

Biosecurity (Onion Smut) Control Order 2020

under the

Biosecurity Act 2015

I, KATHY GOTT, Acting Director Plant Biosecurity and Product Integrity, Biosecurity and Food Safety Branch, Department of Primary Industries, Regional NSW, with the authorisation of the Minister under section 78 of the *Biosecurity Act 2015 (the Act)* and pursuant to Part 6 of the Act, reasonably believing that this order is necessary prevent the biosecurity risk arising from the introduction, presence, spread or increase of the disease onion smut within the State, make the following control order.

Dated this 23rd day of December 2020



DR KATHY GOTT,
Acting Director Plant Biosecurity and Product Integrity,
Department of Primary Industries
Regional NSW

Part 1 Introduction

1 Name of control order

This control order is the *Biosecurity (Onion Smut) Control Order 2020*.

2 Commencement

This control order commences on the date on which it is published on the Department's website.

3 Duration of control order

This control order has effect for 5 years from the date of commencement.

4 Definitions

In this control order:

Allium plant means any plant that is a member of the *Allium* genus and any part of that plant, including onion, garlic, leek, spring onion, chives and shallots.

Allium soil means any natural or artificial growing matter in which an *Allium* plant has been grown but does not include sterilised plant tissue culture medium.

Area Freedom Certificate means a biosecurity certificate or an interstate biosecurity certificate that certifies the State or Territory, or part of the State or Territory, is free from the specified biosecurity matter.

complying label or **complying identifier** has the meaning given in clause 112(3) of the Biosecurity Regulation 2017.

onion smut means the disease caused by the fungus *Urocystis cepulae*.

Plant Health Certificate means a biosecurity certificate or interstate biosecurity certificate issued by an authorised officer under the Act or a corresponding law in a State or Territory that relates to plant biosecurity.

sterilised plant tissue culture medium means sterilised growth medium used to grow small pieces of plant tissue under sterile conditions.

the Act means the *Biosecurity Act 2015*.

used Allium production equipment means any equipment or machinery that has been in contact with *Allium* soil in the previous 15 years.

5 Biosecurity matter and biosecurity risk [s63(a)]

- (1) The biosecurity matter to which this control order relates is onion smut.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy and the community that arises from the introduction of onion smut into New South Wales.

6 Onion Smut Control Zone – Whole of NSW [s63(b)]

- (1) The control measures specified under this control order apply in relation to the whole of New South Wales.
- (2) The control zone is called the *Onion Smut Control Zone*.

7 Person or class of persons to whom the control measures apply [s63(d)]

The control measures specified under this control orders apply to all persons.

Part 2 Control measures

8 Regulation of movements of *Allium* soil into the Onion Smut Control Zone [ss63(d), 68, 69(c)]

A person must not import into the Onion Smut Control Zone any *Allium* soil unless:

- (a) the *Allium* soil was sourced from a State or Territory, or part of a State or Territory, that is free from onion smut as evidenced by an Area Freedom Certificate currently in force, and
- (b) the *Allium* soil has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the *Allium* soil was sourced.

Note: An *Allium* plant or part of a plant must not be imported into the Onion Smut Control Zone unless it is free of soil.

9 Regulation of movements of used *Allium* production equipment into the Onion Smut Control Zone [ss63[d], 68, 69(c), 69(e)]

- (1) A person must not import used *Allium* production equipment into the Onion Smut Control Zone unless:
 - (a) the equipment has only been used in a State or Territory, or part of a State or Territory, that is free from onion smut as evidenced by an Area Freedom Certificate currently in force, or
 - (b) the equipment is:
 - (i) cleaned using high pressure water to remove all plant material and soil,
 - (ii) treated with a solution containing not less than 100ppm available chlorine, used as a spray rinse or dump treatment, and
 - (iii) accompanied by a Plant Health Certificate that certifies that these control measures have been carried out.