

Queensland



Plant Protection Act 1989

**PLANT PROTECTION
(SUGARCANE SMUT)
QUARANTINE REGULATION
1998**

**Reprinted as in force on 1 September 2002
(regulation not amended up to this date)**

This is the reprint current on the repeal date

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 1 September 2002.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

See endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

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Queensland



PLANT PROTECTION (SUGARCANE SMUT) QUARANTINE REGULATION 1998

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Regulation 1998*

PLANT PROTECTION (SUGARCANE SMUT) QUARANTINE REGULATION 1998

[reprinted as in force on 1 September 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Plant Protection (Sugarcane Smut) Quarantine Regulation 1998*.

2 Definitions

In this regulation—

“**appliance**” see section 3(1)¹ of the Act.

“**clearance certificate**”, for an appliance, means a certificate—

- (a) issued by—
 - (i) an inspector of the department of government of Western Australia that deals with agricultural matters; or
 - (ii) a person approved by the Director; and
- (b) stating that all plant material, sugarcane smut spores and soil have been removed from the appliance by—
 - (i) disassembling it (if necessary); and
 - (ii) steam cleaning or washing it with a water and detergent mixture under high pressure.

“**Director**” means the Director of Sugar Experiment Stations.²

1 Section 3 (Definitions) of the Act—

“**appliance**” includes any vehicle, machinery, equipment or apparatus of any kind.

2 The Director is employed under the *Sugar Industry Act 1991*, section 70.

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“**host plant**” means a plant mentioned in the schedule.

“**Ord Irrigation District**” means the Ord Irrigation District in Western Australia constituted as an irrigation district under section 28(1) of the *Rights in Water and Irrigation Act 1914* (WA).

“**pest quarantine area**” means the pest quarantine area declared under section 4.

“**sugarcane plant**” means a plant of the genus *Saccharum*.

PART 2—NOTIFIABLE PEST DECLARATION

3 Declaration—Act, s 12(1)

The sugarcane smut pest is declared to be a notifiable pest for section 12³ of the Act.

PART 3—PEST QUARANTINE AREA

Division 1—Declaration

4 Pest quarantine area

The whole of Queensland is declared to be a pest quarantine area for the sugarcane smut pest.

3 See section 12 (Notification of pests) of the Act for the notification requirements imposed on owners of land and others.

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Division 2—Objects of quarantine and pest control measures

5 Objects of quarantine

The objects of the quarantine are—

- (a) to prevent the entry into Queensland of the sugarcane smut pest; and
- (b) to restrict the entry into Queensland, and the use and sale in Queensland, of appliances that may spread the sugarcane smut pest.

6 Restriction on entry of pests, plants, soil and appliances etc.

(1) A person must not, without an inspector's written approval, introduce into the pest quarantine area—

- (a) sugarcane smut; or
- (b) a plant infested with sugarcane smut; or
- (c) a host plant from Western Australia or the Northern Territory; or
- (d) soil from a parcel of land in the Ord Irrigation District on which a host plant was growing; or
- (e) any appliance that—
 - (i) is intended to be used on a parcel of land being prepared for planting a host plant, or on which a host plant is growing, in the pest quarantine area; and
 - (ii) has been in contact with a host plant, or on a parcel of land on which a host plant was growing, in the Ord Irrigation District.

(2) Subsection (1)(e) does not apply to an appliance if—

- (a) it is accompanied by a clearance certificate issued after its last contact with a host plant or the last time it was on a parcel of land on which a host plant was growing; and
- (b) the person introducing it notifies the Director, as soon as practicable before it is introduced, of—
 - (i) the date and place of entry into Queensland; and

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- (ii) a place in Queensland where the appliance may be examined by an inspector.

7 Restriction on using appliances

(1) This section applies to a person who uses an appliance in the pest quarantine area on a parcel of land—

- (a) being prepared for planting a host plant; or
- (b) on which a host plant is growing.

(2) The person must not, without an inspector's written approval, use the appliance on the land if the appliance has, within 1 year before its use, been—

- (a) in contact with a host plant in the Ord Irrigation District; or
- (b) on a parcel of land on which a host plant was growing in the district.

8 Restriction on selling appliances

A person must not, without an inspector's written approval, sell an appliance in the pest quarantine area if the appliance—

- (a) is of a type normally used to transport or farm sugarcane plants; and
- (b) has, within 1 year before the sale, been—
 - (i) in contact with a host plant in the Ord Irrigation District; or
 - (ii) on a parcel of land on which a host plant was growing in the district.

9 Restriction on using clothing and footwear

(1) This section applies to clothing or footwear that has been in contact with a host plant, or on a parcel of land on which a host plant was growing, in the Ord Irrigation District.

(2) A person must not, without an inspector's written approval, use the clothing or footwear in the pest quarantine area on a parcel of land—

- (a) being prepared for planting a host plant; or

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(b) on which a host plant is growing.

(3) Subsection (2) does not apply if, at any time before being used on the land in the pest quarantine area—

- (a) for clothing—it was washed for not less than 10 minutes in a water and detergent mixture at a temperature of more than 60°C; and
- (b) for footwear—it was cleaned by removing all sugarcane smut spores and soil with a hot water and detergent mixture.

SCHEDULE

HOST PLANTS

section 2, definition “**host plant**”

PART 1—HOST PLANTS WITH COMMON NAME

Scientific name	Common name
<i>Imperata cylindrica</i>	blady grass
<i>Rottboellia cochinchinensis</i>	itch grass
<i>Saccharum edule</i>	pit pit
<i>Saccharum giganteum</i>	giant plume grass or sugarcane plume grass
<i>Saccharum</i> (interspecific hybrids)	sugarcane
<i>Saccharum officinarum</i>	sugarcane
<i>Saccharum sinense</i>	uba cane or Japanese cane
<i>Saccharum spontaneum</i>	wild cane or pit pit

PART 2—HOST PLANTS WITHOUT COMMON NAME

Scientific name

Saccharum barberi

Saccharum robustum

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	25 August 1998

5 List of legislation

Plant Protection (Sugarcane Smut) Quarantine Regulation 1998 SL No. 237
 made by the Governor in Council on 20 August 1998
 notfd gaz 21 August 1998 pp 1913–14
 commenced on date of notification
 rep 1 September 2002 (2002 SL No. 205 s 132(1))

6 List of annotations

**PART 4—AMENDMENT OF PLANT PROTECTION (PRESCRIPTION OF
PESTS) REGULATION 1993**
pt 4 (ss 10–12) exp 22 August 1998 (see s 12)