

# **Biosecurity Order (Permitted Activities) 2019**

under the  
Biosecurity Act 2015

**[2019-605]**



New South Wales

## **Status Information**

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# Biosecurity Order (Permitted Activities) 2019

[2019-605]

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# Biosecurity Order (Permitted Activities) 2019

## Part 1 Preliminary

### 1 Name of Order

This Order is the *Biosecurity Order (Permitted Activities) 2019*.

**Note**—This Order is referred to in clauses 6 (Part 2, Division 1), 46 (Part 3, Division 1), 54 (Part 4, Division 1) and 67 (Part 5, Division 1) of the *Biosecurity Regulation 2017*.

### 2 Nature and status of this Order

This Order is made under section 404A of the *Biosecurity Act 2015*.

This Order permits activities that would otherwise be prohibited by a mandatory measure or by a regulatory measure implemented in relation to a biosecurity zone.

### 3 Commencement

This Order commences on the day it is published on the NSW Legislation website.

### 4 Revocation

Pursuant to section 404A of the Act and section 43(2) of the *Interpretation Act 1987*, the *Biosecurity Order (Permitted Activities) 2017* published on the NSW legislation website on 15 September 2017 (as amended) is revoked, as is any Order revived as a result of this revocation.

### 5 Interpretation

(1) In this Order:

**APVMA** means Australian Pesticides and Veterinary Medicines Authority.

**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.

**BioSecure HACCP Biosecurity Certificate** means a biosecurity certificate or an interstate biosecurity certificate issued in accordance with a BioSecure HACCP Entry Condition Compliance Procedure.

**BioSecure HACCP Entry Condition Compliance Procedure** means a NGIA procedure that meets New South Wales legislated entry conditions or intrastate movement conditions for plants and plant products for a specified pest or disease.

**CA Arrangement** means a Certification Assurance Arrangement.

**Carrier Biosecurity Certificate** means a biosecurity certificate or interstate biosecurity certificate that relates to biosecurity carriers issued by an authorised officer under the Act or a corresponding law in a State or Territory.

**Certification Assurance Arrangement** means a CA Arrangement or an ICA that enables a biosecurity certifier or a person authorised under a corresponding law of a State or Territory to issue a Plant Health Assurance Certificate that meets certain plant health quarantine conditions for trade within the State or between the State and other States or



Territories.

**CVO** means Chief Veterinary Officer.

**Department's website** means a NSW Government website that is used for the publication of matters relating to the Act.

**Note**—see the website of the Department of Primary Industries at [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au).

**ICA** means an Interstate Certificate Assurance arrangement.

**ICA scheme** means a scheme developed by the States and Territories to meet their respective plant quarantine requirements under the Memorandum of Understanding on Interstate Certification Assurance dated 6 August 1999.

**NGIA** means Nursery & Garden Industry Australia Ltd (ABN 37 001 318 136).

**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.

the **Act** means the *Biosecurity Act 2015*.

the **Regulation** means the *Biosecurity Regulation 2017*.

- (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.** For example see clause 112(3) of the Regulation for the meaning of “complying label” and “complying identifier”.

## Part 2 Mandatory Measures – Permitted Activities

### Division 1 Animal pests and diseases—Bees

#### Subdivision 1

#### 6–13 (Repealed)

#### Subdivision 2 American foulbrood — carriers

##### 14 Definitions

In this subdivision:

**American foulbrood** means *Paenibacillus larvae*.

**hot wax treatment method** means treatment by full immersion in hot paraffin wax for a period of not less than 10 minutes at 150 degrees Celsius.

**irradiation treatment method** means treatment by irradiation at a gamma radiation dose of at least 10 kilo Gray.

##### 15 Conditions to import or deal with an American foulbrood — carriers

This subdivision sets out the circumstances in which, despite clause 11 of the Regulation, a person may import into the State or deal with an American foulbrood carrier.

**16 A bee**

A person may import into the State a bee, if it is not contaminated or suspected to be contaminated with American foulbrood.

**17 Apiary product**

A person may import into the State an apiary product if the apiary product satisfies one of the requirements set out in paragraphs (a) to (c):

- (a) the apiary product is not contaminated or suspected of being contaminated with American foulbrood, or
- (b) the apiary product will not be exposed to or fed to live bees, or
- (c) the apiary product was treated using the irradiation treatment method, and after treatment, the apiary product is not exposed to American foulbrood.

**Note.** Treatment measures for an apiary product that is refined beeswax are set out separately in this subdivision.

**18 Apiary product that is refined beeswax**

A person may import into the State an apiary product that is refined beeswax if paragraphs (a) and (b) are satisfied:

- (a) the beeswax was heated to its melting point, and
- (b) the beeswax has resolidified.

**19 Apiary equipment**

- (1) A person may import into the State new apiary equipment that has never been in contact with bees.
- (2) A person may import into the State apiary equipment if paragraphs (a) and (b) are satisfied:
  - (a) the apiary equipment was cleansed to remove honey, propolis and beeswax, and
  - (b) after cleansing, the apiary equipment was not exposed to American foulbrood.

**20 A hive**

- (1) A person may import into the State a new hive that has never been in contact with bees.
- (2) A person may import into the State a hive if paragraphs (a) and (b) are satisfied:
  - (a) the hive was treated using one of these treatment methods:
    - (i) the irradiation treatment method, or
    - (ii) the hot wax treatment method, and
  - (b) after treatment, the hive was not exposed to American foulbrood.

**21 Feeding an apiary product to a bee**

A person may feed an apiary product to a bee if the apiary product satisfies one of the requirements set out in paragraphs (a) or (b):

- (a) the apiary product is not contaminated or suspected of being contaminated with American foulbrood, or
- (b) before the apiary product is fed to the bees, it is treated with the irradiation treatment method, and after treatment is not exposed to American foulbrood.

## 22 Irradiation — record keeping

If any American foulbrood carrier is treated by irradiation, the person having ownership or control of the carrier must retain a record of the treatment for 5 years after the treatment.

## Division 2 Animal pests and diseases—other animals

### Subdivision 1 Cattle tick—carriers

#### 23 Conditions to import cattle tick—carriers

This subdivision sets out the circumstances in which, despite clause 14 of the Regulation, a person may import cattle tick carriers into the State.

#### 24 Definitions

(1) In this subdivision:

*cattle tick carrier* means:

- (a) a primary cattle tick carrier, or
- (b) a secondary cattle tick carrier.

*cattle tick free zone* means:

- (a) any part of Queensland identified as the cattle tick free zone on a cattle tick biosecurity zone map and established as a biosecurity zone for cattle tick under the *Biosecurity Act 2014* (Qld),
- (b) any part of the Northern Territory declared to be part of the cattle tick free zone under the *Livestock Act 2008* (NT), and
- (c) any part of Western Australia for which cattle tick is a declared pest under the *Biosecurity and Agricultural Management Act 2007* (WA).

*chemical treatment* means a treatment of a cattle tick carrier with an acaricide or endectocide for the control of cattle tick in accordance with the Primefact “*Cattle tick: use of chemical treatments on cattle tick carriers*” published on the Department’s website.

*high risk NSW land* means any land in the State with pasture and may be grazed by cattle at any time in the next 12 months, and includes any land where it is not known if the land will be grazed in the next 12 months.

**Note:** Land that is free of pasture is not high risk NSW land even if cattle may be on the land in the next 12 months.

*high risk Qld land* means any land in Queensland that:

- (a) is not identified as the cattle tick free zone, or

(b) is a restricted property, and

has pasture that has been grazed by cattle at any time in the previous 12 months, and includes any land where it is not known if the land has been grazed in the previous 12 months.

**infested area** means the areas in Queensland, Northern Territory or Western Australia that are not the cattle tick free zone.

**low risk movement** means the movement of a secondary cattle tick carrier into the State in the circumstances described in column 1 of Table 1 to clause 28A.

**low risk NSW land** means any land in the State that is not high risk NSW land.

**low risk Qld land** means any land in Queensland that is not high risk Qld land.

**manual inspection** means a physical examination of the exterior of a restrained animal to detect the presence of cattle tick, as described in the Primefact “*Cattle tick: manual inspection of cattle tick carriers*” published on the Department’s website.

**primary cattle tick carrier** means a carrier of cattle tick that is cattle or deer.

**record of movement** means any of the following:

- (a) record of movement (feedlot or abattoir),
- (b) record of movement (general),
- (c) record of movement (veterinarian),

**record of movement (feedlot or abattoir)** means a form published on the Department’s website titled “Record of Movement – Cattle Tick Carrier (Feedlot or Abattoir)”.

**record of movement (general)** means a form published on the Department’s website titled “Record of Movement – Cattle Tick Carrier (General)”.

**record of movement (veterinarian)** means a form published on the Department’s website titled “Record of Movement – Cattle Tick Carrier (Veterinarian)”.

**restricted property** means a property in a cattle tick free zone that is subject to a biosecurity undertaking, biosecurity direction or regulatory instrument in another State or Territory that controls or restricts the movement of animals on the property because of cattle tick.

**secondary cattle tick carrier** means a carrier of cattle tick that is a camelid, equine, goat or sheep.

**supervised chemical treatment** means a chemical treatment that is supervised by an authorised officer or biosecurity certifier.

**unrestricted property** means a property that is not a restricted property.

**veterinary certificate** means a certificate issued by a veterinary practitioner in a form published on the Department’s website titled “Veterinary certificate for secondary cattle tick carriers”

**visual inspection** means a visual examination of the exterior of an animal from a maximum of 2 metres to detect the presence of cattle tick, as described in the Primefact

“*Cattle tick: visual inspection of cattle tick carriers*” published on the Department’s website.

- (2) A cattle tick carrier is ***from an unrestricted property in a cattle tick free zone*** if the cattle tick carrier was at that property for all of the 35 days immediately before it leaves the property for importation into the State.

## **25 Records of movement and certificates**

- (1) A person who is required to provide a record of movement when importing a cattle tick carrier into the State may provide the record by either:
- (a) no later than 24 hours before importation, giving the record of movement to the Department, in a manner approved by the Department, or
  - (b) giving the record of movement to the Department when the cattle tick carrier crosses the border into the State from the carrier’s State or Territory of origin.
- (2) A person who imports a cattle tick carrier into the State must:
- (a) retain a copy of any record of movement, carrier biosecurity certificate, or veterinary certificate for 2 years from the date the record was made or certificate issued, and
  - (b) ensure that the cattle tick carrier is accompanied by a copy of the record of movement, carrier biosecurity certificate or veterinary certificate until the carrier is moved to the destination specified in the record of movement.

## **26 Movement of cattle tick carrier from unrestricted property in cattle tick free zone**

A person may import into the State a cattle tick carrier from an unrestricted property in a cattle tick free zone if the carrier has only travelled through areas that are cattle tick free zones.

## **27 Movement of cattle tick carrier from unrestricted property in cattle tick free zone through infested area**

A person may import into the State a cattle tick carrier from an unrestricted property in a cattle tick free zone that transits through an infested area, if the following requirements have been met:

- (a) the carrier was not off-loaded from the vehicle, and
- (b) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and

**Note:** additional cattle tick carriers will be required to comply with the applicable requirements for importation that are set out in this subdivision.

- (c) the person gives the Department a completed record of movement (general) declaring that the requirements in paragraphs (a) and (b) have been met.

## **28 Movement of primary cattle tick carrier from infested area or restricted property**

A person may import into the State a primary cattle tick carrier from a property that is in the infested area, or from a restricted property, if the following requirements have been met:

- (a) a carrier biosecurity certificate has been issued that certifies:
  - (i) the carrier underwent a manual inspection and was found free of cattle ticks, and

- (ii) the carrier underwent a supervised chemical treatment, and
- (b) the carrier is imported into the State no later than 48 hours after the manual inspection and supervised chemical treatment took place, and
- (c) if the vehicle on which the carrier is transported transits through an infested area before it enters the State:
  - (i) the carrier was not off-loaded from the vehicle, and
  - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and
- (d) the person gives the Department a completed record of movement (general) declaring that the requirements in paragraphs (a) to (c) have been met.

## **28A Movement of secondary cattle tick carrier**

### **Movement is not a low risk movement**

- (1) A person may import a secondary cattle tick carrier into the State, where the movement is not a low risk movement, if the following requirements have been met:
  - (a) a carrier biosecurity certificate or veterinary certificate has been issued that certifies:
    - (i) the carrier underwent a manual inspection and was found to be free of cattle ticks, and
    - (ii) the carrier underwent a chemical treatment, and
  - (b) the carrier is imported into the State no later than 48 hours after the manual inspection and chemical treatment took place, and
  - (c) if the vehicle on which the carrier is transported transits through an infested area before it enters the State:
    - (i) the carrier was not off-loaded from the vehicle, and
    - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and
  - (d) the person gives the Department a completed record of movement (general) declaring that the requirements in paragraphs (a) to (c) have been met.

### **Low risk movement**

- (2) A person may import a secondary cattle tick carrier into the State, where the movement is a low risk movement, in the following circumstances:
  - (a) in the previous three years the person importing the secondary cattle tick carrier has completed the cattle tick education module and assessment on the Department's website and has been provided with a certificate number, and
  - (b) the importation is a type of importation specified in column 1 of Table 1, and
  - (c) the requirements for importation in the corresponding column 2 of Table 1 have been satisfied, and

- (d) the person completes a record of movement (general) declaring that the applicable requirements for importation in Table 1 have been met.

**Table 1: requirements for low risk importation of secondary cattle tick carriers**

<b>Column 1: type of importation</b>	<b>Column 2: requirements for importation</b>
The secondary cattle tick carrier is imported from low risk Qld land to low risk NSW land	(1) where the secondary cattle tick carrier will only be in the State for 7 days or less: <ul style="list-style-type: none"> <li>(i) the carrier underwent a manual inspection and was found to be free of cattle ticks, and</li> <li>(ii) the carrier is imported into the State no later than 48 hours after the manual inspection took place.</li> </ul> (2) where the secondary cattle tick carrier will be in the State for more than 7 days <ul style="list-style-type: none"> <li>(i) the carrier underwent a manual inspection and was found to be free of cattle ticks, and</li> <li>(ii) the carrier underwent a chemical treatment, and</li> <li>(iii) the carrier is imported into the State no later than 48 hours after the manual inspection and chemical treatment took place.</li> </ul>
The secondary cattle tick carrier is returning from Qld to low risk NSW land and spent time on low risk Qld land only	(1) the carrier underwent a manual inspection and was found to be free of cattle ticks, and (2) the carrier underwent a chemical treatment, and (3) the carrier is imported into the State no later than 48 hours after the manual inspection and chemical treatment took place.

**29 Movement of equine from infested area or restricted property**

Despite any other clause in this subdivision, a person may import into the State a secondary cattle tick carrier that is an equine from a property that is in an infested area or from a restricted property in the following circumstances:

- (a) the importation is a type of importation specified in column 1 of Table 2, and
- (b) the requirements for importation in the corresponding column 2 of Table 2 have been satisfied.

