



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 117

Friday, 2 November 2012

Published under authority by the Department of Premier and Cabinet

SPECIAL SUPPLEMENT

PLANT DISEASES (LUPIN ANTHRACNOSE) ORDER 2012

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director, Plant Biosecurity, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the Plant Diseases Act 1924 ("the Act"), and in pursuance of sections 3 (2) and 4 of the Act being of the opinion that the importation, introduction or bringing of lupin plant material, used packaging or used agricultural equipment into New South Wales is likely to introduce the disease lupin anthracnose into New South Wales, make the following Order regulating the importation, introduction or bringing of lupin plant material, used packaging and used agricultural equipment into New South Wales.

1 Name of Order

This Order is the Plant Diseases (Lupin Anthracnose) Order 2012.

2 Commencement

This Order commences on the date it is published on the Department's internet website.

3 Interpretation

In this Order:

area freedom certificate means a certificate:

- (a) approved by the officer responsible for plant biosecurity in the State or Territory, and
- (b) certifying that the State or Territory, or part of the State or Territory, is free of lupin anthracnose.

Certification Assurance Arrangement means an arrangement approved by the Department of Primary Industries which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for movement to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is a Compliance Agreement or the Interstate Certification Assurance (ICA) Scheme.

lupin anthracnose means the disease of the *Lupinus* species caused by the fungus *Colletotrichum lupini*.

lupin plant material means a plant of the *Lupinus* species or a plant product derived from a plant of the *Lupinus* species.

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

Plant Health Certificate means a certificate (known as a Plant Health Certificate) issued by:

- (a) an inspector or a person authorised pursuant to section 11 (3) of the Act; or
- (b) a person authorised under a law of another State or Territory that relates to plant biosecurity.

the Act means the Plant Diseases Act 1924.

used agricultural equipment means any agricultural equipment that has been used in the growing, harvesting or processing of lupin plant material.

used packaging means any covering or packaging that has contained lupin plant material.

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

4 Revocation of Proclamation P129

Pursuant to sections 4 and 3 (2) of the Act and clause 8 of Schedule 3 to the Act, Proclamation P129 titled “Proclamation to regulate the importation, introduction and bringing into New South Wales of lupin plant material, used agricultural equipment and used packaging on account of the disease Lupin Anthracnose” published in *NSW Government Gazette* No. 201 on 1 November 2002 at pages 9366 to 9367 is revoked, as is any Proclamation revived as a result of this revocation.

5 Regulation of the movement of lupin plant material

- (1) Pursuant to section 4 (1) of the Act, the importation, introduction or bringing into New South Wales of lupin plant material is regulated as specified in this clause.
- (2) Lupin plant material must not be moved into New South Wales unless:
 - (a) an area freedom certificate is currently in force in respect of the State or Territory, or part of the State or Territory, where the lupin plant material (or the plant from which the lupin plant material was derived) was grown; and
 - (b) the lupin plant material or the covering or packaging containing the lupin plant material, is labelled or otherwise clearly identified with:
 - (i) the name and postcode of the city or town nearest to the place where the lupin plant material (or the plant from which the lupin plant material was derived) was grown; and
 - (ii) a description of the lupin plant material.

6 Regulation of the movement of used packaging

- (1) Pursuant to section 4 (1) of the Act, the importation, introduction or bringing into New South Wales of used packaging is regulated as specified in this clause.
- (2) Used packaging must not be moved into New South Wales unless:
 - (a) an area freedom certificate is currently in force in respect of the State or Territory, or part of the State or Territory, in which the used packaging was last used; and
 - (b) the used packaging is labelled or otherwise clearly identified with:
 - (i) the name and postcode of the city or town nearest to the place in which the used packaging was last used; and
 - (ii) a description of the used packaging.

7 Regulation of the movement of used agricultural equipment

- (1) Pursuant to section 4 (1) of the Act, the importation, introduction or bringing into New South Wales of used agricultural equipment is regulated as specified in this clause.
- (2) Used agricultural equipment must not be moved into New South Wales unless:
 - (a) an area freedom certificate is currently in force in respect of the State or Territory, or part of the State or Territory, in which the used agricultural equipment was last used; or
 - (b) the following requirements are satisfied:
 - (i) the used agricultural equipment must be free of all soil and organic matter; and
 - (ii) the used agricultural equipment must be accompanied by a Plant Health Certificate certifying:
 - (A) the place in which the used agricultural equipment was last used; and
 - (B) that the used agricultural equipment has been cleaned to remove all soil and organic matter; and
 - (iii) at least 7 days prior to the date on which it is intended to move the used agricultural equipment, the Department of Primary Industries must be provided with:
 - (A) a copy of the Plant Health Certificate that will be accompanying the used agricultural equipment; and
 - (B) the date on which it is intended to move the used agricultural equipment; and
 - (C) the contact details of the consignor and the consignee of the used agricultural equipment; or
 - (c) the following requirements are satisfied:
 - (i) the used agricultural equipment must be free of all soil and organic matter; and
 - (ii) the used agricultural equipment must be accompanied by a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.

Dated this 26th day of October 2012.

SATENDRA KUMAR,
Director, Plant Biosecurity,
Department of Primary Industries

(an office within the Department of Trade and Investment, Regional Infrastructure and Services)

Note: The Department’s reference is O-431.

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