

AG302*

Plant Diseases Act 1914

**Plant Diseases Amendment Regulations
(No. 4) 2005**

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

1. Citation

These regulations are the *Plant Diseases Amendment Regulations (No. 4) 2005*.

2. The regulations amended

The amendments in these regulations are to the *Plant Diseases Regulations 1989**.

[* Reprinted as at 20 September 2002.

For amendments to 28 October 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 293-4, and Gazette 17 and 31 May 2005.*]

3. Schedule 1 amended

(1) Schedule 1 Part A is amended in the Table as follows:

- (a) by deleting “31,” in each place where it occurs;
- (b) in the item relating to “Apricot” —
 - (i) in columns 3 and 4 by inserting —
“ see Stonefruit ”; and
 - (ii) in column 5 by inserting —
“ 31 ”.

(2) Schedule 1 Part B item 1(1) is amended as follows:

- (a) by deleting “Entry” and inserting instead —
“ Unless specifically dealt with elsewhere, entry ”;
- (b) by deleting “Stonefruit: fruit — brown rot (*Monilinia sclerotinia*) *fructicola* and *M. laxa*).” and inserting instead —
“
Stonefruit: fruit other than apricot fruit (*Prunus armeniaca*)
and cherry fruit (*Prunus avium*) from South Australia
and Tasmania, general diseases.
”.

- (3) Schedule 1 Part B item 26 is amended as follows:
- (a) in subitem (1) by deleting the definition of “appropriate officer” and inserting instead —
“
“**AQIS**” means the Australian Quarantine and Inspection Service of the Commonwealth;
”;
 - (b) in subitem (2) by deleting “under any condition” and inserting instead —
“ except in accordance with subitem (8) ”;
 - (c) after subitem (2) by inserting the following item —
“
(2a) For South Australia and Tasmania cherry fruit entry not allowed except in accordance with subitems (3) to (7) or subitem (8).
”;
 - (d) in subitem (4) by deleting “a written verification from an appropriate officer” and inserting instead —
“ certification ”;
 - (e) in subitem (7) by inserting before “item” —
“ Schedule 1 Part B ”;
 - (f) after subitem (7) by inserting the following item —
“
(8) Cherry fruit originating from New Zealand may enter Western Australia via another State or a Territory subject to —
 - (a) equivalent entry requirements to those applied by AQIS to cherry fruit imported directly from New Zealand to Western Australia; and
 - (b) any further requirements considered necessary by the Director General.
”.
- (4) Schedule 1 Part B item 31 is deleted and the following item is inserted instead —
“
31. Apricot fruit (fresh fruit of *Prunus armeniaca*) — Oriental fruit moth (*Grapholita molesta*), general diseases.

(1) In this item —
“**apricot fruit**” means fresh fruit of *Prunus armeniaca*;
“**AQIS**” has the same meaning as in item 26;
“**FPE**” means Part A and Part B of the document entitled *Final Policy Extension Fresh Apricot (Prunus armeniaca) Fruit Imported from South Australia and Tasmania into Western Australia* completed by the Department of Agriculture in December 2003 as amended from time to time;
“**fruit fly**” means —
 - (a) *Bactrocera kraussi* (Krauss’ fruit fly);

- (b) *Bactrocera mayi*;
- (c) *Bactrocera melas*;
- (d) *Bactrocera neohumeralis* (Lesser Queensland fruit fly);
or
- (e) *Bactrocera tryoni* (Queensland fruit fly);

“oriental fruit moth” means *Grapholita molesta*;

“relevant department” has the same meaning as in item 26.

- (2) For States and Territories other than South Australia or Tasmania, apricot fruit entry not allowed except in accordance with subitem (10).
- (3) For South Australia and Tasmania apricot fruit entry not allowed except in accordance with subitems (4) to (9) or subitem (10).
- (4) From South Australia or Tasmania to be certified as from a property and packed in a packing house registered in accordance with the FPE.
- (5) From South Australia or Tasmania to be accompanied by certification stating —
 - (a) the name, address and registration number of —
 - (i) the property on which the apricot fruit was grown; and
 - (ii) the packing house in which it was packed; and
 - (b) that the property and packing house have been registered by the relevant department for export to Western Australia in accordance with the FPE,

and displaying the following words on the certification —

“

THE PROPERTY AND PACKING HOUSE
HAVE BEEN REGISTERED FOR EXPORT TO
WESTERN AUSTRALIA IN ACCORDANCE
WITH THE FPE

”.

- (6) From South Australia or Tasmania to be —
 - (a) transported in containers with —
 - (i) the registration number or the name of the producer of the apricot fruit and the address of the property on which it was grown; and
 - (ii) the registration number or the name of the packer of the apricot fruit and the address of the property on which it was packed,
printed on the external surface in letters not less than 5 mm in height;
 - (b) packed in clean new packaging; and
 - (c) substantially free from leaves, soil and other plant debris, other than a peduncle or pedicel.

(7) From South Australia or Tasmania to be inspected on arrival in Western Australia in accordance with the sampling procedures set out in the FPE Appendix 3.

(8) From South Australia and Tasmania to be certified as —
(a) grown on a property which is declared to be an area of low pest prevalence for oriental fruit moth in accordance with the FPE,

and displaying the following words on the certification —

“

GROWN ON A PROPERTY WHICH IS
DECLARED TO BE AN AREA OF LOW PEST
PREVALENCE FOR ORIENTAL FRUIT MOTH
IN ACCORDANCE WITH THE FPE

”; or

(b) fumigated with methyl bromide in accordance with AQIS Quarantine Treatments Aspects and Procedures Version 1.0 and specifying —

- (i) the name of the fumigation facility;
- (ii) the date of fumigation;
- (iii) the rate of methyl bromide used, being the initial dosage (g/m³);
- (iv) concentration time (CT) product of methyl bromide achieved by the fumigation (ghr/m³);
- (v) duration of fumigation (hours);
- (vi) ambient air temperature during fumigation (°C); and
- (vii) minimum apricot pulp temperature during fumigation (°C),

and displaying the following words on the certification —

“

FUMIGATED IN ACCORDANCE WITH AQIS
QUARANTINE TREATMENTS ASPECTS AND
PROCEDURES

”.

(9) From South Australia or Tasmania to be certified as —

- (a) fumigated in accordance with item 31(8)(b); or
- (b) from an area free from fruit fly in accordance with the Code of Practice or as approved by the Director General,

and displaying the following words on the certification —

“

FROM AN AREA FREE FROM FRUIT FLY IN
ACCORDANCE WITH THE CODE OF
PRACTICE

”.

- (10) Apricot fruit originating from New Zealand may enter Western Australia via another State or a Territory subject to —
 - (a) equivalent entry requirements to those applied by AQIS to apricot fruit imported directly from New Zealand to Western Australia; and
 - (b) any further requirements considered necessary by the Director General.
- (11) The Department of Agriculture is to make available —
 - (a) a summary of the FPE from its website at www.agric.wa.gov.au; and
 - (b) a current version of the FPE from the offices of the Department of Agriculture at Baron-Hay Court, South Perth.

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By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.