

South Australia

Plant Health Regulations 2022

under the *Plant Health Act 2009*

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Schedule 1—Prescribed plants for propagation

Schedule 2—Repeal of *Plant Health Regulations 2009*

1—Short title

These regulations may be cited as the *Plant Health Regulations 2022*.

2—Commencement

These regulations come into operation on 1 August 2022.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Plant Health Act 2009*;

ICA means the scheme for Interstate Certification Assurance relating to plant quarantine requirements developed by the States in accordance with the Memorandum of Understanding agreed on 6 August 1999 at the sixteenth meeting of the Agriculture and Resource Management Council of Australia and New Zealand;

IP number means the unique identifier (comprising a combination of letters and numbers) assigned to an accredited person;

operational procedure means an operational procedure agreed under the ICA included in the list of operational procedures as published from time to time on the website maintained by the Domestic Quarantine Market Access Working Group, a subcommittee of the national Plant Health Committee.

- (2) In these regulations, a reference to the *Plant Quarantine Standard* is—
- (a) a reference to the *Plant Quarantine Standard South Australia* adopted by the notice under the *Fruit and Plant Protection Act 1992* signed by the Minister on 6 February 2006 (see *Gazette 16.2.2006 p552*) as in force immediately before the commencement of clause 6(2) of Schedule 1 of the Act; or
 - (b) if the Minister, by notice under the Act, adopts some other plant quarantine standard—a reference to that other standard.

4—Declaration of corresponding laws

For the purposes of the definition of *corresponding law* in section 3(1) of the Act, the following Acts are declared to be corresponding laws:

- (a) the *Pest Plants and Animals Act 2005* of the Australian Capital Territory;
- (b) the *Biosecurity and Agriculture Management Act 2007* of Western Australia;
- (c) the *Biosecurity Act 2015* of New South Wales;
- (d) the *Plant Health Act 2008* of the Northern Territory;
- (e) the *Plant Biosecurity Act 2010* of Victoria;
- (f) the *Biosecurity Act 2014* of Queensland;
- (g) the *Plant Quarantine Act 1997* of Tasmania.

5—Packaging and labelling of fruit, vegetables and nuts for sale

- (1) For the purposes of section 12(1)(d) of the Act, a person who packs for sale any fruit, vegetables or nuts must label the packaging as follows:
- (a) the label must—
 - (i) be legibly written in English in permanent ink in letters at least 5 mm in height; and
 - (ii) be clearly visible on the outside of the packaging;
 - (b) if the person doing the packing is an accredited person—the label must include—
 - (i) the date (or date code) on which the produce was packed; and
 - (ii) a brief description of the contents of the package; and
 - (iii) the IP number of the accredited person; and
 - (iv) either—
 - (A) a code approved by the Chief Inspector for the purposes of this subparagraph indicating where the produce was grown; or
 - (B) the postcode of the town nearest to the place of production; and
 - (v) the words "meets ICA" followed by the number that identifies the particular ICA operational procedures that have been followed and met in respect of the produce;

- (c) in any other case—
 - (i) the date (or date code) on which the produce was packed; and
 - (ii) a brief description of the contents of the package; and
 - (iii) the district of production; and
 - (iv) either—
 - (A) the name, address and postcode of both the grower and packer of the produce; or
 - (B) the codes approved for the purpose by the Chief Inspector for the purposes of this subparagraph identifying both the packer and grower.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not pack for sale or sell any fruit, vegetables or nuts in used packaging unless the packaging—
 - (a) is in good repair; and
 - (b) is clean and free of extraneous visible matter; and
 - (c) is free of any objectionable odour; and
 - (d) is labelled in accordance with subregulation (1).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) This regulation does not apply to a person who has been approved by the Chief Inspector to receive bulk loads of produce for processing.
- (4) In this regulation—

date code means a code approved by the Chief Inspector for the purposes of this regulation indicating the date on which produce is packed.

6—Identification and labelling of plants sold for propagation

- (1) For the purposes of section 13 of the Act, the plants listed in Schedule 1 are prescribed (a *prescribed plant*).
- (2) A person must not sell for propagation a prescribed plant that has been brought or introduced into the State unless it is accompanied by—
 - (a) an assurance certificate or a plant health certificate issued in respect of the prescribed plant; and
 - (b) any other document issued in respect of the prescribed plant as required by the Minister and set out in the Plant Quarantine Standard.

Maximum penalty: \$5 000.

Expiation fee: \$315.

7—Accreditation of persons

- (1) For the purposes of sections 17(1)(c) and 20(2)(f) of the Act, the prescribed protocols and operational procedures are the protocols and operational procedures specified by the Minister in respect of the particular authority conferred by the accreditation granted to a particular applicant.
- (2) For the purposes of section 20(3) of the Act, the following conditions are prescribed:
 - (a) a condition imposed under section 20(2)(e);
 - (b) a condition imposed under section 20(2)(i).

8—Registration of importers

For the purposes of sections 27(1)(c) and 28(2)(c) of the Act, the prescribed protocols and operational procedures are the protocols and operational procedures specified by the Minister in respect of the particular authority conferred by the registration granted to a particular applicant.

9—Exemptions

The Minister may, in the Minister's discretion, by notice in the Gazette, exempt conditionally or unconditionally a class of persons, plants, plant related products or activities specified in the notice from the application of the Act or a specified provision of the Act, as determined by the Minister.

10—Fees

- (1) The Minister may, on application or on the Minister's own initiative, in the Minister's discretion, waive payment of the whole or a part of a prescribed fee.
- (2) In addition, the following are exempt from the relevant fees prescribed for the purposes of the Act:
 - (a) an application for registration as an importer where the applicant is—
 - (i) an accredited person; or
 - (ii) an agency or instrumentality of the Crown;
 - (b) an application for variation of registration as an importer where the applicant is—
 - (i) an accredited person; or
 - (ii) an agency or instrumentality of the Crown;
 - (c) an annual fee payable by a registered importer where the importer is—
 - (i) an accredited person; or
 - (ii) an agency or instrumentality of the Crown.

Schedule 1—Prescribed plants for propagation

Common name	Scientific name
Citrus	<i>Citrus</i> spp
Date palm offshoots	<i>Phoenix dactylifera</i>

Common name	Scientific name
Grapevines	<i>Vitis</i> spp
Pinus plants	<i>Pinus</i> spp
Tomato plants	<i>Solanum lycopersicum</i> (<i>syn. Lycopersicon esculentum</i>)

Schedule 2—Repeal of *Plant Health Regulations 2009*

The *Plant Health Regulations 2009* are repealed.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 7 July 2022

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