

AG305

PLANT DISEASES ACT 1914
PLANT DISEASES AMENDMENT REGULATIONS 1992

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations 1992*.

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 17 August 1992 see 1991 Index to Legislation of Western Australia, p. 446-7 and Gazettes of 24 July and 7 August 1992.*]

Regulation 4 amended

3. Regulation 4 of the principal regulations is amended by repealing subregulation (1) and substituting the following subregulations —

“ (1) The conditions under which a potential carrier, referred to in Schedule 1 Part A column 1, shall be allowed into the State are referred to by number in columns 2 to 5, opposite the name of the potential carrier to which those conditions apply and are set out numerically in Schedule 1 Part B.

(1a) The conditions under which a potential carrier, referred to in Schedule 1 Part AA column 1, shall be allowed into the State are referred to by number in column 2, opposite the name of the potential carrier to which those conditions apply and are set out numerically in Schedule 1 Part B.

”

Schedule 1 amended

4. Schedule 1 to the principal regulations is amended —

(a) by repealing the preamble to Schedule 1 and substituting the following preamble —

“ In Part A potential carriers (plants) are listed alphabetically in column 1 and further divided into Plants or parts thereof, Cuttings, Budwood, Seed, Fruit, Vegetables and products in columns 2, 3, 4 and 5 respectively.

The conditions of entry into the State for each potential carrier are listed numerically adjacent to the potential carrier in the relevant columns.

In Part AA potential carriers (other than plants) are listed alphabetically in column 1.

The conditions of entry into the State for each potential carrier are listed numerically adjacent to the potential carrier in column 2.

Alternative conditions are separated by a slash.

In Part B full details of the conditions of entry are listed numerically. ”;

- (b) in Part A —
- (i) by deleting “Part A” and substituting the following heading —
“ PART A — POTENTIAL CARRIERS — PLANTS ”;
 - (ii) in the item commencing “Grape”, by inserting after “1” in column 2 the following —
“ , 44 ”;
 - (iii) in the item commencing “Heliconia”, by deleting in columns 2 and 3 the following —
“ 40 ”;
 - (iv) by inserting in column 1 after the item commencing “Monstera” the following item —
“ Mushroom (fruit) ”;
 - (v) in the item commencing “Palms”, by inserting after “39” in columns 2 and 3 the following —
“ , 39A ”;
 - (vi) in the item commencing “Pawpaw”, by inserting after “31” in columns 2,3 and 5 the following —
“ , 40 ”;
 - (vii) in the item commencing “Potato (for planting)” —
 - (I) by deleting “(for planting)” and substituting the following —
“ (seed) ”; and
 - (II) by inserting in column 2 before “13” the following —
“ 1 ”;
 - (viii) in the item commencing “Potato (for consumption)” —
 - (I) by deleting “(for consumption)” and substituting the following —
“ (Ware) ”; and
 - (II) by inserting in column 2 the following —
“ 1 ”;
 - (ix) in the item commencing “Tissue culture”, by deleting “Tissue culture” and substituting the following —
“ Tissue cultured plants ”;
 - (x) by inserting after “17” wherever it appears in column 2 the following —
“ , 45 ”;

(xi) by inserting after "31" wherever it appears in columns 2, 3 and 5 the following —

" , 41 "; and

(xii) by deleting the following items —

" Fruit containers
(used) see Part B Condition 1

Grape machinery/
equipment (used) . . . see Part B Condition 1

Mushroom — fruit
growing medium see Part B Condition 32

Potato machinery,
equipment and
containers (used) see Part B Condition 6

Soil see Part B Condition 2

Vegetable containers
(used) see Part B Condition 1 ";