**Table 2: cattle tick carrier importation requirements for equines**

<b>Column 1: type of importation</b>	<b>Column 2: requirements for importation</b>
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<p>The equine is being imported into New South Wales having received veterinary treatment at a veterinary clinic or hospital in an infested area.</p>	<p>The person responsible for the equine and the attending veterinary practitioner give the Department a completed record of movement (veterinarian) in which:</p> <ul style="list-style-type: none"> <li>(a) the person responsible for the equine declares these conditions have been met: <ul style="list-style-type: none"> <li>(i) the equine was moved to the veterinary clinic or hospital specified in the record of movement (veterinarian) for the purpose of the veterinary procedure named in the record, and</li> <li>(ii) the equine travelled directly to the veterinary clinic or hospital and stayed entirely within that clinic or hospital, and</li> <li>(iii) if the vehicle on which the cattle tick carrier is transported to or from the veterinary clinic or hospital transits through an infested area before it enters the State: <ul style="list-style-type: none"> <li>(A) the carrier was not off-loaded from the vehicle, and</li> <li>(B) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and</li> </ul> </li> </ul> </li> <li>(b) The veterinary practitioner declares these conditions have been met: <ul style="list-style-type: none"> <li>(i) the equine was moved to the veterinary clinic or hospital specified in the record of movement (veterinarian) for the purpose of the veterinary procedure named in that record,</li> <li>(ii) the equine stayed entirely within that veterinary clinic or hospital, and</li> <li>(iii) the equine was visually free of cattle tick before leaving the veterinary clinic or hospital.</li> </ul> </li> </ul>
<p>The equine is imported into New South Wales:</p> <ul style="list-style-type: none"> <li>(a) for the sole purpose of racing, or</li> <li>(b) after attending a race on a property in an infested area.</li> </ul>	<p>The person responsible for the equine, the registered trainer of the equine (or a person authorised to act on behalf of the registered trainer), or the Chief Steward (or a person authorised to act on behalf of the Chief Steward) gives the Department a completed record of movement (general) in which they declare these conditions have been or will be met:</p> <ul style="list-style-type: none"> <li>(a) the equine is a registered thoroughbred or standardbred, and</li> <li>(b) for 35 days immediately before importation, the equine was stabled,</li> <li>(c) the equine is competing at a designated race meeting under the control of a racing authority in the State or Territory where the race meeting will be held, and</li> <li>(d) in the period commencing 48 hours before importation, the equine was visually inspected and found to be cattle tick free by the person responsible for the animal, and</li> <li>(e) in the case of an equine imported into the State for the sole purpose of racing, the equine will return to its State or Territory of origin within 7 days of the proposed movement date, and</li> </ul>



	<p>(f) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State:</p> <ul style="list-style-type: none"><li>(i) the carrier was not off-loaded from the vehicle, and</li><li>(ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers.</li></ul>
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### 30 Feedlots and abattoirs

- (1) Despite any other clause in this subdivision, a person may import into the State a cattle tick carrier from a feedlot that is on a restricted property or a property in an infested area if the following are satisfied:
  - (a) the feedlot has a Cattle Tick Risk Management Plan (Feedlot), and
  - (b) the carrier was held at the feedlot for 35 days immediately before importation, and
  - (c) the carrier underwent a visual inspection by the person in charge of it and was found to be free of cattle tick, and
  - (d) if the vehicle on which the cattle tick carrier is transported transits through an infested area before it enters the State:
    - (i) the carrier was not off-loaded from the vehicle, and
    - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and
  - (e) the person gives the Department a completed record of movement (feedlot or abattoir) declaring that the requirements in paragraphs (a) to (d) have been met.
- (2) Despite any other clause in this subdivision, a person may import into an abattoir or feedlot in the State a cattle tick carrier from a restricted property or a property in an infested area if the following are satisfied:
  - (a) the feedlot or abattoir has a Cattle Tick Management Plan (Feedlot) or Cattle Tick Management Plan (Abattoir) as applicable, and
  - (b) a carrier biosecurity certificate has been issued that certifies either of the following:
    - (i) in the 48 hours before importation, the carrier underwent a manual inspection and was found free of cattle ticks, or
    - (ii) the carrier underwent a visual inspection and a supervised chemical treatment, and
  - (c) if the carrier underwent a supervised chemical treatment, it is imported into the State in the following timeframes:
    - (i) within 96 hours after a supervised chemical treatment with an acaricide,
    - (ii) 4 to 7 days after a supervised chemical treatment with an endectocide, and

- (d) if the vehicle on which the carrier is transported transits through an infested area before it enters the State:
    - (i) the carrier was not off-loaded from the vehicle, and
    - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and
  - (e) the person gives the Department a completed record of movement (feedlot or abattoir) declaring that the requirements in paragraphs (a) to (d) have been met.
- (3) In this clause, a ***Cattle Tick Risk Management Plan (Feedlot)*** means a plan prepared, and complied with, by the feedlot and which includes procedures that deal with the following:
- (a) ensuring the feedlot, including yards and handling facilities, is surrounded by a buffer zone of at least 10 metres, and the buffer is kept free of cattle tick carriers at all times,
  - (b) ensuring feedlot pens and associated handling facilities are kept free of vegetation,
  - (c) procedures to prevent an infestation of cattle tick being introduced to the feedlot by cattle tick carriers from an infested area,
  - (d) ensuring cattle tick carriers are not removed from feedlot pens for husbandry, drafting or loading for longer than is necessary, and
  - (e) the maintenance of records of movements of cattle tick carriers in and out of the feedlot.
- (4) In this clause, a ***Cattle Tick Risk Management Plan (Abattoir)*** means a plan prepared, and complied with, by the abattoir and which includes procedures that deal with the following:
- (a) the identification of yards completely free of vegetation for holding any cattle imported pursuant to clause 30(2), and a map that labels and identifies the yards (the ***designated holding yards***),
  - (b) ensuring a pasture free buffer area of 2 metres is kept around the designated holding yards,
  - (c) ensuring that any cattle moving out of the designated holding yards, except cattle moving to the slaughter floor, are examined and treated by an authorised officer before being placed in any area where pasture is present,
  - (d) the maintenance of records of movements of cattle tick carriers in and out of the abattoir, and
  - (e) ensuring that where runoff or drains from the designated holding yards exit onto pastured areas those areas must be fenced to prevent access by grazing cattle.

### 31 Agricultural shows

- (1) Despite any other clause in this subdivision, a person may import into the State a cattle tick carrier from a property that is a restricted property or from a property in an infested area, for purpose of attending an agricultural show if the following are satisfied:
  - (a) the carrier will leave the State within 7 days of the proposed movement date specified in the record of movement (general), and
  - (b) a carrier biosecurity certificate has been issued that certifies the carrier underwent a manual inspection and was found free of cattle ticks, and
  - (c) if the vehicle on which the carrier is transported transits through an infested area on its way to the agricultural show:
    - (i) the carrier was not off-loaded from the vehicle, and
    - (ii) no additional cattle tick carriers were loaded into the vehicle, unless the person has complied with the requirements for importation applicable to the additional cattle tick carriers, and
  - (d) the carrier will be accompanied by the record of movement (general) at all times.
  - (e) the person gives the Department a completed record of movement (general) declaring that the requirements in paragraphs (a) to (d) have been met.

### Subdivision 2 - Footrot carriers —sheep and goats

#### 32 Definitions

In this subdivision:

***animal health declaration*** means:

- (a) in the case of sheep—the National Sheep Health Declaration issued under the Farm Biosecurity Program of Animal Health Australia and Plant Health Australia.
- (b) in the case of goats—the National Goat Health Declaration, issued under the Farm Biosecurity Program of Animal Health Australia and Plant Health Australia.

***relevant Local Land Service Office*** means a Local Land Services office within the same region as the final destination of the sheep or goats.

***region*** has the same meaning as in the *Land Services Act 2013*

#### 33 Footrot carriers — sheep and goats

- (1) This clause sets out the circumstances in which, despite clause 15 of the Regulation, a person may import into the State a footrot carrier that is a sheep or goat.
- (2) A person may import into the State a sheep or goat, if the sheep or goat is being transported directly to an abattoir for slaughter.
- (3) A person may import into the State a sheep or goat, if the sheep or goat is not exhibiting any signs of footrot and paragraphs (a) and (b) are satisfied:
  - (a) the sheep or goat is accompanied by an animal health declaration, and
  - (b) copies of the animal health declaration are provided to:

- (i) the person to whom the sheep or goat is delivered, and
- (ii) no later than 2 working days after the importation, the relevant Local Land Services Office.

### **Division 3 Plant pests and diseases**

#### **Subdivision 1 – Preliminary**

#### **34 Requirements for Labels, Plant Health Certificates and Plant Health Assurance Certificates**

- (1) An ‘importer’ must retain for 4 years any complying label, complying identifier, Plant Health Certificate, Plant Health Assurance Certificate or BioSecure HACCP Biosecurity Certificate required by this Part.
- (2) For the purpose of subclause (1), ‘importer’ means the person who:
  - (a) imports a carrier into the State, and
  - (b) acquires the carrier from another person in another State or Territory, but does not include a person who is solely transporting the carrier into the State.

#### **Subdivision 2 - Bananas —Panama disease tropical race 4 and banana freckle—carriers**

#### **35 Definitions**

In this subdivision:

***banana covering*** means any covering that has contained or been in contact with a banana plant, used banana production equipment or banana soil.

***banana freckle*** means the disease of banana plant material and bananas caused by fungal species within the genus *Phyllosticta* that are primarily pathogenic on banana plant material and bananas, excluding the species *Phyllosticta maculata*.

***banana plant*** means any plant belonging to the family Musaceae and includes any part of any such plant.

***Panama disease tropical race 4*** means the disease of banana plants caused by the tropical race 4 strain of the fungus *Fusarium oxysporum* f.sp. *cubense*.

#### **36 Conditions to import Panama disease tropical race 4 and banana freckle—carriers**

This subdivision sets out the circumstances in which, despite clause 22 of the Regulation, a person may import Panama disease tropical race 4 and banana freckle carriers into the State.

#### **37 Bananas —Panama disease tropical race 4—carriers**

- (1) A person may import into the State a banana if paragraphs (a) and (b) are satisfied:
  - (a) the banana was grown in a State or Territory, or part of a State or Territory, that is free from Panama disease tropical race 4 as evidenced by an Area Freedom Certificate currently in force, and

- (b) the consignment of which the banana is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the banana was grown.
- (2) A person may import into the State a banana if the banana is free of soil and other plant material and the banana is accompanied by an acceptable biosecurity certificate that certifies the banana is free of soil and other plant material.
- (3) A person may import into the State a banana if the banana is part of a consignment transiting through the State, if paragraphs (a) to (c) are satisfied:
  - (a) the banana is free of soil and other banana plant material,
  - (b) the banana is covered to prevent any spillage and the covering is intact and secured, and
  - (c) no bananas from the consignment are unloaded in the State.
- (4) A person may import into the State a banana plant that is a tissue culture plantlet, if paragraphs (a) and (b) are satisfied:
  - (a) the banana plant is packaged in a sealed container, and
  - (b) production of the banana plant complies with subparagraphs (i) to (iv), and the consignment of which the banana plant is part is accompanied by a Quality Banana Approved Nursery Scheme label or a Plant Health Certificate that certifies these conditions have been met:
    - (i) it was grown from tissue culture,
    - (ii) no Panama disease tropical race 4 was detected during the culturing process,
    - (iii) it has not been exposed to banana pests or pathogens, and
    - (iv) it is packaged in a secure manner to prevent infection with Panama disease tropical race 4.
- (5) A person may import into the State used banana production equipment, banana covering and banana soil, if paragraphs (a) and (b) are satisfied:
  - (a) the used banana production equipment or banana covering was last used or the banana soil was last sourced in a State or Territory, or part of a State or Territory, that is free from Panama disease tropical race 4 as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the used banana production equipment, banana covering or banana 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 used banana production equipment or banana covering was last used or the banana soil was sourced.

**Note:** A person must not import used banana production equipment, banana covering or banana soil from a State or Territory, or part of a State or Territory, that is not free from Panama disease tropical race 4, or for which an Area Freedom Certificate is not currently in force.

- (6) In this clause—

*acceptable biosecurity certificate* means—

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-67 ‘Inspection of bananas for freedom of soil and plant material.’

### 37A Bananas—Banana Freckle—carriers

- (1) A person may import into the State a banana, if paragraphs (a) and (b) are satisfied—
  - (a) the banana was grown in a State or Territory, or part of a State or Territory, that is free from banana freckle as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the banana is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the banana was grown.
- (2) A person may import into the State a banana plant that is a tissue culture plantlet, if paragraphs (a) and (b) are satisfied:
  - (a) the banana plant is packaged in a sealed container, and
  - (b) the production of the banana plant complies with the requirements in subparagraphs (i) to (iv) and the consignment of which the banana plant is part is accompanied by a Quality Banana Approved Nursery Scheme or Plant Health Certificate that certifies that these conditions have been met:
    - (i) it was grown from tissue culture, and
    - (ii) no banana freckle was detected during the culturing process, and
    - (iii) it has not been exposed to banana pests, and
    - (iv) it is packaged in a secure manner to prevent infection with banana freckle.
- (3) A person may import into the State used banana production equipment, banana covering and banana soil, if paragraphs (a) and (b) are satisfied:
  - (a) the used banana production equipment or banana covering was last used in or the banana soil was last sourced from a State or Territory, or part of a State or Territory, that is free from banana freckle as evidence by an Area Freedom Certificate currently in force, and
  - (b) the used banana production equipment, banana covering or banana 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 used banana production equipment or banana covering was last used or the banana soil was sourced.

**Note.** A person must not import bananas, used banana production equipment, banana covering or banana soil from a State or Territory, or part of a State or Territory, that is not free from banana freckle, and for which an Area Freedom Certificate is not currently in force.

### **Subdivision 3 (repealed)**

#### **38–41 (Repealed)**

### **Subdivision 4 – Green snail and carriers**

#### **42 Definitions**

In this subdivision

**green snail** means the snail *Cantareus apertus*.

**green snail host soil conditions** means the green snail host soil which:

- (a) is a component of potting media, and
- (b) satisfies either (i) or (ii) below:

- (i) originated from and was sourced from properties in a known green snail free area, or
- (ii) was treated with one of the following treatments:
  - A. methyl bromide fumigation 0.6 kilograms/metres<sup>3</sup> for 72 hours on an impervious floor with the material laid or packed no more than 660 millimetres deep during fumigation, or
  - B. a steam and air mix at a temperature of 60 degrees Celsius for 30 minutes, or
  - C. fumigation with a chemical containing 940 grams/ kilogram dazomet in accordance with all APVMA label directions and permit conditions.

***green snail host covering*** means any covering that has contained or been in contact with a green snail host or green snail host soil.

#### **43 Conditions to import a Green snail carrier**

This subdivision sets out the circumstances in which, despite clause 24 of the Regulation, a person may import into the State green snail carriers.

#### **44 Green snail host – Area Freedom Certificate**

A person may import into the State a green snail host, if paragraphs (a) and (b) are satisfied:

- (a) the green snail host was grown and packed in a State or Territory, or part of a State or Territory, that is free from green snail as evidenced by an Area Freedom Certificate currently in force, and
- (b) the consignment of which the green snail host is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the green snail host was both grown and packed.

#### **45 Green snail host covering**

- (1) A person may import into the State green snail host covering if paragraphs (a) and (b) are satisfied:
  - (a) the covering was last used:
    - (i) in a State or Territory, or part of a State or Territory, that is free from green snail as evidenced by an Area Freedom Certificate currently in force, or
    - (ii) more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, and
  - (b) the covering has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the covering was last used.
- (2) A person may import into the State green snail host covering if the covering is free of soil and plant material and is accompanied by a Plant Health Certificate that certifies this condition has been met.

