Explanatory Notes for SL 2014 No. 273

made under the

*Plant Protection Act 1989*

**General Outline**

**Short title**

*Plant Protection (Cucumber Green Mottle Mosaic) Quarantine Notice 2014*

**Authorising law**

Section 11 of the *Plant Protection Act 1989*.

**Policy objectives and the reasons for them**

The purpose of this subordinate legislation is for the Minister to make a notification to notify that the whole of Queensland is declared to be a pest quarantine area to prevent the introduction and/or spread of *Cucumber Green Mottle Mosaic Virus* (CGMMV) for the purposes of the *Plant Protection Act 1989* (Act) into and around Queensland.

CGMMV belongs to the virus Genus *Tobamovirus*. CGMMV is a seed-borne virus which has been found to be responsible for devastating losses of cucurbitaceous crops throughout Europe and Asia. It has also been detected in the United States in California.

It is commonly transmitted when uninfected plants come into contact with infected plant debris, or contaminated machinery or equipment. It may also be transmitted by contaminated soil and water, infected seed, pollen, transplants, rootstock, contaminated packing material and chewing insects such as beetles. Contaminated seeds are probably the major means of movement of this virus to new countries and continents.

Studies have found that the virus can spread under natural conditions once plants in the field or greenhouse become infected and the virus retained its infectivity in naturally contaminated soil after storage at 4°C for at least 10 months. Overall, CGMMV is very hard to eradicate once it is found in an area.

Depending on the strain, the virus has the potential to infect cucurbit crops, such as cucumber, melons, zucchini, squash and gourds. CGMMV infects all plant tissues of a plant and there is no known cure.
The symptoms will vary with the genus, species and cultivar of the plant and the strain of the virus. The severity of symptoms vary greatly between different varieties. Leaf symptoms can include mosaic-like mottling, and bleaching of leaf colour and as the disease progresses, plants wilt and all or part of the plant die.

On 3 July 2014, CGMMV was detected on a single leaf sample of watermelon collected from a commercial farm in Katherine, Northern Territory (NT). By 17 October 2014, there were nine infected premises and three suspect premises in the NT. The NT government has declared three quarantine zones in areas around Katherine and Darwin, restricting the movement of cucurbits from these regions.

The national Consultative Committee for Emergency Plant Pests, has determined that CGMMV is an emergency plant pest but further information will be required before a determination is made as to whether it is technically or economically feasible to eradicate. Victoria and South Australia have responded by issuing area freedom certificates for their States based on passive surveillance with South Australian also implementing measures such as import controls, registration of importers, inspection of imported consignments and regulated State borders put in place.

To date no detections or reported detections of CGMMV have occurred in Queensland however reports from Northern Territory indicate that infected plants may have entered Queensland from the Northern Territory.

Queensland is a major producer of watermelons, rockmelons and cantaloupe with an estimated gross value of production of $77 million in 2014. One third of Queensland’s watermelon production occurs in Bowen and Burdekin, with the remainder in the Chinchilla, Darling Downs, Banana and Gatton areas. Additionally, zucchini and button squash are worth approximately $47 million GVP and pumpkin $22 million.

Queensland is an exporter of melon and cucumber crops so there are a limited number of plants and fruit coming into Queensland for planting or sale but fruit such as melons, zucchini and cucumbers may be transported through Queensland from the NT en route to interstate destinations. Imported seed which is brought into Queensland for planting also poses a risk of entry of the disease.

The best management and control for this virus is to prevent of the introduction of the CGMMV into the State by establishing Queensland as a pest quarantine areas to assist in early detection and where possible eradication of the pest. The subordinate legislation will provide the powers to allow inspectors to enter land and undertake surveillance and eradication where possible.

The subordinate legislation will remain in place for three (3) months unless it is sooner replaced by a regulation declaring a pest quarantine area for CGMMV.

**Achievement of policy objectives**

The subordinate legislation will achieve its objectives by the Ministers’ notification of the declaration of the whole of Queensland as a pest quarantine area to prevent the introduction and/or spread of CGMMV into and around Queensland.
Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main objects of the Act as it will prevent, control or remove pest infestation of plants in Queensland by declaring Queensland to be a pest quarantine area for CGMMV.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The subordinate legislation will have an immediate direct benefit to the community generally as it will reduce the potential spread of CGMMV which can potentially infect cucurbit crops. The subordinate legislation will provide protection to producers of cucurbit crops, such as cucumber, melons, zucchini, squash and gourds from the possibility of having a serious impact on their crops.

There will be some cost to the State Government and through increased surveillance and enforcement of the introduction and movement of some risk items without an inspector’s approval.

Consistency with fundamental legislative principles

The subordinate legislation may give rise to concerns in regard to fundamental legislative principle contained in section 4 of the Legislative Standards Act 1992 (LSA). The subordinate legislation is generally consistent with fundamental legislative principles. The potential breach of a fundamental legislative principle is addressed below.

Legislation should have sufficient regard to rights and liberties of individuals [LSA s4(3)(e)]

Clause 8 of the subordinate legislation is a potential fundamental legislative principle as it requires an owner of land to allow an inspector to carry out surveillance on the owner’s land.

This approach is considered to be adequately justified on the basis that the entry onto land is warranted by the seriousness of the potential risks associated with the disease affecting the agricultural industry. The entry to land is also limited for the purposes of surveillance, to look for and monitor the spread of cucumber green mottle mosaic.

Consultation

The Australian Melon Association and the Garden Industry Queensland have been consulted. Officers from both organisations are supportive of urgent action to declare Queensland as a pest quarantine area to enable surveillance to be conducted to confirm the presence or absence of CGMMV in the State and control the movement of risk items into and within Queensland.
The Nursery and Garden Industry Australia and AusVEG are both represented on the Consultative Committee on Emergency Plant Pests (CCEPP) and the National Management Group (NMG) which are bodies that oversee the national response to the CGMMV outbreak. The actions to contain the pest (through property quarantines, domestic movement controls on risk materials and destruction of infected plant material) and to undertake a national surveillance program to delimit the extent of the incursion have been endorsed by these two bodies.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority has been consulted on the need to prepare a Regulatory Impact Statement (RIS) for the subordinate legislation. The OBPR has advised that the proposal aligns with exclusion category (j) as the potential impact on horticultural production requires immediate action to prevent the introduction of or curb the spread of CGMMV into Queensland and that it is excluded from further analysis under the Treasurer’s guidelines.

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