

PLANT DISEASES ACT 1914

PLANT DISEASES AMENDMENT REGULATIONS (No. 2) 1990

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 2) 1990*.

Commencement

2. These regulations shall come into operation on 25 May 1990.

Principal regulations

3. 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 15 May 1990 see the Gazette of 26 January 1990.]

Part 4 repealed and a Part substituted

4. Part 4 of the principal regulations is repealed and the following Part is substituted—

“

PART 4—INTRASTATE CONTROLS

*Division 1—Measures to eradicate disease
or lessen the risk of the spread of disease***Treatment of certain plants etc.**

16. (1) In order to—

- (a) prevent disease from being introduced into specified portions of the State;
- (b) eradicate a specified disease; or
- (c) lessen the risk of the spread of a specified disease,

a person shall comply with the treatment of plants, fruit, coverings, goods, conveyances, vessels or other things and the controls on specified diseases, set out in this Division.

(2) A person who fails to comply with the treatment or controls referred to in subregulation (1) commits an offence.

Penalty: \$5 000.

Citrus, Fortunella, Poncirus

17. (1) A person may bring or send into the portion of the State south of 19° South Latitude from the rest of the State, any plant or part of a plant, of any of the genera *Citrus*, *Fortunella*, and *Poncirus*, if—

- (a) the area in which the plant was grown is certified or declared free of citrus leaf miner by the Department of Agriculture;
- (b) it is accompanied by a statutory declaration by the grower or his agent to the effect that the plant was grown in an area so certified or declared by the Department of Agriculture; and
- (c) it has affixed to it a label bearing the address of the place where the plant was grown.

(2) For the purposes of regulation 16 (1) citrus leaf miner is a specified disease.

Potatoes

17A. (1) Unless the contrary intention appears—

- (a) in this regulation and in Schedule 4A Part 3—

“metropolitan area” shall have the same meaning as “metropolitan region” under the Metropolitan Region Town Planning Scheme Act 1959; and

- (b) in this regulation—

“Perth Statistical Division” means the area set out in Map 3 of the Australian Bureau of Statistics publication ‘Crops and Pastures Western Australian Season 1986-1987’ published in March 1988, but does not include an area defined in a notice under section 12 of the Act in which the disease potato cyst nematode is the subject of the notice.

(2) Subject to subregulation (5) a person who grows potatoes in the Perth Statistical Division—

- (a) shall ensure that all potato crops are fork tested for potato cyst nematode at the crop maturity stage as specified by an inspector;

- (b) shall obtain a certificate from an inspector in the form of Form 2A in Schedule 3 certifying that the potatoes have been treated in accordance with this regulation; and
 - (c) shall not move any machinery, farm equipment, bulk bins, bags or other containers from the Perth Statistical Division to any other part of the State until he receives a certificate issued by an inspector in the form of Form 4 in Schedule 3 verifying that the machinery, farm equipment, bulk bins, bags or other containers have been cleaned and are free from soil contamination.
- (3) Subject to subregulation (5) a person who washes, grades, packs, stores, processes or otherwise treats potatoes grown in the Perth Statistical Division shall—
- (a) not take delivery of any potatoes unless the potatoes are accompanied by Form 2A issued in accordance with subregulation (2) (b);
 - (b) ensure that trucks, containers and any other form of conveyance or potential carrier which has been in contact with the potatoes do not leave the premises until all soil and potato material has been removed;
 - (c) clean soil and potato material from packing, processing and other equipment which has been in contact with the potatoes curing packing or processing; and
 - (d) deep bury the soil and potato material removed under paragraphs (b) and (c).
- (4) Subject to subregulation (5) a person who distributes or sells potatoes grown in the Perth Statistical Division—
- (a) shall ensure the potatoes are washed clean of any soil before distribution or sale;
 - (b) shall not distribute or sell the potatoes to any potato growing region of the State outside the Perth Statistical Division;
 - (c) may distribute or sell clean washed waste potatoes for stock feed in the metropolitan area in approved quantities at distribution points nominated by an inspector.
- (5) An inspector may, by notice, upon receipt of a written request from a person referred to in subregulation (2), (3) or (4) exempt the person from any or all of the treatment or controls referred to in subregulation (2), (3) or (4).
- (6) For the purposes of regulation 16 (1)—
- (a) Perth Statistical Division is a specified portion of the State; and
 - (b) potato cyst nematode (*Globodera rostochiensis*) is a specified disease.