#### **46 Green snail host – grown and packed more than 25 kilometres from an infestation of green snail**

A person may import into the State a green snail host, if paragraphs (a) to (c) are satisfied:

- (a) the green snail host was grown and packed more than 25 kilometres from a known infestation of green snail, and
- (b) any green snail host brought onto the property on which the green snail host was grown was sourced more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, and
- (c) the consignment of which the green snail host is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the green snail host was both grown and packed.

**47 Green snail host – grown and packed more than 2 kilometres from an infestation of green snail**

- (1) A person may import into the State a green snail host, if the green snail host was grown and packed more than 2 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected and paragraphs (a) to (d) are satisfied:
  - (a) any green snail host brought onto the property on which the host was grown was sourced more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, and
  - (b) any soil that accompanies the green snail host satisfies the green snail host soil conditions, and
  - (c) all of the conditions set out in the following table are satisfied, at the times specified in the table:

Timing	Conditions
At all times	The properties on which the green snail host was grown or packed are more than 2 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected
From 1 April to 30 November (inclusive), for at least 3 months before importation	<p>All properties on which the green snail host was grown or packed that are between 2 to 25 kilometres of the a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, have been treated using the “green snail control method for properties between 2 to 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected.”</p> <p>For the purpose of this condition, <i>green snail control method for properties between 2 to 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected</i> means:</p>



	<p>(a) the properties have been baited with a chemical containing 20 grams/ kilogram methiocarb laid at 15 kg per baited hectare or another APVMA approved molluscicide for the control of green snail, in accordance with all APVMA label directions and permit conditions, and</p> <p>(b) the baits have been laid in a 3 metre wide strip, around the perimeter of the property and transecting through the property in a grid pattern, with distances between strips of:</p> <p>(i) for properties smaller than 5 hectares, 100 metres,</p> <p>(ii) for properties between 5 and 10 hectares, 200 metres,</p> <p>(iii) for properties larger than 10 hectares, 300 metres.</p>
3 days to 10 days after the baits were laid	An authorised officer under the Act or under a corresponding law in a State or Territory, inspected the baited trails, and found the baited trails to be free of green snail.

, and

- (d) the green snail host is accompanied by an ‘acceptable biosecurity certificate’ that certifies paragraphs (a), (b) and (c) have been satisfied.

(2) In this clause:

***acceptable biosecurity certificate*** means:

- (a) A Plant Health Certificate; or
- (b) A Plant Health Assurance Certificate issued in accordance with ICA procedure ICA-46 ‘Certification of Area/ Property Freedom for Green Snail (2 – 25 kilometres)’; or
- (c) A BioSecure HACCP Biosecurity Certificate issued in accordance with BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPGS09.

**Note:** green snail hosts grown and packed more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, only need to comply with clause 45, if the conditions in subclauses 45(a)-(c) are satisfied.

#### **48 Green snail host – grown or packed within 2 kilometres from an infestation of green snail**

- (1) A person may import a green snail host that was grown or packed within 2 kilometres from a known infestation of green snail if paragraphs (a) to (f) are satisfied:
- (a) all green snail host carriers brought onto the property on which the green snail host was grown was sourced more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, and
- (b) all properties on which the green snail host was grown or packed that are within 2 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected satisfy the requirements in subparagraphs (i) to (iii):
- (i) the properties have a 3 metre wide vegetation free strip around the entire perimeter of each property that:
- i. is baited every four weeks between 1 April and 30 November each year with a chemical containing 20g/kg methiocarb laid at 15kg per

- baited hectare, or with another approved molluscicide for the control of green snail, in accordance with all APVMA label directions and permit conditions; or
- ii. Has within the strip a continuous physical barrier erected using either a copper sheet or a galvanised sheet bent at a 20° angle or a continuous electric fence that is designed specifically for snails, and
    - (ii) the properties have a continuous trench extending 3 metres inside the perimeter of the property that contains an unbroken line of bait at the bottom (*boundary trench*), and
    - (iii) the properties have driveways with trenches along both sides of the entire length of the driveway, 100 millimetres deep and 100 millimetres across, constructed from a solid material such as concrete, and
  - (c) all green snail hosts, green snail host coverings and green snail host soil are stored more than 30 metres from the boundary trench, and
  - (d) any soil that accompanies the green snail host satisfies the green snail host soil conditions, and
  - (e) the conditions set out in the following table are satisfied at the times specified in the table:

Timing	Conditions
From 1 April to 30 November (inclusive), for at least 3 months before importation	<p>All of the following need to be met:</p> <ul style="list-style-type: none"> <li>(a) The properties are baited with one of the following:               <ul style="list-style-type: none"> <li>a. a chemical containing 20 grams/ kilogram methiocarb laid at 15 kg per baited hectare, or</li> <li>b. an APVMA approved molluscicide for the control of green snail in accordance with all APVMA label directions and permit conditions, and</li> </ul> </li> <li>(b) The baits are in a strip extending 3 metres inside the perimeter of the property and transecting through the property in a grid pattern, with distances between strips of:               <ul style="list-style-type: none"> <li>a. 200 metres- for properties larger than 10 hectares.</li> <li>b. 100 metres- for properties between 5 and 10 hectares.</li> <li>c. 50 metres - for properties smaller than 5 hectares provided that there is to be at least two transects running through the centre of the property at right angles.</li> </ul> </li> </ul>
3 days to 10 days after the baits were laid	An authorised officer under the Act or under a corresponding law in a State or Territory, inspected the baited trails, and found the baited trails to be free of green snail.

In the period starting 2 days before importation	The green snail hosts were treated using an APVMA approved chemical cover spray for the control of green snail in accordance with all APVMA label directions and permit conditions.
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, and

- (e) the green snail host is accompanied by an ‘acceptable biosecurity certificate’ that certifies the requirements of paragraphs (a) to (e) have been met.

(2) In this clause:

*acceptable biosecurity certificate* means:

- (a) a Plant Health Certificate, or
- (b) a BioSecure HACCP Biosecurity Certificate issued in accordance with BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPGS09.

**49 Household potted plant or bush picked flower from within 25 kilometres of an infestation of green snail**

A person may import into the State a household potted plant or a bush picked flower that was grown or packed within 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, if no earlier than 2 days before dispatch the household potted plant or bush picked flower was inspected and found free of green snail and green snail host soil, and it is accompanied by a Plant Health Certificate that certifies this condition has been met.

**50 Cut flower, foliage, cutting or bare rooted plant that was grown or packed within 25 kilometres of an infestation of green snail**

- (1) A person may import into the State a cut flower, foliage, cutting or a bare rooted plant that is grown or packed within 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, if it is imported between 1 December and 31 March in any year.
- (2) A person may import into the State a cut flower, foliage, cutting or a bare rooted plant that is grown or packed within 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected if in the period starting 2 days before dispatch:
  - (a) it was sprayed to the point of run off with a chemical containing 750g/kg methiocarb in accordance with all APVMA permit directions and label conditions for the control of green snail and is accompanied by a Plant Health Certificate that certifies this condition has been met, or
  - (b) it was treated with an APVMA approved molluscicide for the control of green snail in accordance with all APVMA permit directions and label conditions for the control of green snail and is accompanied by a Plant Health Certificate that certifies this condition has been met.
- (3) A person may import into the State a cut flower, foliage, cutting or a bare rooted plant that is grown or packed within 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected if it is free of green snail soil and green snail and is accompanied by a Plant Health Certificate that certifies this condition has been met.

**Note:** Cut flowers, foliage, cuttings and bare rooted plants grown or packed within 25 kilometres may be imported if they meet the conditions for green snail hosts grown and packed more than 2 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, or the conditions for green snail hosts grown and packed within 2 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected.

## 51 Green snail host soil

- (1) A person may import into the State any green snail host soil if paragraphs (a) and (b) are satisfied:
  - (a) the soil was sourced in a State or Territory, or part of a State or Territory that is free from green snail as evidenced by an Area Freedom Certificate currently in force,
  - (b) the soil has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where soil was sourced.
- (2) A person may import into the State green snail host soil if paragraphs (a) and (b) are satisfied:
  - (a) the green snail soil was sourced more than 25 kilometres from a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected, and
  - (b) the green snail 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 green snail soil was sourced.

**Note:** A person must not import green snail host soil that is sourced from within 25 kilometres of a place at which the person knows or ought reasonably to know that a green snail has been detected or has been suspected of having been detected.

## Subdivision 5 – Lupin anthracnose - carriers

### 52 Definitions

In this subdivision:

***lupin anthracnose*** means the disease caused by the fungus *Colletotrichum lupini*.

***lupin covering*** means any covering that has been in contact with a lupin plant or used lupin production equipment.

***Record of Movement (Used Lupin Production Equipment Importation)*** means a form to the effect of the form published on the Department's website titled 'Record of Movement – Lupin Anthracnose Carriers (Used Lupin Production Equipment Importation)' that contains a declaration made by the person importing the equipment that the used lupin production equipment has or will satisfy the conditions for importing used lupin production equipment.

### 53 Conditions to import Lupin anthracnose – carriers

This subdivision sets out the circumstances in which, despite clause 25 of the Regulation, a person may import into the State a lupin anthracnose carrier.

### 54 Lupin plant

A person may import into the State a lupin plant, if paragraphs (a) and (b) are satisfied:

- (a) the lupin plant was grown in a State or Territory, or part of a State or Territory, that is free of lupin anthracnose as evidenced by an Area Freedom Certificate currently in force, and
- (b) the consignment of which the lupin plant is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the lupin plant was grown.

**Note.** A lupin plant includes lupin grain for sowing and for stock feed. See clause 25 of the Biosecurity Regulation 2017 for the definition of lupin plant which excludes some lupin grain for human consumption.

## 55 Lupin covering

A person may import into the State a lupin covering, if paragraphs (a) and (b) are satisfied:

- (a) the lupin covering was last used in a State or Territory, or part of a State or Territory, that is free of lupin anthracnose as evidenced by an Area Freedom Certificate currently in force, and
- (b) the lupin covering has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the lupin covering was last used.

## 56 Used lupin production equipment

(1) A person may import into the State used lupin production equipment, if paragraphs (a) and (b) are satisfied:

- (a) the equipment was last used in a State or Territory, or part of a State or Territory, that is free of lupin anthracnose as evidenced by an Area Freedom Certificate currently in force, and
- (b) the equipment has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the equipment was last used.

(2) A person may import into the State used lupin production equipment, if paragraphs (a) and (b) are satisfied:

- (a) the equipment is free of soil and plant matter and is accompanied by a Plant Health Certificate that certifies this condition was satisfied, and
- (b) no later than 7 days before the importation, the Department receives, in a manner approved by the Department:
  - (i) a copy of the completed Record of Movement (Used Lupin Production Equipment Importation), and
  - (ii) a copy of the Plant Health Certificate for the used lupin production equipment.

## Subdivision 6 – Mediterranean fruit fly – carriers

### 57 Definitions

In this subdivision:

*Mediterranean fruit fly* means the insect *Ceratitidis capitata*.

***Mediterranean fruit fly host covering*** means any covering that has contained or been in contact with a Mediterranean fruit fly host fruit or Mediterranean fruit fly host soil.

***packing and movement conditions for Mediterranean fruit fly host fruit*** means conditions (a) to (d):

- (a) from the time of treatment or harvest to the time of dispatch and transport, the Mediterranean fruit fly host fruit must remain under conditions which prevent infestation by Mediterranean fruit fly, and
- (b) any used packaging that has contained or been in contact with a Mediterranean fruit fly host fruit or Mediterranean fruit fly host soil must be free of soil and plant matter, and
- (c) the Mediterranean fruit fly host fruit must comply with the repackaging conditions for Mediterranean fruit fly host fruit, if the Mediterranean fruit fly host fruit is consigned:
  - (i) as a lot for the purpose of producing smaller packs of host fruit and is repackaged in smaller packs, or
  - (ii) as a packed lot for the purpose of producing composite lots, and
- (d) any incorrect information displayed on the outer covering of a package must be removed and replaced with these details shown legibly on the outer covering:
  - (i) if the packer sourced the fruit from a single grower – the name, address, postcode and the State or Territory of both the grower and the packer,
  - (ii) if the packer sourced the fruit from multiple growers – the name, address, postcode and the State and Territory of the packer, and
  - (iii) a brief description of the contents of the package.

***repackaging conditions for Mediterranean fruit fly host fruit*** means the Mediterranean fruit fly host fruit satisfies one of the following:

- (a) the Mediterranean fruit fly host fruit is handled, stored and repackaged under conditions which prevent infestation of Mediterranean fruit fly, and is accompanied by a Plant Health Certificate that certifies this condition has been met, or
- (b) the Mediterranean fruit fly host is dealt with in accordance with ICA scheme procedure ICA-57 'Repacking of Certified Fruit Fly Host Produce' or ICA-17 'Reconsigning whole or split consignments and transporting of certified produce' and is accompanied by a Plant Health Assurance Certificate that certifies the requirements of the procedure have been met.

## **58 Conditions to import Mediterranean fruit fly — carriers**

This subdivision sets out the circumstances in which, despite clause 26 of the Regulation, a person may import into the State Mediterranean fruit fly — carriers.

## **59 Mediterranean fruit fly carrier– Area Freedom Certificate**

- (1) A person may import into the State Mediterranean fruit fly host fruit if paragraphs (a) and (c) are satisfied:
  - (a) the fruit was grown and packed in a State or Territory, or part of a State or Territory, that is free from Mediterranean fruit fly as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the fruit is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where it was both grown and packed, and

- (c) if the fruit transits through any area that is not free from Mediterranean fruit fly or for which there is no Area of Freedom Certificate currently in force, the fruit is transported under conditions which prevent infestation of Mediterranean fruit fly.
  - (2) A person may import into the State a Mediterranean fruit fly host soil if paragraphs (a) and (b) are satisfied:
    - (a) the soil was sourced in a State or Territory, or part of a State or Territory, that is free from Mediterranean fruit fly as evidenced by an Area Freedom Certificate currently in force, and
    - (b) the soil has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where it was sourced.
- Note:** A person must not import Mediterranean fruit fly host soil from a State or Territory, or part of a State or Territory, that is not free from Mediterranean fruit fly, or for which an Area Freedom Certificate is not currently in force.
- (3) A person may import into the State a Mediterranean fruit fly host covering if paragraphs (a) and (b) are satisfied:
    - (a) the covering was last used in a State or Territory, or part of a State or Territory, that is free from Mediterranean fruit fly as evidenced by an Area Freedom Certificate currently in force, and
    - (b) the covering has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where it was last used.

#### **60 Mediterranean fruit fly host fruit – banana in mature green condition**

- (1) A person may import into the State a banana in a mature green condition if paragraphs (a) and (b) are satisfied and the banana is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
  - (a) the banana is harvested and transported in a mature green condition, and
  - (b) the packaging and movement conditions for Mediterranean fruit fly host fruit are met.
- (2) In this clause:

***acceptable biosecurity certificate*** means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-16 ‘Certification of Mature Green Condition of Bananas.’

***mature green condition*** means the banana is hard and green with unbroken skin.

#### **61 Mediterranean fruit fly host fruit — tomato in mature green condition**

- (1) A person may import into the State a tomato in a mature green condition if paragraphs (a) and (b) are satisfied and the tomato is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
  - (a) the tomato is harvested and transported in a mature green condition, and
  - (b) the packaging and movement conditions for Mediterranean fruit fly host fruit are met.
- (2) In this clause:

***acceptable biosecurity certificate*** means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA Scheme procedure ICA-15 ‘Mature Green Condition of Passionfruit, Tahitian Lime, Black Sapotes, and Tomatoes.’

