



Queensland

Plant Protection Act 1989

Plant Protection (Canker) Notice 2004

Reprinted as in force on 16 July 2004
(includes commenced amendments up to 2004 SL No. 133)

Reprint No. 0C

This reprint is prepared by
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 1989 Act No. 14 s 11(9)(a)

Information about this reprint

This notice is reprinted as at 16 July 2004. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

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

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Plant Protection (Canker) Notice 2004

[as amended by all amendments that commenced on or before 16 July 2004]

Part 1 Preliminary

1 Short title

This notice may be cited as the *Plant Protection (Canker) Notice 2004*.¹

2 Definitions

In this notice—

affected area means an area that is—

- (a) in the pest quarantine area; and
- (b) within 600 m of a place where canker has been found.

authorised person means a person authorised by the chief executive.

canker means the pest described in the *Plant Protection Regulation 2002*, schedule 1, part 2, under the heading ‘C. Disorders’.

canker direction means an inspector’s direction, under section 13 of the Act that—

- (a) is in relation to canker; and
- (b) applies to land other than land within the pest quarantine area.

1 This notice remains in force until whichever of the following first happens—

- (a) the commencement of a replacement regulation;
- (b) the end of 3 months.

See section 11(9) of the Act.

host plant means a plant of the family ‘Rutaceae.’²

non-quarantined area means the part of Queensland that is not—

- (a) within the pest quarantine area; or
- (b) the subject of a canker direction.

offence warning, for a requirement under this notice, means a warning that it is an offence for the person to whom the requirement is given, or of whom it is made, not to comply with it.³

other thing includes harvesters, trailers, harvesting bins, fruit picking bags, pruning or other tools, clothing, footwear, gloves and hats.

pest quarantine area means the pest quarantine area declared under section 3.

prescribed conditions, for the fruit of a host plant, means each of the following—

- (a) the fruit has been treated, under the supervision of an inspector or an accredited person, by using treatment method A or treatment method B;
- (b) the fruit is packed without peduncles and leaves;
- (c) an inspector or accredited person inspected the fruit, after it has been treated, and is reasonably satisfied the fruit is free from canker;
- (d) the fruit is accompanied by—
 - (i) if the fruit was inspected, in the way mentioned in paragraph (c), by an inspector—an inspector’s certificate; or
 - (ii) if the fruit was inspected, in the way mentioned in paragraph (c), by an accredited person—an assurance certificate;

2 Under the Act, schedule (Dictionary)—

plant means a member of the plant kingdom and includes the seed or seedling of or a part of a plant, whether living or dead and whether attached to a plant but does not include timber in service.

3 See section 11(10) (Pest quarantine area) of the Act.

- (b) Emerald;
- (c) Peak Downs.

4 Objects of quarantine

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

- (a) to prevent or control the spread of canker in the pest quarantine area; and
- (b) to prevent canker being brought out of the pest quarantine area; and
- (c) to control or remove pest infestation of canker in the pest quarantine area; and
- (d) to prevent the spread of canker in the non-quarantined area.

Part 3 Restrictions and obligation relating to movement

Division 1 Restrictions on movement

5 Restrictions on movement into, within or out of pest quarantine area

- (1) A person must not, without an inspector's approval, move a host plant, or an appliance or other thing that has been in contact with a host plant—
 - (a) into the pest quarantine area; or
 - (b) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
 - (c) out of the pest quarantine area.

- (2) An inspector may give an approval only if the inspector is satisfied the movement of the plant, appliance or thing will not pose a significant risk of—
 - (a) spreading canker in the pest quarantine area; or
 - (b) bringing canker out of the pest quarantine area.

5AA Restrictions on movement within non-quarantined area or to particular land

- (1) This section applies to a host plant that is grown on a parcel of land in the non-quarantined area.
- (2) A person must not, on or after 20 July 2004, move the plant from the parcel of land to—
 - (a) another parcel of land in the non-quarantined area; or
 - (b) a parcel of land that is the subject of a canker direction.
- (3) Subsection (1) does not apply if the person—
 - (a) has an inspector's approval to move the plant; and
 - (b) if the inspector has imposed conditions on the approval—complies with the conditions of the approval.
- (4) Also, subsection (1) does not apply to the movement of the fruit of a host plant if—
 - (a) an inspector has given the owner of the parcel of land on which the fruit was grown a written notice stating the inspector is reasonably satisfied the parcel of land is free from canker; or
 - (b) all the prescribed conditions have been satisfied for the fruit.
- (5) For subsection (3), an inspector may give an approval, with or without conditions, only if the inspector is satisfied the movement of the host plant will not pose a significant risk of spreading canker in Queensland.

