

Plant Diseases (Importation Restriction Area) Declaration 2017 (No 2)

Disallowable instrument DI2017–268

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*). The tomato potato psyllid could transmit the serious disease zebra chip (caused by the bacterium *Candidatus Liberibacter solanacearum*) should there be an incursion of this bacterium into Australia. New South Wales, Queensland, South Australia, Victoria and the Northern Territory have instituted similar importation restrictions for tomato potato psyllid.

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 host plants including potato, tomato, eggplant, capsicum, chilli, tamarillo, sweet potato and spearmint. Tomato potato psyllid can also survive on a broad range of other plant species where green plant parts are present (carrier plants), or on equipment or coverings used in association with host plant and carrier plant material, facilitating the establishment and spread of this insect.

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 (unless sooner revoked) 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 importation restrictions and certain exemptions as outlined in schedule 2;
- (c) takes effect on the day after its notification day; and
- (d) expires on 1 November 2022.

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

In this instrument, the former declaration DI2017-101 has been revised to:

- (a) clearly distinguish between host plant and carrier plant material;
- (b) exclude from importation restrictions host plant material that is seeds or has been processed;
- (c) exclude from importation restrictions plant material (other than host plant material) that is fruit or vegetables without green parts, harvested grain or seeds;
- (d) allow for treatment of Solanaceae fruit prior to harvest with insecticide as an alternative to post-harvest fumigation with methyl bromide;
- (e) require imported Convolvulaceae tubers to be in a dormant state;
- (f) reduce the requirement for insecticides used to treat carrier plants prior to harvest from being effective on all life stages of tomato potato psyllid to being effective on adult tomato potato psyllid;
- (g) allow for the importation of carrier plants that are strawberries, or are other fruit or vegetables with green parts, that have been washed and/or packed under certain conditions;
- (h) allow for the importation of carrier nursery stock that has been treated according to certain conditions;
- (i) require inspection of specified host plant and carrier plant material by a particular method;
- (j) require treated host plant and carrier plant material (excluding Convolvulaceae host plant material) to be placed, and remain, in secure conditions after treatment to prevent infestation of tomato potato psyllid until the material enters the ACT; and
- (k) require a biosecurity certificate to be issued under Australian State or Northern Territory legislation to certify all importation conditions have been met.

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.