

TASMANIA

PLANT QUARANTINE REGULATIONS 2017
STATUTORY RULES 2017, No. 36

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PLANT QUARANTINE REGULATIONS 2017

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Plant Quarantine Act 1997*.

Dated 12 June 2017.

C. WARNER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Plant Quarantine Regulations 2017*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Plant Quarantine Act 1997*;

carrier means the operator of a vessel entering Tasmania;

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GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

overtime hours means, where a shift begins or ends outside working hours, the hours that make up the part of that shift that is outside working hours;

penalty hours means the hours that make up a shift where the whole of the shift is worked in overtime hours;

unit of freight means –

- (a) a container used to transport freight; or
- (b) a truck, trailer or other motor vehicle used to transport freight other than a motor vehicle that is a car brought into Tasmania on a ferry by an accompanying passenger; or
- (c) any other thing used to transport freight; or
- (d) any agricultural equipment or other machinery; or
- (e) any other thing that is freight in its own right;

working hours means the period starting at 7 a.m. and ending at 7 p.m. on any

weekday other than a public holiday or
bank holiday.

4. Fees and charges payable under Act

- (1) The fees and charges specified in Part 1 of Schedule 1 are prescribed as the fees and charges that are payable by carriers for the matters to which they respectively relate.
- (2) The fees and charges specified in Part 2 of Schedule 1 are prescribed as the fees and charges that are payable by a person requesting a certificate of release under section 74 of the Act.
- (3) The fees and charges specified in Part 3 of Schedule 1 are prescribed as the fees and charges that are payable by a person making an application under the Act for the matters to which they respectively relate.
- (4) The fees specified in these regulations are GST inclusive.

5. Infringement offences

For the purposes of section 89 of the Act –

- (a) the offences specified in Schedule 2 are prescribed offences for the purposes of that section; and
- (b) the penalty specified in relation to an offence in that Schedule –

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- (i) in respect of a natural person, is the applicable penalty payable under an infringement notice issued to a natural person in respect of the offence; or
- (ii) in respect of a body corporate, is the applicable penalty payable under an infringement notice issued to a body corporate in respect of the offence.

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SCHEDULE 1 – FEES AND CHARGES

**PART 1 – FEES AND CHARGES PAYABLE BY
CARRIERS**

	Matter	Regulation 4(1) Fee units
1.	Examination of documents or vessel under the Act – (a) within working hours (b) outside working hours and within overtime hours, on a – (i) weekday or Saturday (ii) Sunday, public holiday or bank holiday (c) outside working hours and within penalty hours on any day – (i) for an examination lasting 4 hours or less	 12 (per quarter hour or part quarter hour for each inspector) 18 (per quarter hour or part quarter hour for each inspector) 24 (per quarter hour or part quarter hour for each inspector) 384 for each inspector

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	Matter	Fee units
	(ii) for an examination lasting more than 4 hours	384 plus 24 (per quarter hour or part quarter hour for each inspector)
2.	Examination of unit of freight under the Act	5 (per unit of freight)

**PART 2 – FEES AND CHARGES PAYABLE ON
 CERTIFICATE OF RELEASE**

Regulation 4(2)

	Matter	Fee units
1.	Examination of documents or examination, treatment or dealing with prescribed matter under the Act –	
	(a) within working hours	12 (per quarter hour or part quarter hour for each inspector)
	(b) outside working hours and within overtime hours, on a –	
	(i) weekday or Saturday	18 (per quarter hour or part quarter hour for each inspector)
	(ii) Sunday, public holiday or bank holiday	24 (per quarter hour or part quarter hour for each inspector)

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	Matter	Fee units
	(c) outside working hours and within penalty hours on any day –	
	(i) for an examination lasting 4 hours or less	384 for each inspector
	(ii) for an examination lasting more than 4 hours	384 plus 24 (per quarter hour or part quarter hour for each inspector)

PART 3 – GENERAL FEES AND CHARGES

Regulation 4(3)

	Matter	Fee units
1.	Application for permit under section 19 or 26 of the Act*	45
2.	Application for declaration of approved quarantine place under section 71 of the Act*	135
	*Fees under Part 1 or 2 of this Schedule also apply if application involves examination of documents, prescribed matter or premises.	

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SCHEDULE 2 – INFRINGEMENT OFFENCES

Regulation 5

	Offence	Penalty units	
		Natural person	Body corporate
1.	Section 14	5	10
2.	Section 15	5	10
3.	Section 16	5	10
4.	Section 22(1)	5	10
5.	Section 27	5	10
6.	Section 28(2)	5	10
7.	Section 31	5	10
8.	Section 32	5	10
9.	Section 33(4)	5	10
10.	Section 34(2)	3	5
11.	Section 37	5	10
12.	Section 39	5	10
13.	Section 47(3)	5	10
14.	Section 56(2)	3	5
15.	Section 62(3)	2	5
16.	Section 63(2)	3	5

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	Offence	Penalty units	
		Natural person	Body corporate
17.	Section 68(2)	1	10
18.	Section 69	5	10
19.	Section 70(3)	5	10
20.	Section 72(2)	5	10
21.	Section 75(2)	5	10
22.	Section 100(2)	5	10
23.	Section 100(3)	5	10
24.	Section 101	5	10
25.	Section 103(3)	5	10

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 June 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Plant Quarantine Act 1997* –

- (a) the fees and charges payable under that Act; and
- (b) the infringement notice penalties payable in respect of certain offences under that Act.