



Queensland

# **Plant Protection Amendment Regulation (No. 3) 2013**

## **Explanatory Notes for SL 2013 No. 80**

made under the

*Plant Protection Act 1989*

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## **General outline**

### **Short title**

*Plant Protection Amendment Regulation (No. 3) 2013.*

### **Authorising law**

Sections 2, 4, 8, 11 and 35 of the *Plant Protection Act 1989* (the Act).

### **Policy objectives and the reasons for them**

The purpose of the subordinate legislation is to amend the *Plant Protection Regulation 2002* (the Regulation) in regard to the following three plant pests:

#### Strawberry plant pest

The objective is to reduce red tape and alleviate the burden on industry and government in dealing with strawberry plant pest. The Department of Agriculture, Fisheries and Forestry (DAFF) considers that regulatory controls on the introduction of these pests into Queensland are no longer appropriate given that these viruses are now endemic in this State and that

they are being adequately dealt with by strawberry growers through on-farm biosecurity measures.

#### Grape phylloxera

The objective is to enhance the profitability of Queensland's grape growing industry and enhance market access of Queensland product, reduce costs for industry in complying with interstate quarantine requirements and contribute towards Queensland achieving Phylloxera Exclusion Zone (PEZ) status.

#### Banana plant pests

The objective is to reduce the regulatory burden on banana growers and government and facilitate the use of cheaper and more effective treatment methods for landowners to discharge their lawful obligations with respect to banana pests and diseases.

The subordinate legislation also clarifies the use of registered agricultural chemical products and provides for consistent terminology of prescribed treatment methods.

### **Achievement of policy objectives**

#### Strawberry plant pest

Under the Regulation, the whole of Queensland is a pest quarantine area for strawberry plant pest. The subordinate legislation will achieve the policy objective by providing that the whole of Queensland will no longer be a pest quarantine area for strawberry plant pest. The restrictions on introducing strawberry plants into Queensland will be removed from legislation and consequently DAFF will no longer be required to undertake regulatory action to prevent the introduction of these pests into Queensland.

The subordinate legislation will mean that a person introducing a strawberry plant into Queensland will no longer have to either: obtain an inspector's approval for the introduction of strawberry runner stock; or introduce a strawberry plant which has been produced by an accredited business and has been issued a strawberry runner scheme certificate.

The subordinate legislation will also omit the three strawberry plant pests, strawberry mottle virus, strawberry crinkle virus and strawberry mild yellow edge associated virus, as prescribed pests from Schedule 1, Part 2, section B of the Regulation.

### Grape phylloxera

The subordinate legislation achieves the policy objectives by aligning Queensland legislation with interstate requirements and the National Phylloxera Management Protocol. Adopting legislative conditions which are consistent with national standards will therefore contribute towards Queensland achieving PEZ status resulting in the unrestricted movement of fruit into southern markets.

### Banana plant pests

The subordinate legislation achieves the policy objective to alleviate the regulatory impost on landowners by removing the unnecessary requirement to treat banana plants for banana bract mosaic virus, a disease which has never been detected in Queensland.

In relation to banana bunchy top virus, the subordinate legislation will reduce the burden on landowners growing bananas by providing that treatment for the virus be limited only to infested plants rather than all banana plants within 20 metres of where the disease has been found. This is due to the fact that the treatment method is disproportionate to the risk of spread of the virus.

The subordinate legislation also clarifies the use of registered agricultural chemical products by prescribing that a registered agricultural chemical product may only be used if its use is consistent with the instructions on the approved label for the product or in a way stated under a permit or prescribed under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

In regard to consistent terminology of treatment methods, the subordinate legislation amends the definition of *permanent marker dye* to *registered agricultural marker dye* throughout the Regulation. This will align with the terminology used in the *Agricultural and Veterinary Chemicals Code Regulations 1995* (Cth) and avoid confusion with another type of dye or paint product not regulated by the Australian Pesticides and Veterinary Medicines Authority, through which agricultural marker dyes are registered.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the objectives of the Act to prevent, control or remove pest infestation of plants in Queensland and facilitate the movement of plants into and out of Queensland.

## **Inconsistency with policy objectives of other legislation**

The subordinate legislation is consistent with the policy objectives of other legislation. It provides for the management of plant pests and diseases and use of registered agricultural chemical products consistent with other state laws.

## **Benefits and costs of implementation**

### Strawberry plant pest

The subordinate legislation will enable strawberry growers to source runner stock without having to obtain a certificate that has been issued by an interstate plant health inspector or an authorised person. Queensland strawberry growers already generally source disease-tested strawberry runners produced under the Queensland Strawberry Growers Association's Queensland Strawberry Runner Accreditation Scheme or the Victorian Certified Runner Scheme. These schemes exist to ensure mother-stock is free of viruses and pests and that runners meet a specified quality standard.

A further benefit will be realised through a reduction in administrative costs to government by not having to undertake regulatory action to prevent the introduction of these pests into the State.

### Grape phylloxera

The subordinate legislation will provide for the naming of zones consistent with the national protocol for the control of grape phylloxera and will therefore benefit industry through greater protection from the disease and improved market access with the unrestricted movement of fruit into southern states. Costs in complying with interstate quarantine requirements under a phylloxera exclusion zone status will reduce substantially. While stakeholders will need to comply with restrictions for movement of risk items within certain areas of Queensland, this is not a significant impost as they already need to meet the same restrictions for risk items entering Queensland from interstate. The subordinate legislation will also clarify the restrictions on items which can be introduced into the quarantine area.

### Banana plant pests

The subordinate legislation will not increase the overall regulatory burden on landowners or compromise biosecurity outcomes in relation to the control of banana pests. It will enable landowners to use alternative

treatment methods for banana pests, if those methods are considered effective. For some landowners, these additional methods may provide a more accessible and less expensive means of discharging their obligation to destroy certain banana pests.

Reducing the height of weeds and plants to which the "weed free area" requirement applies from 60 cm to 30 cm would have a modest increase in the regulatory burden on non-commercial banana growers. However, it would be offset by the reduction in the size of the area required to be kept free of weeds. Critically, the changed requirements have been specifically requested by industry and reflect current best practice.

### **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

### **Consultation**

Consultation on the strawberry plant pest amendments was undertaken with Growcom, Queensland Strawberry Growers Association Inc., Queensland Runner Grower Accreditation Committee, Qld Strawberry Industry and the Domestic Quarantine Market Access Working Group. In relation to the grape phylloxera amendments consultation was undertaken with representatives from Queensland wine and table grape and nursery industries. The Australian Banana Growers Council was consulted in regard to the banana pest amendments.

All industry groups and bodies consulted are supportive of the proposed regulatory amendments.

Consultation was undertaken with the Regulatory Review Branch, Queensland Treasury and Trade (QT&T) with regard to regulatory impact statement (RIS) requirements. QT&T advised that a RIS is not required for any of the regulatory proposals as the strawberry and grape phylloxera amendments are machinery in nature and the banana plant pest amendments do not impose significant impacts on business, the community or government.

#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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