

Plant Protection Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 46

made under the

Plant Protection Act 1989

General Outline

Short title

Plant Protection Amendment Regulation (No. 1) 2016

Authorising law

Sections 4, 11 and 35 of the *Plant Protection Act 1989*

Policy objectives and the reasons for them

The subordinate legislation aims to achieve the following policy objectives—

- To prevent the entry of pyriform scale (*Protopulvinaria pyriformis*) into Queensland.
- To contain the spread of the coffee mealybug (*Planococcus lilacinus*) and the Jack Beardsley mealybug (*Pseudococcus jackbeardsleyi*) recently detected on mainland Australia in northern Cape York Peninsula.
- To implement a relaxation of national policy on movement of risk items related to *Cucumber green mottle mosaic virus* (CGMMV).

Pyriform Scale

Pyriform scale is a soft scale, native to South America with an extensive host list of over 100 species across 34 plant families. It is an economically important pest of avocado; and a pest of mango, guava and ornamental plants. It is present and widespread in the American tropics, Mediterranean Basin, Middle East and southern Africa. In Australia, it is also a potential environmental risk due to the Myrtaceae family of plants (includes eucalypts) being one of its hosts.

Pyriform scale has been confirmed in Western Australia (WA) with detections in several suburbs. This is the first time this scale (and the genus) has been detected in Australia. The WA Government is not regulating the movement of risk items within or out of the state.

The relevant national forum, the Consultative Committee on Emergency Plant Pests (CCEPP), has agreed that, given the large area of confirmed detections in WA, pyriform scale is believed to be established and widespread and it is not technically feasible to eradicate it. The CCEPP agreed not to propose further action other than for individual jurisdictions to consider plant quarantine entry conditions to minimise the risk of this pest being spread to new locations in Australia. Nursery stock and bare-rooted rootstock were considered as needing to be managed, while fruit and cut flowers posed minimal risk that can be addressed by industry practices.

Pyriform scale is not known to occur in Queensland as yet, but there is a risk of it being introduced to Queensland on plants and plant material from WA. Urgent action is required to prevent its entry into Queensland and avert a potentially significant impact on the environment and many of the plant industries in the state, including the nursery industry.

Mealybugs

The coffee mealybug and Jack Beardsley mealybug (the mealybugs) were first detected in the Torres Strait in 2011. The CCEPP has deemed eradication of these pests in the Torres Strait to be not technically feasible or cost-beneficial.

These species of mealybugs feed on and damage many commercial and non-commercial hosts and may be wind-dispersed at particular stages of their lifecycle. They have high potential for entry, establishment and spread in Australia.

Recent surveillance found the coffee mealybug on one property in Seisia and the Jack Beardsley mealybug on three properties in Weipa. Attempts to eradicate the mealybugs on Cape York are unlikely to be successful (because of the broad host range and windborne dispersal) and reinvasion is highly likely from the populations that are present on nearby Torres Strait islands.

Movement of these pests is controlled in the Torres Strait under Australian Government restrictions associated with the Torres Strait Protected Zone and Special Quarantine Zone. There are currently no regulatory controls for these species on mainland Australia. It is proposed to introduce regulatory controls on the movement of these species.

Exception to restrictions on movement of CGMMV risk items

CGMMV can infect a range of cucurbit plants including watermelon, cucumber, melons, zucchini, pumpkin, squash, bitter melon (or bitter gourd), long melon (bottle gourd) and other cucurbit and related weed species. As the disease progresses, infected plants wilt, fruit becomes unmarketable and the plant will often die. Queensland is a major producer of cucurbits with an estimated Gross Value of Production of around \$180 million and domestic and international exports are important to the industry.

CGMMV was first detected in Australia in the Northern Territory in September 2014. On 17 April 2015, its presence at one mixed farming enterprise in Queensland was confirmed.

Considerable surveillance has been undertaken throughout Queensland for CGMMV since the detection of the virus in the Northern Territory but there remains only one known infected property in Queensland. The whole of Queensland is currently declared to be a Pest Quarantine Area for CGMMV under section 11 of the *Plant Protection Act 1989* (the Act) with restrictions to prevent the further introduction and spread of CGMMV

within Queensland and to provide for its eradication. For the owner of the infected property in Queensland this means that cucurbits (plants or fruit), soil, or equipment or machinery used in the production of cucurbits cannot be moved off the infected property without an inspector's approval. Similar provisions apply to interstate growers with infected properties.

All Australian jurisdictions have agreed that fruit of cucurbits is a low risk pathway for CGMMV spread based on advice of a risk assessment working group (established to provide information on the National Management Strategy) and have recently agreed that there should be no restrictions on interstate trade of host fruit.

