

Version No. 001
Plant Health and Plant Products Regulations
1996

S.R. No. 44/1996

Version incorporating amendments as at 27 July 1998

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PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are—

- (a) to introduce procedures for preventing the introduction or spread of plant pests and diseases;
- (b) to prescribe standards for the labelling of packages containing seeds and fresh fruit and vegetables;
- (c) to prescribe forms, penalties and other matters authorised by the Act.

2. Authorising provisions

These Regulations are made under sections 6, 31, 35, 39, 52, 60, 61, 63 and 72 of the **Plant Health and Plant Products Act 1995**.

3. Commencement

These Regulations come into operation on 15 June 1996.

4. Revocation

The Regulations listed in Schedule 1 are **revoked**.

5. Definitions

In these Regulations—

"area freedom certificate" means a certificate in the form in Schedule 2 issued by an officer of a State department of agriculture;

"boil smut" means the disease caused by the fungus *Ustilago maydis*;

"citrus red mite" means the pest *Panonychus citri*;

"green snail" means the pest *Helix aperta*;

"leafy vegetable" includes broccoli, Brussels sprouts, cabbage, cauliflower, endive, lettuce, silver beet and spinach;

"Mediterranean fruit fly" means the pest *Ceratitis capitata* (Wiedemann);

"onion smut" means the disease caused by the fungus *Urocystis cepulae*;

"papaya fruit fly" means the pest *Bactrocera papaya*;

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

"plant health legislation" means the **Plant Health and Plant Products Act 1995** and these Regulations;

"potato cyst nematode" means the pest *Globodera rostochiensis* (Woll) or *Globodera palida* (Stone);

"Queensland fruit fly" means the pest *Bactrocera tryoni* (Froggart);

"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 the Act of that State or Territory corresponding with this Act;

"the Act" means the **Plant Health and Plant Products Act 1995**;

"treatment", in relation to a plant or plant product, means a process or procedure approved by the Secretary and required by an inspector to be carried out in respect of any plant or plant product and includes the specification of the condition or maturity of a plant product;

"western flower thrips" means the pest *Frankliniella occidentalis* (Pergande);

6. Plant health certificate

For the purposes of the definition of **"plant health certificate"** in section 3(1) of the Act, the prescribed form of a plant health certificate is a certificate in the form in Schedule 3.

Reg. 6
amended by
S.R. No.
158/1997
reg. 4.

7. Plant health declaration

For the purposes of the definition of **"plant health declaration"** in section 3(1) of the Act, the prescribed form of a plant health declaration is a declaration in the form in Schedule 4.

Reg. 7
amended by
S.R. No.
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reg. 5.

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**PART 2—CONTROL OF MOVEMENT OF PLANTS, PLANT
PRODUCTS, USED PACKAGES OR USED AGRICULTURAL
EQUIPMENT**

**Division 1—General Requirements for Introduction into
Victoria**

**8. Notification of intention to import plants or plant
products**

The owner of any plants or plant products prescribed in Division 2 for the purposes of section 6 of the Act and introduced into Victoria from another State or a Territory must notify an inspector of the kind and number of plants or plant products entering Victoria before or at the time of that entry.

Penalty: 10 penalty units.

**9. Prescribed place for inspection, examination or
treatment**

For the purposes of section 6(1)(d) of the Act, the prescribed place for the inspection, examination or treatment of plants, plant products, used packages or used agricultural equipment is the Plant Standards Centre at the Melbourne Wholesale Fruit and Vegetable Market.

**10. Inspection of plants, plant products, used packages
and used agricultural equipment**

For the purposes of section 6(1)(d) of the Act, it is a requirement of these Regulations that on first entering Victoria any plants, plant products, used packages or used agricultural equipment prescribed in Division 2 for the purposes of section 6 of the Act and any accompanying plant health certificate or plant health declaration must be taken for inspection directly to the place referred to in section 6(1)(d) of the Act.

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**Division 2—Controls for Prescribed Plants, Plant Products,
Used Packages and Used Agricultural Equipment**

11. Controls applying to annual ryegrass toxicity

- (1) The movement into or throughout Victoria of any cereal, lucerne or pasture hay containing annual ryegrass or any stock feed or plant waste containing annual ryegrass seeds which has been grown less than 100 kilometres from a known outbreak of annual ryegrass toxicity is prohibited.
- (2) For the purposes of section 6 of the Act—
 - (a) any cereal, lucerne or pasture hay containing annual ryegrass or any stock feed or plant waste containing annual ryegrass seeds is a prescribed plant product; and
 - (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
- (3) Section 6 of the Act and this regulation do not apply to the movement of any cereal, lucerne or pasture hay containing annual ryegrass or any stock feed or plant waste containing annual ryegrass seeds from any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free from annual ryegrass toxicity.
- (4) Sub-regulation (1) does not apply to lucerne hay which is the second or subsequent cut of the season.

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12. Controls applying to boil smut disease

(1) The movement into or throughout Victoria of any seed of maize, sweet corn or pop corn (*Zea Mays L.*) which has been—

- (a) grown less than 100 kilometres from a known occurrence of boil smut; or
- (b) cleaned, graded or packed in premises where any seed of maize, sweet corn or pop corn (*Zea Mays L.*) from a property known to be infected with boil smut has also been packed—

is prohibited unless—

- (c) in the case of the cleaning, grading and packing equipment in the premises referred to in paragraph (b), the equipment has been disinfested to prevent possible contamination with boil smut in a manner approved by the Secretary; and
- (d) the seed has been treated with a fungicide approved by the Secretary; and
- (e) in the case of seed introduced from another State or Territory, section 6 of the Act has been complied with.

