

PLANT AND FRUIT DISEASES (AMENDMENT) BILL 2013

EXPLANATORY MEMORANDUM

This Bill seeks to amend the principal Act (*Plant and Fruit Diseases Act 1959*) by widening the expressions used in the Act and clarifying powers of the Minister. The longstanding definitions of *disease*, *pest* and *plant* which focussed on the plant and animal kingdoms are inadequate to deal with diseases caused by such things as fungi, bacteria and virus. The solution provided by this Bill is to widen the definitions and clarify the powers of the Minister.

The Bill is in 4 clauses of which the first 3 are in common form, being the short title, the commencement, and the reference to the principal Act being amended.

Clause 4 provides a Schedule of amendments to the principal Act as set out under 2 items as follows –

Item 1 amends section 3 (definitions).

Paragraph (a) repeals the existing definition of *disease* which only enables members of the plant or animal kingdom to be declared as a disease for the purposes of the Act and replaces it with a definition whereby the Minister may declare a *thing* to be a disease.

Paragraph (b) repeals the existing definition of *pest* that restricts the Minister in making a declaration of a pest for the purposes of the Act to something that is a member of the plant or animal kingdom. This classification is not appropriate because of its limitations and the proposed new definition overcomes this by using the definition of pest taken from the *Glossary of Phytosanitary Terms of the International Plant Protection Convention ISPM 5* and extends the class of pest to pathogenic agents that are injurious to plants or plant products.

Paragraph (c) repeals the existing definition of *plant* and utilises the more current definition used by reference to a species or part of a species of the kingdom *plantae*

Paragraph (d) inserts a new definition, that of *pathogen* as a micro-organism causing disease and enables reference back to the expressions used in the new definition of *pest*.

Item 2 repeals and replaces section 4 of the principal Act that enables the Minister to declare any member of the animal or plant kingdom to be a disease or a pest. The amendment simplifies this by enabling the Minister to declare a thing to be a disease or a pest for the purpose of the Act. In order for the Minister to make such a declaration the thing declared must be, respectively, a disease or a pest and not a thing that is not within the class of thing the subject of the definition.

4 December 2013