

Plant Diseases (Importation Restriction Area) Declaration 2018 (No 2)

Disallowable instrument DI2018–217

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 2002* (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 extends to Western Australia the current declaration of the Northern Territory as an importation restriction area, made by the *Plant Diseases (Importation Restriction Area) Declaration 2018 (No 1)* (DI2018-86). The declaration has been extended to Western Australia following the spread of the disease citrus canker from the Northern Territory to that State. Pursuant to section 12 (2) of the Act, the Minister has reasonable grounds for believing that declaring the Northern Territory and the area within a 50km radius of Wyndham and Kununurra post offices in northern Western Australia as importation restriction areas is necessary to prevent citrus canker becoming established in the ACT. New South Wales and several other Australian jurisdictions have also instituted similar importation restrictions for carriers of citrus canker from the Northern Territory and northern Western Australia.

Citrus canker is a contagious disease that can affect all citrus plants. The disease presents as lesions or cankers and severely impacts fruit quality and yield. Premature fruit drop can occur on plants affected by citrus canker, along with defoliation, twig dieback and general tree decline. In the worst cases, citrus canker can cause trees to die. Citrus canker has been found in Australia previously on several occasions and has been successfully eradicated at those times. The disease does not affect human health, animals or other plants, and infected fruit remains safe to be consumed.

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 that it states—

- (a) the disease or pest to which the declaration relates; and
- (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; and

- (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, this declaration contains diagrams of the declared areas (the Northern Territory and northern Western Australia) in schedule 1 and provides that it—

- (a) applies to citrus canker caused by the bacterium *Xanthomonas citri* subsp. *citri*;
- (b) imposes importation restrictions on citrus canker carriers as outlined in schedule 2;
- (c) takes effect on the day after its notification day; and
- (d) expires on 1 May 2021.

Citrus canker carriers is defined as including citrus plants (and their fruit and leaves), and soil, packaging, equipment and machinery that has come into contact with a citrus plant.

Although the declaration applies to citrus canker carriers that have been present in the importation restriction areas since 1 April 2018, the declaration does not have retrospective effect. That is, the declaration does not apply to any citrus canker carrier that was 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.

This declaration revokes the *Plant Diseases (Importation Restriction Area) Declaration 2018 (No 1)* (DI2018-86). A declaration of importation restriction is a disallowable instrument.