

AG303

PLANT DISEASES ACT 1914

PLANT DISEASES AMENDMENT REGULATIONS (NO. 2) 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 2) 1993*.

Principal Regulations

2. In these regulations the *Plant Diseases Regulations 1989** are referred to as the principal regulations.

[* *Published in the Gazette of 30 June 1989 at pp. 1980-1993. For amendments to 24 February 1993 see 1991 Index to Legislation of Western Australia, pp. 445-7 and Gazettes of 24 July, 7 August and 17 September 1992.*]

Part 4 amended

3. Part 4 Division 2 of the principal regulations is amended by inserting after Subdivision 3 the following subdivision —

“

Subdivision 4 - Control of Codling Moth**Codling moth**

19E. (1) In this subdivision and Schedule 4C unless the contrary intention appears —

“fruit” means any fruit that may host codling moth;

“orchard” means any land used for the growing or cultivating or handling of fruit that may host codling moth;

“the disease” means the disease known as codling moth (*Cydia pomonella*).

(2) Section 11 of the Act applies to the disease.

(3) The occupier of an orchard where the disease exists or appears to exist shall take and adopt the steps and measures specified in Schedule 4C Part 1 or cause those steps and measures to be taken and adopted.

(4) An occupier referred to in subregulation (3) who fails to comply with Schedule 4C Part 1 commits an offence unless the non-compliance is authorized by an exemption under subregulation (8).

Penalty: \$5 000.

(5) Where the disease is the subject of a notice under section 12 and an orchard is in an area defined in the notice the owner or occupier of the orchard shall take and adopt the steps and measures specified in Schedule 4C Part 2 or cause those steps and measures to be taken and adopted.

(6) Subregulation (5) has effect whether or not the disease exists or appears to exist in the orchard.

(7) An owner or occupier referred to in subregulation (5) who fails to comply with Schedule 4C Part 2 commits an offence unless the non-compliance is authorized by an exemption under subregulation (8).

Penalty: \$5 000.

(8) An inspector may by notice exempt an owner or occupier from any or all of the steps and measures specified in Schedule 4C Parts 1 and 2.

Transporters, packers, distributors

19F. (1) Subject to subregulation (2) a person who transports, packs, stores, distributes or otherwise handles any fruit grown by the owner or occupier of an orchard to which this subdivision applies shall comply with the steps and measures specified in Schedule 4C Part 3.

(2) An inspector may by notice exempt a person from complying with all or any of the steps and measures specified in Schedule 4C Part 3.

(3) A person referred to in subregulation (1) who fails to comply with Schedule 4C Part 3 commits an offence unless the non-compliance is authorized by an exemption under subregulation (2).

Penalty: \$5 000.

”

Schedule 3 amended

4. Schedule 3 of the principal regulations is amended by inserting after Form 8 the following form —

“

PLANT DISEASES ACT 1914

[Schedule 4C Pt 1 cl 7]

[Schedule 4C Pt 2 cl 11]

FORM 9

**MOVEMENT OF FRUIT CROPS THAT MAY HOST
CODLING MOTH OR OTHER POTENTIAL CARRIERS
FROM ANY ORCHARD WITHIN THE INFESTED AREA**

To:

1.
(Name and address of owner or occupier)

the owner or occupier of the orchard situated at

2.
.....

3. I have inspected the orchard identified in item 2, being an orchard within the infested area as defined in a notice under section 12 of the Act and I authorize the harvesting of fruit that may host codling moth* and the removal of such fruit* and potential carriers* on the following conditions: —

.....
.....

4. I nominate
as the packing and processing establishment to which the fruit or
potential carrier shall be delivered.

5. I nominate
as the area(s) in which the fruit or potential carrier shall be
distributed.

6. The trucks, containers and any other form of conveyance shall
be cleaned by

7. All waste fruit, plant material, larvae and pupae shall be
.....
.....

.....
Inspector

..... 19 .

*Delete where applicable.

”

Schedule 4C inserted

5. After Schedule 4B of the principal regulations the following Schedule is
inserted —

“

SCHEDULE 4C

[Regulations 19E
and 19F]

CODLING MOTH

**PART 1 — STEPS AND MEASURES TO ERADICATE AND
PREVENT THE SPREAD OF CODLING MOTH UNDER
SECTION 11 OF THE ACT.**

Notice of appearance of codling moth

1. The occupier of an orchard shall as soon as practicable notify
an inspector, at the district office nearest to the orchard, of the
appearance of codling moth in the orchard.

Removal of infected material

2. Under the supervision and direction of an inspector the
occupier shall —

- (a) remove all infected and potentially infected material
(including fruit, fallen fruit and trees where
necessary);
- (b) dispose of the infected and potentially infected
material by deep burial or burning; and
- (c) remove any tree material, infected or otherwise, so as
to ensure full penetration of spray to the point of
runoff and to allow inspection of any remaining fruit
and dispose of that material by deep burial or
burning.

Programme following initial detection of codling moth**3. The occupier shall —**

- (a) until harvest, apply an approved insecticide spray programme to all pome fruit trees bearing fruit;
- (b) where directed and to the satisfaction of an inspector —
 - (i) with an approved implement, scrape outer bark from the trunk and branches of pome fruit trees from ground level to a height of 0.25m above the crotch of the tree to remove over wintering larvae and pupae sites;
 - (ii) dispose of all scrapings by deep burial or burning;
 - (iii) kill any larvae or pupae on site; and
 - (iv) staple an approved corrugated cardboard band to the trunk;
- (c) every 3 weeks collect and deep bury or burn all fallen fruit; and
- (d) in May/June or after harvest for later maturing varieties, inspect bands and kill any larvae or pupae on site.

