

**Version No. 003**  
**Plant Health and Plant Products Regulations**  
**2006**

**S.R. No. 62/2006**

Version incorporating amendments as at 28 March 2008

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1 Objectives	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	2
5 Definitions	2
<b>PART 2—PLANT PEST AND DISEASE CONTROL</b>	<b>4</b>
6 Prescribed materials	4
7 Prescribed States and Territories	5
8 Requirement to possess certificate or declaration with prescribed materials	5
9 Prescribed place for inspection, examination and treatment	8
10 Prescribed particulars for certificates and declarations	8
11 Requirement to present certificate or declaration for inspection	9
<b>PART 3—MARKING, IDENTIFICATION AND CLEANING</b>	<b>10</b>
12 Reconditioning and cleaning of used packages	10
13 Prescribed fruit and vegetables for marking locality	10
14 Prescribed plants and plant products requiring identification for propagation	10
15 Warnings	11
<b>PART 4—FEES AND CHARGES</b>	<b>12</b>
16 Fees and charges	12

<i>Regulation</i>	<i>Page</i>
<b>PART 5—INFRINGEMENT NOTICES</b>	<b>14</b>
17 Prescribed offences	14
<hr/>	
<b>SCHEDULES</b>	<b>15</b>
SCHEDULE 1—Prescribed Fruit And Vegetables	15
SCHEDULE 2—Warning—Stop Sale	19
SCHEDULE 3— <i>Revoked</i>	19
SCHEDULE 4—Penalties	20
<hr/> <hr/>	
<b>ENDNOTES</b>	<b>22</b>
1. General Information	22
2. Table of Amendments	23
3. Explanatory Details	24

---

**Version No. 003**  
**Plant Health and Plant Products Regulations**  
**2006**

**S.R. No. 62/2006**

Version incorporating amendments as at 28 March 2008

**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are—

- (a) to require the possession of assurance certificates, plant health certificates and plant health declarations in certain circumstances;
- (b) to require the presentation of certificates or declarations in certain circumstances;
- (c) to prescribe the manner of attaching a warning to seized or detained packages, plants or plant products;
- (d) to prescribe requirements for the reconditioning of used packages;
- (e) to specify activities for which inspectors can impose fees and charges;
- (f) to prescribe forms, penalties for infringement notices and other matters authorised by the Act.

**2 Authorising provision**

These Regulations are made under section 72 of the **Plant Health and Plant Products Act 1995**.

**3 Commencement**

These Regulations come into operation on 8 June 2006.

#### 4 Revocation

The following regulations are **revoked**—

- (a) the Plant Health and Plant Products Regulations 1996<sup>1</sup>;
- (b) the Plant Health and Plant Products (Amendment) Regulations 1997<sup>2</sup>.

#### 5 Definitions

In these Regulations—

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

**phylloxera exclusion zone** means—

- (a) another State or a Territory the corresponding law of which (or a subordinate instrument under the corresponding law of which) has as one of its purposes the prevention of the entry of grape phylloxera into that State or Territory; or
- (b) part of another State or a Territory that has been identified under a corresponding law for the purpose of preventing the entry of grape phylloxera into that part of the State or Territory;

**plant or plant product of the genus *Vitis*** includes grapevines, potted vines, cuttings, rootlings, leaves, stems, grapes for table use or wine making, grape marc or grape must, fresh, clarified or filtered grape juice and plant samples of the genus *Vitis* taken for diagnostic purposes;

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

---

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

*State department of agriculture* includes a department in another State or Territory administering a corresponding law;

*the Act* means the **Plant Health and Plant Products Act 1995**.