**mature green condition** means the tomato has an area with a diameter of no more than two centimetres of pink to red colour at the styler end at the time of colour sorting.

## 62 Mediterranean fruit fly host fruit – avocado in hard condition

- (1) A person may import into the State the varieties of avocado known as Hass, Lamb Hass, Sharwill, Reed or Fuerte in a hard condition if paragraphs (a) to (c) are satisfied and the avocado is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
  - (a) the avocado is harvested in a hard condition, and
  - (b) if the avocado was not packed within the period ending 48 hours after it was harvested, the avocado remained under conditions which prevent infestation by Mediterranean fruit fly, and
  - (c) the packaging and movement conditions for Mediterranean fruit fly host fruit are met.
- (2) In this clause:

**acceptable biosecurity certificate** means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-30 ‘Hard Condition of Avocados.’

**hard condition** means an avocado that is deliberately detached from a healthy branch of a living tree and shows no signs of softening or spotted areas, or of having any areas of breakdown or broken skin on any part of the fruit.

## 63 Mediterranean fruit fly host fruit – ‘Methyl bromide fumigation’

- (1) A person may import into the State Mediterranean fruit fly host fruit if paragraphs (a) and (b) are satisfied and the fruit is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
  - (a) the fruit is treated using the ‘Methyl bromide fumigation method’, and
  - (b) the packing and movement conditions for Mediterranean fruit fly host fruit are met.
- (2) In this clause:

**acceptable biosecurity certificate** means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-04 ‘Fumigating with Methyl Bromide.’

**Methyl bromide fumigation method** means:

- (a) For defective flower end-type papaya, the papaya is:
  - (i) hard and has no more than 25 percent ripe colouring at the time of fumigation; and



- (ii) fumigated post-harvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent at the rates, times and temperatures set out in the table below:

Time	Temperature	Rate
2 hours	10.0 degrees Celsius – 10.9 degrees Celsius	56 grams/cubic metre
2 hours	11.0 degrees Celsius – 15.9 degrees Celsius	48 grams/cubic metre
2 hours	16.0 degrees Celsius – 20.9 degrees Celsius	40 grams/cubic metre
2 hours	21.0+ degrees Celsius	32 grams/cubic metre

- (iii) For fruit that is not defective flower end-type papaya, the fruit is fumigated post-harvest with a fumigant containing 1000 grams/kilogram methyl bromide as its only active constituent at the rates, times and temperatures set out in the table below:

(b) :

Time	Temperature	Rate
2 hours	10.0 degrees Celsius – 10.9 degrees Celsius	56 grams/cubic metre
2 hours	11.0 degrees Celsius – 15.9 degrees Celsius	48 grams/cubic metre
2 hours	16.0 degrees Celsius – 20.9 degrees Celsius	40 grams/cubic metre
2 hours	21.0+ degrees Celsius	32 grams/cubic metre

#### 64 Mediterranean fruit fly host fruit – ‘cold treatment method’

- (1) A person may import into the State Mediterranean fruit fly host fruit if paragraphs (a) and (b) are satisfied and the fruit is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
- (a) the fruit is treated using the ‘cold treatment method’, and
  - (b) the packing and movement conditions for Mediterranean fruit fly host fruit are met.
- (2) In this clause:  
*acceptable biosecurity certificate* means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA-07 ‘Cold Treatment.’

***cold treatment method means:***

- (a) For Mediterranean fruit fly host fruit that is not a lemon, the fruit is kept at the temperatures post-harvest for the time periods described in the table below):

Temperature	Days
0.0 degrees Celsius $\pm$ 0.5 degrees Celsius	14 days
1.0 degrees Celsius $\pm$ 0.5 degrees Celsius	16 days
2.0 degrees Celsius $\pm$ 0.5 degrees Celsius	18 days
3.0 degrees Celsius $\pm$ 0.5 degrees Celsius	20 days

- (b) For Mediterranean fruit fly host fruit that is a lemon, the fruit is kept at the temperatures post-harvest for the time periods described in the table below):

Temperature	Days
1.0 degrees Celsius $\pm$ 0.5 degrees Celsius	14 days
2.0 degrees Celsius $\pm$ 0.5 degrees Celsius	16 days
3.0 degrees Celsius $\pm$ 0.5 degrees Celsius	18 days

**65 Mediterranean fruit fly host fruit – ‘Gamma Irradiation treatment method’**

- (1) A person may import into the State Mediterranean fruit fly host fruit if paragraphs (a) to (c) are satisfied and the fruit is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
  - (a) The fruit is approved for irradiation by Food Standards Australia New Zealand,
  - (b) the fruit is treated post-harvest with gamma irradiation at a minimum dose of 150 Gray, and
  - (c) the packing and movement conditions for Mediterranean fruit fly host fruit are met.

- (2) In this clause:

***acceptable biosecurity certificate means:***

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-55 ‘Irradiation Treatment.’

**Subdivision 7 – Orange stem pitting strains of Citrus tristeza virus – carriers**

## 66 Definitions

In this subdivision:

*orange stem pitting strains of Citrus tristeza virus* means the orange stem pitting strains of the virus *Citrus tristeza virus*.

## 67 Conditions to import or offer for sale orange stem pitting strains of Citrus tristeza virus—carriers

This subdivision sets out the circumstances in which, despite clause 27 of the Regulation, a person may import into the State or offer for sale orange stem pitting strains of Citrus tristeza virus— carriers.

## 68 Importation of a Citrus tristeza virus host plant

A person may import into the State a Citrus tristeza virus host plant, if paragraphs (a) and (b) are satisfied:

- (a) the Citrus tristeza virus host plant was grown in a State or Territory that is free of orange stem pitting strains of Citrus tristeza virus as evidenced by an Area Freedom Certificate currently in force, and
- (b) the consignment of which the Citrus tristeza virus host plant is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the plant was grown.

## 69 Offer for sale of a Citrus tristeza virus host plant

A person may offer a Citrus tristeza virus host plant for sale, if the plant is clearly labelled or clearly identified with:

- (a) the name and address of the nursery/property where it was grown, and
- (b) the name of the scion of the Citrus tristeza virus host plant by variety or cultivar and by common name or botanical name, and
- (c) the common name of the rootstock.

## Subdivision 8 – Pyriform scale carriers

### 70 Definitions

In this subdivision:

*pyriform scale* means the insect *Protopulvinaria pyriformis*.

*pyriform scale host plant* means a plant belonging to the family Acanthaceae, Agavaceae, Anacardiaceae, Apocynaceae, Aquifoliaceae, Araceae, Araliaceae, Asclepiadaceae, Cannaceae, Caprifoliaceae, Caricaceae, Convolvulaceae, Ebenaceae, Elaeocarpaceae, Euphorbiaceae, Fabaceae, Lauraceae, Lythraceae, Malpighiaceae, Malvaceae, Moraceae, Musaceae, Myricaceae, Myrtaceae, Oleaceae, Orchidaceae, Passifloraceae, Phyllanthaceae, Pittosporaceae, Punicaceae, Rubiaceae, Rutaceae, Saxifragaceae, Scrophulariaceae or Verbenaceae and includes any part of the plant but does not include the following:

- (a) a bare rooted plant without leaves,
- (b) a fruit,

- (c) a cut flower.

## 71 Conditions to import Pyriform scale carriers

This subdivision sets out the circumstances in which, despite clause 28 of the Regulation, a person may import into the State pyriform scale carriers.

## 72 Pyriform scale host plants

- (1) A person may import into the State a pyriform scale host plant, if paragraphs (a) and (b) are satisfied:
- (a) the pyriform scale host plant was grown in a State or Territory, or part of a State or Territory, that is free of pyriform scale as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the pyriform scale host plant is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place the plant was grown.
- (2) A person may import into the State a pyriform scale host plant if subclauses (a) to (b) are satisfied and the plant is accompanied by an ‘acceptable biosecurity certificate’ certifying that these conditions have been met:
- (a) the pyriform scale host plant is treated with an APVMA approved insecticide for the control of pyriform scale in accordance with all APVMA label directions and permit conditions, and
  - (b) the pyriform scale host plants are inspected 48 hours before dispatch at the greater of the rates specified at (i) and (ii) and no pyriform scale was detected:
    - (i) 2 percent of the consignment of the pyriform scale host plant, or
    - (ii) 600 pyriform scale host plants from the consignment.
- (3) In this clause, *acceptable biosecurity certificate* means:
- (a) A Plant Health Certificate; or
  - (b) A Plant Health Assurance Certificate issued in accordance with CA scheme procedure CA-10 ‘Treatment and Inspection of Nursery Stock for Pyriform Scale,’ or
  - (c) A BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPPS14.’

## Subdivision 9 – Spiraling whitefly – carriers

### 73 Definitions

In this subdivision:

*secure conditions* means any one of the following:

- (a) unvented packages, or
- (b) vented packages with the vents secured with gauze or mesh with a maximum aperture of 1.0 millimetre, or

- (c) fully enclosed under tarpaulins, hessian, shade cloth, mesh or other covering which provides a maximum aperture of 1.0 millimetre, or
- (d) fully enclosed or screened buildings, rooms, vehicles or other facilities free from gaps or other entry points greater than 1.0 millimetre in width or height.

*spiraling whitefly* means the insect *Aleurodicus dispersus*.

#### **74 Conditions to import Spiraling whitefly – carriers**

This subdivision sets out the circumstances in which, despite clause 29 of the Regulation, a person may import into the State spiraling whitefly —carriers.

**Note:** clause 29 of the Biosecurity Regulation does not prohibit the import of the flower, fruit or seed of a plant.

#### **75 Plant (other than a flower, fruit or seed)**

- (1) A person may import into the State any part of a plant, if paragraphs (a) to (c) are satisfied:
  - (a) the plant was grown and packed in a State or Territory, or part of a State or Territory, that is free of spiraling whitefly as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the plant has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place the plant was both grown and packed, and
  - (c) the plant was:
    - (i) placed in secure conditions before it was dispatched from the property and remained in secure conditions until it arrived in the State, or
    - (ii) not brought within 10 kilometres of any detection of spiraling whitefly.
- (2) A person may import into the State any part of a plant if paragraphs (a) to (b) are satisfied:
  - (a) the plant was grown and packed at a property which is located more than 10 kilometres from any detection of spiraling whitefly and the plant is accompanied by an ‘acceptable biosecurity certificate’ that certifies this condition has been met, and
  - (b) the plant:
    - (i) was placed in secure conditions before it was dispatched from the property and remained in secure conditions until it arrived in the State, or
    - (ii) was not brought within 10 kilometres of any detection of spiraling whitefly.
- (3) A person may import into the State any part of a plant if paragraphs (a) to (b) are satisfied:
  - (a) the plant satisfies subparagraphs (i) and (ii) and is accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:
    - (i) the property on which the plant is grown was inspected at the following times by an authorised officer under the Act, or under a corresponding law of a State or Territory, and all propagation areas of the property are found to be free of spiraling whitefly:

- A. if the plant is less than 12 weeks old – at least once every 4 weeks, and
    - B. if the plant is more than 12 weeks old – at least once every 4 weeks in the last 12 weeks of its life, and
  - (ii) the boundaries of the property on which the plant is grown are more than 1 kilometre from a known detection of spiraling whitefly, and
  - (b) the plant was placed in secure conditions before it was dispatched from the property and remained in secure conditions until it arrived in the State.
- (4) A person may import into the State any part of a plant if paragraphs (a) to (b) are satisfied:
  - (a) the plant satisfies subparagraphs (i) and (ii) and is accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:
    - (i) in the 48 hours immediately before importation, the consignment of which the plant is part was inspected, at the greater of the rates in A and B and no spiraling whitefly was detected:
      - A. 2 percent of the consignment, or
      - B. 600 units of the consignment, and
    - (ii) immediately after inspection, the plant was placed in secure conditions at least 10 metres from a spiraling whitefly infested plant, and
  - (b) the plant remained in secure conditions until it arrived in the State.
- (5) A person may import into the State any part of a plant if paragraphs (a) and (b) are satisfied:
  - (a) the plant satisfies subparagraphs (i) and (ii) and is accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:
    - (i) in the 48 hours prior to importation, the plant was treated with an APVMA approved insecticide for the control of spiraling whitefly in accordance with all APVMA label directions and permit conditions, and
    - (ii) immediately after treatment, the plant was placed in secure conditions at least 10 metres from a spiraling whitefly infested plant, and
  - (b) the plant remained in secure conditions until it arrived in the State.
- (6) In this clause, ***acceptable biosecurity certificate*** means:
  - (a) For subclause (2):
    - (i) a Plant Health Certificate, or
    - (ii) a BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPSPW06.’
  - (b) For subclause (3):
    - (iii) a Plant Health Certificate, or
    - (iv) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-36 ‘Property Freedom of Plants for Spiraling Whitefly’, or
    - (v) a BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPSPW06.’

- (c) For subclauses (4) and (5):
  - (i) a Plant Health Certificate, or
  - (ii) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-35 ‘Inspection and Treatment of Plants for Spiraling Whitefly’, or
  - (iii) a BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPSPW06.’

## **Subdivision 10 – Tomato yellow leaf curl virus (TYLCV) – carriers**

### **76 Definitions**

In this subdivision:

***documented silverleaf whitefly treatment and weed control regime*** means a regime involving:

- (a) a program of chemicals registered for the control of silverleaf whitefly applied in accordance with the APVMA label directions and permit conditions, and
- (b) the removal of weeds from inside the production areas and areas surrounding production areas.

***growing and inspection conditions*** means:

- (a) the plants were grown:
  - (i) in a silverleaf whitefly proof production facility, or
  - (ii) under a documented silverleaf whitefly treatment and weed control regime, and
- (b) the plants are inspected at the greater of these rates and no silverleaf whitefly and no symptoms of tomato yellow leaf curl virus were detected:
  - (i) 2 percent of the consignment of the plants, or
  - (ii) 600 plants from the consignment.

***secure conditions*** means any one of the following:

- (a) unvented packages, or
- (b) vented packages with the vents secured with gauze or mesh with a maximum aperture of 1.0 millimetres, or
- (c) fully enclosed under tarpaulins, hessian, shade cloth, mesh or other covering which provides a maximum aperture of 1.0 millimetres, or
- (d) fully enclosed or screened buildings, cool rooms, vehicles or other facilities free from gaps or other entry points greater than 1.0 millimetres in width or height, or
- (e) shrink wrapped and sealed as a palletised unit.

***silverleaf whitefly*** means the insect *Bemisia tabaci*.

***silverleaf whitefly proof production facility*** means a fully enclosed production facility where the internal, entry and exiting doors are sealable to prevent entry of silverleaf whitefly.

***tomato yellow leaf curl virus host plant*** means any of the following plants:

- (a) tomato (*Lycopersicon esculentum*),
- (b) bean (*Phaseolus vulgaris*),

- (c) lisianthus (*Eustoma grandiflora*),
- (d) lobed croton (*Croton lobatus*),
- (e) *Capsicum* spp.,  
**Note.** *Capsicum* spp. includes capsicum and chillies.
- (f) *Euphorbia* spp.,  
**Note.** *Euphorbia* spp. includes poinsettia.
- (g) *Physalis* spp.,  
**Note.** *Physalis* spp. includes cape gooseberry.

