

[Act 2000 No 70]



New South Wales

Plant Diseases Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Plant Diseases Act 1924*:

- (a) to make further provision with respect to the powers of inspectors under the Act, and
- (b) to permit the placement of monitoring devices and the carrying out of works for the prevention or control of pests and diseases affecting plants.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Plant Diseases Act 1924* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [3] amends section 13 of the Act to enable an inspector to enter land, premises, vehicles and vessels in order to instal or inspect pest or disease monitoring devices or to determine whether persons are discharging their obligations under the Act. **Schedule 1 [1]** and **[2]** make consequential amendments.

Schedule 1 [4] amends section 13 of the Act to prescribe requirements (such as the giving of notice) to be observed by an inspector exercising a power of entry under the section.

Schedule 1 [5] proposes to insert two new sections into the Act. Proposed section 13A provides for the Minister to make an order conferring on inspectors a right to enter land or premises and carry out works for the prevention or control of pests or diseases affecting plants. The making of such an order is restricted by the new section to cases where the Minister believes that a failure to make the order would result in serious consequences to health, the environment or trade. The order is required to be tabled in Parliament in the same manner as a statutory rule, and expires after 6 months (unless it is sooner revoked or disallowed). Proposed section 13B provides for the consideration of objections from occupiers of the affected land or premises to the carrying out of works authorised by the Minister's order. The objections are to be considered by the Director-General or a designated officer or person, who may give directions as to how the works are to be carried out on the land or premises, or authorise alternative works, or dispense with the works altogether so far as they were proposed to be carried out on the land or premises.

Schedule 1 [6] amends section 26 of the Act to prohibit interference with devices installed to monitor pests or diseases.

Schedule 1 [7] inserts a new Schedule 4 into the Act, specifying procedures to be followed in connection with objections under proposed section 13B.