

**PLANT DISEASES (AMENDMENT) ACT, 1980,
No. 173**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 173, 1980.

An Act to amend the Plant Diseases Act, 1924, with respect to the revocation or variation of proclamations and other instruments, and for other purposes. [Assented to, 17th December, 1980.]

Plant Diseases (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Plant Diseases (Amendment) Act, 1980”. Short
title.

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE
PLANT DISEASES ACT, 1924.

SCHEDULE 2.—AMENDMENTS TO THE PLANT DISEASES
ACT, 1924, BY WAY OF STATUTE LAW REVISION.

3. The Plant Diseases Act, 1924, is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
38, 1924.

SCHEDULE 1.

Sec. 3.

MISCELLANEOUS AMENDMENTS TO THE PLANT DISEASES
ACT, 1924.

(1) (a) Section 3, definition of “Chief of the Division of Horticulture”—

Before the definition of “Covering” or “package”,
insert :—

“Chief of the Division of Horticulture” means the
person for the time being holding office or
acting as the Chief, Division of Horticulture,
Department of Agriculture.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE PLANT DISEASES
ACT, 1924—*continued.*

(b) Section 3 (2)—

At the end of section 3, insert :—

(2) For the purposes of this Act, a power to issue a proclamation, to make an order or to give a notification, a notice or an authority shall include and shall be deemed always to have included a power—

(a) to revoke or amend that instrument; or

(b) to extend or suspend for any period the effect of that instrument.

(2) Section 4 (3)—

Omit the subsection.

(3) Section 5 (2)—

Omit the subsection.

(4) Section 6—

Omit “, and may by a like notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act”.

(5) Section 7 (3)—

After section 7 (2), insert :—

(3) The Minister may release an owner or occupier of land from an undertaking given by the owner or occupier and, upon that release, subsection (2) shall cease to have effect with respect to that undertaking and the period referred to in that subsection shall be deemed to have ended.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PLANT DISEASES
ACT, 1924—*continued.*

(6) Section 11A (2)—

Omit the subsection, insert instead :—

(2) An authority referred to in subsection (1) may be limited in its operation to a specified part of the State.

(7) Section 18A (6) (b)—

After “manner”, insert “for the time being”.

(8) Section 19 (1)—

Before “exempted”, insert “for the time being”.

(9) Section 24 (2), (3)—

At the end of section 24, insert :—

(2) Where a notice is served or given under this Act or the regulations by an inspector, the notice may, by notice served in accordance with subsection (1), be revoked or amended, or its effect extended or suspended for any period, by the Chief of the Division of Horticulture or by an inspector authorised by him in writing.

(3) Subsection (2) does not affect the power of an inspector to revoke or amend a notice which he himself has served or given or to extend or suspend the effect of such a notice.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE PLANT DISEASES
ACT, 1924—*continued.*

(10) Section 26 (1) (b)—

Before “exempted”, insert “at the time of the sale”.

Sec. 3.

SCHEDULE 2.

AMENDMENTS TO THE PLANT DISEASES ACT, 1924, BY WAY OF
STATUTE LAW REVISION.

(1) Section 1—

Omit “1924.’”, insert instead “1924’.”.

(2) Section 11—

Omit “1902”, insert instead “1979”.

(3) (a) Section 19 (3) (a)—

Omit “, Community Settlement, and Credit”.

(b) Section 19 (4), (5)—

Omit “paragraph (d) of subsection (3)” wherever occurring, insert instead “subsection (3) (d)”.

(4) Section 27—

Omit “subsection (2) of section 21”, insert instead “section 21 (2)”.

(5) (a) Section 28 (1) (ai)—

Omit “subsection (1) of section 13”, insert instead “section 13 (1)”.

Plant Diseases (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924, BY WAY OF
STATUTE LAW REVISION—*continued.*

(b) Section 28 (1) (aii)—

Omit “subsection (1B) of section 13”, insert instead
“section 13 (1B)”.

(c) Section 28 (1A)—

Omit “paragraph (ai) of subsection (1)”, insert
instead “subsection (1) (ai)”.