(2) For the purposes of section 6 of the Act—

- (a) any seed of maize, sweet corn or pop corn (*Zea Mays L.*) is a prescribed plant product; and
- (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.

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- (3) Section 6 of the Act and this regulation do not apply to the movement of the seed of maize, sweet corn or pop corn (*Zea Mays L.*) from any State or Territory or part of a State or Territory for which an area freedom certificate is currently in force certifying that the State or Territory or part of the State or territory is free of boil smut disease.

13. Controls applying to citrus red mite

- (1) The movement into or throughout Victoria of any plant or part of any plant of *Citrus* species, *Fortunella* species or *Poncirus trifoliata* or hybrids of *Poncirus* which has been grown on a property which has been examined by an inspector or person authorised by the State department of agriculture of the State or Territory where the plant was grown and found to be infested with citrus red mite is prohibited unless—
- (a) the plant has been treated in a manner approved by the Secretary; and
 - (b) in the case of plants or part of plants introduced from another State or Territory section 6 of the Act has been complied with.
- (2) For the purposes of section 6 of the Act—
- (a) any plant or part of any plant of *Citrus* species, *Fortunella* species or *Poncirus trifoliata* or hybrids of *Poncirus* is a prescribed plant or plant product; and
 - (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.

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- (3) Section 6 of the Act and this regulation do not apply to the movement of—
- (a) any plant or part of any plant referred to in sub-regulation (1) from any State or Territory or part of a State or Territory for which an area freedom certificate is currently in force certifying that the State or Territory or part of the State or Territory is free from citrus red mite; or
 - (b) the fruit of a plant referred to in sub-regulation (1).

14. Controls applying to stem pitting citrus tristeza virus

- (1) The movement into or throughout Victoria of any plant or part of a plant of *Citrus* species which has been examined by an inspector or a person authorised by the State department of agriculture where the plant was grown and found to be infected with stem pitting citrus tristeza virus is prohibited.
- (2) For the purposes of section 6 of the Act—
 - (a) any plant or part of any plant of *Citrus* species is a prescribed plant or plant product; and
 - (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
- (3) Section 6 of the Act and this regulation do not apply to the movement of—
 - (a) any plant or part of any plant of *Citrus* species from any State or Territory or part of a State or Territory for which an area freedom certificate is currently in force,

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certifying that the State or Territory or part
of a State or Territory is free from citrus
tristezia virus; or

(b) the fruit of a plant of *Citrus* species.

15. Controls applying to fruit flies

(1) The movement into or throughout Victoria of any fruit or vegetable listed in Schedule 5 that is classified as a host of Mediterranean fruit fly or papaya fruit fly or Queensland fruit fly which have been grown in an area which is known to be infested with fruit flies or any used package which has contained such fruit or vegetables is prohibited unless—

- (a) the fruit, vegetable or used package has been treated in a manner approved by the Secretary in an establishment authorised by the State department of agriculture in the State or Territory in which the facility is located; and
- (b) in the case of any fruit or vegetable, the package bears the establishment authorisation number and the date or date code indicating when the product was packed; and
- (c) in the case of any fruit or vegetable listed in Schedule 5 that is classified as a host of Queensland fruit fly and grown in an area where Queensland fruit fly is known to occur—
 - (i) the fruit or vegetables were grown more than 3 kilometres from any known outbreak of Queensland fruit fly; and
 - (ii) the fruit or vegetables are examined by an inspector or a person authorised by the State department of agriculture in the State or Territory where the fruit or

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- vegetables were grown and found to be free of Queensland fruit fly; and
- (iii) the fruit or vegetables are conveyed to a factory for processing within 12 hours of entering Victoria or after leaving the property where they were grown; and
 - (iv) during transit the fruit or vegetables are covered to prevent spillage; and
 - (v) the fruit or vegetables are processed within 12 hours of arrival at a factory or, if this is not practicable, held in cold storage at a temperature not exceeding 7 degrees Celsius; and
 - (vi) all waste fruit or vegetables not processed are destroyed daily in a manner approved by the Secretary; and
 - (vii) in the case of tomatoes, the tomatoes have been treated; and
- (d) in the case of fruit, vegetables or used packages introduced from another State or Territory, section 6 of the Act has been complied with.
- (2) For the purposes of section 6 of the Act—
- (a) any fruit or vegetable listed in Schedule 5 that is classified as a host of Mediterranean fruit fly or papaya fruit fly or Queensland fruit fly is a prescribed plant product; and
 - (b) any package which has contained fruit or vegetables referred to in sub-regulation (1) is a prescribed package; and
 - (c) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
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- (3) Section 6 of the Act and this regulation do not apply to the movement of any fruit or vegetable or any used package referred to in sub-regulation (1) from any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free from Mediterranean fruit fly or papaya fruit fly or Queensland fruit fly, as the case requires.