---

---

## PART 2—PLANT PEST AND DISEASE CONTROL

### 6 Prescribed materials

The following plants, plant products, plant vectors, used packages, used agricultural equipment and soils are prescribed materials for the purposes of section 6 of the Act—

- (a) material that is a host to an exotic pest or exotic disease in relation to which a restricted area is declared under section 20 of the Act;
- (b) a plant or plant product of the genus *Vitis*;
- (c) agricultural equipment used to cultivate, harvest, pack or process any plant or plant product of the genus *Vitis*;
- (d) a package used to contain any plant or plant product of the genus *Vitis*;
- (e) soil, including samples of soil for diagnostic purposes, that originates from a property on which plants or plant products of the genus *Vitis* are grown;
- (f) root vegetables, bulbs, nursery plants or seedlings that have been grown in soil or in a soil free medium in contact with soil;
- (g) agricultural equipment used to cultivate, harvest, pack or process root vegetables, bulbs, nursery plants or seedlings to which paragraph (f) applies;
- (h) a package used to contain any root vegetables, bulbs, nursery plants or seedlings to which paragraph (f) applies;

- 
- (i) soil, including samples of soil for diagnostic purposes, in which root vegetables, bulbs, nursery plants or seedlings to which paragraph (f) applies have been grown.

## **7 Prescribed States and Territories**

For the purposes of section 6 of the Act—

- (a) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States; and
- (b) the Northern Territory and the Australian Capital Territory are prescribed Territories.

## **8 Requirement to possess certificate or declaration with prescribed materials**

- (1) These Regulations require compliance with section 6(1)(c) of the Act in respect of the material prescribed in regulation 6 other than the material set out in subregulation (2) of this regulation.
- (2) Compliance with section 6(1)(c) of the Act is not required by these Regulations in respect of the movement of—
  - (a) a plant or plant product of the genus *Vitis* from a phylloxera exclusion zone or from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) that grape phylloxera is known not to occur in the area where that plant or plant product was grown; or
  - (b) agricultural equipment used to cultivate, harvest, pack or process any plant or plant product of the genus *Vitis* from a phylloxera exclusion zone or from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the

- 
- relevant State department of agriculture that contains the details required by subregulation (3) and states that grape phylloxera is known not to occur in the area where that plant or plant product was grown; or
- (c) a package used to contain any plant or plant product of the genus *Vitis* from a phylloxera exclusion zone or from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that grape phylloxera is known not to occur in the area where that plant or plant product was grown; or
- (d) soil, including samples of soil for diagnostic purposes, that originates from a property where plants or plant products of the genus *Vitis* are grown from a phylloxera exclusion zone or from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that grape phylloxera is known not to occur in the area where that plant or plant product was grown; or
- (e) root vegetables, bulbs, nursery plants or seedlings from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that potato cyst nematode is known not to occur in the area where the root vegetables, bulbs, nursery plants or seedlings were grown; or
-

- 
- (f) agricultural equipment used to cultivate, harvest, pack or process root vegetables, bulbs, nursery plants or seedlings from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that potato cyst nematode is known not to occur in the area where the root vegetables, bulbs, nursery plants or seedlings were grown; or
  - (g) a package used to contain root vegetables, bulbs, nursery plants or seedlings from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that potato cyst nematode is known not to occur in the area where the root vegetables, bulbs, nursery plants or seedlings were grown; or
  - (h) soil, including samples of soil for diagnostic purposes, in which root vegetables, bulbs, nursery plants or seedlings have been grown from any State or Territory or part of a State or Territory for which a certificate is issued by an officer of the relevant State department of agriculture that contains the details required by subregulation (3) and states that potato cyst nematode is known not to occur in the area where the root vegetables, bulbs, nursery plants or seedlings were grown; or
  - (i) a plant in tissue culture.
-

- 
- (3) A certificate referred to in subregulation (2) must include the following details—
- (a) the name of the relevant pest or disease that is known not to occur in the area where the plant or plant products, or the root vegetables, bulbs, nursery plants or seedlings in relation to which the certificate is issued was or were grown, packed or stored;
  - (b) a description of the area referred to in paragraph (a);
  - (c) the signature of the officer who issued the certificate and his or her position;
  - (d) the name of the relevant State department of agriculture.