**tomato yellow leaf curl virus** means the virus *tomato yellow leaf curl virus*.

#### **77 Conditions to import Tomato yellow leaf curl virus (TYLCV) – carriers**

This subdivision sets out the circumstances in which, despite clause 30 of the Regulation, a person may import into the State tomato yellow leaf curl virus (TYLCV) — carriers.

#### **78 Tomato yellow leaf curl virus host plant – Area Freedom Certificate**

A person may import into the State a tomato yellow leaf curl virus host plant, if paragraphs (a) and (b) are satisfied:

- (a) the plant was grown in a State or Territory, or part of a State or Territory, that is free of tomato yellow leaf curl virus as evidenced by an Area Freedom Certificate currently in force, and
- (b) the consignment of which the plant is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place the plant was both grown and packed.

#### **79 Tomato yellow leaf curl virus host plant that has not been propagated vegetatively from cuttings**

(1) A person may import into the State a tomato yellow leaf curl virus host plant that has not been propagated from cuttings if paragraphs (a) to (d) are satisfied:

- (a) the plant satisfies the growing and inspection conditions and is accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met, and
- (b) the plant is transported under secure conditions, and
- (c) the plant remains in secure conditions until it is imported into the State; and
- (d) the plant is accompanied by a complying label or complying identifier that states:
  - (i) the name of the grower, and
  - (ii) the address of the property of origin, and
  - (iii) the name and address of the person or business that packed the plant into the package.

(2) In this clause, **acceptable biosecurity certificate** means:

- (a) a Plant Health Certificate, or
- (b) a BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPTYLCV01.’



## 80 Plant propagated vegetatively from cuttings

- (1) A person may import a tomato yellow leaf curl virus host plant that has been propagated vegetatively from cuttings into the State if paragraphs (a) to (d) are satisfied:
- (a) it satisfies subparagraphs (i) and (ii) and is accompanied by an 'acceptable biosecurity certificate' that certifies that these conditions have been met:
    - (i) the mother plant was tested every 6 months and found to be free of tomato yellow leaf curl virus, and
    - (ii) the plant satisfies the growing and inspection conditions, and
  - (b) the plant is transported under secure conditions, and
  - (c) the plant remains in secure conditions until it is imported into the State; and
  - (d) the consignment of which the plant is part is accompanied by a complying label or complying identifier that states:
    - (i) the name of the grower, and
    - (ii) the address of the property of origin, and
    - (iii) the name and address of the person or business that packed the plant into the package.
- (2) In this clause, *acceptable biosecurity certificate* means:
- (a) a Plant Health Certificate, or
  - (b) a BioSecure HACCP Biosecurity Certificate issued in accordance with 'BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPTYLCV01.'

## Division 4 Invasive species

### Subdivision 1 European house borer and carriers

#### 81 Definitions

In this subdivision:

*European house borer* means the insect *Hylotrupes bajulus*.

*wood product* means a wood product from a tree of the genus *Pinus*, *Abies*, *Picea*, *Araucaria* or *Pseudotsuga* other than the following:

- (a) any wood product made only of heartwood,
- (b) any wood product made only of reconstituted pinewood,
- (c) wooden household articles and furniture imported by or on behalf of a person for the personal use of the person or a member of the person's household, and  
**Note:** Such as a person moving to NSW who ships the contents of their home.
- (d) any wood product less than 4 millimetres thick.

#### 82 Conditions to import European house borer and carriers

This subdivision sets out the circumstances in which, despite clause 31 of the Regulation, a person may import into the State European house borer or carriers.

### 83 Wood products

A person may import into the State a wood product if the tree from which the wood product was derived was grown in a State or Territory, or part of a State or Territory that is free of European house borer as evidenced by an Area Freedom Certificate currently in force.

### 84 Wood products - treatment

- (1) A person may import into the State a wood product if it satisfies the requirements in paragraph (a) or (b):
  - (a) in the period starting 21 days before importation the wood product was treated using one of the treatment methods:
    - (i) the Methyl bromide fumigation treatment method if the wood product has a cross section of less than 20 centimetres, or
    - (ii) the Heat treatment method, or
  - (b) the wood product was treated using the Preservation treatment method before importation.
- (2) If the wood product is treated using a method described in subparagraph (i) or (ii) above, the wood product must be accompanied by a Plant Health Certificate that certifies:
  - (a) the origin of the wood product, and
  - (b) the wood product was treated using either the Methyl bromide fumigation treatment method or the Heat treatment method.
- (3) In this clause:
  - (a) **Heat treatment method** means treatment of the wood product by heating it such that the core temperature of the wood product at its greatest thickness reaches a minimum of 56.0°C for 30 minutes.
  - (b) **Methyl bromide fumigation treatment method** means treatment of a wood product that has a cross section that measures less than 20 centimetres by fumigation with methyl bromide:
    - (i) at a temperature equal to or higher than 10.0 degrees Celsius, and
    - (ii) for a minimum of 24 hours, and
    - (iii) with a minimum concentration of methyl bromide during the fumigation period as specified in the following table:

<b>Methyl Bromide Fumigation Treatment</b>					
Temperature	Concentration (g/m <sup>3</sup> )				
	At Start	After 2 hours	After 4 hours	After 12 hours	After 24 hours

>20.9 °C and above	48	36	31	28	24
>15.9 °C - 20.9 °C	56	42	36	32	28
10.0 °C - 15.9 °C	64	48	42	36	32

- (c) **Preservative treatment method** means application of a preservative specific for European House Borer, and to a hazard class of H2 or greater as provided in *Australian Standard AS 1604 'Specification for preservation treatment'* (the series of standards for preservative treatment of timber products).

## Subdivision 2

### 85–92 (Repealed)

## Division 5 Weeds - Parthenium weed carriers

### 93 Definitions

In this division:

**parthenium weed** means the weed *Parthenium hysterophorus*.

**record of movement (parthenium weed carrier)** means the form published on the Department's website titled 'Parthenium Weed Carrier - Record Of Movement' or the online web form of the same name.

### 94 Conditions to import Parthenium weed carriers – machinery and equipment

This subdivision sets out the circumstances in which, despite clause 35 of the Regulation, a person may import into the State from Queensland parthenium weed carriers — machinery and equipment.

### 95 Equipment except a grain harvester or comb trailer

A person may import equipment except a grain harvester or comb trailer into the State from Queensland, if either paragraph (a) or paragraph (b) is satisfied:

- (a) the equipment is cleaned to remove all plant material, dust and soil, and any accumulation of grease, or
- (b) the equipment is treated to sterilise seed in or on the equipment so that the equipment will not contaminate any land onto which it is brought.

### 96 Equipment that is a grain harvester or comb trailer

- (1) A person may import equipment that is a grain harvester (including the comb or front) or comb trailer (including the comb or front) into the State from Queensland, if paragraphs (a) and (b) are satisfied—

- (a) the equipment is cleaned in the manner set out in Schedule 1 to this Order, and is accompanied by a record of movement (parthenium weed carrier) completed by the person importing the equipment that declares the equipment has been cleaned in this manner, and
  - (b) the equipment is accompanied by a Biosecurity Certificate that certifies the requirements of subparagraphs (i) and (ii) have been met—
    - (i) the biosecurity certifier has received a copy of the record of movement (parthenium weed carriers) for the equipment, and
    - (ii) the equipment was inspected at an approved facility.
- (2) Despite subclause (1), a person may also import equipment that is a grain harvester (including the comb or front) or comb trailer (including the comb or front) into the State from Queensland if all of the following requirements have been met—
- (a) in relation to the equipment—
    - (i) it has not been used to harvest grain or any other crop, and
    - (ii) it has not entered or been driven in a paddock in Queensland, and
    - (iii) it does not contain any plant material, mud, dust or soil, and
    - (iv) the paint near the feederhouse on equipment that is a grain harvester is not chipped or marked, and
    - (v) the tyres must have vent spews, and

**Note**—vent spews may also be referred to as moulding extrusions, sprue nubs, tyre nibs, gate marks or nippers.
  - (b) while the equipment is in transit, the person in possession of the equipment must also be in possession of a delivery manifest for the equipment that contains the following information—
    - (i) the person sending the equipment into the State,
    - (ii) the person who will receive the equipment in the State,
    - (iii) the location in Queensland where the equipment was loaded for transport or dispatch into the State,
    - (iv) the intended destination of the equipment in the State, and
    - (v) the serial number of the equipment.

**Note**—an authorised officer may direct the person to provide a copy of the delivery manifest to the officer.

## Part 3 Biosecurity Zones – Aquatic pests and diseases

### Division 1 Preliminary

#### 97 Definitions

In this Part:

***aquaculture shipment log book*** means the aquaculture shipment log book as defined in the *Fisheries Management (Aquaculture) Regulation 2024*.

***Pacific Oyster Mortality Syndrome (POMS)*** means the oyster disease that is caused by the virus OsHV-1 micro variant.

***QX disease*** means the disease that is caused by the protozoan parasite *Marteilia sydneyi*.

***relevant NSW Fisheries office*** means the local Fisheries Office of the Department for the estuary from which the cultivation equipment and infrastructure are moved.

## Division 2 Conditions for Regulatory measures

### 98 QX disease biosecurity zone

- (1) This clause sets out the circumstances in which, despite clause 49 of the Regulation, a person who deals with oysters as authorised by a permit under the *Fisheries Management Act 1994*, may carry out permitted dealings.
- (2) A person may move oyster cultivation equipment from a high QX risk area or a medium QX risk area to any other part of the QX disease biosecurity zone if paragraphs (a) to (d) are satisfied:
  - (a) the oyster cultivation equipment was dried for 30 days in the high QX risk area or medium QX risk area before being moved to any other part of the QX disease biosecurity zone, and
  - (b) the proposed relocation was recorded in the aquaculture shipment log book, and
  - (c) not less than 48 hours before the proposed relocation, a copy of the aquaculture shipment log book was given to the relevant NSW Fisheries office, and
  - (d) a copy of the aquaculture shipment log book accompanies the oyster cultivation equipment at all times.

### 99 POMS biosecurity zone

- (1) This clause sets out the circumstances in which, despite clause 52 of the Regulation, a person who deals with oysters as authorised by a permit under the *Fisheries Management Act 1994* may carry out permitted dealings.
- (2) A person may move oyster cultivation equipment from the POMS biosecurity zone to waters outside of the POMS biosecurity zone if paragraphs (a) to (f) are satisfied:
  - (a) the oyster cultivation equipment was thoroughly cleaned to remove all oysters and other organic material, by manually scraping or high pressure cleaning, and wastage was disposed into general landfill, and waste-water has not entered any waterway, and
  - (b) the oyster cultivation equipment was decontaminated using either of these methods:
    - (i) moist heat treatment at a minimum temperature of at least 50 degrees Celsius for a minimum duration of 5 minutes (duration to be timed from the point at which every area of the treated equipment reaches a minimum temperature of at least 50 degrees Celsius), or
    - (ii) with one of the following disinfectants, freshly prepared before each use and used in accordance with the conditions of APVMA permit number PER82160:
      - A. Virkon® (Virkon® S or Virkon® Aquatic),

- B. Iodine,
  - C. Sodium Hydroxide, or
  - D. Quaternary Ammonium Compound, and
- (c) the oyster cultivation equipment was rinsed clean after decontamination, and
  - (d) the proposed movement of the oyster cultivation equipment was logged in the aquaculture shipment log book, and
  - (e) no less than 48 hours before the proposed relocation, a copy of the aquaculture shipment log book was given to the relevant NSW Fisheries office, and
  - (f) a copy of the aquaculture shipment log book accompanies the oyster cultivation equipment at all times.

## Part 4 Biosecurity Zones - Plant pests and diseases

### Division 1 Preliminary

#### 100 Requirements for Labels, Plant Health Certificates, Plant Health Assurance Certificates and BioSecure HACCP Biosecurity Certificate

- (1) A person who moves biosecurity matter into a biosecurity zone or part of a biosecurity zone must retain any record, label, Plant Health Certificate, Plant Health Assurance Certificate or BioSecure HACCP Biosecurity Certificate required by this Part for 4 years.
- (2) For the purpose of subclause (1), the word ‘move’ means the person who:
  - (a) moves the biosecurity matter into a biosecurity zone or part of a biosecurity zone, and
  - (b) acquires the biosecurity matter from another person in another State or Territory, but does not include a person who is solely transporting the carrier into the State.

### Division 2 Citrus red mite biosecurity zone

#### 101 Definitions

In this Division:

*citrus red mite* means the pest *Panonychus citri*.

*citrus red mite host plant* means a plant of the genus *Citrus*, *Eremocitrus*, *Microcitrus*, *Monanthocitrus*, *Fortunella* or *Poncirus* or any part (other than a fruit) of any such plant.

#### 102 Citrus red mite biosecurity zone

- (1) This clause sets out the circumstances in which, despite clause 56 of the Regulation, a person may move out of the citrus red mite biosecurity zone any citrus red mite host plant.
- (2) A person may move out of the citrus red mite biosecurity zone any citrus red mite host plant if in the period starting 12 months before the plant was moved out of the citrus red mite biosecurity zone, the plant was treated with an APVMA approved pesticide for the

control of citrus red mite in accordance with all APVMA label directions and permit directions and it is accompanied by an ‘acceptable biosecurity certificate’ certifying that this condition was met.

- (3) In this clause, ***acceptable biosecurity certificate*** means:
- (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with CA Scheme procedure CA-16 ‘Treatment of Citrus, Fortunella or Poncirus for Citrus Red Mite,’ or
  - (c) a BioSecure HACCP Biosecurity Certificate issued in accordance with ‘BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPCRM15.’

### Division 3 Grapevine phylloxera biosecurity zone

#### Sub-division 1 Preliminary

#### 103 Definitions

In this Division:

***diagnostic sample disinfestation method*** means the diagnostic sample was disinfested by:

- (a) autoclaving at:
  - (i) 121 degrees Celsius and 103 kilopascals for 15 minutes, or
  - (ii) 134 degrees Celsius and 103 kilopascals for 4 minutes, or
  - (iii) freezing to -18 degrees Celsius for 24 hours, or
- (b) freezing and transfer under liquid nitrogen to -196 degrees Celsius, or
- (c) freeze drying, or
- (d) oven drying to 45 degrees Celsius for 2 hours, or
- (e) hot water treatment to  $54 \pm 1$  degrees Celsius for 5 minutes, or
- (f) fixing in formalin/acetic acid, glutaraldehyde or 70 percent ethanol.

***dry heat treatment method*** means the room, shed or container is heated with dry heat until the required surface temperature of the equipment is reached, and the heat in the room, shed or container is held constant so that the required surface temperature of the equipment is maintained for the required times:

<i>Required surface temperature</i>	<i>Required times</i>
45 degrees Celsius	1.5 hours
40 degrees Celsius	3 hours

***filtered, clarified or cold settled juice*** means juice processed through a filter that removes all particles larger than 50 microns. Centrifugation and cold settling are accepted alternatives to filtration for the purposes of this definition provided that the same outcomes are achieved.

***grapevine phylloxera*** means the insect *Daktulosphaira vitifoliae*.

**hot water treatment method** means the equipment is totally immersed in water heated to 70 degrees Celsius and remains immersed for 2 minutes after the equipment has reached 70 degrees Celsius.

**interstate phylloxera infested zone** means all land in States or Territories other than NSW that is known to be infested with grapevine phylloxera or have been infested with phylloxera and includes all land that is within 5 kilometres of a known infestation.

