

BIOSECURITY ACT 2015

Discussion Paper: NSW Potato Industry

December 2015



Photo: © NSW Department of Primary Industries

Comments on this paper close on 12 February 2016

Email your comments to: submissions.biosecuritylegislation@dpi.nsw.gov.au

Post your comments to: Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

Published December 2015

For more information

See: www.dpi.nsw.gov.au/biosecurityact

Email: submissions.biosecuritylegislation@dpi.nsw.gov.au

Ref: INT15/126602

© State of New South Wales through the Department of Industry, Skills and Regional Development, 2015. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Primary Industries as the owner.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

Summary

The *Biosecurity Act 2015* (Biosecurity Act) will repeal the *Plant Diseases 1924*, which currently provides the regulatory controls and powers with respect to certain plant pests and diseases that impact potato production in NSW.

Having considered existing management arrangements and risks associated with pests and diseases to potato production, it is proposed to utilise a range of tools under the Biosecurity Act. Specifically it is proposed to:

- manage 'Emergency' potato pests and diseases as '**prohibited matter**';
- manage potential carriers of prohibited matter from entering NSW using the **General Biosecurity Duty with mandatory measures**; and
- establish **Biosecurity Zones** covering the two major seed potato production areas in NSW, which will include restrictions on the movement of carriers of pests and diseases into the zones.

Background

What is the problem?

In NSW there are two seed potato production areas, one in the Central Tablelands based around the town of Crookwell and the other in the Northern Tablelands, based around the town of Guyra. As part of the 'National Certified Seed Potato Scheme' this industry produces disease free seed potatoes for sale to commercial potato growers and home gardeners across Australia. The major commercial ware and processing potato production areas in NSW are the Riverina district, the tablelands districts and the coastal districts.

There are a number of pests and diseases that are not currently found in NSW but would threaten the productivity of the potato industry should they be introduced, for example, potato cyst nematode (PCN) which is present in certain areas of Victoria.

There are also other diseases that are present in NSW but are absent from the seed potato production areas and are of concern to industry, including powdery scab, bacterial wilt and a number of potato viruses.

Why is it important?

Potatoes are the largest vegetable crop in NSW (worth over \$68 million a year)¹. In 2014, 139 potato producing properties in NSW contributed to the production of over 120 000t of potato².

What is the outcome we are seeking?

The desired outcome is to ensure market access by preventing, controlling and managing negative impacts of pests and diseases on potato production in NSW.

Current management arrangements

Potato pests and diseases in NSW are currently controlled and managed through a number of proclamations, orders and permits made under the *Plant Diseases Act 1924* (PD Act). These instruments:

¹ Australian Bureau of Statistics, Catalogue number 75030: Value of Agricultural Commodities Produced, Australia 2013-14.

² Australian Bureau of Statistics, Catalogue number ABS 71210: Agricultural Commodities Australia 2013-14

- declare certain exotic pests and diseases as ‘emergency plant pests and diseases’ for the purposes of the PD Act, including PCN.
- establish the NSW Seed Potato Protected Areas (SPPA) and regulate the importation, introduction and bringing of potatoes, soil and other things into NSW and into the SPPA. The specific intention is to prevent the introduction of PCN into NSW, and powdery scab, bacterial wilt and other certain potato viruses from entering the SPPA from other areas of NSW and other states.
- regulate the movement, treatment and disposal of PCN linked potato processing waste.

There is one Interstate Certification Assurance arrangement in place for businesses to certify potatoes for movement to other States and Territories, [ICA-59 Property Freedom of Potatoes for Potato Cyst Nematode](#). There is also a Certification Assurance arrangement in place for businesses to certify host plant material free of PCN before movement within NSW, [CA-05 Biosecure Transport and Treatment of Host Plant Material Destined for Recycling or Waste](#).

Proposed management under the NSW Biosecurity Act 2015

Prohibited Matter

The current ‘emergency’ and ‘notifiable’ potato pests and diseases under the PD Act have been included as Prohibited Matter’ in Schedule 2 to the Biosecurity Act, including PCN (golden and pale), Colorado potato beetle, tomato potato psyllid, potato wart and zebra chip.

