

Biosecurity (Banana Bunchy Top Virus) Control Order 2021

under the

Biosecurity Act 2015

I, SATENDRA KUMAR, Director Plant Biosecurity and Product Integrity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and 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 24th September 2021



Satendra Kumar
Director Plant Biosecurity and Product Integrity
Department of Primary Industries
Regional NSW

Part 1 Preliminary

1 Name of Control Order

This Control Order is the *Biosecurity (Banana Bunchy Top Virus) Control Order 2021*.

2 Commencement and duration

- (1) This Control Order commences on 1 October 2021.
- (2) This Control Order has effect for 5 years from the date on which it is made.

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

3 Repeal

The *Biosecurity (Banana Bunchy Top Virus) Control Order 2017* published in the NSW Government Gazette No 72 on 30 June 2017 (pp 3423-3430) is repealed.

4 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.

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.

Department means Regional NSW.

Plant Health Assurance Certificate is a biosecurity certificate or interstate biosecurity certificate issued 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.

property means an area of land (including an area comprising 1 or more parcels of land that are proximate) that is worked as a single property.

the Act means the *Biosecurity Act 2015*.

the Regulation means the Biosecurity Regulation 2017.

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

Part 2 Biosecurity risk and control zone

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 (the **BBTV biosecurity risk**).

6 Control zone

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone in relation to which control measures are required to be implemented is all land within the local government areas of:
- (a) Ballina Shire,
 - (b) Byron Shire,
 - (c) City of Lismore, and
 - (d) Tweed Shire.
- (2) The control zone is called the **Banana Bunchy Top Virus Control Zone**.

Part 3 Control measures

7 Control measure – notification of the presence or suspected presence of banana bunchy top virus

(1) Control measure:

- (a) Except as provided for in paragraph (b), a person to whom this control measure applies who becomes aware of, or suspects, the presence of banana bunchy top virus on a property 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.
- (b) However, a person to whom this control measure applies is not required to make a notification under this clause in the following circumstances:
 - (i) where the person knows that the notification has already been given by another person, or
 - (ii) where the person has good reason to believe that the presence of banana bunchy top virus on the property is already known by the Department.
- (c) A person to whom this control measure applies must:
 - (i) notify an authorised officer verbally or in writing, and
 - (ii) give the following information:
 - (A) the person's full name and contact number,
 - (B) the location of the property on which the banana bunchy top virus is present or suspected of being present, including the lot and deposited plan number or address for the property, and
 - (C) any other information reasonably requested by the authorised officer.

(2) Persons to whom the control measure apply:

- (a) a person who is the owner, occupier or person in charge of, or has the care, custody or control of, a property 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 the person's professional capacity in relation to a property or a carrier.

(3) Area of application of control measure:

- (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 BBTV biosecurity risk, this control measure also applies outside the Banana Bunchy Top Virus Control Zone, to the State of New South Wales.

Note. Pursuant to section 68(5) of the Act, control measures may also apply outside the Banana Bunchy Top Virus Control Zone if it is considered reasonably necessary having regard to the nature of the biosecurity risk.

8 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 from the day the person knew, or from when they ought to have known, that the banana plant is infected, and
 - (b) immediately following the destruction of the banana aphids, the infected banana plant is destroyed.
- (2) **Persons to whom this control measure applies:** A person who is an owner, occupier or person in charge of, or a person who has the care, custody or control of, a property 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.

9 Control measures – Record of Planting banana propagative material within the Banana Bunchy Top Control Zone

- (1) **Control measures:** A person must not plant, or cause the planting of, banana propagative material within the Banana Bunchy Top Virus Control Zone unless no later than 7 business days after the planting of banana propagative material, the person gives the Department, in a manner approved by the Department, a copy of a completed Record of Planting (Banana Bunchy Top Virus) that contains the following details:
 - (a) the full name, postal or email address and contact telephone number of the person who plants, or proposes to plant, the propagative material, and
 - (b) the full name, postal or email address and contact telephone number of the person who supplies, or is proposed to supply, the propagative material, and
 - (c) the location of the property where the propagative material will be sourced from including the lot and deposited plan number or address for the property, and
 - (d) the location of the property where the propagative material will be planted including the lot and deposited plan number or address for the property, and
 - (e) the variety and number of each variety of propagative material that are planted, or proposed to be planted.
- (2) **Persons to whom the control measures apply:** any person planting, or causing the planting of, banana propagative material in 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, a person is taken to have complied with the requirements of subclause (1) in relation to particular banana propagative material, if, in relation to that material, the person had complied with the requirements of clause 8(1) or (2) of the *Biosecurity (Banana Bunchy Top Virus) Control Order 2017* before its repeal.

Note. In addition to the requirements of this clause, a person may have a general biosecurity duty under section 22 of the Act to take steps to prevent, eliminate or minimise any biosecurity risks associated with the planting of banana propagative material in the Banana Bunchy Top Virus Control Zone. Guidance on the general biosecurity duty, when it applies, and steps a person might take to meet it can be found on the Department's website. Information in relation to sourcing and planting of banana propagative material can also be found on the website of the Australian Banana Growers' Council.

10 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) a person who is an owner, occupier or person in charge of, or has the care, custody or control of, a property 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.

11 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 the movement of, 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 the movement of, 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.