*Division 2—Control of diseases
to which sections 11 and 12 of the Act apply
Subdivision 1—Control of Fruit Fly*

Fruit Fly

18. (1) In this subdivision unless the contrary intention appears—
“fruit fly” means fruit fly *Ceratitis capitata* or *Bactrocera tryoni*;
“the disease” means the disease known as fruit fly.
- (2) Section 11 of the Act applies to the disease.
- (3) The measures to be adopted in relation to the disease—
- (a) for the purposes of section 11 of the Act; and
 - (b) under section 12 of the Act when fruit fly is the disease to which a notice relates,
- shall be treatment applied in accordance with subregulations (4) to (8).
- (4) Treatment in accordance with Part 1, 2 or 3 of Schedule 4 shall be applied to every fruit tree, and to every fruit vine, having fruit thereon in the orchard concerned.
- (5) All infected fruit shall be picked from each fruit tree and all fallen fruit shall be gathered from the ground, in the orchard concerned—
- (a) in the case of apricots, feijoas, figs, guavas, loquats, nectarines, peaches, pears, persimmons, plums and quinces, at least once in every 24 hours; and
 - (b) in the case of fruits other than apples and fruits referred to in paragraph (a), at least once in every 3 days,
- and subject to subregulation (8) destroyed by boiling, burning or some other method approved by a person authorized by the Director General.

(6) Whenever treatment is applied in accordance with subregulation (8) or Part 2 of Schedule 4 to any fruit by spraying it with a liquid mixture containing dimethoate or fenthion, a person shall not pick or gather for consumption or for sale any of the fruit so sprayed within 7 days of that spraying.

(7) Whenever treatment is applied in accordance with Part 3 of Schedule 4 to any fruit tree or fruit vine having fruit thereon by spraying it with a liquid mixture containing trichlorfon, a person shall not pick or gather for consumption or for sale any fruit from that fruit tree within 2 days of that spraying.

(8) Instead of gathering fallen fruit and destroying it a person may cover spray fallen fruit, other than citrus fruit or fruit found to be infected with the disease, with a 0.08% active ingredient water mixture of fenthion so that the fallen fruit is completely wetted.

Subdivision 2—Control of Potato Cyst Nematode

Potato Cyst nematode

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

“associated orchard” means any other orchard operated by the occupier of an orchard referred to in subregulation (3);

“orchard” means any land used for the growing or cultivating of potatoes;

“the disease” means the disease known as potato cyst nematode (*Globodera rostochiensis*).

(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 4A 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 4A Part 1 commits an offence unless the non-compliance is authorized by an exemption under subregulation (10).

Penalty: \$5 000.

(5) The occupier of an orchard referred to in subregulation (3) who operates an associated orchard shall comply with the steps and measures specified in Schedule 4A Part 1, clause 10 in order to prevent the spread of the disease.

(6) An occupier referred to in subregulation (5) who fails to comply with Schedule 4A Part 1, clause 10 commits an offence unless the non-compliance is authorized by an exemption under subregulation (10).

Penalty: \$5 000.

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

(8) Subregulation (7) has effect whether or not the disease exists or appears to exist in the orchard.

(9) An owner or occupier referred to in subregulation (7) who fails to comply with Schedule 4A Part 2 commits an offence unless the non-compliance is authorized by an exemption under subregulation (10).

Penalty: \$5 000.

(10) An inspector may by notice upon receipt of a written request from an owner or occupier exempt the owner or occupier from any or all of the steps and measures specified in Schedule 4A Part 1 or 2.

Washers, graders, packers, processors, distributors

19A. (1) Subject to subregulation (2) a person who washes, grades, packs, stores, processes, distributes or otherwise treats potatoes grown by the occupier or owner or occupier of an orchard to which this subdivision applies shall comply with schedule 4A Part 3.

(2) An inspector may by notice upon receipt of a written request from a person referred to in subregulation (1) exempt the person from complying with all or any of the steps and measures specified in Schedule 4A Part 3.

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

Penalty: \$5 000.

Subdivision 3—Control of Apple Scab

Apple Scab

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

“orchard” means any land used for the growing or cultivating of apples;

“the disease” means the disease known as apple scab (*Venturia inaequalis*).