16. Controls applying to green snail

- (1) The movement into or throughout Victoria of any nursery plant, cut flower, leafy vegetable, pasture hay or tree which has been grown or packed on a property within 25 kilometres of a known infestation of green snail is prohibited unless—
- (a) if the property is more than 2 kilometres from a known green snail infestation, the property has been—
- (i) inspected by an inspector or person authorised by the State department of agriculture where the property is located between the months of April and November in a manner approved by the Secretary and found to be free of green snail; and
- (ii) treated in a manner approved by the Secretary; and
- (b) if the property is less than 2 kilometres from a known green snail infestation—
- (i) the property has been inspected by an inspector or person authorised by the State department of agriculture where the property is located between the months of April and November in a manner approved by the Secretary and found to be free of green snail; and

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- (ii) between the months of April and November a strip three metres wide has been maintained free of vegetation around the property and the area treated in a manner approved by the Secretary or a physical snail barrier of a design approved by the Secretary has been erected around the property; and
 - (iii) a property hygiene program to prevent the introduction of green snails approved by the Secretary has been maintained; and
 - (iv) in the case of nursery plants, immediately prior to dispatch from the property the nursery plants have been treated in a manner approved by the Secretary; and
 - (c) in the case of nursery plants, cut flowers, leafy vegetables, pasture hay or trees introduced from another State or Territory, section 6 of the Act has been complied with.
- (2) Sub-regulation (1)(a) and (b) does not apply to cut flowers, plant cuttings for propagation or bare rooted planting stock if they—
- (a) are from a property which has been inspected by an inspector or person authorised by the State department of agriculture where the property is located between the months of April and November in a manner approved by the Secretary and found to be free of green snail; or
 - (b) have been inspected by an inspector or person authorised by the State department of agriculture where they were grown and found free of green snail; or
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- (c) are moved into or throughout Victoria during the months of December to March.
- (3) For the purposes of section 6 of the Act—
 - (a) any nursery plant, cut flower, leafy vegetable, pasture hay or tree is a prescribed plant or plant product;
 - (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
- (4) Section 6 of the Act and this regulation do not apply to the movement of—
 - (a) any nursery plant, cut flower, leafy vegetable, pasture hay or tree from any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free from green snail; or
 - (b) plants in tissue culture.

17. Controls applying to onion smut

- (1) The movement into or throughout Victoria of any plant, bulb or seed of the genus *Allium* which has been—
 - (a) grown less than 3 kilometres from a known occurrence of onion smut; or
 - (b) has been packed in a packing shed where onion plants, bulbs or seeds from a property known to be infested with onion smut have also been packed—

is prohibited unless—

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- (c) in the case of the plants, bulbs or seeds of the genus *Allium* which have been grown in an area more than 3 kilometres from a known outbreak of onion smut and packed in a packing shed referred to in paragraph (b), the shed has been disinfested in a manner approved by the Secretary to prevent possible cross contamination with onion smut; and
 - (d) the plant, bulb or seed is free from any soil or plant debris and packed in new packages; and
 - (e) in the case of plants, bulbs or seeds introduced from another State or Territory, section 6 of the Act has been complied with.
 - (2) For the purposes of section 6 of the Act—
 - (a) any plant, bulb or seed of the genus *Allium* is a prescribed plant or plant product; and
 - (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
 - (3) Section 6 of the Act and this regulation do not apply to—
 - (a) the movement of any plant, bulb or seed referred to in sub-regulation (1) grown in any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free of onion smut; or
 - (b) any plant of the genus *Allium* in tissue culture.
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18. Controls applying to phylloxera

- (1) The movement into or throughout Victoria of any plant of the genus *Vitis*, including any cuttings, rootlings, leaves, roots or stems or any grape, grape marc or grape must which has been—
- (a) grown in a control area declared under section 9 of the Act to be a phylloxera infested area; or
 - (b) grown in an area of any other State or Territory which is within 40 kilometres from any place infested or reasonably believed to be infested with phylloxera—

is prohibited unless—

- (c) in the case of grapes for table use, they are packed for sale as table grapes in accordance with these Regulations; or
- (d) in the case of grapes used for wine making or any cuttings, rootlings, leaves, roots or stems or any grape marc or grape must, they have been treated or the movement complies with the conditions of a permit issued under section 9 of the Act—

and in the case of plants including cuttings, rootlings, leaves, roots or stems or grapes, grape marc or grape must introduced from another State or Territory, section 6 of the Act has been complied with.

- (2) The movement of any agricultural equipment used to cultivate or harvest grapes from an area referred to in sub-regulation (1)(a) or (b) is prohibited throughout Victoria unless—
- (a) the agricultural equipment has been cleaned free of soil and plant debris and treated in a manner approved by the Secretary; and

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- (b) in the case of any agricultural equipment used to cultivate or harvest grapes from an area referred to in sub-regulation (1)(b), section 6 of the Act has been complied with.
- (3) For the purposes of section 6 of the Act—
 - (a) any plant of the genus *Vitis*, including any cutting, rootling, leaf, root or stem is a prescribed plant and any grape, grape marc or grape must is a prescribed plant product; and
 - (b) any agricultural equipment which has been used to cultivate or harvest grapes is prescribed agricultural equipment; and
 - (c) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
- (4) Section 6 of the Act and this regulation do not apply to the movement of any plant or plant product referred to in sub-regulation (1) or any agricultural equipment used to cultivate or harvest grapes from an area referred to in sub-regulation (1) (a) or (b) from any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free from phylloxera.