(c) after Part A by inserting the following Part —

" PART AA — POTENTIAL CARRIERS —
OTHER THAN PLANTS

<u>Column 1</u>	<u>Column 2</u>
Potential Carrier	Conditions for Entry
Agricultural machinery	42
Animals	42
Animal skins/coats	42
Aquatic fish	42, 43
Fruit containers (used)	1
Grape machinery/equipment (used)	1
Mushroom — growing medium	32
Potato machinery, equipment and containers (used)	6
Soil	2
Vegetable containers (used)	1 ";

and

(d) in Part B —

(i) in clause 1 —

(I) by inserting after the clause designation "1." the subclause designation "(1)";

(II) by inserting in the appropriate alphabetical position the following —

" Potatoes: From Victoria (other than tissue cultured and minitubers). ";

and

(III) by inserting the following subclause —

“ (2) For the purposes of subclause (1) —

“**minituber**” means potatoes which are grown under conditions approved by the Director General. ”;

(ii) in clause 11 by deleting “(Tissue culture is” and substituting the following —

“ (Tissue cultured plants are ”;

(iii) by repealing clause 14 and substituting the following clause —

“ 14. All Potatoes (Seed and Ware - including potatoes for processing) —

From all States and Territories (other than Victoria) —

(1) Subject to subclauses (2), (3), (4), (5) and (6) to be certified by an officer from the Department of Agriculture of the exporting State or Territory —

- (a) as grown in a district where Potato Spindle Tuber Viroid is not known to occur;
- (b) that the State or Territory of origin has Bacterial Wilt as a notifiable disease (i.e. a legislative requirement for growers to report to the Department of Agriculture, any occurrence of the disease);
- (c) as grown and packed on a property situated at least 20 km from a known outbreak of the disease Bacterial Wilt detected within the last 5 years (area freedom is to be based on annual random surveys by the Department, of 10 per cent of the area of potato crops growing within the 20 km area and inspections are to be conducted by examining plants along every tenth row within 6 weeks of crop senescence or slashing or spraying off);
- (d) that any property within 20 km on which Bacterial Wilt has been found, has been kept free from potatoes or other solanaceous crops for 5 years;
- (e) that they were not, unless otherwise approved by the Director General, harvested, cleaned, washed, graded or packed with equipment or in premises with or in which potatoes, grown within 20 km of a known outbreak of the disease Bacterial Wilt detected within the last 5 years, have been handled;

- (f) that they have been packed in clean new packages or placed in bulk containers cleaned of soil and plant material and treated immediately before filling by thoroughly spraying with a one per cent solution of formaldehyde or sodium hypochlorite (one per cent available chlorine);

 - (g) that harvested potatoes have been inspected by an authorized officer in the Department of Agriculture of the originating State or Territory and found to be free from —
 - (i) Bacterial Wilt (*Pseudomonas solanacearum*); and
 - (ii) Irish Blight (*Phytophthora infestans*);

 - (h) as from a crop which has been fork tested on a 10 row x 10 m grid and that potato cyst nematode was not detected, or, if approved by the Director General in Western Australia, soil sampled on a 3 m grid and that potato cyst nematode was not detected; and

 - (i) as washed and free from soil and then dipped in sodium hypochlorite in the State of origin, or, if approved by the Director General in Western Australia —
 - (i) brushed in the State of origin and the soil from brushings tested and confirmed to be free from potato cyst nematode;
 - (ii) transported direct to an approved quarantine holding area in Western Australia prior to treatment;
 - (iii) washed and then dipped in sodium hypochlorite at rates approved by the Director General in Western Australia; and
 - (iv) all packages/bags used in transport and disposed of or treated, as directed by an inspector;
- and
- (j) that procedures for fork testing, soil sampling and sodium hypochlorite treatment are as approved by the Director General in Western Australia.

(2) Tissue cultured and minituber potatoes are exempt from special conditions outlined in clause (1) (h) and (i).

For the purposes of this subclause —

“minituber” means potatoes which are grown under conditions approved by the Director General.