(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 4B 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 4B 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 4B 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 4B 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 upon receipt of a written request from an owner or occupier exempt the owner or occupier from any or all of the steps and measures specified in Schedule 4B Parts 1 and 2.

Transporters, packers, distributors

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

(2) An inspector may by notice, upon receipt of a written request from a person referred to in subregulation (1) exempt the person from complying with all or any of the steps and measures specified in Schedule 4B Part 3.

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

Penalty: \$5 000.

Control of nursery stock

19D. (1) Subject to subregulation (2) a person who receives apple trees from a nursery on an orchard to which this subdivision applies shall comply with the steps and measures specified in Schedule 4B Part 4.

(2) An inspector may by notice upon receipt of a written request from a person referred to in subregulation (1) exempt the person from complying with all or any of the steps and measures specified in Schedule 4B Part 4.

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

Penalty: \$5 000. ”

Regulation 20A inserted

5. After regulation 20 the following regulation is inserted—

Requisition under section 14 of the Act

20A. A requisition under section 14 of the Act shall be in the form of Form 8 in Schedule 3. ”.

Schedule 3 amended

6. Schedule 3 to the principal regulations is amended by inserting after Form 2 the following forms—

“

PLANT DISEASES ACT 1914

(Reg. 17A (2) (b))

FORM 2a

POTATO CROPS SITUATED WITHIN
THE PERTH STATISTICAL DIVISION

TO:

1.
Name and address of occupier of orchard
of.....
the occupier of the orchard situate at
2.
3. I have inspected the orchard and certify that you have complied with regulation 17A (2).
4. I require the following steps to be taken—*

.....
Inspector

.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Schedule 4A Part 1 Clause 6)

FORM 3

MOVEMENT OF POTATO CROPS FROM INFECTED ORCHARDS

TO:

1.
Name and address of occupier of orchard
of.....
the occupier of the orchard situate at
2.
3. Potato cyst nematode, a disease under section 11 of the Act is a disease which exists or appears to exist in the orchard identified in item 2.
4. I have inspected the orchard and certify that you have complied with Schedule 4A Part 1 Clause 4.
5. I nominate.....
of.....
as the processing establishment to which the potato crop shall be delivered.
6. I require the following steps to be taken—*

.....
Inspector

.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Regulation 17A (2) (c))
(Schedule 4A Part 1 Clause 8)

FORM 4

MOVEMENT OF MACHINERY

TO:

1.
Name and address of occupier of orchard
the occupier of the orchard situate at
2.
3. I have inspected the machinery*, vehicle*, farm equipment*, bulk bins*, and footwear* on the orchard identified in item 2 and certify that the machinery*, vehicles*, farm equipment*, bulk bins* and footwear* have been cleaned in accordance with regulation 17A (2) (9c) or Schedule 4A Part 1 Clause 7 as the case may be and are free from soil contamination.

.....
Inspector.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Schedule 4A Part 2 Clause 5)

FORM 5

MOVEMENT OF POTATO CROPS FROM INFESTED AREAS

TO:

1.
Name and address of owner or occupier
the owner or occupier of the orchard situate 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 certify that you have complied with Schedule 4A Part 2 Clause 3.
4. I nominate.....
of.....
as the processing establishment* or merchant* to which the potato crop shall be delivered.
5. I require the following steps to be taken—*

.....
Inspector.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Schedule 4A Part 2 Clause 6)

FORM 6

MOVEMENT OF MACHINERY WITHIN THE INFESTED AREA
OR FROM THE INFESTED AREA

TO:

1.
Name and address of owner or occupier
the owner or occupier of the orchard situate at
2.

3. I have inspected the machinery*, vehicles*, farm equipment*, bulk bins* and footwear* on the orchard identified in item 2 and certify that the machinery*, vehicles*, farm equipment*, bulk bins* and footwear* are free from soil contamination.

.....
Inspector

.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Schedule 4B Part 1 Clause 8)

(Schedule 4B Part 2 Clause 4)

FORM 7

MOVEMENT OF APPLE CROPS FROM ANY ORCHARD
WITHIN INFESTED AREA

TO:

1.
Name and address of owner or occupier
the owner or occupier of the orchard situate 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 authorise the harvesting of the apple crop* and the removal of apple material* and nursery trees* on the following conditions.
.....
4. I nominate.....
as the packing and processing establishment to which the apples shall be delivered.
5. I nominate.....
as the area(s) in which the apples shall be distributed.
6. The trucks, containers and any other form of conveyance shall be cleaned by
.....
.....
7. All waste apple material and leaves shall be
.....
.....