19. Controls applying to potato cyst nematode

- (1) The movement into or throughout Victoria of any root vegetables, bulbs, nursery plants or seedlings which have been grown in soil or in a soil free medium in contact with the soil in a control area declared under section 9 of the Act to be a potato cyst nematode control area or in any area in any other State or Territory which is less than

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5 kilometres from any place infested or reasonably believed to be infested with potato cyst nematode is prohibited unless—

- (a) in the case of potato tubers which are from a crop infested by potato cyst nematode, the potato tubers are delivered to—
 - (i) a packing plant approved by the Secretary and brushed or washed so that they are practically free of soil and packed into packages containing not more than 20 kilograms and marked with the words "For Table Use Only, Not For Planting"; or
 - (ii) a factory approved by the Secretary for processing; and
- (b) in the case of potato tubers which are from a property where potato cyst nematode has been found, other than those described in paragraph (a), the soil in which the crop was grown has been tested in a manner approved by the Secretary and found to be free of potato cyst nematode and the potato tubers are—
 - (i) practically free of soil and packed in packages marked with the words "For Table Use Only, Not For Planting"; or
 - (ii) practically free of soil and are packed in packages containing not more than 20 kilograms; or
 - (iii) delivered to a packing plant approved by the Secretary for brushing or washing so that they are practically free of soil and packing into bags containing not more than 20 kilograms; or
 - (iv) delivered to a factory approved by the Secretary for processing; and

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- (c) in the case of root vegetables except potato tubers, bulbs, nursery plants or seedlings, egg plants, tomato plants or any trees with roots attached from a property where potato cyst nematode has been found—
 - (i) the soil in which the root vegetables, bulbs, nursery plants or seedlings or tree was grown has been tested in a manner approved by the Secretary and found to be free of potato cyst nematode; and
 - (ii) the root vegetables, bulbs, nursery plants or seedlings or trees are practically free of soil; and
 - (d) in the case of potato tubers grown on a property which is not known to be infested with potato cyst nematode, the potato tubers—
 - (i) have been grown in soil which has been tested in a manner approved by the Secretary and found to be free of potato cyst nematode; and
 - (ii) have not been farmed with equipment which has been used on land where potato cyst nematode been found; and
 - (iii) are practically free of soil or are delivered to a packing plant approved by the Secretary for washing or brushing practically free of soil; and
 - (iv) are sold in packages which have not previously contained potatoes or are delivered to a factory approved by the Secretary for processing; and
 - (e) in the case of root vegetables other than potato tubers, bulbs, nursery plants or seedlings grown on a property which is not
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known to be infested with potato cyst
nematode, the root vegetables, bulbs, nursery
plants or seedlings—

- (i) have been grown—
 - (A) in soil which has been tested in a manner approved by the Secretary and found to be free of potato cyst nematode; or
 - (B) on land which has not grown potato tubers within the last 10 years; and
 - (ii) have not been farmed with equipment which has been used on land where potato cyst nematode been found; and
 - (iii) are practically free of soil or are delivered to a packing plant approved by the Secretary for washing or brushing practically free of soil; and
 - (iv) are sold in packages which have not previously contained potato tubers or delivered to a factory approved by the Secretary for processing; and
 - (f) in the case of any potato tubers, other root vegetables, bulbs, nursery plants or seedlings introduced from another State or Territory, section 6 of the Act has been complied with.
- (2) The movement into or throughout Victoria of any agricultural equipment used to cultivate or harvest potato tubers used on land where potato cyst nematode has been found is prohibited unless—
- (a) the agricultural equipment has been cleaned free of all soil and plant debris in a manner approved by the Secretary; and

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- (b) in the case of agricultural equipment introduced from another State or Territory, section 6 of the Act has been complied with.
 - (3) For the purposes of section 6 of the Act—
 - (a) any potato tubers, except potato tubers resistant to potato cyst nematode, other root vegetables, bulbs, nursery plants or seedlings which have been grown in soil or in a soil free medium in contact with soil are prescribed plant products or prescribed plants; and
 - (b) any agricultural equipment used to cultivate or harvest potato tubers is prescribed agricultural equipment; and
 - (c) any package which has contained potato tubers or other plant or plant product referred to in sub-regulation (1) is a prescribed used package; and
 - (d) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.
 - (4) Section 6 of the Act and this regulation do not apply to—
 - (a) the movement of any plant or plant product referred to in sub-regulation (1) or any agricultural equipment used for the cultivation or harvesting of potato tubers from any State or Territory or part of a State or Territory for which an area freedom certificate is in force, certifying that the State or Territory or part of the State or Territory is free from potato cyst nematode; or
 - (b) any plants in tissue culture.
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20. Controls applying to western flower thrips

(1) The movement into or throughout Victoria of any nursery plant, cut flower or leafy vegetable which has been—

- (a) grown on a property which has been inspected by a person authorised by the State department of agriculture and found to be infested with western flower thrips; or
- (b) graded or packed in a premises where any nursery plant, cut flower or leafy vegetable which has been grown in an area known to be infested with western flower thrips has also been packed—

is prohibited unless—

- (c) the nursery plant, cut flower or leafy vegetable and the grading and packing premises have been treated in a manner approved by the Secretary; and
- (d) in the case of any nursery plant, cut flower or leafy vegetable introduced from another State or Territory, section 6 of the Act has been complied with.

(2) For the purposes of section 6 of the Act—

- (a) any nursery plant, cut flower or leafy vegetable is a prescribed plant or plant product; and
- (b) New South Wales, Queensland, Tasmania, South Australia and Western Australia are prescribed States and the Northern Territory and the Australian Capital Territory are prescribed Territories.

