

Queensland



*Plant Protection Act 1989*

# **PLANT PROTECTION REGULATION 1990**

**Reprinted as in force on 12 July 2002  
(includes amendments up to SL No. 181 of 2002)**

**Reprint No. 1G**

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# Information about this reprint

This regulation is reprinted as at 12 July 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## PLANT PROTECTION REGULATION 1990

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# PLANT PROTECTION REGULATION 1990

[as amended by all amendments that commenced on or before 12 July 2002]

## PART 1—PRELIMINARY

### 1 Short title

This regulation may be cited as the *Plant Protection Regulation 1990*.

### 3 Definitions

In this regulation—

“**package**” includes a box, basket, case, container, crate, carton, cover or wrapper.

“**place**” means any place where a pest is known to occur.

“**registered**” where used with respect to an agricultural chemical means registered under the *Agricultural Standards Act 1994*.

“**use**” and “**conditions of use**” where used with respect to a fungicide, insecticide, nematocide or herbicide means the use and the conditions of use as are specified for a registered chemical.

## PART 1A—WHITE BLISTER OF BRASSICA

### 4 Definitions for pt 1A

In this part—

“**pest quarantine area**” means the pest quarantine area declared under section 5.

“**white blister of brassica**” means the pest *Albugo candida* (Pers.) Kuntze.

## 5 Declaration of pest quarantine area

For section 11(1)<sup>1</sup> of the Act, the whole of Queensland is declared to be a pest quarantine area for white blister of brassica.

## 6 Objects of quarantine

The objects of the quarantine for the pest quarantine area are—

- (a) to prevent the introduction into Queensland of white blister of brassica; and
- (b) to prevent its spread in Queensland; and
- (c) to control or remove pest infestation of white blister of brassica in the pest quarantine area.

## 7 Restrictions on introduction

A person must not, without an inspector's approval, introduce into Queensland—

- (a) white blister of brassica; or
- (b) a plant infested with white blister of brassica; or
- (c) a plant of the genus *Brassica* spp.

# PART 2—TOBACCO

## 12 Definitions for pt 2

In this part—

“**district**” means a district declared by order in council to be a tobacco district.

“**merchant**” means a person who occupies land that is a farm where there is grown or planted a plant of the class known as tobacco or where there is movement of tobacco from one place in the district to another place in the district.

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<sup>1</sup> Section 11 (Pest quarantine area) of the Act

For the purposes of this term, the word “**farm**” means and includes any premises where tobacco seed or tobacco seedlings are sold or exchanged whether for valuable consideration or by barter or otherwise.

### **13 Application for registration**

A person who desires to trade as a merchant must make application for registration in the approved form.

### **14 Registration**

The Minister must consider each application for registration and may grant or refuse the application.

### **15 Certificate of registration**

Where an application for registration is granted, the Minister must cause to be issued to the applicant a certificate of registration in the approved form for such period as the Minister sees fit.

### **16 Removal of tobacco**

(1) An application to remove tobacco from a district to another district must be—

- (a) in the approved form; and
- (b) given to an inspector in the district from where the tobacco is to be removed.

(2) The inspector may approve an application to remove the tobacco or may refuse the application.

(3) If an application is approved, the inspector must give a copy of the application to the inspector located in the district to where the tobacco is to be removed.

(4) An approval to remove tobacco must be in the approved form.

(5) In this section—

“**tobacco**” includes tobacco seed and tobacco seedlings.

## 17 Inspector's directions

An inspector's direction under section 10(3)<sup>2</sup> of the Act for tobacco must be in the approved form.

## 18 Treatment of tobacco leaf

(1) An inspector may direct the owner of any premises to destroy, treat or deal with—

- (a) any tobacco leaf or residues of tobacco leaf which, in the opinion of the inspector, are infested with any pest; or
- (b) any residue of tobacco which, in the opinion of the inspector, is likely to harbour or attract any pest.

(2) The inspector's direction must be in the approved form.

## PART 3—PALM LEAF BEETLE

### 18A Definitions for pt 3

In this part—

“**palm**” means a plant, or a part of a plant (other than seed) within the *Family Areaceae*.

“**palm leaf beetle**” means the pest *Brontispa longissima*.

“**palm nursery**” means a place where palms are grown for sale.

### 18B Introduction of palms

(1) A person must not introduce a palm that is infested with palm leaf beetle into the State from another State.

(2) A palm that is introduced into the State from another State must, if the palm is grown at or dispatched from a property that is less than 50 km from an infestation of palm leaf beetle, be accompanied by a certificate stating—

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2 Section 10 (Crop plant district) of the Act

- (a) that palm leaf beetle does not occur on the property on which the palm was grown or from which the palm was dispatched; and
  - (b) that the throat and unopened frond of each palm has been flood sprayed with a mixture containing not less than 1 gram of carbaryl active ingredient per litre plus a wetting agent, at between 7 and 9 days before dispatch, and within 24 hours before dispatch.
- (3) The certificate must be signed by—
- (a) an inspector of the department of government responsible for agriculture in the State in which the palm is grown or dispatched; or
  - (b) if the chief executive has authorised the manager of a palm nursery from which the palm was dispatched to sign the certificate—the manager of the nursery.

## **PART 4—WESTERN FLOWER THRIPS**

### **18C Definitions for pt 4**

In this part—

“**plant**” does not include seed.

“**State**” includes Territory.

“**western flower thrips**” means the pest *Frankliniella occidentalis*.

