



BIOSECURITY ACT 2015

Discussion Paper: Queensland Fruit Fly

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

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For more information

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

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Summary

The *Biosecurity Act 2015* (Biosecurity Act) will repeal the *Plant Diseases Act 1924*, which currently provides the regulatory basis and powers for responding to biosecurity risks associated with Queensland Fruit Fly (QFF).

Having considered existing management arrangements and risks associated with the pest, it is proposed to manage QFF by way of the **General Biosecurity Duty**. There is also the option of implementing a **Control Order** to manage QFF populations in defined areas, such as the Greater Sunraysia Pest Free Area (GSPFA).

Background

What is the problem?

Queensland fruit fly is native to eastern Queensland and north-eastern NSW. Many horticultural crops, including over 100 varieties of commercially cultivated fruit varieties, are suitable hosts (for example, stone fruit, grapes, citrus, pome fruit (apples and pears) and tomatoes). In addition, the QFF host range spans up to 243 native species providing a cascade of hosts for the entire year.

The distribution of QFF covers Queensland, most of NSW and most of Victoria. QFF is considered endemic in most parts of NSW.

Why is it important?

Queensland fruit fly is a key pest of a number of New South Wales horticultural industries with a gross value of approximately \$1 billion each year¹. Industries such as citrus, grapes, melons, blueberries, apples and glasshouse vegetables are significant contributors to the regional economies of NSW. Fresh and processed fruit and vegetables are also important products for export markets with NSW horticultural exports valued at over \$100 million a year, excluding wine. Inclusive of wine products NSW export value extends to over \$570 million².

The presence of QFF in host produce restricts market access for both interstate and international trade.

What is the outcome we are seeking?

The desired outcome is to ensure market access by managing negative impacts of the pest on NSW horticulture crops and supporting quality assurance and certification arrangements for the purposes of interstate and international trade. Farm and supply chain management of endemic pests is a business decision.

Current management arrangements

Proclamation P80 declares QFF a pest, for the purposes of the *Plant Diseases Act 1924* (PD Act). QFF is regulated through a number of orders, notifications and permits that:

- regulate the importation, introduction or bringing of host fruit that is likely to introduce QFF into the GSPFA;
- regulate the movement of host fruit within the GSPFA through the declaration of Outbreak Areas, Suspension Areas, and Victorian QFF Restricted Area; and

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

² Australian Bureau of Statistics, NSW agricultural exports 2013-14

- declare certain areas to be quarantine areas (known as 'Fruit Fly Management Areas'). Note that there are no current requirements for the control of QFF within the quarantine areas.

Industry currently financially contributes to and manages the prevention, control and eradication activities for QFF in specific areas. Government provides in-kind support for these activities, including implementing the *Code of Practice for Management of Queensland Fruit Fly 1996* ('the CoP') as the national standard for PFAs, QFF surveillance and reporting and co-funded research on management.

NSW DPI currently assists businesses access sensitive markets through its implementation and administration of the Interstate Certification Assurance (ICA) Scheme and bilateral/multilateral agreements. Currently there are several ICA and CA arrangements that facilitate intrastate and interstate trade.

Industry groups, with assistance from government, are currently working to achieve market recognition of QFF 'Area of Low Pest Prevalence' (ALPP) and 'Pest Free Place of Production' (PFPP). Information to assist growers is provided in Industry Biosecurity Plans and other resources.

Proposed Management under the NSW Biosecurity Act 2015

The **General Biosecurity Duty (GBD)** is being proposed to manage QFF. The GBD applies to all dealings with pests and diseases that affect horticultural enterprises. The GBD includes responsibilities for dealing with biosecurity matter and knowing about the risks caused by that biosecurity matter.

The GBD requires any person dealing with biosecurity matter (such as QFF) or a carrier of biosecurity matter (such as infested 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 horticultural crop ought to know of the risks associated with QFF and takes measures to ensure that QFF does not breed uncontrollably on their property. It is also reasonable that a person does not knowingly transport infested fruit within and out of NSW.

How you can discharge your GBD may be outlined in Industry Standards, Codes of Practice (CoP), guidelines or through other advisory or education material. For example, biosecurity manuals and industry biosecurity plans provide information about biosecurity best practice, exotic plant pests and diseases to watch out for, record keeping and reporting. These can be used to support GBD responsibilities.

The Biosecurity Act includes various offences for failing to discharge the GBD.

There is also the option of implementing a **Control Order** to manage QFF in defined areas, such as the Greater Sunraysia Pest Free Area (GSPFA) or specific 'outbreak areas'. A control order could also support any industry management and eradication activities, where appropriate. For example, it may require a certain class of people within the area to comply with the requirements of the current CoP.

The Control Order could be in effect for a period of up to 5 years and could be readily amended to adapt to new management arrangements is necessary.

Authorised officers have powers under the Biosecurity Act to respond to circumstances where there is an infestation of QFF that is generating a biosecurity risk. For example, an Authorised Officer could issue a Biosecurity Direction to the owner of an abandoned orchard to prevent, eliminate or minimise the risks arising from the QFF infestation.

The Biosecurity Act includes provisions for Biosecurity Certification and industry self-certification arrangements. Therefore, **Biosecurity Certificates and Certification Assurance arrangements** would continue to be available to provide for the movement of host fruit interstate and within NSW. The Act strengthens these arrangements and includes various offences in relation to these schemes, such as penalties for giving false or misleading information or a false certificate.

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 'Queensland Fruit Fly' at:

<https://www.surveymonkey.com/r/QLDfruitfly>.

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

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

Appendix