Prohibited matter is tightly regulated, and it is an offence to deal with it in any way other than under the most limited and controlled circumstances (e.g., research permits). A legal duty to notify also applies where prohibited matter is present or suspected to be present.

If an authorised officer knows or suspects that there is prohibited matter on a property, he or she may accept a **Biosecurity Undertaking** from the owner or person in charge (and adjoining property holders) or issue a **Biosecurity Direction** to the person in charge (and adjoining property holders). A biosecurity undertaking or biosecurity direction will detail the actions and requirements that must be undertaken with respect to the prohibited matter.

An **Emergency Order** or **Control Order** can also be implemented to respond to an incursion of a pest or disease that poses a significant biosecurity risk. The orders are designed to isolate, prevent the spread and eliminate the biosecurity matter. The Biosecurity Act allows the Secretary and Minister to take action regardless of whether the biosecurity matter is on the prohibited matter list.

Mandatory Measures

It is proposed to regulate potential *carriers* of Potato cyst nematode (PCN) and Potato spindle tuber viroid (PSTVd) into NSW using the General Biosecurity Duty (GBD) with **Mandatory Measures**. Mandatory measures are regulations that will, for example:

- restrict the importation into NSW of potato propagated material (e.g., seed potatoes) unless certified free of PSTVd or from a state or part of a state with Area Freedom
- restrict the importation into NSW from PCN linked land processing potatoes or ware potatoes, bulbs and rooted vegetables, used agricultural machinery, nursery stock, used packaging, or small retail packages unless it has relevant certification that the matter is free of PCN
- require the movement of PCN linked potato processing waste to be accompanied by a Plant Health Assurance Certificate certifying that certain treatment conditions have been met
- require the treatment and disposal of PCN linked potato waste by an accredited treatment facility to be carried out in accordance with certification assurance arrangement.

Biosecurity Zone

It is also proposed to establish the current SPPA's as **Biosecurity Zones** under the Biosecurity Act. The biosecurity zones will be established by regulation and will prohibit the importation of potato propagative material, used packaging, soil, used agricultural machinery, and diagnostic samples into the Biosecurity Zones unless the consignment is accompanied by a **Biosecurity Certificate** (e.g., Plant Health Certificate), or a certificate/label issued under a National Certified Seed Scheme endorsing that the consignment has met the specific conditions of entry.

General Biosecurity Duty

The **General Biosecurity Duty (GBD)** applies to all dealings with plant pests and diseases that affect potato production in NSW, including powdery scab, bacterial wilt and other potato viruses. The GBD is in addition to any requirements included in biosecurity zones or other instruments made under the Biosecurity Act. The GBD requires any person dealing with biosecurity matter or a carrier of biosecurity matter (such as infected host plant material) and who knows or ought to know of the biosecurity risks associated with that biosecurity matter to take measures to prevent, minimise or eliminate the risk as far as is reasonably practicable.

For example, it is reasonable that an owner of a commercial potato operation ought to know the risks of used potato harvesting equipment and should ensure that used equipment is clean and free of soil and potato plant material before leaving the property to minimise the risk of spreading potential pests and diseases to another property.

How you can discharge your GBD may be outlined in Industry Standards, Codes of Practice, guidelines or through other advisory or education material. The Biosecurity Act includes various offences for failing to discharge the GBD.

What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'NSW Potato Industry' at:
<https://www.surveymonkey.com/r/NSWpotatoindustry>.

Alternatively, submit your feedback **by Friday, 12 February 2016** via [email](#) or post to:

Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.

NSW Potato Industry

Biosecurity Act How will it work?

The Biosecurity Act 2015 will repeal the Plant Diseases Act 1924 and provide the framework for managing biosecurity risks in the potato industry.

**Potato cyst nematode, Colorado potato beetle,
Tomato potato psyllid, Potato wart and Zebra chip**



**Potential carriers of Potato cyst nematode (PCN)
and Potato spindle tuber viroid (PSTVd)**



**All Potato pests and diseases
eg powdery scab, bacterial wilt**

