



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 104
Wednesday, 18 August 2010

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

PLANT DISEASES ACT 1924

SECTIONS 3(2), 6 AND 8(2)

Plant Diseases (Myrtle Rust Quarantine Area) Notification 2010 No. 2

I, STEVE WHAN, M.P., Minister for Primary Industries, by this Notification pursuant to sections 3(2), 6 and 8(2) of the *Plant Diseases Act 1924*, make the following declaration of a quarantine area on account of the presence of the disease Myrtle Rust and state the nature of the quarantine.

1. Name of Notification

This Notification is the *Plant Diseases (Myrtle Rust Quarantine Area) Notification 2010 (No. 2)*.

2. Commencement

This Notification commences on the date it is published in the Government Gazette.

3. Definitions

In this Notification:

approved fungicide means a fungicide approved by the Australian Pesticides and Veterinary Medicines Authority for the treatment of Myrtle Rust.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for movement of host plant material and other things to intrastate markets.

collection facility means any waste disposal facility owned or operated by Gosford City Council or Wyong Shire Council

Department means Industry and Investment, NSW – Primary Industries.

host plant material means plant or plant material of the family Myrtaceae, excluding logs, timber and timber products without leaf.

Myrtle Rust means the disease caused by the fungal pathogen *Uredo rangelii*.

Plant Health Certificate means a certificate issued by an authorised person.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

quarantine area – see paragraph 5 and Schedule 1.

treatment facility means a facility located in the Local Government Area of Lake Macquarie City that is accredited under Certification Assurance Arrangement Procedure-03 for the treatment of host plant material by composting or pasteurization.

the Act means the *Plant Diseases Act 1924*.

Note: *covering or package, inspector, occupier and owner* all have the same meaning as in the Act.

4. Revocation of Notification dated 21 July 2010

The Plant Diseases (Myrtle Rust Quarantine Area) Notification 2010 dated 21 July 2010 and published in Government Gazette No. 94 on 23 July 2010 at pages 3581–3583 is revoked.

5. **Declaration of quarantine area**

Pursuant to section 6 of the Act, the land described in Schedule 1 is declared to be a quarantine area on account of the presence of Myrtle Rust.

6. **Nature of quarantine**

Pursuant to sections 6 and 8(2) of the Act, the nature of the quarantine applying to the quarantine area is as follows:

(a) the movement of any:

- (i) host plant material which is suspected to be infected or is infected with Myrtle Rust; or
- (ii) covering, packaging, machinery or thing which is suspected to be carrying or is carrying Myrtle Rust,

out of the quarantine area is prohibited, except for such movements as are specified in Schedule 2 and comply with the relevant conditions of exception (if any) set out in Schedule 2;

- (b) the movement of any host plant material out of the quarantine area is prohibited, except for such movements as are specified in Schedule 3 and comply with the relevant conditions of exception set out in Schedule 3;
- (c) the movement of any covering, packaging, machinery or thing which has been used in the culture, harvesting or packing of host plant material, out of the quarantine area, is prohibited, except for such movements as are specified in Schedule 4 and comply with the relevant condition of exception set out in Schedule 4.

SCHEDULE 1 – MYRTLE RUST QUARANTINE AREA

The Local Government Areas of Gosford and Wyong.

SCHEDULE 2 – EXCEPTIONS FOR TREATMENT OR DIAGNOSTIC PURPOSES

- 1. Movements for the purpose of treatment which are the subject of a notice served by an authorised person under section 13(2) of the Act.
- 2. Movements for diagnostic purposes, subject to the following conditions:
 - (a) the host plant material, covering, packaging, machinery or thing must be collected and transported by an authorised person; and
 - (b) the host plant material, covering, packaging, machinery or thing must be taken to a government operated diagnostic laboratory.

SCHEDULE 3 – EXCEPTIONS FOR HOST PLANT MATERIAL

- 1. Movements of host plant material that originates from a property which is owned or occupied by a business accredited under a Certification Assurance Arrangement, subject to the following condition:
 - (a) The host plant material must be accompanied by a Plant Health Assurance Certificate certifying that the host plant material originates from a property which is owned or occupied by a business accredited under a Certification Assurance Arrangement.
- 2. Movements of host plant material that has been inspected by an authorised person and determined by the authorised person to be free of Myrtle Rust, subject to the following conditions:
 - (a) The property from which the host plant material originates must not have shared host plant material or any covering, packaging, machinery or thing which has been used in the culture, harvesting or packing of host plant material, with any property known to be infected with Myrtle Rust; and
 - (b) Prior to movement, the host plant material must be treated with an approved fungicide; and
 - (c) The host plant material must be accompanied by a Plant Health Certificate certifying that the host plant material:
 - (i) has been inspected by an authorised person and determined by the authorised person to be free of Myrtle Rust; and
 - (ii) has, prior to movement, been treated with an approved fungicide;
- 3. Movements of tissue culture that has been inspected by an authorised person and determined by the authorised person to be free of Myrtle Rust, subject to the following condition:
 - (a) The tissue culture must be accompanied by a Plant Health Certificate certifying that the tissue culture has been inspected by an authorised person and determined by the authorised person to be free of Myrtle Rust.

4. Movements of host plant material from a collection facility to a treatment facility for the purpose of treatment outside of the quarantine area, subject to the following conditions:
- (a) Prior to movement of any host plant material from the collection facility, the owner or occupier of the collection facility must ensure that:
- (i) all loads carrying any host plant material are covered securely; and
 - (ii) a designated transport route between the collection facility and the treatment facility has been nominated by Gosford City Council or Wyong Shire Council (whichever is applicable) and notified in writing to an inspector; and
 - (iii) the transport provider has appropriate written standard operating procedures in place for the management of spillage of host plant material outside the quarantine area prior to delivery to the treatment facility;
- and
- (b) Prior to movement of any host plant material from the collection facility, the owner or occupier of the collection facility must make accurate and detailed records of the proposed movement. The records must include the following information:
- the date each load is to be moved;
 - the volume of each load to be moved; and
 - the vehicle registration number of the vehicle transporting each load.

Any records made under this condition must be kept for at least two years from the date it was made and must be made available to an inspector upon request;

SCHEDULE 4 – EXCEPTIONS FOR USED COVERINGS, PACKAGING, MACHINERY OR THINGS

1. Movements of coverings, packaging, machinery or things that have been used in the culture, harvesting or packing of host plant material that has been cleaned free of organic matter and soil.

Signed this 18th day of August 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

PLANT DISEASES ACT 1924

Instrument of Delegation

I, STEVE WHAN, M.P., Minister for Primary Industries, pursuant to section 3A of the *Plant Diseases Act 1924* hereby delegate the functions of the Minister in sections 6 and 8 of the Act to the members of staff who from time to time hold, occupy or perform the duties of the positions named below:

Director-General
Deputy Director-General, Primary Industries
Principal Director, Biosecurity,
Director, Plant Biosecurity.

Dated this 18th day of August 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

ISSN 0155-6320

Authorised to be printed
DENIS H. HELM, Government Printer.