

Plant Diseases (Importation Restriction Area) Declaration 2017

Disallowable instrument DI2017–101

made under the

Plant Diseases Act 2002, s 12 (Declaration of area subject to importation restriction)

EXPLANATORY STATEMENT

Section 12 of the *Plant Diseases Act 2005* (the **Act**) authorises the Minister to declare an area of land outside the ACT to be subject to an importation restriction if the Minister has reasonable grounds for believing that the declaration is necessary or desirable to prevent a disease or pest becoming established, or spreading, in the ACT.

This instrument declares the Perth metropolitan area and surrounding local government areas within Western Australia to be an importation restriction area in response to an outbreak of tomato potato psyllid (*Bactericera cockerelli*) and zebra chip (caused by the bacterium *Candidatus Liberibacter solanacearum*) within that area. New South Wales, Queensland, South Australia and Victoria have already instituted similar importation restrictions in those jurisdictions.

The tomato potato psyllid is a tiny sap sucking insect which causes injury to plants with its sucking mouth parts when feeding, leading to loss of plant vigour and yield. Tomato potato psyllid is a significant production pest, affecting a range of plants including potato, tomato, eggplant, capsicum, chilli, tamarillo, sweet potato and goji berry. The tomato potato psyllid can also carry the bacterium *Candidatus Liberibacter solanacearum*, which is associated with zebra chip disease in potatoes.

Section 12 (3) of the Act prescribes the contents of an importation restriction declaration, including that it contains a diagram showing the declared area and states—

- (a) the disease or pest to which the declaration relates;
- (b) the restrictions on importing into, or selling in, the ACT any plant, plant product or other stated thing that has, during a stated period, been kept in or travelled through the declared area;
- (c) the date the declaration takes effect; and
- (d) if the declaration is to have effect for a limited period—the date when it stops having effect.

Applying section 12 (3) of the Act, the declaration contains a diagram of the declared area in Western Australia in schedule 1 and provides that it—

- (a) applies to tomato potato psyllid and the bacterium *Candidatus Liberibacter solanacearum*;
- (b) imposes restrictions as outlined in schedule 2;
- (c) takes effect on the day after its notification day; and
- (d) expires on 30 September 2017.

Although the declaration applies to agricultural material, covering and packaging that have been present in the import restriction area since 1 February 2017, the declaration does not have retrospective effect. That is, the declaration does not apply to any host plant materials, agricultural material, covering or packaging that were imported into the ACT before the commencement of the instrument.

Under section 12 (8) of the Act, a person commits an offence if the person intentionally contravenes an importation restriction declaration. The maximum penalty on conviction of this offence is 1,000 penalty units. Sections 12 (9) and (10) of the Act provide for a strict liability offence of contravening an importation restriction declaration, which has a maximum penalty on conviction of 50 penalty units.

A declaration of importation restriction is a disallowable instrument.