**9 Prescribed place for inspection, examination and treatment**

For the purposes of section 6(1)(d) of the Act, the prescribed place is the Plant Standards Centre at the Melbourne Wholesale Fruit and Vegetable Market.

**10 Prescribed particulars for certificates and declarations**

For the purposes of sections 6(2A)(b), (2B)(b) and (2C)(b) of the Act, the other prescribed particular for an assurance certificate, a plant health certificate or a plant health declaration is information that identifies the prescribed materials to which the certificate or declaration relates.

---

**11 Requirement to present certificate or declaration for inspection**

A person who is required by an inspector under section 6(1)(d) of the Act to present any prescribed material for inspection, examination or treatment must also present for inspection any assurance certificate, plant health certificate or plant health declaration that accompanies the prescribed material.

Penalty: 10 penalty units.

---

---

**PART 3—MARKING, IDENTIFICATION AND CLEANING**

**12 Reconditioning and cleaning of used packages**

- (1) For the purposes of section 34(1)(b)(ii) of the Act, an expanded polystyrene package is reconditioned in accordance with the regulations if the package—
  - (a) is free of all unwanted marks, brands and labels; and
  - (b) is washed, scrubbed, or otherwise treated to remove all stains and traces of soil, dirt and waste matter from its surfaces.
- (2) For the purposes of section 34(1)(b)(ii) of the Act, a fibreboard package is reconditioned in accordance with the regulations if the package—
  - (a) is washed, wiped or otherwise treated to remove all stains and traces of soil, dirt and waste matter from its surfaces; and
  - (b) is free of all old unwanted marks, brands and labels or the marks, brands and labels are covered so that they cannot be seen; and
  - (c) is not turned inside out for reuse.

**13 Prescribed fruit and vegetables for marking locality**

The fruit and vegetables listed in Schedule 1 are prescribed for the purposes of section 35(1)(e) of the Act.

**14 Prescribed plants and plant products requiring identification for propagation**

For the purposes of section 39 of the Act, a berry cane, fruit tree, fruit tree budwood, garlic clove, potato tuber, strawberry runner, vine rootling and vine cutting are prescribed plants or plant products.

---

## 15 Warnings

- (1) For the purposes of section 52(1)(j) of the Act, the prescribed manner of attaching a warning to any package or any plants or plant products seized or detained by an inspector or inspection agent is to attach a label in the form in Schedule 2 to the package, plants or plant products.
- (2) A person must not—
  - (a) detach a warning or cause or permit it to be detached without the written consent of the inspector or inspection agent who attached it to the package; or
  - (b) deface or obscure a warning or permit it to be defaced or obscured.

Penalty: 10 penalty units.

---

---

**PART 4—FEES AND CHARGES**

**16 Fees and charges**

- (1) An inspector may impose fees and charges at the amounts or rates fixed by the Minister under section 46 of the Act for—
    - (a) inspecting plants, plant products, packages or equipment; and
    - (b) inspection of any land including the inspection of plants growing on the land; and
    - (c) supervising the treatment of any plants, plant products, used packages, used agricultural equipment or land; and
    - (d) supervising the destruction or disposal of any plants, plant products, used packages, plant refuse or used agricultural equipment.
  - (2) The owner or the person apparently in charge of the consignment of plants, plant products, used packages, used agricultural equipment or land referred to in subregulation (1) must pay the relevant fee or charge.
  - (3) An inspector may impose fees and charges at the amounts or rates determined by the Minister under section 46 of the Act for—
    - (a) the preparation of a compliance agreement; and
    - (b) the monitoring of any compliance agreement entered into under section 43 of the Act to ensure it is complied with.
  - (4) The person requesting the preparation of a compliance agreement must pay the fees and charges referred to in subregulation (3)(a).
-

Plant Health and Plant Products Regulations 2006

S.R. No. 62/2006

Part 4—Fees and Charges

**r. 16**

- 
- (5) A party to a compliance agreement, other than the Crown, must pay the fees and charges referred to in subregulation (3)(b).
-

---

**PART 5—INFRINGEMENT NOTICES**

**17 Prescribed offences**

- (1) For the purposes of section 60(1) of the Act, an offence against regulation 15(2) is a prescribed offence.

