

Biosecurity (Banana Bunchy Top Virus) Control Order 2017

under the

Biosecurity Act 2015

I, BRUCE M. CHRISTIE, Deputy Director General Biosecurity and Food Safety, with the delegated authority of the Minister for Primary Industries, in pursuance of section 62 of the *Biosecurity Act 2015* reasonably believing it is necessary to prevent, eliminate and minimise the biosecurity risk associated with the disease caused by the banana bunchy top virus, make the following Control Order.

Dated this 27th day of June 2017



**BRUCE M CHRISTIE
DEPUTY DIRECTOR GENERAL
BIOSECURITY & FOOD SAFETY NSW
DEPARTMENT OF INDUSTRY**

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to eliminate the biosecurity risk posed by the spread of the disease caused by the banana bunchy top virus within New South Wales.

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1. Name of Order

This Control Order is the *Biosecurity (Banana Bunchy Top Virus) Control Order 2017*.

2. Commencement and Duration

(1) This Control Order commences on 1 July 2017.

(2) This Control Order has effect for 5 years from the date on which the order is made.

Note: Notice of this Control Order will be given by publishing it on the Department's website and in the *NSW Government Gazette*.

3. Definitions

(1) In this Control Order:

banana aphid means the insect *Pentalonia nigronervosa*.

banana bunchy top virus means the virus belonging to the genus *Babuvirus*, family *Nanoviridae* that infects species in the family *Musaceae* causing the symptoms commonly referred to as banana bunchy top.

banana plant means a plant, or part of a plant, of the family *Musaceae*, and includes an individual organism of the family *Musaceae* and mats consisting of several pseudo stems connected by vascular tissue.

banana plant product means any plant product derived from a *Musaceae* plant but does not include processed food or fibre products.

banana propagative material means any banana plant to be used for propagation or planting.

Control Order has the same meaning as in Part 6 of the Act.

control measures has the same meaning as in Part 6 of the Act.

control zone has the same meaning as in Part 6 of the Act.

Certification Assurance Arrangement means a Certification Assurance Arrangement that enables a biosecurity certifier authorised under this Act to issue a Plant Health

Assurance Certificate that meets plant health quarantine conditions for trade within the State.

Plant Health Assurance Certificate is a biosecurity certificate or interstate biosecurity certificate issued in accordance with the requirements of a Certification Assurance Arrangement and includes a document referred to as a Plant Health Assurance Certificate issued by a person who, prior to 1 July 2017, was authorised by the Department to issue the document in accordance with the requirements of a Certification Assurance Arrangement.

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.

the Act means the *Biosecurity Act 2015*.

Note: ***authorised officer, Department, dealing, land*** and ***plant*** all have the same meaning as in the Act.

(2) Words and expressions that occur in this Order have the same meaning as they have in the Regulation, unless otherwise specified in this Order.

Note: See clause 112(3) of the Regulation for the meaning of ***complying label*** and ***complying identifier***.

4. *Plant Diseases (Banana Bunchy Top Virus and Panama Disease) Order 2015*

Pursuant to clause 3(4) of Schedule 7 of the Act, the *Plant Diseases (Banana Bunchy Top Virus and Panama Disease) Order 2015* (having the Department's reference OR121) published in *NSW Government Gazette* No.7 of 5 February 2015 at page 119 to 124 is a superseded instrument that has no effect from the date this Control Order commences.

5. Biosecurity Risk

The biosecurity risk to which this Control Order relates is the risk of an adverse effect on the economy, the environment and the community posed by the spread of the disease caused by banana bunchy top virus within the State.

6. Control Zone

(1) Pursuant to sections 62(1)(a) and 67 of the Act, except where expressly stated otherwise, the control zone to which control measures are required to be implemented is that part of New South Wales described as the Local Government Areas of:

Tweed, Lismore, Ballina and Byron Bay.

(2) The control zone is called the ***Banana Bunchy Top Virus Control Zone***.

(3) Control measures may apply outside the Banana Bunchy Top Virus Control Zone.

7. Control measures – Notification of the presence or suspected presence of banana bunchy top virus

(1) Control measures:

- (a) A person to whom this control measure applies who becomes aware of, or suspects, the presence of banana bunchy top virus must notify the presence or suspected presence of the virus in accordance with this clause within 1 working day after the person first suspects or becomes aware of the presence (unless the person knows that the notification has already been given by another person).
- (b) A person to whom the control measure applies must notify:
 - (i) verbally or in writing to an authorised officer; and
 - (ii) giving the following information:
 - A. the person's full name and contact number;
 - B. the location of the premises or carrier in which the banana bunchy top virus is present or suspected of being present, including the lot and deposit plan number for the premises and the property identification code (if this is known); and
 - C. any other information reasonably requested by the authorised officer.

(2) Persons to whom the control measures apply:

- (a) The owner, occupier or person in charge of, or who has the care, custody or control of, premises or a carrier in which banana bunchy top virus is present or suspected of being present, and
- (b) A person who becomes aware of, or suspects, the presence of banana bunchy top virus as a result of any consultation or other work carried out in relation to premises or, a carrier in the person's professional capacity.

(3) Area of application of control measures:

- (a) This control measure applies in the Banana Bunchy Top Virus Control Zone.
- (b) On the basis that this control measure is reasonably necessary having regard to the nature of the biosecurity risk, this control measure also applies outside the Banana Bunchy Top Virus Control Zone, to the State of New South Wales.