### **18D Introduction prohibited**

The introduction into Queensland of the western flower thrips is prohibited.

### **18E Restriction on introduction of plants**

(1) This section applies to a plant that is grown in a State in which western flower thrips is known to be living.

(2) A person must not introduce a plant into Queensland unless—

- (a) the plant is accompanied by—
- (i) a certificate of treatment; or
  - (ii) a certificate of freedom from western flower thrips; issued by the department of Government responsible for the administration of matters relating to agriculture in the State; or
- (b) an inspector approves the introduction of the plant.

(3) An inspector may give an approval for the purposes of subsection (2)(b) only if the inspector is satisfied that the introduction of the plant will not pose a significant risk of introducing western flower thrips into Queensland.

### **18F When certificate authorises introduction of plant into Queensland**

A certificate of treatment authorises the introduction into Queensland of a plant only if the certificate states that the plant has been fumigated with methyl bromide for at least 2 hours and at a fumigation temperature and rate specified in the table.

<b>TABLE</b>	
<b>Fumigation temperature (°C)</b>	<b>Grams per m<sup>3</sup></b>
5–10	56
11–15	48
16–20	40
21–2	32
26–30	24
31 or over	16

## **PART 5—FIREBLIGHT**

### **18G Fireblight—control over introduction of pest**

(1) A person is prohibited from introducing a regulated fireblight host plant into Queensland.

(2) Subsection (1) does not apply to a plant (other than fruit) if—

- (a) the plant has been grown in a nursery that has been certified, by an interstate inspector, as being—
  - (i) located more than 10 km from a fireblight area; and
  - (ii) free from evidence of fireblight when inspected by an interstate inspector in the autumn and spring before the certificate was made; and
- (b) the plant is accompanied by a certificate, from an interstate inspector or authorised person, that states the plant was growing in the nursery for the whole of the year before the certificate was made.

(3) In this section—

**“authorised person”** means a person authorised by—

- (a) the head of the interstate department; or
- (b) an interstate inspector.

**“fireblight area”** means—

- (a) the Royal Botanic Gardens, Melbourne, Victoria; or
- (b) the Botanic Gardens of Adelaide, Adelaide, South Australia.

**“interstate department”** means the department of another State that deals with matters relating to agriculture in the State.

**“interstate inspector”** means an inspector for an interstate department.

**“regulated fireblight host plant”** means a plant that—

- (a) is—
  - (i) a hybrid mentioned in schedule 3; or
  - (ii) of a species mentioned in schedule 3; or
  - (iii) of a species within a genus mentioned in schedule 3; and
- (b) has—
  - (i) for fruit—been grown within 5 km of a fireblight area; or
  - (ii) for a plant (other than fruit)—been within 20 km of a fireblight area.

## PART 5A—FIRE ANTS

### *Division 1—Preliminary*

#### 18H Definitions for pt 5A

In this part—

**“approved disposal site”**, for a restricted area, means a site in or near the restricted area approved by an inspector for treatment and disposal of things infested or possibly infested with the fire ant.

**“approved risk management plan”** see section 18RD(2).

**“authorised person”**, at an approved disposal site, means a person authorised in writing by an inspector to receive fire ant declarations at the site from an owner.

**“business person”** see section 18RD(1).

**“fire ant”** means the following pests—

- (a) tropical fire ant (*Solenopsis geminata* (Fabricius));
- (b) red imported fire ant (*Solenopsis invicta* (Buren)).

**“fire ant declaration”** see section 18RB(2).

**“interstate inspector”** means an inspector for the department of another State that deals with matters relating to agriculture in the State.

**“pest quarantine area”** means the pest quarantine area declared under section 18I.

**“restricted area”** means a restricted area declared under section 18RA.

**“restricted item”** means any of the following—

- (a) soil;
- (b) a potting mixture or organic mulch;
- (c) an appliance<sup>3</sup> used in agriculture or for moving soil;
- (d) baled hay or straw.

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3 Under section 3 (Definitions) of the Act—

**“appliance”** includes any vehicle, machinery, equipment or apparatus of any kind.

***Division 2—Pest quarantine area and declaration of notifiable pest*****18I Declaration of pest quarantine area**

For section 11(1) of the Act, the whole of Queensland is declared to be a pest quarantine area for the fire ant.

**18J Objects of quarantine**

The objects of the quarantine are—

- (a) to prevent the fire ant spreading in the State; and
- (b) to eradicate it in the State; and
- (c) to prevent the introduction of the pest tropical fire ant into the State from another State.

**18K Notifiable pest declaration**

The fire ant is declared to be a notifiable pest for section 12(1) of the Act.

***Division 3—Pest control measures for pest quarantine area******Subdivision 1—Restrictions on moving live fire ants, restricted items and other things*****18L Restriction on moving live fire ants**

A person must not, without an inspector's approval, move a live fire ant—

- (a) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
- (b) out of the pest quarantine area.

**18M Restriction on land owner's movement of restricted items and other things**

(1) This section applies to an owner of land if an inspector—

- (a) reasonably believes the land is infested with the fire ant; and
- (b) gives the owner a written notice stating—
  - (i) the land is infested with the fire ant; and
  - (ii) the things on the land the inspector reasonably believes are infested with the fire ant.

(2) The owner must not, without an inspector's approval, move, or allow another person to move, a restricted item or other thing mentioned in subsection (1)(b)(ii)—

- (a) from the owner's land to another parcel of land in the pest quarantine area; or
- (b) out of the pest quarantine area.

