



Queensland

Plant Protection Amendment Regulation (No. 1) 2015

Subordinate Legislation 2015 No. 5

made under the

Plant Protection Act 1989

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[s 1]

1 Short title

This regulation may be cited as the *Plant Protection Amendment Regulation (No. 1) 2015*.

2 Regulation amended

This regulation amends the *Plant Protection Regulation 2002*.

3 Insertion of new ch 3, pt 18

Chapter 3—

insert—

**Part 18 Cucumber green mottle
mosaic virus**

169 Definitions for pt 18

In this part—

at any time includes any time before the commencement of this section.

CGMMV means Cucumber green mottle mosaic virus.

infested plant means a plant of the family Cucurbitaceae infested with CGMMV.

Examples of plants of the family Cucurbitaceae—

cucumber, melon, pumpkin, squash

pest quarantine area means the pest quarantine area declared under section 170.

restricted item means any of the following—

- (a) soil that has, or may have, come in contact at any time with infested plants;
- (b) an appliance that was, or may have been, used at any time in the planting, harvesting or production of plants of the family

Cucurbitaceae, including, for example, harvesting bins, knives and secateurs;

- (c) materials that were, or may have been, used at any time for packaging plants of the family Cucurbitaceae if the packaging is or may have been for the purposes of a business movement of those plants for the pest quarantine area.

170 Declaration of pest quarantine area—Act, s 11

The whole of Queensland is declared to be a pest quarantine area for CGMMV.

171 Objects of quarantine

The objects of the quarantine for the pest quarantine area are—

- (a) to prevent the introduction of CGMMV into the pest quarantine area; and
- (b) to prevent the spread of CGMMV within the pest quarantine area; and
- (c) to control CGMMV within or remove CGMMV from the pest quarantine area.

172 Restriction on introducing and moving particular items in pest quarantine area

- (1) A person must not, without an inspector's approval, introduce the following into, or move the following within or out of, the pest quarantine area—
 - (a) a plant of the family Cucurbitaceae if the movement is a business movement for the area;
 - (b) CGMMV (whether in existence as part of an infested plant or otherwise);

- (c) a restricted item.
- (2) An inspector may make an approval, with or without conditions, that allows a person to be exempted from subsection (1) if an introduction or movement under the approval will not pose a significant risk of introducing or spreading CGMMV.
- (3) A person may introduce or move a thing as mentioned in subsection (1) under an approval under subsection (2).

172A Obligation to keep documents relating to movement

- (1) This section applies to the owner of a parcel of land in the pest quarantine area if a plant of the family Cucurbitaceae—
 - (a) is introduced from out of the pest quarantine area to the parcel of land under an approval mentioned in section 172(2); or
 - (b) is moved from the parcel of land to another parcel of land in the area or out of the area.
- (2) The owner of the parcel of land must keep a copy of each business document relating to the introduction or movement of the plant for at least 1 year after it is introduced or moved, unless section 11C or 11D of the Act applies to that person in relation to the business document.

172B Obligation of land owner to allow surveillance

- (1) If an inspector requires an owner of land in the pest quarantine area to allow the inspector to perform surveillance, including inspection, of the land to look for and monitor the spread of CGMMV, the owner must allow the inspector to perform the surveillance.

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- (2) Without limiting subsection (1), an inspector may perform surveillance of the land by—
- (a) examining a plant on the land; or
 - (b) examining any appliance that may have come into contact at any time with an infested plant; or
 - (c) taking, without payment, a sample of a plant or soil on the land and testing the sample, including by taking the sample to a laboratory for testing.
- (3) If a thing on land, other than a dwelling house or another structure affixed to the land, would obstruct the inspector performing surveillance of the land, the inspector may direct the owner of the land to move or remove the thing.
- (4) When making a requirement under subsection (1) or giving a direction under subsection (3), the inspector must give the person an offence warning.
- (5) In this section—
- surveillance*, in relation to land, does not include surveillance of a dwelling house on the land.
- testing*, a sample of a plant, includes taking actions that may result in destroying the plant.

172C Requirement to treat plants or restricted item

- (1) An inspector may give a person who is the owner of, or appears to be in charge of, land or a thing in the pest quarantine area, a written requirement—
- (a) to treat plants on the land or a restricted item in the area; or
 - (b) to destroy infested plants or plants that, under section 5 of the Act, are deemed to be infested.

[s 4]

- (2) A person given a requirement under subsection (1) must comply with the requirement in the way, and at the time, stated in the requirement.
- (3) The requirement must include an offence warning.

4 Insertion of new ch 4, pt 3

Chapter 4—

insert—

Part 3 Transitional provision for Plant Protection Amendment Regulation (No. 1) 2015

175 Saving of obligation to keep particular document

- (1) This section applies to the owner of a parcel of land if the owner was, before the commencement, required under the *Plant Protection (Cucumber Green Mottle Mosaic) Quarantine Notice 2014*, section 7 to keep a copy of any relevant movement document as mentioned in that section.
- (2) To remove doubt, it is declared that the owner's obligation to keep the document for at least 1 year as stated in that section was not, and is not, affected even though the notice no longer remains in force.

5 Amendment of sch 1 (Prescribed pests)

Schedule 1, part 2, under the heading 'B Viruses and viroids',
under the heading 'Viruses'—

insert—

Cucumber green mottle mosaic virus

6 Amendment of sch 2 (Notifiable pests)

Schedule 2, part 2, under the heading ‘B Viruses and viroids’,
under the heading ‘Viruses’—

insert—

Cucumber green mottle mosaic virus

7 Amendment of sch 13 (Dictionary)

(1) Schedule 13—

insert—

at any time, for chapter 3, part 18, see section 169.

CGMMV, for chapter 3, part 18, see section 169.

infested plant, for chapter 3, part 18, see section 169.

(2) Schedule 13, definition *pest quarantine area*—

insert—

(p) for chapter 3, part 18—see section 169.

(3) Schedule 13, definition *restricted item*—

insert—

(c) for chapter 3, part 18—see section 169.

ENDNOTES

- 1 Made by the Governor in Council on 17 February 2015.
- 2 Notified on the Queensland legislation website on 18 February 2015.
- 3 The administering agency is the Department of Agriculture and Fisheries.