Spring/summer programme**4. (1) The occupier shall —**

- (a) apply an approved insecticide spray programme to all pome fruit trees in the orchard until harvest; or
- (b) strip all fruit from unsprayed pome fruit trees in November and destroy such fruit by burning or deep burial.

(2) The occupier shall renew bands on pome fruit trees in January.

Additional programmes

5. The occupier shall undertake any further approved programmes as directed by an inspector.

Records**6. The occupier shall —**

- (a) maintain an up to date record specifying the —
 - (i) dates on which any sprays were applied;
 - (ii) volumes applied;
 - (iii) amounts and names of insecticides used; and
 - (iv) area sprayed;and
- (b) produce the record referred to in paragraph (a) for inspection when requested by an inspector.

Crops shall be certified

7. (1) The occupier of an orchard referred to in regulation 19E (3) shall not harvest any fruit or remove any fruit or other potential carrier from the orchard until he receives a certificate issued by an inspector in the form of Form 9 in Schedule 3.

(2) A certificate referred to in subclause (1) shall —

- (a) nominate the packing or processing establishment to which the fruit or potential carrier shall be delivered;
- (b) nominate the areas to which the fruit or potential carrier may be distributed; and
- (c) specify the manner in which —
 - (i) trucks, containers and all other forms of conveyance and potential carriers shall be cleansed; and
 - (ii) the waste fruit, plant material, larvae and pupae shall be destroyed.

**PART 2 — STEPS AND MEASURES TO CONTROL,
ERADICATE AND PREVENT THE SPREAD OF CODLING
MOTH UNDER SECTION 12 OF THE ACT**

“Infested area” defined

8. In this Part and in Part 3 unless the contrary intention appears —

“infested area” means the area defined in the notice referred to in regulation 19E (5).

Treatments

9. The owner or occupier of an orchard in the infested area in which codling moth does not exist or does not appear to exist shall —

- (a) under the supervision and direction of an inspector
 - (i) remove all infested and potentially infested material (including fruit, fallen fruit and trees where necessary);
 - (ii) dispose of the infested and potentially infested material by deep burial or burning; and
 - (iii) remove any tree material, infested or otherwise, so as to ensure full penetration of spray to the point of runoff and to allow inspection of any remaining fruit and dispose of that material by deep burial or burning;
- (b) until harvest, apply an approved insecticide spray programme to all pome fruit trees bearing fruit, or strip all fruit from unsprayed pome fruit trees in November and destroy that fruit by burning or deep burial;
- (c) where directed and to the satisfaction of an inspector —
 - (i) with an approved implement, scrape outer bark from the trunk and branches of pome fruit trees from ground level to a height of 0.25m above the crotch of the tree to remove overwintering larvae and pupae sites;

- (ii) dispose of all scrapings by deep burial or burning;
 - (iii) kill any larvae or pupae on site; and
 - (iv) staple an approved corrugated cardboard band to the trunk;
- (d) every 3 weeks collect and deep bury or burn all fallen fruit;
- (e) in May/June or after harvest for later maturing varieties, inspect bands and kill any larvae or pupae on site;
- (f) renew bands on pome fruit trees in January; and
- (g) undertake any further approved programmes as directed by an inspector.

Records

10. The owner or occupier shall —

- (a) maintain an up to date record specifying the —
 - (i) dates on which any sprays were applied;
 - (ii) volumes applied;
 - (iii) amounts and names of insecticides used; and
 - (iv) area sprayed; and
- (b) produce the record referred to in paragraph (a) for inspection when requested by an inspector.

Crops shall be certified

11. (1) The owner or occupier shall not harvest any fruit or remove any fruit or other potential carrier from the orchard until he receives a certificate issued by an inspector in the form of Form 9 in Schedule 3.

(2) A certificate referred to in subclause (1) shall —

- (a) nominate the packing or processing establishment to which the fruit or potential carrier shall be delivered;
- (b) nominate the areas to which the fruit or potential carrier may be distributed; and
- (c) specify the manner in which —
 - (i) trucks, containers and all other forms of conveyance and potential carriers shall be cleansed; and
 - (ii) the waste fruit, plant material, larvae and pupae shall be destroyed.

**PART 3 — STEPS AND MEASURES TO BE TAKEN BY
PERSONS REFERRED TO IN REGULATION 19F TO
ERADICATE OR REDUCE THE SPREAD OF THE DISEASE**

Trucks, containers etc. to be cleaned

12. Packers and processors shall ensure that —

- (a) trucks, containers or any other form of conveyance in which fruit from an orchard referred to in regulation 19E is transported to packing or processing establishments; and
- (b) any other potential carrier which has been in contact with the fruit,

shall be cleaned of all fruit, plant material, larvae and pupae before leaving the premises.

Equipment to be cleaned

13. Packers and processors shall ensure that all packing and processing equipment which has been in contact with fruit during processing or packing, shall be cleaned of all fruit, plant material, larvae and pupae.

Disposal of potentially infected material

14. Packers and processors shall ensure that all fruit, plant material, larvae and pupae removed in accordance with clauses 12 and 13 shall be —

- (a) deep buried; or
- (b) burnt.

Distribution

15. A person who distributes fruit or potential carriers from an orchard referred to in regulation 19E shall only distribute fruit or potential carriers to areas nominated by an inspector.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.