### **18N Restriction on other person's movement of restricted items and other things**

(1) This section applies to a person carrying on a commercial activity in the pest quarantine area if an inspector—

- (a) reasonably believes the activity may spread the fire ant in the pest quarantine area; and
- (b) gives the person a written notice stating—
  - (i) that the activity may spread the fire ant in the pest quarantine area; and
  - (ii) the things associated with the activity the inspector reasonably believes may spread the fire ant.

(2) The person must not, without an inspector's approval, move, or allow another person to move, a restricted item or other thing mentioned in subsection (1)(b)(ii)—

- (a) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
- (b) out of the pest quarantine area.

(3) In deciding whether the activity or other thing may spread the fire ant, the inspector must have regard to—

- (a) the nature of the activity or thing; and
- (b) where the activity is carried out.

***Subdivision 2—Other obligations of land owners*****18O Definition for sdiv 2**

In this subdivision—

“**land**” does not include premises in which a person resides.

**18P Obligation of land owner to allow surveillance**

(1) An owner of land in the pest quarantine area must allow an inspector to carry out surveillance on the land to look for and monitor the spread of the fire ant.

(2) Without limiting subsection (1), an inspector may carry out surveillance on the land by putting fire ant baits, lures or traps on the land.

**18PA Preventative treatment of land, plants and other things**

If an inspector considers it necessary to prevent the fire ant spreading in the pest quarantine area, an owner of land must allow the inspector to treat—

- (a) the land; or
- (b) a plant, or other thing the inspector reasonably believes may spread the fire ant, on the land.

**18Q Obligation of owner of land in the vicinity of infested land**

An owner of land in the vicinity of land infested with the fire ant must, if directed by an inspector, monitor the owner’s land for the fire ant in the way the inspector considers appropriate for finding the fire ant.

**18R Treatment of infested land, plants and other things**

An owner of land infested with the fire ant must allow an inspector to treat—

- (a) the land; or
- (b) a plant, or other thing infested with the fire ant, on the land.

***Division 4—Pest control measures for restricted areas******Subdivision 1—Restricted areas*****18RA Declaration of restricted area**

(1) If the chief executive considers it necessary to prevent the fire ant spreading or to eradicate the fire ant in the State, the chief executive may—

- (a) declare an area in the pest quarantine area to be a restricted area; and
- (b) define the boundaries of the area so declared.

(2) The chief executive must give notice of the declaration—

- (a) in a newspaper published in Brisbane and circulating generally throughout the State; and
- (b) in another newspaper, if any, published at least 5 days in each week, and circulating throughout the locality in which the restricted area is situated.

(3) The notice must state each of the following—

- (a) that an area has been declared to be a restricted area;
- (b) the location and boundaries of the area;
- (c) where a map showing the boundaries of the area is available for public inspection;
- (d) if a person is an owner of land in the area, the circumstances under which the owner must sign a fire ant declaration;
- (e) where a copy of the fire ant declaration can be obtained;
- (f) if a person is carrying on a commercial activity in the area, the circumstances under which the person must have an approved risk management plan;
- (g) if an owner is required under section 18RD to implement a risk management plan, the day from which the plan must be implemented.

***Subdivision 2—Movement restrictions*****18RB Owner must sign fire ant declaration when moving restricted item**

(1) This section applies to an owner of land in a restricted area if the owner moves a restricted item that the owner reasonably believes is not infested with the fire ant—

- (a) from the owner’s land to another person’s parcel of land in the restricted area; or
- (b) out of the restricted area.

(2) The owner must not, without an inspector’s approval, move the item unless the owner signs a declaration in the approved form (a “**fire ant declaration**”) stating that the owner will move the item in a way that complies with the requirements of the declaration.

(3) The owner must give the declaration to the person receiving the item.

(4) The person receiving the item must keep the declaration for at least 1 year, unless the person has a reasonable excuse.

(5) However, an owner need not comply with this section if the owner has an approved risk management plan under section 18RD.

(6) This section does not limit another provision of this part.

**18RC Restriction on moving infested thing**

(1) An owner of land in a restricted area must not, without an inspector’s approval, move, or allow another person to move a restricted item or other thing infested with the fire ant—

- (a) from the owner’s land to another person’s parcel of land in the restricted area; or
- (b) out of the restricted area.<sup>4</sup>

(2) However, the owner may move the thing to an approved disposal site for the restricted area.

(3) If the owner moves the thing to an approved disposal site, the owner must—

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4 See section 12(2) (Notification of pests) of the Act.

(a) sign a fire ant declaration for the thing before the owner moves the thing to the site; and

(b) give the declaration to an authorised person at the site.

(4) The authorised person must keep the declaration for at least 1 year, unless the person has a reasonable excuse.

(5) This section does not limit another provision of this part.

### *Subdivision 3 —Risk management plans*

#### **18RD Business person must have risk management plan**

(1) This section applies to a person (a “**business person**”) carrying on a commercial activity in a restricted area if an inspector—

(a) reasonably believes the activity may spread the fire ant—

(i) from a parcel of land in the restricted area to another parcel of land in the area; or

(ii) out of the restricted area; and

(b) gives the person notice, either in writing or orally, to that effect.

(2) The business person must implement and keep a risk management plan that complies with section 18RF for the commercial activity (an “**approved risk management plan**”).

(3) In deciding whether the activity or other thing may spread the fire ant, the inspector must have regard to—

(a) the nature of the activity or thing; and

(b) where the activity is carried out.