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Part 2—Control of Movement of Plants, Plant Products, Used Packages or
Used Agricultural Equipment

- (3) Section 6 of the Act and this regulation do not apply to—
- (a) the movement of any nursery plant, cut flower or leafy vegetable from any State or Territory or part of a State or Territory for which an area freedom certificate is in force certifying that the State or Territory or part of the State or Territory is free from western flower thrips; or
 - (b) any plant or plant product in tissue culture.
-

PART 3—LABELLING OF PLANTS AND PLANT PRODUCTS

21. Labelling of Seeds

For the purposes of section 31(2)(a)(i) of the Act, the proportion of seed prescribed is—

- (a) 1 % by mass in respect of each kind of seed in a lot of seed sold for lawn or turf purposes; and
- (b) 5 % by mass for each kind of seed in any other lot of seed.

22. Proportion of pure seed

- (1) For the purposes of section 31(2)(a)(i)(B) of the Act, the proportion of pure seed contained in each lot of seed must be—

- (a) expressed as a percentage by mass or by count; and
- (b) expressed in accordance with the results of an examination or stated as a minimum percentage.

- (2) If the proportion is expressed as—

- (a) a percentage by count, the words "by count" must be included in the statement of the proportion;
- (b) a stated minimum, the word "minimum" or the abbreviation "min" must be included in the statement of the proportion.

23. Germination of seeds

For the purposes of section 31(2)(a)(i)(C) of the Act, the statement regarding germination of the seeds must set out the minimum number of seeds that are germinable at the time of sale expressed as—

"Min germination.....%".

24. Other seed

For the purposes of section 31(2)(a)(ii) of the Act, any seeds not named must be described as "other seeds" and the proportion in aggregate of the seeds expressed—

- (a) as a percentage by mass of the total mass as determined in an examination; or
- (b) as a stated maximum by mass of the total mass including the word "maximum" or the abbreviation "max".

25. Particulars on packages of seeds

- (1) For the purposes of section 31(2)(a)(iii) of the Act, if seeds are cleaned in Victoria and packed into bags or sacks the contents of which are greater than the weight prescribed in sub-regulation (2)(a), the bags or sacks must be branded with a code or mark comprising the letter "V" followed by a number approved by the Secretary which identifies the premises in which the seeds were cleaned.
- (2) For the purposes of section 31(2)(a)(v) of the Act—
 - (a) the prescribed weight in relation to—
 - (i) seeds of beans, peas and sweet corn is one kilogram;
 - (ii) flower, fruit and vegetable seeds other than beans, peas and sweetcorn is 100 grams;
 - (iii) all other seeds is 10 kilograms.

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Part 3—Labelling of Plants and Plant Products

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- (b) the prescribed words for packages of seed less than the weights prescribed in paragraph (a) are the month and year before which the seeds should be planted expressed as—

"Sow before.....

(insert month and year) ".

- (3) In the case of seeds of perennial ryegrass that—

- (a) are contained in a package in a proportion of or greater than those prescribed in regulation 21; and
- (b) have not been certified under a certification scheme approved under section 40 of the Act—

the statement referred to in section 31(1) of the Act must include particulars of the result of an examination to determine the proportion of fluorescent seedlings stated as a maximum percentage of the fluorescent seedlings or expressed as—

".....%. fluorescence" .

- (4) For the purposes of section 31(2)(b) of the Act, the particulars to be set out in the statement on the package for seed packaged in weights less than the weights prescribed in sub-regulation (2)(a) are—

- (a) the particulars contained in section 31(2)(a)(i)(A) of the Act; and
- (b) the particulars contained in section 31(2)(a)(iii), (iv) and (v) of the Act.

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Part 3—Labelling of Plants and Plant Products

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26. Particulars on packages of fresh fruit and vegetables

- (1) For the purposes of section 35(1)(e) of the Act, the fruit and vegetables the packages of which must be legibly marked with the name and postcode of the city or town nearest to the locality where they were grown are the fruit and vegetables listed in Schedule 5.
- (2) This regulation does not apply to any fruit or vegetables listed in Schedule 5 that have been held for more than 14 days in cold storage at a temperature of less than 0.5 degrees Celsius immediately prior to being brought into Victoria.

27. Identification of plants or plant products for propagation

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

PART 4—WARNING MARKS

28. Warning mark

- (1) For the purposes of section 52(1)(j) of the Act, the prescribed manner of attaching a warning mark to any package containing plants or plant products seized or detained by an inspector under the Act is to attach an adhesive label in the form in Schedule 6 to the package.
- (2) A person must not—
 - (a) detach a warning mark or cause or permit it to be detached without the written consent of the inspector who attached it to the package;
or
 - (b) deface or obscure a warning mark or permit it to be defaced or obscured.

Penalty: 10 penalty units.

PART 5—ALTERATIONS

29. Alterations to be authorised

A person must not—

- (a) alter or permit to be altered any information on a plant health certificate unless the alteration is authorised by an officer authorised to sign plant health certificates; or
- (b) alter or permit to be altered any information on a plant health declaration unless the alteration is authorised by the person who signed the plant health declaration.

Penalty: 10 penalty units.

PART 6—FEES AND CHARGES

30. 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 agricultural equipment including the examination of any certificate, document or label accompanying, attached to or relating to any plants, plant products, packages or agricultural equipment;
 - (b) inspection of any land including the inspection of plants growing on the land;
 - (c) supervising the treatment of any plants, plant products, packages or agricultural equipment or land; and
 - (d) supervising the destruction or disposal of any plants, plant products, packages or agricultural equipment.
- (2) The owner of the consignment of plants, plant products, packages, used agricultural equipment or land referred to in sub-regulation (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 auditing of any compliance agreement.