Reg. 17(2)  
revoked by  
S.R. No.  
115/2006  
reg. 3(a).

\* \* \* \* \*

- (3) For the purposes of section 63 of the Act, the penalty for an offence for which an infringement notice may be issued is the penalty listed opposite that offence in Schedule 4.
-

## SCHEDULES

### SCHEDULE 1

Regulation 13

#### PRESCRIBED FRUIT AND VEGETABLES

---

Abiu	<i>Pouteria caimito</i> (Ruiz & Pavon) Radlk. [Sapotaceae]
Acerola	<i>Malpighia glabra</i> L. [Malpighiaceae] <i>Malpighia emarginata</i> Sessé & Moc. ex DC. [Malpighiaceae]
Apple	<i>Malus domestica</i> Bork L. [Rosaceae]
Apricot	<i>Prunus armeniaca</i> L. [Rosaceae]
Avocado	<i>Persea americana</i> Mill. [Lauraceae]
Babaco	<i>Carica pentagona</i> Heilborn [Caricaceae]
Banana	<i>Musa acuminata</i> Colla [Musaceae]
Black Sapote	<i>Diospyros dignya</i> Jacq. [Ebenaceae]
Blackberry	<i>Rubus fruticosus</i> L. [Rosaceae]
Blueberry	<i>Vaccinium corymbosum</i> L. [Ericaceae]
Brazil Cherry	<i>Eugenia uniflora</i> L. [Myrtaceae]
Breadfruit	<i>Artocarpus altilis</i> (Parkinson) Fosberg [Moraceae]
Caimito (Star Apple)	<i>Chrysophyllum cainito</i> L. [Sapotaceae]
Cape Gooseberry	<i>Physalis peruviana</i> L. [Solanaceae]
Capsicum	<i>Capsicum</i> L. [Solanaceae]
Carambola (Starfruit)	<i>Averrhoa carambola</i> L. [Oxalidaceae]
Cashew Apple	<i>Anacardium occidentale</i> L. [Anacardiaceae]
Casimiro (White Sapote)	<i>Casimiroa edulis</i> Llave & Lex. [Rutaceae]
Cherimoya	<i>Annona cherimola</i> Miller [Annonaceae]
Cherry	<i>Prunus avium</i> L. [Rosaceae]
Chilli	<i>Capsicum annuum</i> L. [Solanaceae]