(4) This section does not limit another provision of this part.

#### **18RE Restrictions on business person moving thing associated with commercial activity**

(1) A business person who has been given a notice under section 18RD must not, without an inspector’s approval, move, or allow another person to move, a thing associated with the business person’s commercial activity unless—

- (a) the person has an approved risk management plan for the person's commercial activity; and
- (b) the movement complies with the plan.

(2) This section does not limit another provision of this part.

### **18RF Requirements for risk management plans**

(1) A risk management plan must manage the risks associated with the commercial activity carried on in a restricted area by a business person by using proactive management techniques to protect the activity, or the things associated with the activity, from spreading the fire ant.

(2) A business person must seek advice on matters relevant to the preparation of the person's plan from an inspector.

(3) The plan has no effect unless it has been approved by an inspector.

### **18RG Approval of risk management plan**

(1) An inspector must, when deciding whether to approve the risk management plan, consider if it—

- (a) takes into account the risks posed by the commercial activity carried on by the person that may spread the fire ant; and
- (b) identifies any thing (“**high risk item**”) or procedure associated with the activity that may spread the fire ant; and
- (c) ensures any high risk item is not infested with the fire ant.

(2) The factors the inspector must consider, if applicable to the commercial activity, include, but are not limited to, the following—

- (a) purchase of high risk items;
- (b) movement of high risk items onto and off the site where the commercial activity is carried out;
- (c) storage and use of high risk items on the site;
- (d) methods to increase the early detection of the fire ant on the site;
- (e) monitoring of the site to detect the presence of the fire ant;
- (f) treatment for the fire ant at the site;
- (g) treatment of a high risk item before moving the item off the site;

(h) staff training on detection of the fire ant.

(3) The person must provide any information the inspector reasonably requires to decide whether the plan should be approved.

(4) Before approving the risk management plan, the inspector may—

- (a) inspect, test or treat or take samples of a restricted item or other thing associated with the person's commercial activity; or
- (b) do anything else the inspector reasonably considers necessary or desirable.

(5) An inspector may approve a business person's risk management plan subject to conditions.

### **18RH DPI fire ant approved logo**

If a business person has an approved risk management plan, an inspector may give the person a DPI fire ant approved logo.

### **18RI Term of approved risk management plan**

An approved risk management plan remains in force—

- (a) for any term stated initially; or
- (b) for any term an inspector later directs; or
- (c) until it is cancelled or suspended.

### **18RJ Audits**

An inspector may audit a risk management plan to decide if it has been satisfactorily kept under this part.

### ***Subdivision 4—Cancellation and suspension of approved risk management plan***

### **18RK Grounds for cancellation and suspension**

Each of the following is a ground for cancelling or suspending a business person's approved risk management plan—

- (a) an inspector considers, on reasonable grounds, that the person has not complied with the plan;
- (b) the approval was obtained by incorrect or misleading information or documents;
- (c) the person has contravened a condition of the approval;
- (d) the person has not complied with a direction by an inspector to amend the plan.

### **18RL Procedure for cancellation and suspension**

(1) If an inspector considers a ground exists to cancel or suspend a business person's approved risk management plan, the inspector must give the person written notice stating each of the following—

- (a) the proposed action;
- (b) the grounds for the proposed action;
- (c) the facts and circumstances that form the basis for the grounds;
- (d) if the proposed action is a suspension—the proposed suspension period;
- (e) that the person may make, within a stated period (the “**show cause period**”), written representations to show why the proposed action should not be taken.

(2) The show cause period must end at least 14 business days after the person is given the notice.

(3) If the inspector decides to take the proposed action, the inspector must, within 5 business days after making the decision, inform the person of the decision by written notice.

(4) The decision takes effect when the notice is given.

(5) However, if the inspector considers it necessary to prevent the fire ant spreading or to eradicate the fire ant in the State, the inspector may, by written notice to the person, immediately suspend the approved risk management plan until the earlier of the following—

- (a) the inspector informs the person of the inspector's decision by notice under subsection (3), given after complying with subsections (1) and (2);
- (b) the end of 60 days after notice to the person.

(6) If the inspector immediately suspends the approval, the notice must state—

- (a) the decision, and the reasons for it; and
- (b) that the person may apply to the chief executive under section 21M<sup>5</sup> of the Act for reconsideration of the decision; and
- (c) how to apply.

### *Division 5—Introduction restrictions for tropical fire ants*

#### **18RM Live tropical fire ants and infested things**

(1) A person must not, without an inspector's approval, introduce the following into the State from another State in which the pest tropical fire ant is known to be living—

- (a) a live tropical fire ant;
- (b) any thing infested with the tropical fire ant.

(2) An inspector may give approval only if the inspector is satisfied the introduction of the thing will not pose a significant risk of introducing the tropical fire ant into the State.

#### **18RN Restricted items**

(1) This section applies for restricted items that come from another State in which the pest tropical fire ant is known to be living.

(2) A person must not introduce the restricted item into Queensland unless an inspector approves the introduction of the item.

(3) An inspector may give an approval only if the restricted item is accompanied by a certificate, from an interstate inspector, that states—

- (a) the item is dispatched from a property that is more than 5 km from an infestation of tropical fire ant; or
- (b) the item, when inspected by the interstate inspector, was free from evidence of tropical fire ant.

