

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the Plant Diseases Act 1924 (the principal Act):

(a) to allow the Minister to make orders (rather than the Governor making proclamations as is presently the case) regulating or prohibiting the importation or introduction of any thing that is likely to introduce plant diseases or pests into the State or any part of the State, and

(b) to allow inspectors to issue permits that authorise a person, or class of persons, to move plants, fruit, coverings, goods or other things that are infected or that may have come into contact with, or are likely to introduce or spread, plant pests or diseases or to move plants, fruit, coverings, goods or other things into, or out of, a quarantine area.

### Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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### Plant Diseases Amendment Bill 2010

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### Schedule 1 Amendment of Plant Diseases Act 1924

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Currently, section 4 of the principal Act provides that the Governor may, by proclamation published in the Gazette, regulate or prohibit the importation or introduction into the State, or the bringing into one portion of the State from any other portion of the State, any plant, fruit, covering, good or other thing which, in the Governor's opinion, is likely to introduce or spread any disease or pest.

Schedule 1 [1] amends that section to enable the Minister, rather than the Governor, to exercise that power by order instead of by proclamation.

Schedule 1 [4] also amends section 4 of the principal Act to enable the Minister to make an urgent order regulating or prohibiting the importation or introduction into the State of any thing that is likely to introduce or spread any disease or pest by publishing the order in a newspaper circulating, or by radio or television broadcast, in the area to which the order applies or by causing a copy of the order to be published on the Department's internet website. The order must be published in the Gazette as soon as practicable after being made. Schedule 1 [2], [3], [5], [6], [7], [9] and [10] make consequential amendments.

Schedule 1 [8] inserts proposed section 16A into the principal Act which enables an inspector to issue a permit to a person, or class of persons, that authorises the moving of infected plants and fruit or plants, fruit, coverings, goods or other things that have come into contact with infected plants or fruit or that are likely to introduce or spread any disease or pest or the moving of plants or fruit into, or out of, a quarantine area.

Schedule 1 [11] enables the making of regulations relating to applications for permits under the principal Act, including a fee for any such application.

Schedule 1 [12] enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [13] provides that an existing proclamation made by the Governor that regulates or prohibits the importation or introduction of things that are likely to introduce or spread any disease or pest is taken to be an order made by the Minister under section 4 of the principal Act.