**marc** is the solids residue from crushing or pressing of must (pre-fermentation marc) or wine fermented on skins (post-fermentation marc), containing skins, seeds and possibly stems.

**marc treatment method** means the marc was, at a location 500 metres from any grapevines or in a secure and segregated location at least 50 metres from any grapevine:

- (a) in a fermentation process of 4 days, or
- (b) composted for 3 months, or
- (c) composted in accordance with Australian Standard AS 4454 (2012), or
- (d) pasteurised in accordance with Australian Standard AS 4454 (2012).

**must** is the total product of crushing grape berries where the berries have been destemmed, and may include juice, skins, seeds, pulp and possibly some stems and leaves.

**NSW phylloxera infested zone** has the same meaning as it has in Part 2 of Schedule 2 to the Act. .

**phylloxera exclusion zone** means any land that falls within the definition of a “Phylloxera Exclusion Zone (PEZ)” in the National Phylloxera Management Protocol: Definitions of Phylloxera Management Zones published by the National Vine Health Steering Committee, as amended from time to time.

**phylloxera risk zone** means all land that is not within:

- (a) a phylloxera exclusion zone, or
- (b) a NSW phylloxera infested zone, or
- (c) an interstate phylloxera infested zone.

**securely packaged** means sealed so as to prevent escape of any grapevine phylloxera, within three layers of packaging, the outer layer being a sealed cardboard or plastic box or courier satchel, and the inner 2 layers being sealed paper, cardboard or plastic containers including bags or boxes. A label stating “Quarantine Material – Do Not Open” must be affixed between the second and third layer of packaging.

**steam treatment method** means the steam is applied at above 100 degrees Celsius and makes contact with all surfaces and the surface is left dry, not wet with condensate.

**table grapes** means grapes intended for consumption while fresh.

**unfiltered juice** means the liquid fraction from must, excluding skins, seeds and other large solids, but which may contain some suspended solids.

**used grapevine equipment** means equipment that was used in the production of a grapevine plant within the previous 2 years.

**wine grapes** means grapes grown or produced for wine production.

**Note: grapevine phylloxera biosecurity zone** has the same meaning as in clause 58 of the *Biosecurity Regulation 2017*, being a biosecurity zone established for all land within the State.



## Subdivision 2 Movement of a grapevine phylloxera carrier into the grapevine phylloxera biosecurity zone

### 104 Regulatory Measures

This subdivision sets out the circumstances in which, despite clause 59 of the Regulation, a person may move a grapevine phylloxera carrier:

- (1) Into the grapevine phylloxera biosecurity zone.
- (2) From a *NSW phylloxera infested zone* to any part of the State that is not in the NSW phylloxera infested zone.

### 105 Cutting or rootling

- (1) A person may move a cutting or rootling from a phylloxera exclusion zone or a phylloxera risk zone into the grapevine phylloxera biosecurity zone if paragraphs (a) to (b) are satisfied and the cutting or rootling is accompanied by an 'acceptable biosecurity certificate' that certifies these conditions have been met:
  - (a) it is dormant and free of soil; and
  - (b) it was treated by one of the methods and for the times and at the temperatures set out in the following table:

Method	Time	Temperature
Fumigation with methyl bromide at the rate of 32 grams per cubic metre	3 hours	18 degrees Celsius
Complete submersion in a hot water dip	30 minutes	50 ± 1 degrees Celsius
Complete submersion in a hot water dip	5 minutes	54 ± 1 degrees Celsius

- (2) In this clause, *acceptable biosecurity certificate* means:
  - (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with ICA Scheme procedure ICA-37 'Hot water treatment of grapevines.'
- (3) A person may move a cutting from a phylloxera exclusion zone into the grapevine phylloxera biosecurity zone if paragraphs (a) to (d) are satisfied:
  - (a) the cutting is sourced from a business accredited under a Vine Industry Nursery Association (**VINA**) grapevine propagation program and satisfies subparagraphs (i) and (ii):
    - (i) the cutting is free from soil, and
    - (ii) the cutting is dormant,
  - (b) before dispatch from the VINA accredited business from which the cutting or rootling was sourced:

- (i) the number of cuttings to be dispatched and the origin of those cuttings are recorded, and
  - (ii) the cuttings were packed for transport in a way that prevents them from being separated from the bundle or packaging in which they were placed before transport, and
  - (c) the cutting is accompanied by a copy of the record of the number of cuttings and their origin, and
  - (d) the cutting is received by a business accredited under a VINA grapevine propagation program.
- (4) Before a person propagates or plants a cutting in the grapevine phylloxera biosecurity zone that was sourced from a business accredited under a **VINA** grapevine propagation program under subclause (3), the cutting must be treated by one of the methods and for the times and at the temperatures set out in the following table:

Method	Time	Temperature
Fumigation with methyl bromide at the rate of 32 grams per cubic metre	3 hours	18 degrees Celsius
Complete submersion in a hot water dip	30 minutes	50 ± 1 degrees Celsius
Complete submersion in a hot water dip	5 minutes	54 ± 1 degrees Celsius

**Note:** Movement of cuttings and rootlings from an interstate phylloxera infested zone to anywhere in grapevine phylloxera biosecurity zone or from the NSW phylloxera infested zone into the part of the grapevine phylloxera biosecurity zone that is not in the NSW phylloxera infested zone is prohibited.

## 106 Whole wine grapes

- (1) A person may move whole wine grapes into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied:
  - (a) the grapes were grown in a phylloxera exclusion zone or the grapes were grown in or sourced from a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the grapes are part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes were grown or sourced.
- (2) A person may move whole wine grapes from a phylloxera risk zone into the grapevine phylloxera biosecurity zone if paragraphs (a) to (d) are satisfied and the grapes are accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:
  - (a) the grapes are solely sourced from a vineyard that was surveyed in accordance with the National Phylloxera Management Protocol within the current season and there is no reason to suspect the presence of grapevine phylloxera, and

- (b) the grapes were packed in bins which have been sterilised by the steam treatment method, the hot water treatment method or the dry heat treatment method and are free of all soil and plant material, and
  - (c) the bins were loaded onto a transport vehicle on a hard surface, not within the vineyard, and
  - (d) the transport vehicle was cleaned free of all soil and plant matter.
- (3) In this clause, ***acceptable biosecurity certificate*** means:
- (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-33 ‘Movement of Wine Grapes – Phylloxera and Fruit Fly.’

**Note:** Movement of whole wine grapes from an interstate phylloxera infested zone to anywhere in grapevine phylloxera biosecurity zone or from the NSW phylloxera infested zone into the part of the grapevine phylloxera biosecurity zone that is not in the NSW phylloxera infested zone is prohibited

### **107 Marc- movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move marc into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied:
- (a) the grapes from which the marc is produced were grown in a phylloxera exclusion zone or in a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the marc is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes from which the marc was produced were grown.
- (2) A person may move marc into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied and the marc is accompanied by a Plant Health Certificate that certifies these conditions have been met:
- (a) the marc is treated using a marc treatment method, and
  - (b) the marc is packed into a sealed container that is free of soil and plant matter, and
  - (c) the marc is transported in a vehicle that is cleaned free of soil and plant matter.

### **108 Marc- movement from a NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move marc out of a NSW Phylloxera infested zone if paragraphs (a) to (c) are satisfied and the marc accompanied by a Plant Health Certificate that certifies these conditions have been met:
- (a) the marc is treated using a marc treatment method, and
  - (b) the marc is packed into a sealed container that is free of soil and plant matter, and
  - (c) the marc is transported in a vehicle that is cleaned free of soil and plant matter.

### **109 Filtered, clarified or cold settled juice- movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move filtered, clarified or cold settled juice into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied:

- (a) the grapes from which the filtered, clarified or cold settled juice is produced were grown in a phylloxera exclusion zone or in a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the juice forms part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes from which the juice is produced were grown.
- (2) A person may move filtered, clarified or cold settled juice produced from grapes grown in an interstate phylloxera infested zone or a phylloxera risk zone into the grapevine phylloxera biosecurity zone if all of the following are met:
- (a) the juice has no particles of size greater than 50 microns,
  - (b) no later than 24 hours after dispatch of the first consignment of juice from a property or properties for a given vintage, the following details must be emailed to [plant.permits@dpi.nsw.gov.au](mailto:plant.permits@dpi.nsw.gov.au):
    - a. The address and contact details of each property from which the juice originates,
    - b. The address and contact details of each property where the juice is being sent,
    - c. The total volume of juice to be moved, and
    - d. The date range within which the movement will occur, and
  - (c) the consignment of filtered, clarified or cold settled juice must be labelled or otherwise identified with the name and postcode of the city or town nearest to the place where the grapes from which the juice was produced were grown.

**110 Filtered, clarified or cold settled juice- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move filtered, clarified or cold settled juice out of the NSW phylloxera infested zone if all of the following are met:
- (a) the juice has no particles of size greater than 50 microns,
  - (b) no later than 24 hours after dispatch of the first consignment of juice from a property or properties for a given vintage, the following details must be emailed to [plant.permits@dpi.nsw.gov.au](mailto:plant.permits@dpi.nsw.gov.au):
    - a. The address and contact details of each property from which the juice originates,
    - b. The address and contact details of each property where the juice is being sent,
    - c. The total volume of juice to be moved, and
    - d. The date range within which the movement will occur, and
  - (c) the consignment of filtered, clarified or cold settled juice must be labelled or otherwise identified with the name and postcode of the city or town nearest to the place where the grapes from which the juice was produced were grown.

**111 Unfiltered juice or must- movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move unfiltered juice or must into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied:
  - (a) the grapes from which the unfiltered juice or must is produced were grown in a phylloxera exclusion zone or in a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the consignment of which the unfiltered juice or must is part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes from which the unfiltered juice or must is produced were grown.
- (2) A person may move unfiltered juice or must into the grapevine phylloxera biosecurity zone if paragraphs (a) to (d) are satisfied and the juice or must is accompanied by a Plant Health Certificate certifying that these conditions have been met:
  - (a) the grapes from which the juice or must is produced were grown in a phylloxera risk zone, and
  - (b) the juice or must is sourced solely from a vineyard that was surveyed in accordance with the National Phylloxera Management Protocol within the current season and there is no reason to suspect the presence of grapevine phylloxera, and
  - (c) the juice or must was packed into a sealed container that is free of soil and plant matter and loaded onto the transport vehicle on a hard surface, and
  - (d) the transport vehicle is free of all soil and plant matter.
- (3) A person may move unfiltered juice or must into the grapevine phylloxera biosecurity zone if paragraphs (a) to (f) are satisfied and the unfiltered juice or must is accompanied by a Plant Health Certificate that certifies that conditions (a) to (e) have been met:
  - (a) the grapes from which the juice or must is produced were grown in a phylloxera infested zone, and
  - (b) the juice or must was fermented for at least 4 days, and
  - (c) the juice or must was sealed in containers which prevent any spillage and which are free of all soil and plant material, and
  - (d) the containers in which the juice or must has been sealed were loaded onto or into a transport vehicle on a hard surface, not within a vineyard, and
  - (e) the transport vehicle is free of all soil and plant matter, and
  - (f) if any spillage occurs whilst moving the unfiltered juice or must within the grapevine phylloxera biosecurity zone, the Department must be immediately notified.

**Note:** The manner in which a person must notify the Department of any spillage of juice or must is published on the Department's website.

## **112 Unfiltered juice or must- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move unfiltered juice or must out of the NSW phylloxera infested zone if paragraphs (a) to (f) are satisfied and the unfiltered juice or must is accompanied by a Plant Health Certificate certifying that that conditions (a) to (e) have been met:
  - (a) the juice or must was fermented for at least 4 days, and
  - (b) the juice or must was sealed in containers which prevent any spillage and if any spillage occurs the Department is immediately notified, and

- (c) the containers in which the juice or must has been sealed are free of all soil and plant material; and
- (d) the containers in which the juice or must has been sealed were loaded onto or into a transport vehicle on a hard surface, not within a vineyard, and
- (e) the transport vehicle is free of all soil and plant matter, and
- (f) if any spillage occurs whilst moving the unfiltered juice or must within the grapevine phylloxera biosecurity zone, the Department must be immediately notified.

**Note:** The manner in which a person must notify the Department of any spillage of juice or must is published on the Department's website.

### **113 Table grapes- movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move table grapes into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied:
  - (a) the grapes were grown in a phylloxera exclusion zone or in a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the grapes are free of soil and leaf matter, and
  - (c) the consignment of which the grapes are part have a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes were grown.
- (2) A person may move table grapes from a phylloxera risk zone into the grapevine phylloxera biosecurity zone if paragraphs (a) to (d) are satisfied and the grapes are accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the grapes were grown in a phylloxera risk zone, and
  - (b) the grapes were sourced solely from a vineyard that was surveyed in accordance with the National Phylloxera Management Protocol within the current season and there is no reason to suspect the presence of grapevine phylloxera, and
  - (c) the consignment of which the grapes are part has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the grapes were grown or sourced, and
  - (d) the grapes were packed in a container which is free of soil and plant material.
- (3) A person may move table grapes from the phylloxera risk zone or a phylloxera infested zone into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied and the grapes are accompanied by a Plant Health Certificate certifying that these conditions have been met:
  - (a) the grapes were treated with a registered APVMA product containing at least 970 grams/kilogram anhydrous sodium metabisulphite in accordance with all APVMA label directions and permit conditions, and
  - (b) the grapes were packed for sale as table grapes.

### **114 Table grapes- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move table grapes out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied and the grapes are accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the grapes were treated with a registered product containing at least 970 grams/kilogram anhydrous sodium metabisulphite at the rate specified on the label and they are free of soil and leaf material, and
  - (b) the grapes are packed for sale as table grapes.

#### **115 Used grapevine equipment- movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move used grapevine equipment into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied:
  - (a) the equipment was last used in a phylloxera exclusion zone or in a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force,
  - (b) the equipment is free of soil and plant material; and
  - (c) the equipment has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the equipment was last used.
- (2) A person may move used grapevine equipment into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied and the equipment is accompanied by an 'acceptable biosecurity certificate' that certifies these conditions have been met:
  - (a) the equipment was last used in an interstate phylloxera infested zone or phylloxera risk zone, and
  - (b) the equipment is free of soil and plant material, and
  - (c) the equipment was sterilised using one of the following methods:
    - (i) for all equipment (except a mechanical harvester) — the steam treatment method, the hot water treatment method or the dry heat treatment method, or,
    - (ii) for equipment that is a mechanical harvester— the dry heat treatment method.
- (3) In this clause, *acceptable biosecurity certificate* means:
  - (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with Certification Assurance Arrangement Procedure PS-36 'Movement of Winegrape Equipment.'

#### **116 Used grapevine equipment- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move used grapevine equipment out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied and the equipment is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the equipment is free of soil and plant material, and
  - (b) the equipment was sterilised using one of the following methods:

- (i) for all equipment (except a mechanical harvester) — the steam treatment method, the hot water treatment method or the dry heat treatment method, or,
- (ii) for equipment that is a mechanical harvester— the dry heat treatment method.