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5 Section 21M (Application for reconsideration of administrative decisions) of the Act

## **PART 5C—RED-BANDED MANGO CATERPILLAR**

### **18T Definitions for pt 5C**

In this part—

**“mango caterpillar”** means the pest red-banded mango caterpillar (*Deanolis sublimbalis* (Snellen)) and includes the pest at each stage of the pest’s life cycle.

*Examples of a stage of the pest’s life cycle—*

Egg, larva, pupa, adult.

**“mango plant”** means a plant of the genus *Mangifera* spp. and includes a part of the plant.

*Examples of a part of the plant—*

Bark, bud, flower, fruit, seed.

**“pest quarantine area”** means the pest quarantine area declared under section 18U.

### **18U Declaration of pest quarantine area**

For section 11(1)<sup>6</sup> of the Act, the area north of latitude 13°45' south is declared to be a pest quarantine area for the mango caterpillar.

### **18V Object of quarantine**

The object of the quarantine is to prevent the mango caterpillar spreading in the State.

### **18W Restriction on moving live mango caterpillars and mango plants**

A person must not, without an inspector’s approval, move a live mango caterpillar or a mango plant—

- (a) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
- (b) into or out of the pest quarantine area.<sup>7</sup>

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<sup>6</sup> Section 11 (Pest quarantine area) of the Act

<sup>7</sup> See section 11(10) of the Act for the penalty for contravening this regulation.

## **PART 6—GENERAL**

### **19 Labelling for introduction**

A plant, introduced into the State must be identified as to the place where it was grown and, where a plant is introduced into the State in a package, a clear and legible description of the contents of the package must be clearly marked on the package together with the name and address of both the consignor and the consignee.

### **20 Offence**

A person must not possess a plant introduced into the State in contravention of section 19.

### **21 Introduction of plants**

A plant may be introduced into the State if it is accompanied by a certificate of an officer of the department responsible for agriculture in the place of the origin of the plant certifying that the plant has been inspected by the officer and that the officer had found it to be free of pests or that it has been properly and sufficiently disinfected.

### **22 Certification of disinfestation**

If the plant is disinfested under a direction given under section 13<sup>8</sup> of the Act, the consignee of the plant is entitled to the issue by an inspector of a certificate to that effect.

### **23 Plant to be repacked if certificate given**

A consignee must, within 24 hours of receipt of a certificate issued under section 22 repack and remove the plant from the place of treatment.

### **24 Sale of infested plant prohibited**

A person must not sell or dispose of, or possess for sale, a plant infested with a pest.

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8 Section 13 (Special powers in relation to specific pest infestations) of the Act

## **25 Codling moth control**

An owner of an orchard where codling moth is present must spray all bearing apple, pear and quince trees with a chemical registered for use as a pesticide to control codling moth.

## **26 Quarantining and other directions**

Any directions of an inspector for the purposes of section 13 of the Act must be in the approved form.

## **28 Labelling of fruit trees**

(1) Subject to subsection (2), a person must not sell a fruit tree unless the fruit tree or the package is labelled to indicate the variety.

(2) In respect of—

- (a) a vegetatively propagated fruit tree, the label attached to the tree or package must state—
  - (i) the scion variety; and
  - (ii) if the scion is grafted on to a rootstock—the rootstock variety;
- (b) a seedling fruit tree, the label attached to the tree or the package must—
  - (i) state the name of the variety; and
  - (ii) be legibly marked with the word ‘seedling’ in the prefix to the name;
- (c) vegetatively propagated fruit trees, referred to in paragraph (a) where the number of trees of the same variety exceed 24 in the package, the details of variety may be attached to the package.

## **29 Graft union**

A person must not sell a grafted citrus fruit tree unless it is of upright growth with the stock-scion union not less than 100 mm above the point where the first lateral root branches from the main stem.

**30 Pest quarantine areas**

Land in an area specified in schedule 1 is a pest quarantine area with respect to the pest specified in relation to the land.

**31 Sugar cane quarantine areas**

For the purposes of section 11 of the Act, the areas mentioned in schedule 2 are pest quarantine areas for sugar cane.

**SCHEDULE 1****PEST QUARANTINE AREAS**

section 30

**1 Pest quarantine area with respect to Palm leaf beetle (*Brontispa longissima*)**

Land within—

- (a) the City of Cairns; and
- (b) the Shires of Aurukun, Cook, Douglas and Torres; and
- (c) Division 4 of the Shire of Mulgrave; and
- (d) the areas administered by the following Aboriginal Councils—
  - (i) Bamaga;
  - (ii) Hopevale;
  - (iii) Injinoo;
  - (iv) Lockhart River;
  - (v) Napranum;
  - (vi) New Mapoon;
  - (vii) Seisia;
  - (viii) Umagico;
  - (ix) Wudjel Wudjel.

**2.** Land excluded from the area of an existing local authority by order in council under clause 43 of the agreement set out in the schedule to the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*.<sup>9</sup>

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<sup>9</sup> The land includes the Town of Weipa.

**SCHEDULE 2****SUGAR CANE QUARANTINE DISTRICTS**

section 31

**1.** Cape York–Torres Strait—the area north of a line due east and west through Coen.

**2.** Mossman–Cairns–Johnstone—the area between the southern boundary of the Cape York–Torres Strait District and a line due east and west through Cardwell Railway Station.

**3.** Herbert—the area between the southern boundary of the Mossman–Cairns–Johnstone District and 19°20' south latitude.

**4.** Lower Burdekin—the area between the southern boundary of the Herbert District and a line from the mouth of the Don River—

- (a) then upstream to the North Coast Railway bridge; and
- (b) then along the railway line to Collinsville Railway Station; and
- (c) then due west.