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Part 6—Fees and Charges

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- (4) The person requesting the preparation of a compliance agreement must pay the fees and charges referred to in sub-regulation (3)(a) and a party to a compliance agreement, other than the Crown, must pay the fees and charges referred to in sub-regulation (3)(b).
-

PART 7—INFRINGEMENT NOTICES

31. Prescribed offences

- (1) For the purposes of section 60(1) of the Act, an offence against regulation 8 or 28(2) is a prescribed offence.
 - (2) For the purposes of section 61(a) of the Act, the prescribed form for an infringement notice is the form in Schedule 7.
 - (3) For the purposes of section 61(b) 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 8.
-

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Sch. 1

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
232/1988	Fruit and Vegetables Packing Regulations 1988
401/1990	Fruit and Vegetables Packing (Amendment) Regulations 1990
278/1992	Vegetation and Vine Diseases Regulations 1992
340/1992	Vegetation and Vine Diseases (Amendment) Regulations 1992
148/1993	Vegetation and Vine Diseases (Amendment) Regulations 1993
134/1995	Vegetation and Vine Diseases (Amendment) Regulations 1995
157/1995	Vegetation and Vine Diseases (Fees) Regulations 1995

Plant Health and Plant Products Regulations 1996
S.R. No. 44/1996

Sch. 2

SCHEDULE 2

Regulation 5

AREA FREEDOM CERTIFICATE

I certify that to the best of my knowledge the area described below of the
State/Territory of _____ is free of (cross out names which are not
applicable):

annual ryegrass toxicity
boil smut (*Ustilago maydis*)
citrus red mite (*Panonychus citri*)
green snail
Mediterranean fruit fly (*Ceratitis capitata* (Wiedemann))
onion smut (*Urocystis cepulae*)
papaya fruit fly (*Bactrocera papaya*)
phylloxera (*Daktulosphaira vitifoliae* (Fitch))
potato cyst nematode (*Globodera rostochiensis* (Woll) or *Globodera*
palida (Stone))
Queensland fruit fly (*Bactrocera tryoni* (Froggart))
stem pitting citrus tristeza virus
western flower thrips (*Frankliniella occidentalis*) (Pergande)

Description of area:

Signature

Official Designation

Senior Plant Regulatory Officer or Equivalent

Department of

Date:

Plant Health and Plant Products Regulations 1996
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Sch. 3

SCHEDULE 3

Regulation 6

**PLANT HEALTH CERTIFICATE FOR MOVEMENT OF PLANT
MATERIAL IN AUSTRALIA**

**THIS IS TO CERTIFY THAT the plant material described below is
considered to conform with the requirements of the plant health legislation
of the State of**

DESCRIPTION OF CONSIGNMENT

Name and Address of Exporter		
Name and Address of Consignee		
Means of Conveyance		
Material/Produce and Quality	Grower/Packer Address	Regulation/Treatment
Name of Issuing Officer	Designation	Official Stamp
Signature	Place Certified	
	Date	

Plant Health and Plant Products Regulations 1996
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Sch. 4

SCHEDULE 4

Regulation 7

**PLANT HEALTH DECLARATION FOR MOVEMENT OF PLANT
MATERIAL IN AUSTRALIA**

I DECLARE THAT the plant material described below is considered to conform with the requirements of the plant health legislation of the State of

Name and Address of Person Authorised to make Declarations		
Name and Address of Grower		
Name and Address of Consignor		
Name and Address of Consignee		
Means of Conveyance		
Description of Items	Quantity	
Declaration of Condition or Treatment		
Name of Authorised Person	Signature of Authorised Person	Date

Plant Health and Plant Products Regulations 1996
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Sch. 5

SCHEDULE 5

Regulations 15 and 26

FRUIT FLY HOST SUSCEPTIBILITY

GROUP 1.

**HOSTS TO MEDITERRANEAN, PAPAYA AND QUEENSLAND
FRUIT FLY**

Abiu

Pouteria caimito (Ruiz & Pavon) Radlk. [Sapotaceae]

Apple

Malus domestica Bork L. [Rosaceae]

Apricot

Prunus armeniaca L. [Rosaceae]

Avocado

Persea americana Mill. [Lauraceae]

Blackberry

Rubus fruticosus L. [Rosaceae]

Caimito (Star apple)

Chrysophyllum cainito L. [Sapotaceae]

Capsicum

Capsicum annuum v. *grossum* (L.) Sendt [Solanaceae]

Carambola (Starfruit)

Averrhoa carambola L. [Oxalidaceae]

Cashew apple

Anacardium occidentale L. [Anacardiaceae]

Casimiro (White sapote)

Casimiroa edulis LaLave & Lex. [Rutaceae]

Cherry

Prunus avium L. (Sweet Cherry) [Rosaceae]

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Cherimoya

Annona cherimolia Mill. [Annonaceae]

Chilli

Capsicum annuum v. *acuminatum* Fingerh [Solanaceae]

Capsicum annuum v. *cerasiforme* (Miller) Irish [Solanaceae] (Cherry peppers)

Capsicum annuum v. *conoides* (Miller) Irish [Solanaceae] (Tobasco)

Citron

Citrus medica L. [Rutaceae]

Custard Apple

Annona squamosa L. x *A. cherimolia* Mill. [Annonaceae]

Date

Phoenix dactylifera L. [Areaceae]

Feijoa

Acca sellowiana (Berg.) Burret [Myrtaceae]

Fig

Ficus carica L. [Moraceae]

Granadilla

Passiflora quadrangularis L. [Passifloraceae]

Grapefruit

Citrus paradisi Macf. [Rutaceae]

Grumichama

Eugenia braziliensis Lam. [Myrtaceae]

Guava

Psidium guajava L. [Myrtaceae]

P. cattleianum Sabine [Myrtaceae] (Strawberry guava)

P. cattleianum Sabine var. *lucidum* [Myrtaceae] (Yellow cattley guava)

P. cattleianum Sabine var. *guineese* Sw. [Myrtaceae] (Brazilian guava)

P. friedrichsthalianum Nied. [Myrtaceae] (Costa Rican guava)

Kiwifruit

Actinidia deliciosa (A. chev.) Liabg & Ferguson [Actinidiaceae]

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Sch. 5

Kumquat

Fortunella japonica (Thumb.) Swing.

