



BIOSECURITY ACT 2015

# Discussion Paper: NSW Banana Industry

December 2015



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**Comments on this paper close on 12 February 2016**

Email your comments to: [submissions.biosecuritylegislation@dpi.nsw.gov.au](mailto:submissions.biosecuritylegislation@dpi.nsw.gov.au)

Post your comments to: Biosecurity Act 2015  
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Published December 2015

**For more information**

See: [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

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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 Act 1924*, which provides the regulatory powers for managing the risks posed by certain pests and diseases that impact banana production in NSW.

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

- current 'emergency' banana pests and disease as **Prohibited Matter**;
- potential carriers of Banana freckle, Panama disease Tropical Race 4 and Banana Bunchy Top Virus (BBTV) from entering NSW using the **General Biosecurity Duty** with **Mandatory Measures**;
- Banana Bunchy Top Virus through a **Control Order** including a duty to notify; and
- Panama disease NSW endemic strains using the **General Biosecurity Duty**.

## Background

### What is the problem?

There are a number of pests and diseases that are not found in NSW but would threaten the productivity of the NSW banana industry should they be introduced. For example, banana bract mosaic virus, banana freckle, spider mite, black sigatoka, blood disease, eumusae leaf spot, Moko, and Panama disease tropical race 4.

There are also currently two banana diseases that are being regulated in NSW; these are BBTV and Panama disease endemic strains. BBTV is present in Tweed and Byron LGAs. BBTV is a virus that is spread between banana plants by banana aphids and the movement of infected plant material. In 2015 Horticulture Innovation Australia Ltd agreed to fund the third phase of the BBTV eradication project which is being delivered by Peasley Horticultural Services. This successful industry led program requires ongoing NSW government support to achieve its outcomes.

Panama disease is a soil borne fungal disease that once introduced to a property or locality, cannot be eradicated. Panama disease NSW endemic strains can be found in the NSW banana production area.

### Why is it important?

New South Wales banana production is worth over \$14 million a year<sup>1</sup>. In 2014, 328 banana producing properties in NSW contributed to the production of over 9,000 t of banana fruit<sup>2</sup>.

### What is the outcome we are seeking?

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

## Current management arrangements

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

- declare certain exotic banana diseases as 'emergency plant pests and emergency plant diseases' for the purposes of the PD Act. This includes banana bract mosaic virus, spider mite, black sigatoka, blood disease, banana freckle, moko, and Panama disease tropical race 4;

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

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

- regulate the importation into NSW of certain pathogens, anything infected or likely to be infected with Panama disease tropical race 4 or banana freckle, bananas or banana plant material, used agriculture equipment, used packaging, or, soil in which bananas have been grown or soil that contains banana plant material; and
- create the 'NSW Banana Protected Area' (BPA) for the purposes of lessening the risk of BBTV and Panama Disease. There are requirements to obtain an authorisation before moving and planting banana plant material within the BPA, specifications about how any propagative material should be sourced or produced, requirements to control vegetation (weeds) and a requirement to destroy BBTV infected banana plants. There are also limitations with respect to the movement of banana plant product within or out of the BPA unless it is the fruit, bells or leaves of a non-seeded *Musaceae* species and is free of BBTV and soil, or, in the case of a seeded *Musaceae* species, is free of BBTV and soil and is accompanied by Plant Health Certificate or a Plant Health Assurance Certificate.

Currently several staff employed in the BBTV eradication project are authorised as inspectors under the *PD Act*. Authorisation as an inspector enables staff to enter property to carry out surveillance and destroy BBTV infected banana plants. Enforcement and investigation functions are performed by inspectors employed by NSW Department of Primary Industries.

## Proposed management under the NSW Biosecurity Act 2015

### Prohibited Matter

The current 'emergency' banana pests and diseases declared under the PD Act in Order 449 have been included as Prohibited Matter in Schedule 2 to the Biosecurity Act, including banana bract mosaic virus, spider mite, black sigatoka, blood disease, banana freckle, eumusae leaf spot, moko and Panama disease tropical race 4.

**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. 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.

It is proposed to regulate potential *carriers* of the diseases banana freckle and Panama disease tropical race 4, and BBTV coming into NSW from other states and territories using the **General Biosecurity Duty with Mandatory Measures**. Mandatory measures are regulations that will, for example, restrict the importation into NSW of bananas, banana plant material, used agriculture equipment, used packaging, and soil in which bananas have been grown or which contains banana plant material unless it has relevant certification that the matter is free of the diseases or originates from a state or part of a state with Area Freedom.