.....
Inspector

.....
Date

*Delete where applicable.

PLANT DISEASES ACT 1914

(Section 14)

FORM 8

(No.)

REQUISITION

TO:

.....
*(owner/occupier)

I, an inspector appointed under the *Plant Diseases Act 1914*, am satisfied that the disease exists on the orchard, land or premises owned and/or occupied* by you, and situate at.....

*Delete where applicable.

Under section 14 of the *Plant Diseases Act 1914*, I require you to do whatever is necessary to eradicate the disease from the orchard, land or premises, and to prevent the spread thereof and in particular to take the steps specified on the back of this requisition.

A copy of section 14 of the *Plant Diseases Act 1914* is set out below.

.....
Inspector

.....
Date

Section 14 of the Plant Diseases Act 1914

Steps taken by an inspector when orchard infected

14. (1) Whenever an inspector is satisfied that disease exists on any orchard, land, or premises he may by requisition to the owner and occupier or either of them require them or him to do whatever is necessary in order to eradicate such disease from such orchard, land, or premises and to prevent the spread thereof and the requisition may specify any particular steps which the inspector requires to be taken.

(2) Such requisition may name a time by which the doing of anything thereby required shall be commenced and a time within which it shall be completed.

(3) The owner and occupier, jointly or severally, or the owner or occupier, as the case may be, shall be responsible for due compliance with the requisition, and shall do everything thereby required to be done.

Penalty: \$5 000.

(4) In case of any default in compliance with the terms of the requisition, any inspector may do or cause to be done all such things as may be necessary in order to carry the terms of the requisition completely into effect, and the expenses incurred in and about so doing shall be recoverable from the person or persons guilty of the default.

[REVERSE OF FORM]

Steps to be taken by owner and/or occupier*.

*Delete where applicable. "

Schedules 4A and 4B inserted

7. After Schedule 4 to the principal regulations the following Schedules are inserted—

"

SCHEDULE 4A

(Regulation 19)

POTATO CYST NEMATODE

PART 1—STEPS AND MEASURES TO ERADICATE AND PREVENT THE SPREAD OF POTATO CYST NEMATODE UNDER SECTION 11 OF THE ACT

Disinfestation

1. The occupier shall disinfest the infested orchard in the manner approved by the Director General.

Solanaceous crops prohibited

2. Subject to clause 3 after disinfestation an occupier shall not grow solanaceous crops other than potatoes in the orchard until further notice in writing from the Director General.

Potato crops other than approved varieties prohibited

3. The occupier shall not grow potato crops other than those varieties approved by the Director General.

Fork testing

4. The occupier shall ensure that potato crops are fork tested at the crop maturity stage, as specified by an inspector.

Harvesting etc.

5. The occupier shall—

- (a) harvest the potato crop as directed by an inspector; and
- (b) transport the potato crop in plastic lined bins to a processing establishment nominated by an inspector.

Crops shall be certified

6. (1) The occupier shall not move any potatoes from the orchard until he receives a certificate issued by an inspector in the form of Form 3 in Schedule 3.

- (2) A certificate referred to in subclause (1) shall—
- (a) certify that the crop has been treated in accordance with clause 4;
 - (b) nominate the processing establishment to which the crop shall be delivered; and
 - (c) specify any other steps which the inspector may require to be taken.

Machinery etc. shall be cleaned

7. The occupier shall clean all machinery, vehicles and farm equipment (including bulk bins and footwear) on an approved hard surface area under the supervision of an inspector.

Machinery etc. shall be certified

8. The occupier shall not move any machinery, vehicles or farm equipment (including bulk bins and footwear) until he receives a certificate, issued by an inspector, in the form of Form 4 in Schedule 3 verifying that the machinery, vehicles or farm equipment (including bulk bins and footwear) have been cleaned in accordance with clause 7 and are free from soil contamination.

Crops other than potatoes

9. An occupier who grows crops other than potatoes in the orchard, may dispose of those crops where, before being removed from the orchard, they have been trimmed and are free from soil.