**5.** Proserpine–Mackay–Plane Creek—the area between the southern boundary of the Lower Burdekin District and the Tropic of Capricorn.

**6.** Bundaberg–Childers—the area between the southern boundary of the Proserpine–Mackay–Plane Creek District and a line from the mouth of the Burrum River—

- (a) then upstream to the North Coast Railway bridge; and
- (b) then due west.

**7.** Maryborough—the area between the southern boundary of the Bundaberg–Childers District and 26° south latitude.

**8.** Moreton—the area lying between the southern boundary of the Maryborough District and a line from the mouth of the Caboolture River—

- (a) then upstream to the Bruce Highway bridge; and
- (b) then due west.

## SCHEDULE 2 (continued)

**9.** Logan—the area lying between the southern boundary of the Moreton District and the boundary of the State of New South Wales.

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**SCHEDULE 3**
**REGULATED FIREBLIGHT HOST PLANTS**

section 18G

**Hybrid***Rubus* hybrids**Common name**

Thornless blackberry

**Species***Prunus salicina**Rubus ideus***Common name**

Plum

Red raspberry

**Genus***Amelanchier**Cotoneaster**Crataegus**Cydonia**Eriobotrya**Malus**Mespilus**Pyracantha**Pyrus**Sorbus**Stranvaesia***Examples of common names**

Service berry, June berry

Cotoneaster

Hawthorn

Quince

Loquat

Apple

Medlar

Fire thorn

Pear

Mountain ash

—

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 July 2002. Future amendments of the Plant Protection Regulation 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 310 of 1999	13 December 1999
1A	to SL No. 31 of 2001	20 April 2001
1B	to SL No. 49 of 2001	1 June 2001
1C	to SL No. 186 of 2001	12 October 2001
1D	to SL No. 216 of 2001	7 December 2001
1E	to SL No. 22 of 2002	8 March 2002
1F	to SL No. 42 of 2002	22 March 2002

## 5 List of legislation

### **Plant Protection Regulation 1990**

made by the Governor in Council on 26 April 1990

pubd gaz 28 April 1990 pp 2519–42

commenced on date of publication

exp 31 August 2002 (see SIA s 56A(2) and SIR s 16 sch 16)

[prev exp 31 August 2001 (see SIA s 56A(1)(a) and SIR s 10 sch 10)]

[orig exp 1 September 2000 (see SIA s 54)]

amending legislation—

### **regulation published gazette (pre SL series)—**

1 June 1991 pp 556–62

### **Plant Protection Amendment Regulation (No. 1) 1993 SL No. 32**

notfd gaz 19 February 1993 pp 597–600

commenced on date of notification

### **Plant Protection Amendment Regulation (No. 2) 1993 SL No. 173**

notfd gaz 28 May 1993 pp 646–51

commenced on date of notification

### **Plant Protection Amendment Regulation (No. 3) 1993 SL No. 209**

notfd gaz 18 June 1993 pp 985–9

commenced on date of notification

### **Plant Protection Amendment Regulation (No. 4) 1993 SL No. 436**

notfd gaz 3 December 1993 pp 1583–6

commenced on date of notification

### **Plant Protection Amendment Regulation (No. 1) 1997 SL No. 137**

notfd gaz 6 June 1997 pp 586–7

commenced on date of notification

**Plant Protection Amendment Regulation (No. 2) 1997 SL No. 207**

notfd gaz 11 July 1993 pp 1229–30  
 commenced on date of notification

**Plant Protection Amendment Regulation (No. 1) 1998 SL No. 166**

notfd gaz 22 May 1998 pp 509–14  
 commenced on date of notification

**Plant Protection (Banana Pest Quarantine) Regulation 1999 SL No. 310 s 21 sch 7**

notfd gaz 3 December 1999 pp 1348–50  
 commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared [SL Vol 6 1999 pp 309, 334]

**Plant Protection Amendment Regulation (No. 1) 2001 SL No. 31**

notfd gaz 12 April 2001 pp 1553–4  
 commenced on date of notification

**Plant Protection Amendment Regulation (No. 2) 2001 SL No. 49**

notfd gaz 18 May 2001 pp 244–5  
 commenced on date of notification

**Plant Protection Amendment Regulation (No. 3) 2001 SL No. 186**

notfd gaz 5 October 2001 pp 411–2  
 commenced on date of notification

**Plant Protection Amendment Regulation (No. 4) 2001 SL No. 216**

notfd gaz 23 November 2001 pp 1088–91  
 commenced on date of notification

**Plant Protection Amendment Regulation (No. 1) 2002 SL No. 22**

notfd gaz 15 February 2002 pp 618–19  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 March 2002 (see s 2)

**Plant Protection Amendment Regulation (No. 2) 2002 SL No. 42**

notfd gaz 15 March 2002 pp 1033–4  
 commenced on date of notification

**Plant Protection Legislation Amendment Regulation (No. 1) 2002 SL No. 181 pts 1–2**

notfd gaz 12 July 2002 pp 1064–5  
 commenced on date of notification

## **6 List of annotations**

**Short title**

s 1 sub 1999 SL No. 310 s 21 sch 7

**Arrangement**

s 2 om 1999 SL No. 310 s 21 sch 7

**Definitions**

- prov hdg** sub 1999 SL No. 310 s 21 sch 7  
**s 3** amd 1999 SL No. 310 s 21 sch 7  
 def “**registered**” amd 1999 SL No. 310 s 21 sch 7  
 def “**the Act**” om 1999 SL No. 310 s 21 sch 7