Division 2 Obligation to keep documents relating to movement of host plants

5AB Obligation to keep documents relating to movement of host plants

- (1) This section applies if a person moves, after the commencement of this section, a host plant that was grown on a parcel of land in Queensland to—
 - (a) another parcel of land in Queensland; or
 - (b) out of Queensland.
- (2) The owner of the parcel of land from which the plant is moved must keep a copy of any relevant movement document for the movement for at least 1 year after the host plant is moved from the land.
- (3) In this section—

relevant movement document, for a movement of a host plant, means the following—

 - (a) a document that relates to the movement;
 - (b) if the movement is for a sale of the plant—a document that relates to the sale.

Part 4 General obligations

5A Obligation of land owner to allow surveillance

- (1) This section applies if an inspector requires an owner of land in the pest quarantine area to allow an inspector to carry out surveillance on the land to look for and monitor the spread of canker.
- (2) The owner must not refuse to allow the inspector to carry out the surveillance.
- (3) Without limiting subsection (1), an inspector may carry out surveillance on the land by taking a sample of a host plant on

the land and testing it, or having another person test it, on the land or at another place.

- (4) When making the requirement, the inspector must give the person an offence warning.
- (5) In this section—
land does not include premises in which a person resides.

5B Obligation of land owner to allow treatment of host plant, appliance or other thing

- (1) This section applies if an inspector requires an owner of land within the pest quarantine area to allow an inspector or an authorised person to treat a host plant, appliance or other thing on the land.
- (2) The owner must not refuse to allow the inspector or authorised person to carry out the treatment.
- (3) When making the requirement, the inspector must give the person an offence warning.

Part 5 Requirements and obligations for host plants in affected area

6 Requirement to treat host plants in affected area

- (1) This section applies if an inspector has notified an owner of land, on which a host plant is grown, that the land is in an affected area.
- (2) The owner must immediately treat the plant by spraying it with a copper-based chemical.
- (3) Subsection (2) does not apply if the owner has an inspector's approval that the treatment does not have to be given.

6A Obligation to allow disposal of treated host plants in affected area

- (1) This section applies if—
 - (a) a host plant on land within an affected area has been treated under section 5B or 6; and
 - (b) an inspector requires the owner of the land to allow an inspector or an authorised person to burn or otherwise dispose of the plant on the land.
- (2) The owner of the land must not refuse to allow the inspector or authorised person to burn or dispose of the plant.
- (3) When making the requirement, the inspector must give the person an offence warning.

6B Restriction on who may dispose of treated host plants in affected area

- (1) This section applies if a host plant on land within an affected area has been treated under section 5B or 6.
- (2) The owner of the land must not, without an inspector's approval—
 - (a) burn or otherwise dispose of the plant; or
 - (b) allow another person, other than an inspector or an authorised person, to burn or otherwise dispose of the plant.

7 Requirement to treat regrowth of host plants in affected area

- (1) This section applies if—
 - (a) a host plant on land within an affected area has been treated under section 5B or 6; and
 - (b) the owner of the land becomes aware of any regrowth of the plant.
- (2) The owner must immediately treat the regrowth by using glyphosate herbicide.
- (3) Also, the owner must—

- (a) give an inspector oral or written notice of the regrowth within 24 hours; and
- (b) if the notice under paragraph (a) was oral—confirm the notice by written notice to the chief executive within 7 days.

8 Prohibition on planting host plants in affected area

- (1) This section applies if an inspector has notified an owner of land that the land is in an affected area.
- (2) The owner must not, without an inspector's approval, plant a host plant on the land.

9 Requirement to treat appliances or other things in affected area

- (1) This section applies if an inspector has notified an owner of land, on which a host plant is grown, that the land is in an affected area.
- (2) The owner must treat an appliance or other thing on the land—
 - (a) by using a bactericidal disinfectant; and
 - (b) before the appliance or thing is moved out of the affected area.
- (3) Subsection (2) does not apply if the owner has an inspector's approval that the treatment does not have to be given.

