**FRUIT AND PLANT PROTECTION ACT AMENDMENT BILL 1985**

**Legislative Council, 29 August 1985, pages 639-40**

Second reading

**The Hon. FRANK BLEVINS (Minister of Agriculture**) obtained leave and introduced a Bill for an Act to amend the Fruit and Plant Protection Act 1968. Read a first time.

The Hon. FRANK BLEVINS: I move. That this Bill be now read a second time.

It is the result of effort by industry and the Department of Agriculture to improve the principal Act (the Fruit and Plant Protection Act 1968) so that it reflects today’s practices in commercial trading in fruit and plants. The original Vine, Fruit and Vegetables Protection Act was introduced at a time when railways monopolised trade between the States and when there were fewer recognised treatments of produce against diseases and pests. Surveillance of fruit and plants under a rail transport system was relatively simple because these were channelled through and inspected at a limited number of entry points to the State.

While innovations in the treatment of diseases and pests have reduced the need for exhaustive inspections of produce, developments in transport have presented other complexities. With the advent of sophisticated high payload trucks, produce can enter the State from a variety of sources and be distributed widely throughout the State.

The establishment of Adelaide International Airport has generated interest amongst Sunraysia growers in the use of the facility as an airfreight outlet to the South East Asian market. Some potential also may exist for the export of interstate produce from Port Adelaide.

The Australian Constitution is clear with regard to trade between the States and, in any event, no Government would wish to erect ill-founded barriers to exchanges in fruit, vegetables and nursery stock in view of the benefits that flow from such exchanges. The advantages of this philosophy are recognised by State authorities, who by mutual agreement are implementing plant quarantine policies that reflect present-day knowledge and technology in plant management.

While a less restrictive approach to interstate quarantine will be taken in the drafting of new regulations under the principal Act, there is a need to incorporate in the Act stronger provisions for the tracing of illegally introduced material that might carry diseases and pests and may place this State’s plant industries at risk. Greater deterrents to any person contemplating such introductions are warranted.

I seek leave to have the detailed explanation of the clauses of the Bill inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 3 of the principal Act by inserting two new definitions—‘premises’ and ‘vehicle’. Clause 3 amends section 4 of the principal Act which provides for the prohibition by the Governor of the introduction of certain fruit and plants into the State. The effect of the amendment is to give this responsibility to the Minister. The scope of subsection (1) is widened to encompass soil in which a diseased plant has been growing, and the monetary penalty for contravention of the section is lifted to $5 000. Clause 4 amends section 5 of the principal Act which empowers the Governor to specify places through which host fruit and plants may be introduced into the State. This power is given to the Minister, and the monetary penalty for contravention is increased to $5 000.

Clause 5 amends section 6 of the principal Act which enables the Governor to establish quarantine stations. This power is given to the Minister. Clause 6 amends section 7 of the principal Act which enables the Governor to establish quarantine areas. This power is given to the Minister. The monetary penalty for a contravention under the section is increased to $5 000. Clause 7 amends section 8 of the principal Act which enables the Governor to declare notifiable pests and diseases and requires persons to notify the chief inspector on discovering a notifiable pest or disease. The power to make a declaration is given to the Minister. The penalty for a contravention under the section is increased to $5 000. Clause 8 amends section 9 of the principal Act which provides for the Minister to require orchardists to take certain measures. The penalty for a contravention of a requirement has been increased to $5 000.

Clause 9 amends section 11 of the principal Act which sets out the powers of inspectors. An inspector may enter and inspect premises where he reasonably suspects there is fruit or a plant affected by pest or disease or soil in which a plant so affected has been growing. An inspector may stop, detain and inspect a vehicle the subject of such a suspicion. In the course of carrying out an inspection an inspector may— (a) disinfect fruit, plants, soil, packaging or other goods; (b) require the owner of fruit or plants to deliver them to a quarantine station; (c) remove and destroy fruit or plants affected by a prescribed pest or disease and any packaging in which they have been packed; (d) remove and dispose of soil in which a plant affected by a prescribed pest or disease has been growing; (e) take photographs or films. An inspector may be accompanied by such persons as he considers necessary or desirable. A person who hinders or obstructs an inspector in the exercise by him of his powers under the principal Act is guilty of an offence, penalty $5 000. The penalty for interfering with a mark or notice erected by an inspector under the section is increased to $5 000.

Clause 10 amends section 12 of the principal Act which empowers inspectors to require certain persons to take measures in relation to the eradication of pests or disease. The penalty for contravention of a requirement under the section is increased to $5 000. Clause 11 makes a consequential amendment to section 13 of the principal Act. Clause 12 repeals section 15 of the principal Act. Clause 13 makes a consequential amendment to section 17 of the principal Act. Clause 14 repeals section 19 of the principal Act and substitutes new section 19 under which the Minister may vary or revoke a notice given by him under the principal Act.

Clause 16 amends section 20 of the principal Act, which is the regulation making power. A new power to make regulations requiring certificates of identification of fruit, plants, soil or vehicles is inserted. The maximum penalty which may be imposed for breach of a regulation is increased to $1 000.

The Hon. PETER DUNN secured the adjournment of the debate.