Associated orchards

10. The occupier of an orchard referred to in regulation 19 (5) shall—
- (a) not grow potato crops other than those varieties approved by the Director General; and
 - (b) comply with clauses 4, 6 and 8.

**PART 2—STEPS AND MEASURES TO CONTROL,
ERADICATE AND PREVENT THE SPREAD
OF POTATO CYST NEMATODE
UNDER SECTION 12 OF THE ACT**

Interpretation

1. In this Part unless the contrary intention appears—
- “infested area” means the area defined in the notice referred to in regulation 19 (7).

Potato crops other than approved varieties prohibited

2. The owner or occupier of an orchard within the infested area shall not grow potato crops other than those varieties approved by the Director General.

Fork testing

3. The owner or occupier shall ensure that potato crops are fork tested at the crop maturity stage, as specified by an inspector.

Delivery and decontamination

4. The owner or occupier shall deliver the potato crop to a processor or merchant nominated by an inspector.

Crops shall be certified

5. (1) The owner or occupier shall not move any potatoes from the orchard until he receives a certificate issued by an inspector in the form of Form 5 in Schedule 3.

- (2) A certificate referred to in subclause (1) shall—
- (a) certify that the crop has been treated in accordance with clause 3;
 - (b) nominate the processing establishment to which the crop shall be delivered; and
 - (c) specify any other steps which the inspector may require to be taken.

Movement of machinery etc. prohibited unless certified

6. The owner or occupier shall not move any machinery, vehicles or farm equipment (including bulk bins and footwear) from orchard to orchard or out of the infested area until he receives a certificate in the form of Form 6 in Schedule 3 verifying that the machinery, vehicles or farm equipment (including bulk bins and footwear) are free from soil contamination.

Conditions applying to associated orchards

7. (1) The owner or occupier of an orchard within the infested area who also operates an orchard outside the infested area shall—

- (a) subject to subclause (2)—
 - (i) plant approved varieties of potatoes; or

- (ii) adopt a 4 year rotation with a pre-plant nematicide for the disease;

and

- (b) comply with clauses 3, 4, 5 and 6.

(2) notwithstanding subclause (1) (a) an owner or occupier may, in the year 1990, plant a variety of potato which is susceptible to potato cyst nematode provided that a pre-plant nematicide approved by the Director General is used before planting.

PART 3—STEPS AND MEASURES (Regulation 19A)
TO BE TAKEN BY PERSONS REFERRED TO
IN REGULATION 19A TO ERADICATE OR REDUCE
THE SPREAD OF THE DISEASE

Packing, washing, etc.

1. A person referred to in regulation 19A shall—

- (a) not take delivery of any potatoes unless the potatoes are accompanied by Form 3 issued in accordance with Part 1 Clause 6 (1) or Form 5 issued in accordance with Part 2 Clause 5 as the case may be;
- (b) ensure that trucks, containers and any other form of conveyance or potential carrier which has been in contact with the potatoes do not leave the premises until all soil and potato material has been removed;
- (c) clean soil and potato material from packing, processing and other equipment which has been in contact with the potatoes during packing or processing; and
- (d) deep bury the soil and potato material removed under paragraphs (b) and (c).

Distribution

2. (1) For the purposes of this clause unless the contrary intention appears—

“Perth Statistical Division” means the area set out in Map 3 of the Australian Bureau of Statistics publication ‘Crops and Pastures Western Australian Season 1986-1987’ published in March 1988.

(2) A person referred to in regulation 19A who distributes or sells potatoes grown in an orchard referred to in regulation 19A (1)—

- (a) may only distribute clean washed potatoes;
- (b) shall not distribute or sell potatoes to any potato growing region of the State outside the Perth Statistical Division; and
- (c) may distribute or sell clean washed waste potatoes for stock feed in the Metropolitan Area in approved quantities at distribution points nominated by an inspector.

SCHEDULE 4B

(Regulation 19B)

APPLE SCAB

PART 1—STEPS AND MEASURES TO ERADICATE
AND PREVENT THE SPREAD OF APPLE SCAB
UNDER SECTION 11 OF THE ACT

Notice of appearance of apple scab

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 apple scab in the orchard.