Part 6 Requirement for host plants near affected area

10 Requirement to treat host plants within 500 m of affected area

- (1) This section applies if an inspector has notified an owner of land, on which a host plant is grown, that the land is within 500 m of, but not in, an affected area.

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- (2) The owner must treat the plant, by spraying it with a copper-based chemical—
 - (a) immediately after the notification is given; and
 - (b) every fortnight after the day the notification is given.
- (3) Subsection (2) does not apply if the owner has an inspector's approval that the treatment does not have to be given.

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 16 July 2004. Future amendments of the Plant Protection (Canker) Notice 2004 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	none	2 July 2004	
0B	to 2004 SL No. 124	8 July 2004	
0C	to 2004 SL No. 133	16 July 2004	

5 List of legislation

Plant Protection (Canker) Notice 2004 SL No. 121

(prev Plant Protection (Canker) Quarantine Notice 2004)

made by the Minister for Primary Industries and Fisheries on 2 July 2004

notfd gaz 2 July 2004 pp 711–2

commenced on date of notification

exp 1989 No. 14 s 11(9) by either—

(a) the commencement of a replacement regulation; or

(b) the end of 3 months (2 October 2004)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Plant Protection (Canker) Quarantine Amendment Notice 2004 (No. 1) 2004 SL No. 124

notfd gaz 8 July 2004 pp 714A–714B

commenced on date of notification

Plant Protection (Canker) Quarantine Amendment Notice 2004 (No. 2) 2004 SL No. 133

notfd gaz 16 July 2004 pp 865–6

commenced on date of notification

6 List of annotations

Short title

s 1 amd 2004 SL No. 133 s 3

PART 1—PRELIMINARY

pt hdg ins 2004 SL No. 124 s 3

Definitions

s 2 def “authorised person” ins 2004 SL No. 124 s 4(1)

def “**canker direction**” ins 2004 SL No. 133 s 4
 def “**host plant**” amd 2004 SL No. 124 s 4(2)
 def “**non-quarantined area**” ins 2004 SL No. 133 s 4
 def “**offence warning**” ins 2004 SL No. 124 s 4(1)
 def “**prescribed conditions**” ins 2004 SL No. 133 s 4
 def “**treatment method A**” ins 2004 SL No. 133 s 4
 def “**treatment method B**” ins 2004 SL No. 133 s 4

PART 2—PEST QUARANTINE AREA AND OBJECTS OF QUARANTINE

pt hdg ins 2004 SL No. 124 s 5

Objects of quarantine

s 4 amd 2004 SL No. 133 s 5

PART 3—RESTRICTIONS AND OBLIGATION RELATING TO MOVEMENT

pt hdg ins 2004 SL No. 124 s 6
 sub 2004 SL No. 133 s 6

Division 1—Restrictions on movement

div hdg ins 2004 SL No. 133 s 6

Restrictions on movement into, within or out of pest quarantine area

prov hdg amd 2004 SL No. 133 s 7(1)
s 5 amd 2004 SL No. 133 s 7(2)–(3)

Restrictions on movement within non-quarantined area or to particular land

s 5AA ins 2004 SL No. 133 s 8

Division 2—Obligation to keep documents relating to movement of host plants

div 2 (s 5AB) ins 2004 SL No. 133 s 8

PART 4—GENERAL OBLIGATIONS

pt hdg ins 2004 SL No. 124 s 7

Obligation of land owner to allow surveillance

prov hdg amd 2004 SL No. 133 s 9(1)
s 5A ins 2004 SL No. 124 s 7
 amd 2004 SL No. 133 s 9(2)–(4)

Obligation of land owner to allow treatment of host plant, appliance or other thing

s 5B ins 2004 SL No. 124 s 7

PART 5—REQUIREMENTS AND OBLIGATIONS FOR HOST PLANTS IN AFFECTED AREA

pt hdg ins 2004 SL No. 124 s 7

Requirement to treat host plants in affected area

s 6 amd 2004 SL No. 124 s 8; 2004 SL No. 133 s 10

Obligation to allow disposal of treated host plants in affected area

s 6A amd 2004 SL No. 124 s 9

Restriction on who may dispose of treated host plants in affected area

s 6B amd 2004 SL No. 124 s 9

Requirement to treat regrowth of host plants in affected area

s 7 sub 2004 SL No. 124 s 10

PART 6—REQUIREMENT FOR HOST PLANTS NEAR AFFECTED AREA
pt hdg ins 2004 SL No. 124 s 11