---

Plant Health and Plant Products Regulations 2006  
S.R. No. 62/2006

Sch. 1

---

Choko	<i>Sechium edule</i> (Jacq.) Sw. [Cucurbitaceae]
Citron	<i>Citrus medica</i> L. [Rutaceae]
Coffee Berry	<i>Coffea</i> L. [Rubiaceae]
Cumquat	<i>Fortunella japonica</i> (Thunb.) Swingle [Rutaceae]
	<i>Fortunella margarita</i> (Lour.) Swingle [Rutaceae]
Custard Apple	<i>Annona reticulata</i> L. [Annonaceae]
Date	<i>Phoenix dactylifera</i> L. [Arecaceae]
Dragon Fruit (Than Lung)	<i>Hylocereus undatus</i> (Haw.) Britt. & Rose [Cactaceae]
Durian	<i>Durio zibethinus</i> Murray [Bombacaceae]
Eggplant	<i>Solanum melongena</i> L. [Solanaceae]
Feijoa	<i>Acca sellowiana</i> (O. Berg) O. Berg [Myrtaceae]
Fig	<i>Ficus carica</i> L. [Moraceae]
Granadilla	<i>Passiflora quadrangularis</i> L. [Passifloraceae]
Grape	<i>Vitis vinifera</i> L. [Vitaceae]
Grapefruit	<i>Citrus × paradisi</i> Macfad. (pro sp.) [Rutaceae]
Grumichama	<i>Eugenia braziliensis</i> Lam. [Myrtaceae]
Guava	<i>Psidium guajava</i> L. [Myrtaceae]
	<i>Psidium cattleianum</i> Sabine [Myrtaceae]
	<i>Psidium friedrichsthalianum</i> (O. Berg) Niedenzu [Myrtaceae]
Hog Plum	<i>Prunus umbellata</i> Ell. [Rosaceae]
Jaboticaba	<i>Myrciaria cauliflora</i> (C. Martius) O. Berg [Myrtaceae]
Jackfruit	<i>Artocarpus heterophyllus</i> Lam. [Moraceae]
Kiwifruit	<i>Actinidia chinensis</i> Planchon [Actinidiaceae]
Lemon	<i>Citrus limon</i> L. Burm. f. [Rutaceae]
Lime	<i>Citrus aurantifolia</i> (Christm.) Swingle [Rutaceae]
Loganberry	<i>Rubus loganobaccus</i> L.H. Bailey [Rosaceae]
Longan	<i>Dimocarpus longan</i> Lour. [Sapindaceae]

---

Plant Health and Plant Products Regulations 2006  
S.R. No. 62/2006

Sch. 1

---

Loquat	<i>Eriobotrya japonica</i> (Thunb.) Lindley [Rosaceae]
Lychee	<i>Litchi chinensis</i> Sonn. [Sapindaceae]
Mandarin	<i>Citrus reticulata</i> Blanco [Rutaceae]
Mango	<i>Mangifera indica</i> L. [Anacardiaceae]
Mangosteen	<i>Garcinia mangostana</i> L. [Clusiaceae]
Medlar	<i>Mespilus germanica</i> L. [Rosaceae]
Miracle Fruit	<i>Synsepalum dulcificum</i> (Schumacher & Thonn.) Daniell [Sapotaceae]
Monstera	<i>Monstera deliciosa</i> Liebm. [Araceae]
Mulberry	<i>Morus nigra</i> L. [Moraceae]
Nashi	<i>Pyrus pyrifolia</i> (Burm. F.) Nakai [Rosaceae]
Nectarine	<i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> (Suckow) C. Schneider [Rosaceae]
Olive	<i>Olea</i> L. [Oleaceae]
Orange	<i>Citrus sinensis</i> (L.) Osbeck [Rutaceae]
Passionfruit	<i>Passiflora edulis</i> Sims [Passifloraceae]
Pawpaw	<i>Carica papaya</i> L. [Caricaceae]
Peach	<i>Prunus persica</i> (L.) Batsch [Rosaceae]
Pear	<i>Pyrus communis</i> L. [Rosaceae]
Pepino	<i>Solanum muricatum</i> Aiton [Solanaceae]
Persimmon	<i>Diospyros kaki</i> L.f. [Ebenaceae]
Plum	<i>Prunus domestica</i> L. [Rosaceae]
Plumcot	<i>Prunus domestica</i> x <i>Prunus ameniaca</i> [Rosaceae]
Pomegranate	<i>Punica granatum</i> L. [Punicaceae]
Prickly Pear	<i>Opuntia stricta</i> (Haw.) Haw. [Cactaceae]
Pummelo	<i>Citrus maxima</i> (Burm. f.) Merr. [Rutaceae]
Quince	<i>Cydonia oblonga</i> P. Mill. [Rosaceae]
Rambutan	<i>Nephelium lappaceum</i> L. [Sapindaceae]
Raspberry	<i>Rubus idaeus</i> L. [Rosaceae]

