	<i>Glyceria maxima</i>	Reed Sweet Grass
33.	<i>Helenium amarum</i>	Bitter Sneezeweed
34.	<i>Helianthus ciliaris</i>	Texas Blueweed
35.	<i>Heliotropium amplexicaule</i>	Blue Heliotrope
36.	<i>Hirschfeldia incana</i>	Buchan Weed
37.	<i>Ibicella lutea</i>	Yellowflowered Devil's Claw
38.	<i>Iva axillaris</i>	Poverty Weed
39.	<i>Lepidium latifolium</i>	Perennial Peppergrass
40.	<i>Lolium temulentum</i>	Darnel
41.	<i>Martynia annua</i>	Devil's Claw
42.	<i>Mimosa</i> spp.	Sensitive Plants
43.	<i>Myagrum perfoliatum</i>	Muskweed
44.	<i>Nicandra physalodes</i>	Apple of Peru
45.	<i>Opuntia</i> spp.	Prickly Pear, Tiger Pear
46.	<i>Oryza rufipogon</i>	Red Rice
47.	<i>Oxalis</i> spp.	Oxalis, Wood Sorrels, Pink Shamrock
48.	<i>Papaver somniferum</i>	Opium Poppy, Oil Poppy
49.	<i>Parapholis</i> spp. ( <i>Aegilops</i> spp.)	Goatgrass
50.	<i>Parthenium hysterophorus</i>	Parthenium Weed
51.	<i>Picnemon acarna</i>	Soldier Thistle
52.	<i>Proboscidea louisianica</i>	Purple Flowered Devil's Claw
53.	<i>Prosopis</i> spp.	Mesquite, Algaroba
54.	<i>Reseda lutea</i>	Cutleaf Mignonette
55.	<i>Reseda luteola</i>	Wild Mignonette
56.	<i>Romulea rosea</i>	Onion Grass, Guildford Grass
57.	<i>Rorippa austriaca</i>	Australian Field Grass
58.	<i>Rosa rubiginosa</i>	Sweet Briar
59.	<i>Rubus</i> spp. (excluding <i>Rubus idaeus</i> and <i>Rubus parvifolius</i> )	Blackberry, Brambles

60.	<i>Salvia aethiopis</i>	Mediterranean Sage
61.	<i>Salvia reflexa</i>	Mintweed
62.	<i>Scolymus hispanicus</i>	Golden Thistle
63.	<i>Scolymus maculatus</i>	Spotted Thistle
64.	<i>Senecia pterophorus</i>	African Daisy
65.	<i>Setaria</i> spp. (except <i>Setaria italica</i> and <i>Setaria sphacelata</i> )	Pigeon Grass
66.	<i>Silene vulgaris</i>	Bladder Campion
67.	<i>Silybum marianum</i>	Variegated Thistle
68.	<i>Solanum dimidatum</i> ( <i>Solanum carolinense</i> )	Carolina Horse Nettle
69.	<i>Sonchus arvensis</i>	Corn Sowthistle
70.	<i>Sorghum almum</i>	Columbus Grass
71.	<i>Sorghum halepense</i>	Johnson Grass
72.	<i>Stachytarpheta</i> spp.	Snakeweeds
73.	<i>Troxicodendron radicans</i>	Poison Ivy
74.	<i>Wedelia glauca</i>	Pascalial Weed

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

Notified in the *Gazette* on 16 June 2010.

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

**Table Of Amendments**

<b>Citation</b>	<b>Serial Number</b>	<b>Date of commencement</b>
Seeds Regulations 2010	S.R. 2010, No. 52	30.6.2010