**PART 1A—WHITE BLISTER OF BRASSICA**

- pt hdg** ins 2002 SL No. 181 s 3

**Definitions for pt 1A**

- s 4** prev s 4 om 1999 SL No. 310 s 21 sch 7  
 pres s 4 ins 2002 SL No. 181 s 3

**Declaration of pest quarantine area**

- s 5** prev s 5 om 1999 SL No. 310 s 21 sch 7  
 pres s 5 ins 2002 SL No. 181 s 3

**Objects of quarantine**

- s 6** prev s 6 om 1999 SL No. 310 s 21 sch 7  
 pres s 6 ins 2002 SL No. 181 s 3

**Restrictions on planting and growing pest banana plants**

- s 6A** ins reg pubd gazette 1 June 1991 s 3  
 om 1999 SL No. 310 s 21 sch 7

**Restrictions on introduction**

- s 7** prev s 7 om 1999 SL No. 310 s 21 sch 7  
 pres s 7 ins 2002 SL No. 181 s 3

**PART 2—TOBACCO**

- pt hdg** prev pt 2 hdg om 1999 SL No. 310 s 21 sch 7  
 pres pt 2 hdg (prev pt 3 hdg) renum 1999 SL No. 310 s 21 sch 7

**Eradication of banana plants and prevention of spread of banana bunchy top**

- s 8** om 1999 SL No. 310 s 21 sch 7

**Eradication of banana plants and prevention of spread of banana leaf spot and banana black sigatoka**

- s 9** om 1999 SL No. 310 s 21 sch 7

**Control of banana Panama disease (race 4)**

- s 10** om 1999 SL No. 310 s 21 sch 7

**Control of banana Panama (other than race 4)**

- s 11** om 1999 SL No. 310 s 21 sch 7

**Definitions for pt 2**

- prov hdg** sub 1999 SL No. 310 s 21 sch 7  
**s 12** amd 1999 SL No. 310 s 21 sch 7

**Application for registration**

- s 13** amd 1999 SL No. 310 s 21 sch 7

**Registration**

- s 14** amd 1999 SL No. 310 s 21 sch 7

**Certificate of registration**

s 15 amd 1999 SL No. 310 s 21 sch 7

**Removal of tobacco**

s 16 amd 1999 SL No. 310 s 21 sch 7

**Inspector's directions**

s 17 sub 1999 SL No. 310 s 21 sch 7

**Treatment of tobacco leaf**

s 18 amd 1999 SL No. 310 s 21 sch 7

**PART 3—PALM LEAF BEETLE**

pt hdg pres pt 3 hdg (prev pt 3A hdg) ins 1993 SL No. 173 s 3  
renum 1999 SL No. 310 s 21 sch 7

**Definitions for pt 3**

prov hdg sub 1999 SL No. 310 s 21 sch 7

s 18A ins 1993 SL No. 173 s 3

**Introduction of palms**

s 18B ins 1993 SL No. 173 s 3

amd 1999 SL No. 310 s 21 sch 7

**PART 4—WESTERN FLOWER THRIPS**

pt hdg pres pt 4 hdg (prev pt 3B hdg) ins 1993 SL No. 209 s 3  
renum 1999 SL No. 310 s 21 sch 7

**Definitions for pt 4**

prov hdg sub 1999 SL No. 310 s 21 sch 7

s 18C ins 1993 SL No. 209 s 3

**Introduction prohibited**

s 18D ins 1993 SL No. 209 s 3

**Restriction on introduction of plants**

s 18E ins 1993 SL No. 209 s 3

**When certificate authorises introduction of plant into Queensland**

s 18F ins 1993 SL No. 209 s 3

**PART 5—FIREBLIGHT**

pt hdg (prev pt 3C hdg) ins 1997 SL No. 137 s 3  
renum 1999 SL No. 310 s 21 sch 7

**Fireblight—control over introduction of pest**

s 18G ins 1997 SL No. 137 s 3

amd 1997 SL No. 207 s 3

sub 1998 SL No. 166 s 3

amd 1999 SL No. 310 s 21 sch 7

**PART 5A—FIRE ANTS**

pt hdg ins 2001 SL No. 31 s 3

sub 2001 SL No. 49 s 3; 2002 SL No. 42 s 3

**Division 1—Preliminary**

div hdg ins 2001 SL No. 49 s 3

**Definitions for pt 5A**

- s 18H** ins 2001 SL No. 31 s 3  
sub 2001 SL No. 49 s 3  
def “**approved disposal site**” ins 2002 SL No. 22 s 4(2)  
def “**approved risk management plan**” ins 2002 SL No. 22 s 4(2)  
def “**authorised person**” ins 2002 SL No. 22 s 4(2)  
def “**business person**” ins 2002 SL No. 22 s 4(2)  
def “**fire ant**” sub 2002 SL No. 22 s 4(1)–(2)  
def “**fire ant declaration**” ins 2002 SL No. 22 s 4(2)  
def “**interstate inspector**” ins 2002 SL No. 22 s 4(2)  
def “**restricted area**” ins 2002 SL No. 22 s 4(2)