F. margarita (Lour.) Swing. [Rutaceae]

Lemon

Citrus limon (L) Burm. f. [Rutaceae]

Lemon

Citrus aurantifolia (Christm.) Swing [Rutaceae] (West Indian Lime)

C. reticulata var. *austera* Lyb [Rutaceae] (Rangpur Lime)

Lemon (Meyer)

Citrus limon x *C. chinense* or *Citrus meyeri* Tanaka

Loganberry

Rubus loganobaccus L.H. Bailey [Rosaceae]

Loquat

Eriobotrya japonica (Thunb.) Lindley [Rosaceae]

Mandarin

Citrus reticulata Blanco [Rutaceae]

Mango

Mangifera indica L. [Anacardiaceae]

Mulberry

Morus nigra L. [Moraceae]

Nashi

Pyrus pyrifolia var. *culta* (Mak.) Nakai or *P. betulaefolia* [Rosaceae]

Nectarine

Prunus persicae var. *nectarina* (R.Br.) Maxim. [Rosaceae]

Orange

Citrus aurantium L. *C. sinensis* (L) Osbeck [Rutaceae]

Passionfruit

Passiflora edulis f. *edulis* Sims [Passifloraceae] (Purple)

P. edulis f. *flavicarpas* Sims [Passifloraceae] (Yellow)

Peach

Prunus persica (L.) Batsch [Rosaceae]

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Peacharine

Prunus persica (rar.) *nucipersica*

Pear

Pyrus communis L. [Rosaceae]

Pepino

Solanum muricatum Aiton [Solanaceae]

Persimmon

Diospyros kaki L.F. [Ebenaceae]

Plum

Prunus domestica [Rosaceae]

Plumcot

Prunus domestica x *P.ameniaca*

Plummelo

Citrus grandis (L.) Osbeck [Rutaceae]

Prickly pear

Opuntia stricta (Haw.) Haw or *Opuntia ficus indica* (L.) Miller
[Cactaceae]

Pummelo

Citrus grandis (L.) Osbeck [Rutaceae]

Quince

Cydonia oblonga Miller [Rosaceae]

Raspberry

Rubus idaeus L. [Rosaceae]

Rollinia

Rollinia deliciosa Safford [Annonaceae]

R. mucosa Baill. [Annonaceae]

Santol

Sandoricum indicum Cav. [Meliaceae]

Sapodilla

Manilkara zapota (L.) Van Royen [Sapotaceae]

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Sch. 5

Soursop

Annona muricata L. [Annonaceae]

Strawberry

Fragaria ananassa Duch. [Rosaceae].

Sweetsop (sugar apple)

Annona squamosa L. [Annonaceae]

Tamarillo

Cyphomandra betacea (Cao) Sendtner [Solanaceae]

Tangelo

Citrus x tangelo J. Ingram & H.E. Moore

Citrus reticulata x *C. paradisi* [Rutaceae]

Wax jambu (Rose Apple)

Eugenia jambos L. [Myrtaceae]

GROUP 2.

**HOSTS TO MEDITERRANEAN AND PAPAYA FRUIT FLY HOSTS
TO QUEENSLAND FRUIT FLY ONLY WHEN SKIN DAMAGED**

Breadfruit (ripe)

Artocarpus altilis (Parkinsonia) Fosb. [Moraceae]

Durian

Durio zibethinus Murray [Bombacaceae]

Jaboticaba

Myrciaria cauliflora (DC.) Berg. [Myrtaceae]

Jackfruit

Artocarpus heterophyllus Lam. [Moraceae]

Longan

Euphoria longan (Lour.) Stued. [Sapindaceae](Logan)

Lychee

Litchi chinensis Sonn. [Sapindaceae]

Pomegranate

Punica granatum L. [Punicaceae].

GROUP 3.

HOSTS TO PAPAYA FRUIT FLY

**HOSTS TO MEDITERRANEAN AND QUEENSLAND FRUIT FLY
ONLY WHEN RIPE**

Tomato

Lycopersicon esculentum Millar [Solanaceae]

GROUP 4.

HOSTS TO MEDITERRANEAN AND PAPAYA FRUIT FLY

HOSTS TO QUEENSLAND FRUIT FLY ONLY WHEN RIPE

Babaco

Carica pentagona Heilb. [Caricaceae]

Banana

Musa acuminata [Musaceae]

Black Sapote

Diospyros ebenaster Retz. [Ebenaceae]

Breadfruit

Artocarpus altilis (Parkinsonia) Fosb. [Moraceae]

Mangosteen

Garcinia mangostana L. [Guttiferae]

Pawpaw

Carica papaya L. [Caricaceae]

Passionfruit

Passiflora edulis f. *edulis* Sims [Passifloraceae]

Tahitian Lime

Citrus latifolia Tanaka [Rutaceae]

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GROUP 5.