Achievement of policy objectives

The policy objectives will be achieved by providing for the following under this subordinate legislation—

Pyriform scale

The subordinate legislation will

- prescribe pyriform scale as a pest under Part 1 (Animals - Insects and mites) of Schedule 1 (Prescribed pests) of the *Plant Protection Regulation 2002* (the Regulation) for the purposes of section 4 (Pest declarations) of the Act;
- prescribe pyriform scale as a notifiable pest under Part 1 (Animals - Insects and mites) of Schedule 2 (Notifiable pests) of the Regulation; and
- establish the whole of Queensland as a Pest Quarantine Area (PQA) under section 11 (Pest quarantine area) of the Act.

These measures will enable the prevention of the introduction of this pest into Queensland by imposing restrictions on the entry into the PQA of prescribed restricted plants which may carry pyriform scale where the introduction is for business movement. The definition of business movement is found in section 6M of the Act. Generally, it will cover movement of the restricted plants into the PQA where the movement happens for trade or business and before the restricted plant comes into possession of a consumer. Private movement of the restricted plants is considered to pose a very low risk that can be dealt with via existing measures.

The entry into the PQA of the restricted plants will be prohibited unless an inspector gives approval. An inspector's approval will provide entry requirements for the restricted plants, such as conditions where relevant. An inspector may only give approval where the introduction or movement under the approval will not pose a significant risk of introducing or spreading the pest.

Also, prescribing pyriform scale as a notifiable pest imposes an obligation on land owners who become aware of the existence of the pest on their land to notify a Biosecurity Queensland inspector within 24 hours after becoming aware of the pest. This will ensure a timely response to prevent the potential spread of the pest and target removal measures for its eradication.

These measures will also align Queensland with other jurisdictions. New South Wales and Victoria are introducing new entry restrictions for this pest. South Australia has introduced these restrictions and the Northern Territory already has entry restrictions for all scale insects.

Mealybugs

The subordinate legislation will—

- prescribe coffee mealybug and Jack Beardsley mealybug as pests under Part 1 (Animals – Insects and mites) of Schedule 1 (Prescribed pests) of the Regulation for the purposes of section 4 (Pest declarations) of the Act;
- prescribe coffee mealybug and Jack Beardsley mealybug as notifiable pests under Part 1 (Animals – Insects and mites) of Schedule 2 (Notifiable pests) of the Regulation; and
- prescribe coffee mealybug and Jack Beardsley mealybug as targeted pests under Schedule 12 (Cape York Peninsula targeted pests) of the Regulation.

These measures will enable the imposition of restrictions to prevent movement of the mealybugs, or plants infected with these pests, out of Cape York Peninsula and into production areas where the pests would likely have a detrimental effect on a wide range of plant industries.

Having the pests notifiable will also promote timely reporting of possible spread of the pests that would give the best chance of localised control/eradication.

Lastly, these measures will enable Queensland to satisfy the national expectation that the movement of the mealybug pests will be regulated.

CGMMV

The subordinate legislation will exclude the fruit of cucurbits from the restrictions defined under section 172 (Restriction on introducing and moving particular items in pest quarantine area) of the Regulation as fruit is considered to be a low risk pathway for the pest.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the policy objectives of the Act of which the main objectives are to—

- (a) prevent, control or remove pest infestation of plants in Queensland; and
- (b) help other jurisdictions prevent, control or remove plant pests, diseases, pest infestations, infections or conditions; and
- (c) facilitate the movement of plants into and out of Queensland.

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 benefit the community by preventing the introduction of pyriiform scale into Queensland and by reducing the potential spread of mealybugs in Queensland by providing the Government with appropriate measures to respond to these pests.

Cucurbit growers will also benefit from the reduced burden from lifting the restrictions on cucurbit fruit applying to CGMMV.

The State Government will not incur any additional costs in the implementation of this subordinate legislation.

Consistency with fundamental legislative principles

The subordinate legislation does not raise any issues regarding fundamental legislative principles.

Consultation

In regard to pyriform scale and the mealybugs, fifteen peak plant industry bodies were consulted through the national CCEPP forum. For pyriform scale, it was agreed that all states (other than Western Australia) and territories would consider development and implementation of quarantine entry conditions for this pest to prevent it spreading to other parts of Australia. For mealybugs, the CCEPP (including peak industry bodies) supported regulation to restrict movement and facilitate early detection in Australia.

The Plant Health Committee, which is the peak government plant biosecurity policy and decision-making forum, is developing a National Management Strategy for CGMMV, which includes regulatory and operational measures. Representatives involved in developing the strategy include the Australian vegetable and potato industry peak body, AUSVEG, Nursery and Garden Industry of Australia, the NT Farmers Association and the Australian Melon Association. These stakeholders are highly supportive of lifting restrictions on fruit movements.

The Office of Best Practice Regulation (OBPR) of the Queensland Productivity Commission was consulted. The OBPR advised that a Regulatory Impact Statement was not required as the proposed changes were excluded from the Regulatory Impact System given that the measures have been consulted and agreed at the national level, and restriction of the pests is required as an immediate response to prevent damage to property.