### 117 Potted Vines - movement into the grapevine phylloxera biosecurity zone

- (1) A person may move a potted vine into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied and the potted vine is accompanied by a Plant Health Certificate that certifies these conditions have been met:
- (a) the cutting or rootling from which the vine was grown comes from a phylloxera exclusion zone or from a State or Territory, or part of a State or Territory that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the cutting or rootling from which the vine was grown was treated using one of the methods for the times and at the temperatures set out in the following table:

Method	Time	Temperature
Fumigation with methyl bromide at the rate of 32 grams per cubic metre	3 hours	18 degrees Celsius
Complete submersion in a hot water dip	30 minutes	50 ± 1 degrees Celsius
Complete submersion in a hot water dip	5 minutes	54 ± 1 degrees Celsius

, and

- (c) the potted vine was grown in artificial growing matter and has not been in contact with the ground.

**Note:** Movement of potted vines from a NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone is prohibited. Also, movement of potted vines from the following zones into the grapevine phylloxera biosecurity zone are prohibited:

- (i) a phylloxera risk zone, or
- (ii) an interstate phylloxera infested zone.

### 118 Diagnostic samples- movement into the grapevine phylloxera biosecurity zone

- (1) A person may move a diagnostic sample of any grapevine phylloxera carrier (excluding equipment) into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied:
- (a) the diagnostic sample is from a phylloxera exclusion zone or from a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and
  - (b) the diagnostic sample has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where the diagnostic sample is from, and



- (c) the diagnostic sample is securely packaged.
- (2) A person may move a diagnostic sample of any grapevine phylloxera carrier (excluding equipment) into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied and the diagnostic sample is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the diagnostic sample is from a phylloxera risk zone or an interstate phylloxera infested zone, and
  - (b) the diagnostic sample was disinfested using a diagnostic sample disinfestation method; and
  - (c) the diagnostic sample is securely packaged.
- (3) A person may move a diagnostic sample of any grapevine phylloxera carriers (excluding equipment) into the grapevine phylloxera biosecurity zone if paragraphs (a) to (c) are satisfied:
  - (a) the diagnostic sample is from a phylloxera risk zone or an interstate phylloxera infested zone, and
  - (b) the diagnostic sample is sent directly to premises accredited under an arrangement for receiving quarantine material approved by the Federal Department of Agriculture and Water Resources, and
  - (c) the diagnostic sample is securely packaged.

**119 Diagnostic sample- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move a diagnostic sample of any grapevine phylloxera carrier (excluding equipment) out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied and the diagnostic sample is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the diagnostic sample is disinfested using a diagnostic sample disinfestation method, and
  - (b) the diagnostic sample is securely packaged.
- (2) A person may move a diagnostic sample of any grapevine phylloxera carrier (excluding equipment) out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied:
  - (a) the diagnostic sample is sent directly to premises accredited under an arrangement for receiving quarantine material approved by the Federal Department of Agriculture and Water Resources, and
  - (b) the diagnostic sample is securely packaged.

**120 Mulch or soil improving materials (such as garden organics) - movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move mulch or soil improving materials (such as garden organics) into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied:
  - (a) the mulch or soil improving material is sourced from a phylloxera exclusion zone or from a State or Territory, or part of a State or Territory, that is free from grapevine phylloxera as evidenced by an Area Freedom Certificate currently in force, and

- (b) the mulch or soil improving material has a complying label or complying identifier that states the name and postcode of the city or town nearest to the place where it was sourced.
- (2) A person may move mulch or soil improving materials (such as garden organics) into the grapevine phylloxera biosecurity zone if paragraphs (a) to (d) are satisfied and the mulch or soil improving material is accompanied by a Plant Health Certificate that certifies these conditions have been met:
- (a) the mulch or soil improving material is sourced from a phylloxera risk zone, and
  - (b) the mulch or soil improving material was treated using one of these methods at least 500 metres from any grapevines, or on a hard surface at least 50 metres from any grapevines:
    - (i) composted for 3 months, or
    - (ii) composted in accordance with Australian Standard AS 4454 (2012), or
    - (iii) pasteurised in accordance with Australian Standard AS 4454 (2012), and
  - (c) the mulch or soil improving material was packaged into a sealed container that is free of soil and plant matter, and
  - (d) the mulch or soil improving material was transported in a vehicle that has been cleaned so as to be free of soil and plant matter.

**Note 1:** Movement of soil into the State is prohibited.

**Note 2:** Movement of mulch and soil improving materials into the State from an interstate phylloxera infested zone is prohibited.

**121 Mulch, soil improving materials (such as garden organics)- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move mulch or soil improving materials (such as garden organics) out of the NSW phylloxera infested zone if paragraphs (a) to (c) are satisfied and the mulch or soil improving material is accompanied by a Plant Health certificate that certifies these conditions have been met:
- (a) the mulch or soil improving material was treated using one of these methods:
    - (i) composting or pasteurisation in accordance with the Australian Standard AS 4454-2012, or
    - (ii) composting or pasteurisation in an open windrow so that the whole of the mass is subjected to a minimum of 3 turns with the internal temperature reaching a minimum of 55 degrees Celsius for 3 consecutive days before each turn, or
    - (iii) composting or pasteurisation in a housed continuous windrow system so the mass in the windrow in at least one zone is subjected to the internal temperature reaching a minimum of 55 degrees Celsius for 3 consecutive days, or
    - (iv) if temperature data is not available for the facility, or where the mass in a windrow in at least one zone has not reached 55 degrees Celsius, then the batch must be segregated and must not be released for certification until pathogen test results from a composite sample indicate:
      - A. less than one *Salmonella* per 50 grams of final product, and

- B. 100 *E. coli* (or thermotolerant coliforms) per gram of final product, and
- (b) the mulch or soil improving material was loaded on a hard surface using clean machinery, into a container:
  - (i) that is free of soil and plant matter before packaging,
  - (ii) was sealed after packaging, and
  - (iii) the external surfaces of which were cleaned so that they are free of soil and plant material, and
- (c) the mulch or soil improving material was transported in a vehicle, the external surfaces of which have been cleaned so that they are free of soil and plant matter.

**Note:** Movement of soil out of the NSW phylloxera infested zone is prohibited.

- (2) A person may also move mulch or soil improving materials (such as garden organics) out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied:
  - (a) the mulch or soil improving materials are dealt with in accordance with Part A of Certification Assurance procedure CA-05 'Biosecure transport and treatment of host plant material destined for recycling or waste,' and
  - (b) the person receiving the mulch or soil improving materials complies with the requirements of Part B of Certification Assurance procedure CA-05 'Biosecure transport and treatment of host plant material destined for recycling or waste.'

## **122 Germplasm - movement into the grapevine phylloxera biosecurity zone**

- (1) A person may move germplasm into the grapevine phylloxera biosecurity zone if paragraphs (a) and (b) are satisfied and the germplasm is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the germplasm was grown in sterile conditions as a tissue culture plant, and
  - (b) the germplasm remains in sterile conditions until it arrives in the grapevine phylloxera biosecurity zone.

## **123 Germplasm- movement from the NSW phylloxera infested zone to any part of the State that is not in the NSW phylloxera infested zone**

- (1) A person may move germplasm out of the NSW phylloxera infested zone if paragraphs (a) and (b) are satisfied and the germplasm is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the germplasm was grown in sterile conditions as a tissue culture plant, and
  - (b) the germplasm remains in sterile conditions until after it has left the NSW phylloxera infested zone.

## **Division 4 Potato biosecurity zone**

### **Subdivision 1 Preliminary**

## **124 Definitions**

In this Division:

***affected by positively tested land*** means the land:

- (a) adjoins the positively tested land, or
- (b) has been farmed with equipment used on the positively tested land, or
- (c) receives direct drainage from the positively tested land, or
- (d) has been planted with seed sourced from the positively tested land.

***Australian National Standard for Certification of Seed Potatoes*** means the National Standard for certification of seed potatoes approved by AUSVEG Limited.

***bulbs and root vegetables*** means tubers, bulbs (including onions and garlic), roots (including carrots, parsnips and turnips), corms or rhizomes.

***diagnostic sample*** means Solanaceae plant material or soil that has been in contact with a Solanaceae plant, collected for chemical or biological analysis.

***generation zero (G0)*** means tissue cultured plantlets, microtubers or mini tubers produced in a laboratory in artificial media approved by the Australian National Standard for Certification of Seed Potatoes.

***National Certified Seed Scheme*** means any of the following schemes:

- (a) AuSPICA Seed Potato Certification Scheme administered by the Victorian Certified Seed Potato Authority Incorporated,
- (b) Tasmanian Certified Seed Potato Scheme (TasSeed) administered by the Tasmanian Institute of Agriculture,
- (c) Crookwell Potato Growers Association Scheme administered by the Crookwell Potato Growers Association Incorporated,
- (d) Western Australian Certified Seed Potato Scheme administered by the Western Australia Department of Agriculture and Food.

***National Certified Seed Scheme label*** means a label issued under a National Certified Seed Scheme.

***nursery stock*** means all plant life in a vegetative state that is offered for sale excluding potatoes.

***paddock*** means an area of a property in which Solanaceae plants are grown or have been grown.

***PCN*** means *Globodera pallida* (pale potato cyst nematode) and *Globodera rostochiensis* (golden potato cyst nematode).

***PCN infested land*** is land:

- (a) which has been tested for PCN and the test showed PCN to be on the land (***positively tested land***), or
- (b) that is affected by positively tested land and a test for PCN has not been conducted on the land within the current growing season.

***PCN linked land*** is land that is affected by positively tested land and has been tested for PCN during the current growing season and found to be free of PCN.

***potato propagative material*** means any potato plants or parts of potato plants to be used for propagation or planting.

***processing potato*** means a potato grown for processing into prepared potato products that does not constitute fresh potato (including, but not limited to, potato chips and hash browns).

***PSTVd*** means the viroid potato spindle tuber viroid.

***PSTVd tested*** means the collection of 200 leaf samples from an actively growing crop by an authorised officer and testing of this sample for the presence of PSTVd at a laboratory that is accredited by the National Association of Testing Authorities, Australia.

***small retail package*** means a package containing potato propagative material that weighs no more than 5 kilograms and is for retail sale.

***tested for PCN*** means a soil sample was assayed by extraction of cysts with a Fenwick can and the cysts identified or by using a molecular diagnostic method for the presence of PCN, where the soil sample was collected by either:

- (a) coring of the paddock prior to planting, or within 1 month of planting, so that cores are collected at the intersections of a 10 metre by 10 metre grid, with at least 1 kilogram of soil collected per hectare, and where each sample to be submitted for testing is no less than 500 grams, collected as a representative sub-sample of soil from every 2 hectares of paddock, or
- (b) in the case of land that is neither PCN infested land nor PCN linked land - accumulation of soil in a receptacle positioned under the top inspection table of a potato harvester during harvest, with at least 1 kilogram of soil collected per hectare, and where each sample to be submitted for testing is no less than 500 grams for each 2 hectares or part thereof harvested, and is collected as a representative sub-sample of the total soil accumulated during harvest.

***used Solanaceae plant covering*** means a covering or packaging that has contained or been in contact with a Solanaceae plant.

***used Solanaceae production equipment*** means equipment that was used in the production of a Solanaceae plant.

***ware potato*** means a potato grown for consumption as a fresh potato.

**Note.** ***potato biosecurity zone*** has the same meaning as in clause 61 of the Biosecurity Regulation 2017, being a biosecurity zone established for all land within the State.

## Subdivision 2 Seed Potato Protected Areas

### 125 Regulatory Measures

This subdivision sets out the circumstances in which, despite clause 62 of the Regulation, a person may move restricted potato biosecurity matter into a seed potato protected area.

### 126 Potato propagative material

- (1) A person may move potato propagative material into a seed potato protected area if paragraphs (a) to (d) are satisfied:
  - (a) the potato propagative material originates from land that is neither PCN infested land nor PCN linked land, and
  - (b) the potato propagative material satisfies either of the conditions in subparagraph (i) or (ii):
    - (i) the potato propagative material was grown in a State or Territory, or part of a State or Territory that is free from PSTVd as evidenced by an Area Freedom Certificate currently in force, or

- (ii) the plant from which the potato propagative material was grown is from a crop that was PSTVd tested and found to be free of PSTVd and the propagative material is accompanied by a Plant Health Certificate or a National Certified Seed Scheme label that certifies this condition was met, and
- (c) the potato propagative material:
  - (i) is generation zero (G0), and
  - (ii) is free of soil so as to meet the slight soil adhesion standard under the Australian National Standard for Certification of Seed Potatoes and is accompanied by a Plant Health Certificate or a National Certified Seed Scheme label that certifies the material meets this Standard, and
- (d) the consignment of which the potato propagative material is part has a complying label or complying identifier that:
  - (i) states the name and postcode of the city or town nearest to the place where the potato propagative material was grown, and
  - (ii) describes the potato propagative material

#### **127 Potato propagative material – small retail packages**

- (1) A person may move potato propagative material in small retail packages into a seed potato protected area if paragraphs (a) to (e) are satisfied:
  - (a) the potato propagative material originates from land that is neither PCN infested land nor PCN linked land, and
  - (b) the potato propagative material satisfies either of the conditions in subparagraph (i) or (ii):
    - (i) the potato propagative material was grown in a State or Territory, or part of a State or Territory that is free from PSTVd as evidenced by an Area Freedom Certificate currently in force, or
    - (ii) the potato propagative material was:
      - A. from a crop that was PSTVd tested and found to be free of PSTVd, and
      - B. the potato propagative material is accompanied by a Plant Health Certificate or a National Certified Seed Scheme label that certifies condition A was met, and
  - (c) the potato propagative material satisfies the requirements in subparagraphs (i) and (ii) and the potato propagative material is accompanied by a Plant Health Certificate or National Certified Seed Scheme label that certifies these conditions have been met:
    - (i) the potato propagative material:
      - A. is generation zero (G0), or
      - B. originates from a paddock in which the soil has been tested for PCN during the current growing season and found to be free of PCN, and
    - (ii) the potato propagative material is free of soil so as to meet the slight soil adhesion standard under the Australian National Standard for Certification of Seed Potatoes, and
  - (d) the consignment of which the potato propagative material is part has a complying label or complying identifier that:

- (i) states the name and postcode of the city or town nearest to the place where the propagative material was grown, and
- (ii) describes the contents of the package, and
- (e) the consignment of which the potato propagative material is part is accompanied by:
  - (i) any Plant Health Certificate required by this clause, and
  - (ii) any National Certified Seed Scheme label required by this clause.

### **128 Used Solanaceae production equipment**

- (1) A person may move used Solanaceae production equipment into a seed potato protected area if it satisfies paragraphs (a) to (c) and is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the equipment has not been in contact with any Solanaceae plant or part of a Solanaceae plant that was grown on PCN infested land or PCN linked land, and
  - (b) the equipment is free of soil and plant matter, and
  - (c) the equipment was treated by:
    - (i) dipping or drenching with a solution of sodium hypochlorite at a strength of at least 1.0 per cent active chlorine, or
    - (ii) steam at a temperature of at least 85 degrees Celsius for at least 1 minute in all accessible areas.

### **129 Used Solanaceae plant covering**

- (1) A person may move used Solanaceae plant covering into a seed potato protected area if paragraphs (a) and (b) are satisfied:
  - (a) the covering has not contained or been in contact with any Solanaceae plant that was grown on PCN infested land or PCN linked land, and
  - (b) the covering is free of soil and plant matter and is accompanied by a Plant Health Certificate certifying that it was cleaned free of soil and plant matter.

**Note:** Soil in which a Solanaceae plant was grown cannot be brought into a Seed Potato Protected Area.

## **Subdivision 3 Areas that are not Seed Potato Protected Areas**

### **130 Regulatory measures**

This subdivision sets out the circumstances in which, despite clause 62 of the Regulation, a person may move restricted potato biosecurity matter into a part of the potato biosecurity zone that is not a seed potato protected area.