**Division 2—Pest quarantine area and declaration of notifiable pest**

- div hdg** ins 2001 SL No. 49 s 3

**Declaration of pest quarantine area**

- s 18I** ins 2001 SL No. 49 s 3

**Objects of quarantine**

- s 18J** ins 2001 SL No. 49 s 3  
amd 2002 SL No. 22 s 5

**Notifiable pest declaration**

- s 18K** ins 2001 SL No. 49 s 3

**Division 3—Pest control measures for pest quarantine area**

- div hdg** ins 2001 SL No. 49 s 3  
amd 2002 SL No. 22 s 6

**Subdivision 1—Restrictions on moving live fire ants, restricted items and other things**

- sdiv 1 (ss 18L–18N)** ins 2001 SL No. 49 s 3

**Subdivision 2—Other obligations of land owners**

- sdiv hdg** ins 2001 SL No. 49 s 3

**Definition for sdiv 2**

- s 18O** ins 2001 SL No. 49 s 3

**Obligation of land owner to allow surveillance**

- prov hdg** sub 2002 SL No. 42 s 4  
**s 18P** ins 2001 SL No. 49 s 3

**Preventative treatment of land, plants and other things**

- s 18PA** ins 2002 SL No. 42 s 5

**Obligation of owner of land in the vicinity of infested land**

- s 18Q** ins 2001 SL No. 49 s 3

**Treatment of infested land, plants and other things**

- s 18R** ins 2001 SL No. 49 s 3  
sub 2002 SL No. 42 s 6

**Division 4—Pest control measures for restricted areas**

- div hdg** ins 2002 SL No. 22 s 7

**Subdivision 1—Restricted areas****sdiv 1 (s 18RA)** ins 2002 SL No. 22 s 7**Subdivision 2—Movement restrictions****sdiv 2 (ss 18RB–18RC)** ins 2002 SL No. 22 s 7**Subdivision 3—Risk management plans****sdiv 3 (ss 18RD–18RJ)** ins 2002 SL No. 22 s 7**Subdivision 4—Cancellation and suspension of approved risk management plan****sdiv 4 (ss 18RK–18RL)** ins 2002 SL No. 22 s 7**Division 5—Introduction restrictions for tropical fire ants****div 5 (ss 18RM–18RN)** ins 2002 SL No. 22 s 7**PART 5B—TROPICAL FIRE ANT****pt hdg** ins 2001 SL No. 186 s 3  
om 2002 SL No. 22 s 8**Notifiable pest declaration****s 18S** ins 2001 SL No. 186 s 3  
om 2002 SL No. 22 s 8**PART 5C—RED-BANDED MANGO CATERPILLAR****pt 5 (ss 18T–18W)** ins 2001 SL No. 216 s 3**PART 6—GENERAL****pt hdg** (prev pt 4 hdg) renum 1999 SL No. 310 s 21 sch 7**Labelling for introduction****s 19** amd 1999 SL No. 310 s 21 sch 7**Offence****s 20** amd 1999 SL No. 310 s 21 sch 7**Introduction of plants****prov hdg** amd 1999 SL No. 310 s 21 sch 7  
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**s 23** amd 1999 SL No. 310 s 21 sch 7**Sale of infested plant prohibited****s 24** amd 1999 SL No. 310 s 21 sch 7**Codling moth control****s 25** amd 1999 SL No. 310 s 21 sch 7**Quarantining and other directions****s 26** amd 1999 SL No. 310 s 21 sch 7**Undertaking in lieu of quarantine****s 27** om 1999 SL No. 310 s 21 sch 7

**Labelling of fruit trees**

s 28 amd 1999 SL No. 310 s 21 sch 7

**Graft union**

s 29 amd 1999 SL No. 310 s 21 sch 7

**Pest quarantine areas**

s 30 prev s 30 om reg pubd gazette 1 June 1991 s 4  
pres s 30 ins 1993 SL No. 32 s 3  
sub 1993 SL No. 436 s 3  
amd 1999 SL No. 310 s 21 sch 7

**Sugar cane quarantine areas**

s 31 ins 1993 SL No. 436 s 3  
amd 1999 SL No. 310 s 21 sch 7

**PART 7—TRANSITIONAL PROVISION FOR PLANT PROTECTION (BANANA PEST QUARANTINE) REGULATION 1999**

pt hdg ins 1999 SL No. 310 s 21 sch 7  
exp 3 March 2000 (see s 33)

**Transitionally approved forms**

s 32 ins 1999 SL No. 310 s 21 sch 7  
exp 3 March 2000 (see s 33)

**Expiry of pt 7**

s 33 ins 1999 SL No. 310 s 21 sch 7  
exp 3 March 2000 (see s 33)

**SCHEDULE 1—PEST QUARANTINE AREAS**

prev sch 1 amd reg pubd gaz 1 June 1991 s 5  
om 1999 SL No. 310 s 21 sch 7  
pres sch 1 (prev sch 4) ins 1993 SL No. 436 s 5  
renum 1999 SL No. 310 s 21 sch 7

**SCHEDULE 2—SUGAR CANE QUARANTINE DISTRICTS**

prev sch 2 om 1999 SL No. 310 s 21 sch 7  
pres sch 2 (prev sch 5) ins 1993 SL No. 32 s 4  
sub 1993 SL No. 436 ss 4, 5  
renum 1999 SL No. 310 s 21 sch 7

**SCHEDULE 3—REGULATED FIREBLIGHT HOST PLANTS**

prev sch 3 om 1999 SL No. 310 s 21 sch 7  
pres sch 3 (prev sch 6) ins 1997 SL No. 137 s 4  
sub 1998 SL No. 166 s 4  
renum 1999 SL No. 310 s 21 sch 7