### Controlling and eradicating BBTV

It is proposed to support the current program to eradicate BBTV by implementing a **Control Order**. The Control Order would establish a 'BBTV Eradication Zone' comprised of the Tweed and Byron Local Government Areas.

The Control Order would:

1. Prohibit the movement and planting of banana plant material<sup>3</sup> within and movement out of the eradication Zone unless:
  - it is fruit of a non-seeded Musaceae species and are free of soil; or
  - it is bolls, leaves, pseudo-stems or fruiting pseudo stems of a Musaceae species and is free of BBTV and soil and when moving out of the eradication zone is accompanied by a Biosecurity Certificate or a Plant Health Assurance Certificate; or
  - it is banana plant material certified that it has been produced in accordance with the Clean Planting Material Scheme; or,
  - it is banana plant material that is free of BBTV and soil and is accompanied by a Biosecurity Certificate or a Plant Health Assurance Certificate.
2. Require that prior to moving and planting banana plant material<sup>4</sup> within the eradication Zone the department has been notified in writing of the proposed movement or planting and written acknowledgement has been issued to the notifier.
3. In the event of banana plant material being infected with BBTV, first require the destruction of all banana aphids on that plant material, immediately followed by the destruction of the BBTV infected banana plant material.
4. Require any person inside and outside of the Zone, who becomes aware of, or suspects, that a plant is infected with BBTV to immediately notify DPI.

The Control Order could be in effect for the duration of the eradication program (or up to five years, whichever is shorter), within which time a review and decision about future management arrangements would take place.

## Managing NSW endemic strains of Panama disease and other banana pests and diseases

The **General Biosecurity Duty (GBD)** applies to all dealings with bananas and pests and diseases that affect banana production, including NSW endemic strains of Panama disease. The GBD requires any person dealing with biosecurity matter or a carrier of biosecurity matter (such as banana plant material or soil) and who knows or ought to know of the biosecurity risks associated with that activity to prevent, minimise or eliminate the risk as far as is reasonably practicable.

For example, a banana grower ought to know of the risks associated with Panama disease. If that person identifies that there is a Panama disease NSW endemic strain on their property they will have a duty to ensure it does not move off the property in plant material, soil, footwear or farm machinery. They should also take any other reasonable steps to eliminate or minimise the infestation.

How you can discharge your GBD may be outlined in Industry Standards, Codes of Practice, guidelines or through other advisory or education material. For example, the Farm Biosecurity Manual for the Banana Industry provides information about biosecurity best practice, exotic plant pests and diseases to watch out for, record keeping and reporting. These materials can be used to support GBD responsibilities in association with an on-farm biosecurity plan.

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 Banana Industry' at:  
<https://www.surveymonkey.com/r/nswbananaindustry>.

<sup>3</sup> For the purposes of the control order 'banana plant material' includes any plant or part of a plant belonging to the family Musaceae.

<sup>4</sup> For the purposes of the control order 'banana plant material' includes any plant or part of a plant belonging to the family Musaceae.

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

Biosecurity Act 2015

NSW Department of Primary Industries

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For more information about the *Biosecurity Act 2015* and regulatory framework, please visit [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact).

# NSW Banana Industry

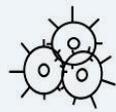
## Biosecurity Act

### 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 banana industry.

**Banana freckle, Banana bract mosaic virus, Spider mite, Black sigatoka, Blood disease, Eumusae leaf spot, Moko and Panama disease tropical race 4**

#### Prohibited Matter



Prohibited Matter in Schedule 2 to the Act.



Duty to notify where prohibited matter present or suspected



It is an offence to keep, possess or otherwise deal with prohibited matter



Duty to prevent eliminate or minimise risk

**Potential carriers of Banana freckle, Panama disease tropical race 4, Banana bunchy top virus (BBTV)**

#### GBD including Mandatory Measures



GBD including Mandatory Measures



Regulation of movement of carriers into NSW

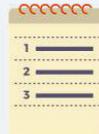
#### Banana bunchy top virus (BBTV)



Control Order establishes eradication area



Duty to notify where BBTV present or suspected in NSW



Conditions on movement of banana plant material within and out of eradication area



Destruction of infected plant material

#### NSW endemic strains of Panama disease



General Biosecurity Duty applies to all of NSW