HOSTS TO MEDITERRANEAN AND PAPAYA FRUIT FLY

HOSTS TO QUEENSLAND FRUIT FLY ONLY WHEN OVER-RIPE

Acerola

Malpighia glabra L. [Malpighiaceae]

M.glabra x M.puniifolia L. (Barbados cherry)

Blueberry

Vaccinium corymbosum L. [Ericaceae]

Grape

Vitis vinifera L. [Vitaceae]

Lime

Citrus aurantiifolia (Christm) Swing. [Rutaceae] (West Indian Lime)

C. reticulata var. *Austera* Lyb. [Rutaceae] (Rangpur Lime)

Lemon (true)

Citrus limon (L) Brum. f. [Rutaceae]

GROUP 6.

HOSTS TO MEDITERRANEAN AND PAPAYA FRUIT FLY

Banana (Riper than mature green)

Musa acuminata [Musaceae]

Coffee bean

Coffea arabica L. [Rubiaceae] (Arabian coffee)

Coffea canephora Pierre & Froehner [Rubiaceae] & others

Coffea excelsa Chiov. [Rubiaceae] (Excelsa coffee)

Coffea liberica Hiern. [Rubiaceae] (Liberian coffee)

Coffea robusta Linden. [Rubiaceae] (Robusta coffee)

Date (dried)

Phoenix dactylifera L. [Palmae]

Eggplant

Solanum melongena L. [Solanaceae]

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Sch. 5

Monstera

Monstera deliciosa Liebm [Araceae]

Olive

Olea europaea L. Subsp. *europaea* L. [Oleaceae]

GROUP 7.

HOSTS TO MEDITERRANEAN FRUIT FLY ONLY

Choko

Sechium edule (Jacq.) Sw. [Cucurbitaceae]

GROUP 8.

HOSTS TO PAPAYA FRUIT FLY ONLY

Cucumber

Cucumis sativus L. [Cucurbitaceae]

Honeydew

Cucumis melo L. Cv. Honeydew or Casaba [Cucurbitaceae]

Pumpkin

Cucurbita maxima Duch.exLam. [Cucurbitaceae]

C.moschata (Duch.ex Lam.) Duch. ex Poir [Cucurbitaceae] (Tropical)

Rockmelon

Cucumis melo L. [Cucurbitaceae]

Squash

Cucurbita pepo L. var. *melopepo* Alef [Cucurbitaceae]

Watermelon

Citrullus lanatus (Thunb.) Mansf. [Cucurbitaceae]

Zucchini

Cucurbita pepo L. [Cucurbitaceae].

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Sch. 6

SCHEDULE 6

Regulation 28

WARNING MARK

STOP SALE

The packages of plants or plant products to which this warning mark is attached are the subject of a notice or order under the **Plant Health and Plant Products Act 1995**. Any person selling or removing them or detaching this mark without the written authority of an inspector or defacing or obscuring this mark is guilty of an offence.

Items..... Quantity

Name of Inspector.....

Signature of Inspector

Date.....Time.....

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Sch. 7

SCHEDULE 7

Regulation 31(2)

INFRINGEMENT NOTICE

No:

To

(Family Name)

(Given Name/s)

Address:

Post Code

It is alleged that the offence indicated below was committed on the date and at the time and location shown below.

Date:

Time:

Location:

Legislation under which Infringement Notice given.

Offence:

Penalty: \$

Name of Inspector (print)

Signature of Inspector

Date of issue of notice:

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HOW YOU MAY DISPOSE OF THIS MATTER

If you pay the penalty indicated within 28 days from the date of this notice—

- by payment in person at the office of the Melbourne Wholesale Fruit and Vegetable Market Authority; or
- by payment in person to the Receiver of Public Monies, Department administering the Act; or
- by sending a cheque payable to the Department administering the Act;

this matter will not be brought before a court unless a withdrawal notice is sent to you before the end of the period specified in this notice at the time for payment of the penalty.

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Sch. 8

SCHEDULE 8

Regulation 31(3)

PENALTIES

<i>Provision of Act or Regulation</i>	<i>Penalty \$</i>
Section 9(4)	\$100
Section 31	\$200
Section 32	\$200
Section 35	\$200
Section 38	\$200
Section 39	\$200
Section 41	\$200
Section 42	\$200
Section 57(6)	\$200
Regulation 8	\$100
Regulation 28(2)	\$100

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Endnotes

ENDNOTES

1. General Information

The Plant Health and Plant Products Regulations 1996, S.R. No. 44/1996 were made on 12 June 1996 by the Governor in Council under sections 6, 31, 35, 39, 52, 60, 61, 63 and 72 of the **Plant Health and Plant Products Act 1995**, No. 51/1995 and came into operation on 15 June 1996: regulation 3.

The Plant Health and Plant Products Regulations 1996 will sunset 10 years after the day of making on 12 June 2006 (see section 5 of the **Subordinate Legislation Act 1994**).

Plant Health and Plant Products Regulations 1996
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Endnotes

2. Table of Amendments

This version incorporates amendments made to the Plant Health and Plant Products Regulations 1996 by Statutory Rules, subordinate instruments and Acts.

Plant Health and Plant Products (Amendment) Regulations 1997, S.R. No. 158/1997
Date of Making: 16.12.97
Date of Commencement: 16.12.97

Plant Health and Plant Products Regulations 1996
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Endnotes

3. Explanatory Details

No entries at date of publication.