---

Plant Health and Plant Products Regulations 2006  
S.R. No. 62/2006

**Sch. 1**

---

Rollinia	<i>Rollinia pulchrinervis</i> A. DC. [Annonceae] <i>Rollinia mucosa</i> (Jacq.) Baill. [Annonceae]
Sapodilla	<i>Manilkara zapota</i> (L.) van Royen [Sapotaceae]
Soursop	<i>Annona muricata</i> L. [Annonceae]
Strawberry	<i>Fragaria</i> L. [Rosaceae]
Sweetsop (Sugar Apple)	<i>Annona squamosa</i> L. [Annonceae]
Tamarillo	<i>Cyphomandra betacea</i> (Cav) Sendtner [Solanaceae]
Tangelo	<i>Citrus × tangelo</i> J. Ingram & H. Moore [Rutaceae]
Tomato	<i>Solanum lycopersicum</i> L. [Solanaceae]
Wax jambu (Rose Apple)	<i>Syzygium jambos</i> L. Alston [Myrtaceae]

---

---

**SCHEDULE 2**

Regulation 15(1)

**WARNING**

**STOP SALE**

The packages, plants or plant products to which this warning is attached do not comply with the **Plant Health and Plant Products Act 1995**. Any person selling or removing them or detaching this warning without the written consent of an inspector or defacing or obscuring this warning is guilty of an offence.

Items  
Name of Inspector  
Signature of Inspector  
Date

Quantity  
Time

---

\* \* \* \* \*

---

Sch. 3  
revoked by  
S.R. No.  
115/2006  
reg. 3(b).

**SCHEDULE 4**

Regulation 17(3)

**PENALTIES**

<i>Provision of Act or Regulation</i>	<i>Penalty</i>
Section 6(1)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
Section 6(1A)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
Section 6(2)	10 penalty units
Section 9(4)	1 penalty unit
Section 12(2)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
Section 12(3)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
Section 12(4)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
Section 13(4)	2.5 penalty units in the case of a natural person 5 penalty units in the case of a body corporate
Section 14(2)	5 penalty units in the case of a natural person 10 penalty units in the case of a body corporate

Plant Health and Plant Products Regulations 2006  
S.R. No. 62/2006

Sch. 4

---

<i>Provision of Act or Regulation</i>	<i>Penalty</i>
Section 19(1)	5 penalty units in the case of a natural person
	20 penalty units in the case of a body corporate
Section 21(1)	5 penalty units in the case of a natural person
	10 penalty units in the case of a body corporate
Section 22(3)	5 penalty units
Section 25	5 penalty units in the case of a natural person
	20 penalty units in the case of a body corporate
Section 29(4)	5 penalty units
Section 32	5 penalty units
Section 34(1)	5 penalty units
Section 34(3)	5 penalty units
Section 35(1)	5 penalty units
Section 35(2)	5 penalty units
Section 39	5 penalty units
Section 41(1)	5 penalty units
Section 42	5 penalty units
Section 53(3)	5 penalty units
Section 54(4)	5 penalty units
Section 57(6)	5 penalty units
Regulation 15(2)	1 penalty unit

---

---

---

## ENDNOTES

### 1. General Information

The Plant Health and Plant Products Regulations 2006, S.R. No. 62/2006 were made on 6 June 2006 by the Governor in Council under section 72 of the **Plant Health and Plant Products Act 1995**, No. 51/1995 and came into operation on 8 June 2006: regulation 3.

The Plant Health and Plant Products Regulations 2006 will sunset 10 years after the day of making on 6 June 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

---

## 2. Table of Amendments

This Version incorporates amendments made to the Plant Health and Plant Products Regulations 2006 by statutory rules, subordinate instruments and Acts.

---

Plant Health and Plant Products (Amendment) Regulations 2006, S.R. No. 115/2006

*Date of Making:* 29.8.06

*Date of Commencement:* 29.8.06

---

**Endnotes**

---

**3. Explanatory Details**

<sup>1</sup> Reg. 4(a): S.R. No. 44/1996 as amended by S.R. No. 158/1997.

<sup>2</sup> Reg. 4(b): S.R. No. 158/1997.