(3) All imported potatoes are prohibited entry into —

- (a) the Shire of Gingin; and
- (b) that portion of the State comprising the area bounded by a line starting from a point on the sea coast situated west from the south-west corner of Mandurah townsite and extending south-easterly to the south corner of Coolup townsite; thence south-south-easterly to the southernmost corner of Collie townsite; thence in a general south-easterly direction passing through the north-east corner of Dinninup at Cape Riche; thence south-westerly, westerly, north-westerly and northerly along the said sea coast to the starting point; excluding however, that portion of such area comprised within a radius of 16 km from the Collie Railway Station.

Seed potatoes

(4) Potatoes imported as seed must also be certified as produced under an approved pathogen testing scheme. (To be approved, the scheme must include 2 crop inspections during growing season for Bacterial Wilt.)

Ware potatoes

(5) Potatoes imported as ware must also be —

- (a) certified as having been inspected and found free from Bacterial Wilt during the growing season by examining plants along every tenth row within 6 weeks of crop senescence or slashing or spraying off; and
- (b) labelled “not for planting”.

(6) The Director General may, upon receipt of a written request —

- (a) vary any of the conditions referred to in; or
- (b) exempt any person or class of persons from complying with,

subclause (1), (3), (4) or (5). ”;

(iii) in clause 29 by deleting “Plants (Tissue culture exempt)” and substituting the following —

“ Plants (Tissue cultured exempt) ”;

- (iv) in clause 39 by deleting "Palm plants — (family *Palmae*) imported" and substituting the following —

" Palm plants other than cut palm foliage — (family *Palmae*) Palm Leaf Beetle (*Brontispa longissima*). When imported ";

- (v) by inserting after clause 39 the following clause —

" 39A. Cut palm foliage — (family *Palmae*) Palm Leaf Beetle (*Brontispa longissima*). When imported from another State or Territory to be certified as —

(a) having been grown and packed in an area where palm leaf beetle (*Brontispa longissima*) is not known to occur; or

(b) having been cover sprayed to the point of run-off with a solution of carbaryl at a concentration of not less than one per cent active ingredient together with a commercial wetting agent within 24 hours before export. ";

- (vi) by inserting after clause 39A the following clauses —

" 40. Pawpaw plants or fruit — imported from other States or Territories to be certified by the Department of Agriculture of the exporting State or Territory as —

(a) not being from a State or Territory where the Pawpaw disease Black Spot (*Asperisporium caricae*) is known to occur; and

(b) not being from a State or Territory where the Pawpaw disease "ringspot virus type P" is known to occur.

41. Cut flowers and foliage, fruit, plants and vegetables (*Thrips palmi*) from States and Territories in which *Thrips palmi* has been detected to be certified —

- (a) as having been fumigated with methyl bromide at the following rates for 2 hours —

56 g/m³ at 5° — 10°C;
 48 g/m³ at 11° — 15°C;
 40 g/m³ at 16° — 20°C;
 32 g/m³ at 21° — 25°C;
 24 g/m³ at 26° — 30°C; or
 16 g/m³ at 31° and above;

or

- (b) as grown and packed at least 50 km from a known outbreak of *Thrips palmi*;

or

- (c) as having been fumigated with ethylene di bromide at $12/\text{gm}^3$ for 2 hours at 20°C or above or in the manner prescribed by the conditions under this Part for the control of fruit fly in the particular plant, fruit or vegetable;

or

- (d) with respect to palm plants only — that the property of origin is free from *Thrips palmi*.

42. Agricultural machinery, animals, animal skins/coats.

Shall be subject to regulation 20 (2), and free from the seeds of any prohibited weeds specified in Schedule 5.

43. Aquatic fish.

Shall be free from aquatic snails and any prohibited weeds specified in Schedule 5.