8. Control measures - movement and planting of banana propagative material into and within the Banana Bunchy Top Control Zone

- (1) **Control Measures:** A person must not move, or cause to be moved, banana propagative material into or within the Banana Bunchy Top Virus Control Zone unless sub-paragraph (a) or (b) is satisfied:

- (a) A person must not move, or cause to be moved, banana propagative material into or within the Banana Bunchy Top Virus Control Zone, unless:
- (i) no later than 6 months before the proposed movement of banana propagative material, the person gives the Department, in a manner approved the Department, a copy of a completed Record of Movement (Banana Bunchy Top Virus) that contains the following details:
 - A. the full name, postal or email address and contact telephone number of the person proposing to plant or propagate the propagative material, and
 - B. the full name, postal or email address and contact telephone number of the person proposing to supply the propagative material, and
 - C. the physical address, including lot and deposited plan number, where the propagative material will be sourced from, and
 - D. the physical address, including lot and deposited plan number, where the propagative material will be planted or propagated, and
 - E. the variety and number of each variety of propagative material that is proposed to be moved , and
 - (ii) an authorised officer gave the person who proposes to move the propagative material written acknowledgment of receipt of the Record of Movement (Banana Bunchy Top Virus), and
 - (iii) the propagative material:
 - A. was grown from tissue culture; and
 - B. was tested and found free of banana bunchy top virus; and
 - C. has not been exposed to banana pests; and
 - D. is packaged in a secure manner to prevent infestation with banana aphids and infection with banana bunchy top virus, and
- Note:** Banana propagative material produced in accordance with the Queensland Banana Approved Nursery Scheme meets these requirements for the propagative material.
- (iv) the consignment of which the propagative material is part has a complying label or complying identifier and that certifies the propagative material meets the requirements set out in clause 8(1)(a)(iii).
- (b) A person must not move, or cause to be moved, banana propagative material into or within the Banana Bunchy Top Virus Control Zone, unless:
- (i) no later than 6 months before the proposed movement of the propagative material, the person gives the Department, in a manner

approved the Department, a copy of the completed Record of Movement (Banana Bunchy Top Virus) that contains the following details:

- A. the full name, postal or email address and contact telephone number of the person proposing to plant or propagate the propagative material, and
 - B. the full name, postal or email address and contact telephone number of the person proposing to supply the propagative material, and
 - C. the physical address, including lot and deposited plan number, where the propagative material will be sourced from, and
 - D. the physical address, including lot and deposited plan number, where the propagative material will be planted or propagated, and
 - E. the variety and number of each variety of propagative material that is proposed to be moved, and
- (ii) an authorised officer gave the person who proposes to move the propagative material written acknowledgment of receipt of the Record of Movement (Banana Bunchy Top Virus), and
- (iii) the propagative material:
- A. has been sourced from a property within or outside the Banana Bunchy Top Virus Control Zone that is at least 1000 metres from an infestation of banana bunchy top virus, and
 - B. in the period starting 28 days before the propagative material is moved, it is tested for BBTV and found free of banana bunchy top virus, and
 - C. after testing, the propagative material has not been exposed to banana pests; and
 - D. the propagative material is packaged in a secure manner to prevent infestation with banana aphids and infection with banana bunchy top virus, and
- (iv) the consignment of which the propagative material is part has a complying label or complying identifier that certifies the propagative material meets the requirements set out in clause 8(1)(b)(iii).

Note: Causing banana propagative material to be moved includes the act of purchasing or ordering that material so that it is caused to be moved in order to fulfil the purchase or order.

- (2) **Persons to whom the control measures apply:** any person moving, or causing to be moved, banana propagative material into the Banana Bunchy Top Virus Control Zone.

- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.
- (4) In this clause, *tested for BBTV* means tested for the presence of banana bunchy top virus (“**BBTV**”) using PCR with BBTV specific primers or a BBTV specific immunological assay or by using an immunocapture-PCR assay.

9. Control measures – land to be kept free of vegetation

- (1) **Control Measures:** A person must ensure that the ground within one metre of a banana plant is kept free of all vegetation higher than 30 centimetres.
- (2) **Persons to whom the control measures apply:**
 - (a) an owner or occupier or a person in charge of, or has the care, custody or control of premises in the Banana Bunchy Top Control Zone, and
 - (b) a person in possession of a banana plant in the Banana Bunchy Top Control Zone.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.

10. Control measures – Movement of banana plant, banana plant product and banana propagative material out of the Banana Bunchy Top Virus Control Zone

- (1) **Control measures:** A person must not move, or cause to be moved, a banana plant, banana plant product or banana propagative material, out of the Banana Bunchy Top Virus Control Zone unless it satisfies one of these control measures:
 - (a) it is fruit, or
 - (b) it is bolls, pseudo stems or leaves of a banana plant and is free of banana bunchy top virus symptoms and banana aphids and is accompanied by a Plant Health Certificate certifying that this is the case, or
 - (c) it is dealt with in accordance with the Certification Assurance Arrangement CA-08 ‘Production, inspection and dispatch of Banana host produce for the cut flower trade’ and is accompanied by a Plant Health Assurance Certificate certifying that the requirements of CA-08 have been met.
- (2) **Persons to whom the control measures apply:** Any person who moves, or causes to be moved a banana plant, banana plant product or banana propagative material, out of the Banana Bunchy Top Virus Control Zone.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.

11. Control measures – destruction of banana aphids and infected banana plants

- (1) **Control measures:** A person to whom this control measure applies must ensure that:
 - (a) all banana aphids infesting the banana plant are destroyed within 3 days; and
 - (b) immediately following the destruction of the banana aphids, the infected banana plant is destroyed.
- (2) **Persons to whom this control measure applies:** An owner or occupier, a person in charge of, or a person who has the care, custody or control of premises on which banana plants are grown who knows or ought to know that a banana plant is infected with banana bunchy top virus.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Control Zone.