Fungicide to be applied immediately

2. Immediately after giving notice under clause 1, the occupier shall apply an approved fungicide mixture to all apple trees within 25 metres of an infected tree.

Removal of infected material

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

- (a) remove all infected material (including fallen leaves, fruit and trees where necessary);
- (b) dispose of the 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.

Programme for initial fungicide treatment**4. The occupier shall—**

- (a) until harvest, apply an approved fungicide spray programme to all apple trees within 25 metres of an infected tree or a site from which an infected tree has been removed;
- (b) after harvest but before leaf fall spray all the apple trees in the orchard with an approved treatment as directed by an inspector;
- (c) after leaf fall collect and deep bury or bury all fallen leaves and fruit within 25 metres of an infected tree or the site from which an infected tree has been removed; and
- (d) In late July, apply an approved fungicide spray to the leaf litter on the orchard floor.

Spring fungicide programme

5. The occupier shall apply an approved fungicide programme in spring to all apple trees in the orchard.

Additional programmes

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

Records**7. The occupier shall—**

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

Crops shall be certified

8. (1) The occupier of an orchard referred to in regulation 19B (3) shall not harvest any apples or remove any apple material or nursery trees from the orchard until he receives a certificate issued by an inspector in the form of Form 7 in Schedule 3.

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

- (a) nominate the packing or processing establishment to which the apples shall be delivered;
- (b) nominate the areas to which apples 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 apple material and leaves shall be destroyed.

Irrigation

9. The occupier of an orchard shall not irrigate the orchard by an overhead sprinkler system or any other form of overhead irrigation.

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

“Infested area” defined

1. 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 19B (5).

Fungicide treatment

2. The owner or occupier of an orchard in the infested area in which apple scab does not exist or does not appear to exist shall—

- (a) after harvest but before leaf fall spray all the apple trees in the orchard with an approved treatment;
- (b) in late July, apply an approved fungicide to the leaf litter on the orchard floor;
- (c) in Spring, apply an approved fungicide programme to all apple trees in the orchard; and
- (d) undertake any further approved fungicide programmes as directed by an inspector.

Records**3. The owner or occupier shall—**

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

Crops shall be certified

4. (1) The owner or occupier shall not harvest any apples or remove any apple material or nursery trees from an orchard in the infested area until he receives a certificate issued by an inspector in the form of Form 7 in Schedule 3.

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

- (a) nominate the packing or processing establishment to which the apples shall be delivered;
- (b) nominate the areas to which apples 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 apple material and leaves shall be destroyed.

Irrigation

5. The owner or occupier of an orchard shall not irrigate the orchard by an overhead sprinkler system or any other form of overhead irrigation.

PART 3—STEPS AND MEASURES (Regulation 19C)
TO BE TAKEN BY PERSONS REFERRED TO
IN REGULATION 19C TO ERADICATE OR REDUCE
THE SPREAD OF THE DISEASE

Trucks, containers etc. to be cleaned

1. Packers and processors shall ensure that—

- (a) trucks, containers or any other form of conveyance in which apples from an orchard referred to in regulation 19B are transported to packing or processing establishments; and
- (b) any other potential carrier which has been in contact with the apples, shall be cleaned of all leaves and apple material before leaving the premises.

Equipment to be cleaned

2. Packers and processors shall ensure that all packing and processing equipment which has been in contact with apples during processing or packing, shall be cleaned of all leaves and apple material.

Disposal of potentially infected material

3. Packers and processors shall ensure that all leaf and waste apple material removed in accordance with clauses 1 and 2 shall be—

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

Distribution

4. A person who distributes apples from an orchard referred to in regulation 19B shall only distribute apples to areas nominated by an inspector.

PART 4—STEPS AND MEASURES (Regulation 19D)
BY PERSONS REFERRED TO IN REGULATION 19D
TO ERADICATE OR REDUCE THE SPREAD OF THE DISEASE

Nursery stock

1. A person who receives apple trees referred to in regulation 19D (1) shall—

- (a) after planting the tree, cut back the leader and laterals by 15 cm;
- (b) burn or deep bury any prunings or other material removed under paragraph (a);
- (c) apply an approved fungicide programme to the trees; and
- (d) maintain records in accordance with Part 2 Clause 3. ”.

By His Excellency's Command,

G. PEARCE, Clerk of the Council.