44. Tissue cultured grapevines — Downy Mildew (*Plasmopara viticola*) Tissue cultured grapevines imported from any other State or Territory —

- (a) shall be on a growth medium free of antibiotics and fungicides held in a transparent sealed sterile container and kept in the container until placed in quarantine at an approved propagation house;
- (b) shall be accompanied by a certificate given by an officer of the Department of Agriculture (or corresponding department) of the exporting State or Territory certifying that —
 - (i) the tissue cultured grapevine was produced in an approved laboratory;
 - (ii) the source of the tissue cultured grapevine was free from Downy Mildew at the time the grapevine material was taken;
 - (iii) the tissue was initiated by the fragmented shoot apex culture technique;
 - (iv) the culture was held at the laboratory in which it was grown in the sealed container in which

it was exported for a period of 21 days immediately before dispatch under the following conditions namely —

- (I) the temperature was not less than 26°C and not more than 27°C;
 - (II) a 15 hour photo period and a 9 hour dark period alternated;
 - (III) light in the area in which the tissue was held was produced by cool white fluorescent tubes which provided $50\mu\text{Em}^{-2}\text{s}^{-1}$ at the culture level;
- (v) the tissue cultured grapevine was inspected by an officer of the Department of Agriculture (or corresponding department) of the exporting State or Territory and found to be free from Downy Mildew and other contaminant micro-organisms;
- (vi) the tissue cultured grapevine when inspected under subparagraph (v) had at least one fully expanded leaf per plantlet;
- (c) on arrival in Western Australia, tissue cultured grapevine found to be free from disease after inspection by an authorized officer of the Department of Agriculture shall be sent to an approved propagation house where it may be removed from the growth media;
- (d) not less than 20 days but not more than 30 days after being sent to an approved propagation house, the tissue cultured grapevine shall be inspected by an authorized officer of the Department of Agriculture to ensure it is free from disease;

- (e) all costs and expenses incurred in the inspection and quarantine of the tissue cultured grapevine under this clause shall be paid by the importer.

45. Bulbs, potted plants, trees — Potato cyst nematode.

Bulbs, potted plants and trees imported from other States and Territories where potato cyst nematode exists or within 20 km of an outbreak of potato cyst nematode shall be accredited in accordance with the following conditions.

(1) In relation to bulbs —

(a) that —

- (i) *Solanaceous* crops have not been grown on the property of origin for a 10 year period; or
- (ii) the soil has been fumigated at the manufacturer's recommended rate with —
 - (I) methyl bromide; or
 - (II) a pesticide registered as a soil fumigant by the relevant authority in the State or Territory where the bulbs were grown,

where a *Solanaceous* crop has been grown on the property not less than 5 years, preceding the commencement of accreditation;

and

- (b) that the bulbs are cleaned and graded prior to sale.

(2) In relation to potted plants —

(a) that plants are grown —

- (i) in containers using a soil-less mix; or
- (ii) in a soil mix which has been obtained from an area more than 20 km from an outbreak of potato cyst nematode

and that the soil has been —

- (I) fumigated with methyl bromide at the rate of 600 g per cubic metre for 24 hours where the mix is up to 300 mm deep and 72 hours where the mix is up to 600 mm deep; or
- (II) steam air pasteurized at 60°C for 30 minutes (timed from when the mix has reached 60°C);

and

- (b) that containers are not in contact with the soil.

(3) In relation to trees —

(a) that —

- (i) cropping records have been inspected and demonstrate that *Solanaceous* crops have not been grown on the property of origin for a period of 10 years preceding the commencement of accreditation; or
- (ii) the soil has been fumigated at the manufacturer's recommended rate with —
 - (I) methyl bromide; or
 - (II) a pesticide registered as a soil fumigant by the relevant authority in the State or Territory where the bulbs were grown,

where a *solanaceous* crop has been grown on the property not less than 5 years preceding the commencement of accreditation; and

- (b) that trees are bare rooted and practically free of soil.

(4) In relation to bulbs, potted plants and trees —

(a) that the property on which the bulbs, potted plants or trees, as the case may be, are grown does not share machinery with —

(i) a potato grower; or

(ii) other property, not being an accredited property, which is situated within 20 km of an outbreak of potato cyst nematode;

and

(b) that the property on which the bulbs, potted plants or trees, as the case may be, are grown is not exposed to —

(i) the same irrigation source as a property; or

(ii) run-off from a property, where potato cyst nematode has been found. ”.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
