

**PLANT DISEASES ACT 1924**  
**Order OR102**

**Treatment and eradication of banana diseases and pests within the NSW Banana Protected Area**

I, IAN MACDONALD, MLC, NSW Minister for Primary Industries:

- A. pursuant to section 5A(1) of the Act, for the purposes of treating the diseases Bunchy top and Panama and the pest Banana aphid, and preventing their spread, and for the purpose of eradicating or lessening the risk of the diseases Bunchy top and Panama and of the pest Banana aphid attacking or being harboured in the part of the State known as the "NSW Banana Protected Area" ("the Area") as specified in Schedule 1, specify the following requirements:

**Planting and management of Musaceae plants within the NSW Banana Protected Area**

1. An appropriate person within the Area must:

- Permit to plant any Musaceae plants
- (a) obtain a permit to plant before planting any Musaceae plant; and
  - (b) destroy immediately any Musaceae plant that has been planted for which a permit to plant has not been obtained; and
- Keeping ground free of vegetation
- (c) (i) keep the ground within 1 metre of each Musaceae plant free from other vegetation in excess of 0.3 metres in height; and
  - (ii) if directed in writing to do so by an inspector, destroy immediately any Musaceae plant which is not free from other vegetation in excess of 0.3 metres in height; and
- Destruction of plants infected with Bunchy top and infested with Banana aphid
- (d) (i) destroy immediately any Musaceae plant which is infected with Bunchy top and destroy immediately any Banana aphid infesting such a Musaceae plant; and
  - (ii) if directed in writing to do so by an inspector, destroy immediately any Musaceae plant which is growing within a specified radius from a Bunchy top infected Musaceae plant and destroy immediately any Banana aphid infesting a Musaceae plant which is within that specified radius; and
- Notification of change of ownership
- (e) give to an inspector written notice of a proposed change of ownership or occupancy of land on which a Musaceae plant is growing,
    - (i) at least 14 days before the change of ownership or occupancy; and
    - (ii) within 14 days after the change of ownership or occupancy.

**Possession of Musaceae plants within the NSW Banana Protected Area**

2. An appropriate person in possession of any Musaceae plant within the Area must:

- Permit to plant any Musaceae plants
- (a) obtain a permit before planting any Musaceae plant within the Area; and

Destruction of plants infected with Bunchy top and infested with Banana aphid

- (b) destroy immediately any Musaceae plant which is in the possession of the person and is infected with Bunchy top and to also destroy immediately any Banana aphid infesting such a Musaceae plant.

**Removal and movement of Musaceae plant material within the NSW Banana Protected Area**

3. Prohibit the removal from any place within the Area of any Musaceae plant material unless the plant material is:
- (a) fruit; or
  - (b) plant material for which a Plant Health Assurance Certificate has been issued; or
  - (c) plant material moved with a permit issued by an inspector in accordance with conditions specified by the Director, Animal & Plant Biosecurity.

**SCHEDULE 1**

**NSW Banana Protected Area**

The Local Government Areas of:

Ballina	Greater Taree	Bellingen
Hastings	Byron	Coffs Harbour
Kempsey	Richmond Valley	Lismore
Kyogle	Tweed	
Clarence Valley	Nambucca	

The part of the State known as the NSW Banana Protected Area is represented in the map titled "NSW Banana Protected Area".

**Definitions**

In this Order the following words and phrases have the meaning indicated.

**Plant Health Assurance Certificate** means a certificate issued by a person accredited under the Quality Banana Approved Nursery (QBAN) scheme as evidence that the plant material complies with conditions specified by the Director, Animal & Plant Biosecurity. The QBAN scheme is a scheme that sets standards for tissue culture laboratories and nurseries and is administered by the Queensland Department of Primary Industries.

**Banana aphid** means the pest *Pentalonia nigronervosa*.

**Bunchy top** means Banana bunchy top virus.

**Director, Animal & Plant Biosecurity** means the Director, Animal & Plant Biosecurity, Division of Agriculture, Biosecurity & Mine Safety of the NSW Department of Primary Industries.

**destroy immediately** means destroy immediately in a manner approved from time to time by the Director, Animal & Plant Biosecurity.

**inspector** means an inspector appointed under the Act or a person authorised to perform any or all of the functions of an inspector.

**Muscaceae** plant means any plant of the family Musaceae.

**Panama** means endemic strains of the disease *Fusarium oxysporum f.sp. cubense* in the NSW Banana Protected Area.

**permit** means a permit issued by an inspector or other authorised person.

**plant** means plant as defined in section 3(1) of the Act, including the seed or any part of a plant whether living or dead and whether attached to a plant or separate from a plant.

**specified radius** means a radius specified in writing in a direction given to the appropriate person by an inspector.

**Notes:**

1. OR102 is the NSW Department of Primary Industries reference.
2. “Appropriate person” is defined in section 5A of the Plant Diseases Act 1924 and means:
  - i. an owner or occupier of land or premises, or
  - ii. a person in possession of plants, fruit coverings or other things, whether of the same or a different kind or nature.
3. For further information contact the NSW Department of Primary Industries on (02) 63913 3593.

day of Decem

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

# NSW Banana Protected Area



New South Wales

NSW DEPARTMENT OF  
PRIMARY INDUSTRIES

Prepared By Resource Information Unit  
November 2004



100 0 100 200 Kilometres