### **131 Potato propagative material – from land that is neither PCN infested land nor PCN linked land**

- (1) A person may move potato propagative material into a part of the potato biosecurity zone that is not a seed potato protected area if paragraphs (a) to (c) are satisfied:

- (a) the potato propagative material originates from land that is neither PCN infested land nor PCN linked land, and
  - (b) the potato propagative material satisfies the requirements set out in subparagraphs (i), (ii) and (iii):
    - (i) the potato propagative material:
      - A. is generation zero (G0), or
      - B. is grown in a paddock in which the soil was tested for PCN during the current growing season and found to be free of PCN, and
    - (ii) the potato propagative material is brushed or washed free of soil so as to meet the slight soil adhesion standard under the Australian National Standard for Certification of Seed Potatoes, and
    - (iii) the potato propagative material is accompanied by an ‘acceptable biosecurity certificate’ or a National Certified Seed Scheme label certifying that conditions (i) and (ii) have been met, and
  - (c) the potato propagative material has a complying label or complying identifier that:
    - (i) states the name and postcode of the city or town nearest to the place where the propagative material was grown, and
    - (ii) describes the contents of the package.
- (2) In this clause:
- acceptable biosecurity certificate*** means:
- (a) a Plant Health Certificate required by this clause, or
  - (b) a Plant Health Assurance Certificate issued in accordance with ICA Scheme Procedure ICA-59 ‘Property Freedom of Potatoes for Potato Cyst Nematode.’

**132 Used Solanaceae production equipment or used Solanaceae plant coverings – from land that is neither PCN infested land nor PCN linked land**

A person may move used Solanaceae production equipment or used Solanaceae plant coverings into a part of the potato biosecurity zone that is not a seed potato protected area if subclauses (1) to (3) are satisfied:

- (1) the equipment or covering was last used on land that is neither PCN infested land nor PCN linked land, and
- (2) the equipment or covering has a complying label or complying identifier that:
  - (a) states the name and postcode of the city or town nearest to the place where the equipment or covering was last used, and
  - (b) describes the equipment or covering, and
- (3) the equipment or covering is free of soil and plant matter.

**133 Used Solanaceae production equipment – from land that is PCN infested land or PCN linked land**

- (1) A person may move used Solanaceae production equipment into a part of the potato biosecurity zone that is not a seed potato protected area if the paragraphs (a) to (c) are satisfied:
  - (a) the equipment is from land that is PCN infested land or PCN linked land, and



- (b) the equipment is cleaned so that it is free of soil and plant matter, and
- (c) the equipment is treated as set out in either subparagraph (i) or subparagraph (ii) and is accompanied by a Plant Health Certificate that certifies this treatment condition was met:
  - (i) dipping or drenching with a solution of sodium hypochlorite at a strength of at least 1.0 percent active chlorine, or
  - (ii) subjected to steam at a temperature of at least 85 degrees Celsius for at least 1 minute in all accessible areas.

#### **134 Used Solanaceae plant coverings – from land that is PCN linked land**

- (1) A person may move used Solanaceae plant coverings into a part of the State that is not a seed potato protected area if the coverings satisfy paragraphs (a) and (b):
  - (a) the covering was last used on land that is PCN linked land, and
  - (b) the covering is cleaned so that it is free of soil and plant matter, and is accompanied by a Plant Health Certificate certifying that this condition was met.

**Note:** A person must not move used Solanaceae plant coverings into a part of the State that is not a seed potato protected area if the coverings were last used on PCN infested land.

### **Subdivision 4 Potato biosecurity zone - all of the potato biosecurity zone**

#### **135 Regulatory measures**

This subdivision sets out the circumstances in which, despite clause 62 of the Regulation, a person may move restricted potato biosecurity matter into any part of the potato biosecurity zone.

#### **136 Solanaceae plant, or bulb or root vegetable**

A person may move into the potato biosecurity zone a Solanaceae plant (other than potato propagative material), or bulb or root vegetable if paragraphs (a) to (d) are satisfied:

- (a) the Solanaceae plant, or bulb or root vegetable is from land that is neither PCN infested land nor PCN linked land, and
- (b) the Solanaceae plant, or bulb or root vegetable is free of excess soil and excess plant matter, and
- (c) the Solanaceae plant or bulb or root vegetable has not had any contact with restricted potato biosecurity matter from PCN infested land or PCN linked land, and
- (d) the Solanaceae plant, or bulb or root vegetable has a complying label or complying identifier that:
  - (i) states the name and postcode of the city or town nearest to the place where the matter was grown, and
  - (ii) describes the Solanaceae plant, or bulb or root vegetable.

#### **137 Bulb or root vegetable from PCN linked land**

- (1) A person may move into the potato biosecurity zone a bulb or root vegetable from PCN linked land if it satisfies subclauses (a) to (c) and the bulb or root vegetable is

accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:

- (a) the bulb or root vegetable originates from a paddock in which the soil was tested for PCN during the current growing season and found to be free of PCN, and
  - (b) the bulb or root vegetable is free of soil, and
  - (c) the bulb or root vegetable is stored in containers that are free of soil, sanitised using a commercial sanitising agent and kept in a manner so that they are not in direct contact with any soil.
- (2) A person who moves into the potato biosecurity zone in a mail order delivery for domestic use, a bulb or root vegetable from PCN linked land must:
- (a) give the Department a record of the type of the product and the quantity of the order, in the manner published on the Department’s website; and
  - (b) retain for 4 years:
    - (i) a record of the intended recipient’s name, address and contact details, and
    - (ii) a copy of the record of the type or product and the quantity in the order that was given to the Department under this clause.

**Note:** clause 99(1) requires a person to retain the relevant ‘acceptable biosecurity certificate’ for 4 years.

- (3) A person who moves into the potato biosecurity zone from PCN linked land a bulb or root vegetable that does not form part of a mail order delivery for domestic use must retain for 4 years a record of the movement, receipt, storage and packing of the bulb or root vegetable, including the dates on which these activities occurred.

**Note:** clause 99(1) requires a person to retain the relevant ‘acceptable biosecurity certificate’ for 4 years.

- (4) In this clause, *acceptable biosecurity certificate* means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with CA Scheme procedure ‘Interstate Movement of Plants PS27: Property Accreditation’.

### 138 Processing potato or ware potato from PCN linked land

- (1) A person may move a processing potato or ware potato into the potato biosecurity zone from PCN linked land if paragraphs (a) to (c) are satisfied:
- (a) the processing potato or ware potato satisfy subparagraphs (i) and (ii) and are accompanied by an ‘acceptable biosecurity certificate’ that certifies these conditions have been met:
    - (i) the potato originates from a paddock in which the soil was tested for PCN during the current growing season and found to be free of PCN, and
    - (ii) the potato is brushed or washed free of soil so as to meet the slight soil adhesion standard under the Australian National Standard for Certification of Seed Potatoes, and
  - (b) all packaging and vehicles used to transport the potatoes are free of soil and plant matter, and
  - (c) the processing potato or ware potato is stored in containers that are free of soil, sanitised using a commercial sanitising agent and kept so that they are not in direct contact with any soil.

- (2) In subclause (1), *'acceptable biosecurity certificate'* means:
- (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with ICA scheme procedure ICA-44 'Movement of Processing and Ware Potatoes from PCN Linked Land.'
- (3) A person who moves a processing potato or ware potato into the potato biosecurity zone from PCN linked land must retain for 4 years a record of the movement, receipt, storage, packing and certification of the potato, including the dates on which these activities occurred.
- (4) If a processing potato has been moved into the potato biosecurity zone under this clause, the potato processing waste from the processing potatoes must meet the following requirements and the processing waste cannot be moved into a NSW Seed Potato Protected Area even if the waste has been treated:
- (a) the waste is loaded on a hard surface into a container free of soil and plant material, and
  - (b) the container in which the waste is loaded is securely sealed, and
  - (c) the external surfaces of the container and the vehicle in which the contained is transported are cleaned free of soil and plant material, and
  - (d) the waste is transported to a facility for treatment, by the most direct route and accompanied by a spill management plan, and
  - (e) the waste is received at that facility for treatment and the facility is located more than 1.5 kilometres from a sensitive industry, and
  - (f) the waste is accompanied by an 'acceptable biosecurity certificate' certifying:
    - (i) the origin of the waste, and
    - (ii) that all requirements in paragraphs (b), (c), (d) and (e) have been met, and
  - (g) waste must then be treated using one of the following methods and an 'acceptable biosecurity certificate' must be issued certifying the treatment undertaken:
    - (i) composted under AS4454-2012 so that the whole mass is subjected to 55 degrees Celsius for 7 days, or,
    - (ii) composting or pasteurisation in an open windrow so that the whole mass is subjected to a minimum of three turns with the internal temperature reaching a minimum of 55 degrees Celsius for 7 consecutive days before each turn, or
    - (iii) heat treated by drum drying at 150 degrees Celsius for 20 minutes prior to anaerobic digestion and extrusion treatment, or
    - (iv) heat treated by drum drying at 600 degrees Celsius for 15 minutes, or
    - (v) burial in a landfill, or
    - (vi) burial in a bioreactor.
- (5) In subclause (4), *'acceptable biosecurity certificate'* means:
- (a) a Plant Health Certificate, or
  - (b) a Plant Health Assurance Certificate issued in accordance with CA Scheme procedure CA-05 'Biosecure Transport and Treatment of Host Plant Material Destined for Recycling or Waste.'
- (6) In this clause:

*sensitive industries* means an agricultural or horticultural industry which may be adversely affected by untreated Solanaceae plant material, including nurseries and premises at which seed potato plants are grown.

### 139 Nursery stock from land that is neither PCN infested land nor PCN linked land

A person may move nursery stock into the potato biosecurity zone if paragraphs (a) to (c) are satisfied:

- (a) the nursery stock is from land that is neither PCN infested land nor PCN linked land, and
- (b) the nursery stock is free of excess plant material, and
- (c) the nursery stock has a complying label or complying identifier that:
  - (i) states the name and postcode of the city or town nearest to the place where the nursery stock was grown, and
  - (ii) describes the nursery stock.

### 140 Nursery stock grown on PCN linked land

(1) A person may move nursery stock into the potato biosecurity zone if it satisfies paragraphs (a) and (b) and is accompanied by an 'acceptable biosecurity certificate' that certifies these conditions have been met:

- (a) the nursery stock was grown on PCN linked land, and
- (b) the nursery stock:
  - (i) is bare rooted and visually free of soil, or
  - (ii) was grown in artificial growing matter and the plant, pot and potting mix have not been in contact with soil.

(2) In this clause, *acceptable biosecurity certificate* means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with CA Scheme procedure 'Interstate Movement of Plants: PS27: Property Accreditation,' or
- (c) a BioSecure HACCP Biosecurity Certificate issued in accordance with 'BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPPCN17.'

### 141 Nursery stock grown on PCN infested land

(1) A person may move nursery stock grown on PCN infested land into the potato biosecurity zone if it is grown in artificial growing matter and the plant, pot and potting mix has not been in contact with soil, and it is accompanied by an 'acceptable biosecurity certificate' certifying this condition was met.

(2) In this clause, *acceptable biosecurity certificate* means:

- (a) a Plant Health Certificate, or
- (b) a Plant Health Assurance Certificate issued in accordance with CA Scheme procedure 'Interstate Movement of Plants: PS27: Property Accreditation,' or
- (c) a BioSecure HACCP Biosecurity Certificate issued in accordance with 'BioSecure HACCP Entry Condition Compliance Procedure Number: ECCPPCN17.'

#### 142 Diagnostic sample

A person may move a diagnostic sample into the potato biosecurity zone if paragraphs (a) to (f) are satisfied:

- (a) the sample originates from land that is neither PCN infested land nor PCN linked land, and
- (b) the sample is sealed so as to prevent escape of pests, within three layers of packaging, the outer layer being a sealed cardboard or plastic box or courier satchel, and the inner 2 layers being sealed paper, cardboard or plastic containers including bags or boxes, and
- (c) the sample has a complying label stating “Quarantine Material – Do Not Open” between the second and third layer of packaging, and
- (d) the sample has a complying label or complying identifier that states:
  - (i) the name and address of the sender – and this label or identifier is between the second and third layer of packaging and
  - (ii) the name and address of the intended recipient, and
- (e) the sample is transported directly to the receiving laboratory and not opened during transit, and
- (f) after it is no longer required, the sample is disposed of by autoclaving at least 121 degrees Celsius for at least 60 minutes.

#### Division 5 Rice biosecurity zone

##### 143 Definitions

In this Division:

*milled* means processed in such a way so as to remove the husk, bran and germ layers thereby rendering each grain incapable of germination.

*packaged* means sealing within a bag, wrapper, material, or any other thing that is used to transport or sell the product of a rice plant.

*used rice covering* means any covering or packaging that has contained or been in contact with a rice plant or used rice agricultural equipment.

##### 144 Regulatory Measures

This Division sets out the circumstances in which, despite clause 65 of the Regulation, a person may move a rice plant, used rice production equipment or used rice covering into the rice biosecurity zone.

##### 145 Rice that was processed to remove the husk

- (1) A person may move rice that was processed to remove the husk into the rice biosecurity zone if paragraphs (a) to (c) are satisfied and the rice is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the rice originated within the rice biosecurity zone, and

- (b) the rice is in a package that is externally free of soil, rice plant and the visible presence of diseases and pests affecting rice, and
- (c) while outside the rice biosecurity zone, the rice was stored in a facility that within the last 5 years has not stored, contained or handled any rice plant other than a rice plant that originated from within the rice biosecurity zone.

#### **146 Imported milled white rice from outside Australia**

A person may move imported milled white rice from outside Australia into the rice biosecurity zone if the rice is packaged in impermeable material and is for human consumption.

#### **147 Used rice production equipment**

- (1) A person may move used rice production equipment into the rice biosecurity zone if paragraphs (a) and (b) are satisfied and the equipment is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the equipment was thoroughly cleaned to remove all soil and rice plant, and
  - (b) the equipment was disinfested by steam applied at a temperature of at least 100°C and accessing all surfaces, or disinfested by immersion in hot water for at least 2 minutes at a temperature of at least 70°C.

#### **148 Used rice covering**

- (1) A person may move used rice covering into the rice biosecurity zone if paragraphs (a) and (b) are satisfied and the covering is accompanied by a Plant Health Certificate that certifies these conditions have been met:
  - (a) the covering was thoroughly cleaned to remove all soil and rice plant, and
  - (b) the covering is made of impermeable materials or only contains things that have been packaged in the rice biosecurity zone.

## **Schedule 1 Cleaning procedures for importation of grain harvester or comb trailer from Queensland**

This Schedule sets out the cleaning procedures that must be completed before equipment that is a grain harvester (including the comb or front) or comb trailer (including the comb or front) may be imported into the State from Queensland:

1. the exterior, including any hollow sections of axles or structural components must be cleaned,
2. any attached cabin and any storage containers must be emptied,
3. all parts of the interior of the grain harvester must be cleaned, including the areas above the stone guards/skid plates and within augers, including the removal of inspection plates or other components of the machine to provide access to the relevant parts.
4. without limiting the requirements set out in this Schedule, the following areas of a grain harvester, as indicated in Diagrams 1 and 2 in this Schedule, must be cleaned:
  - (a) Area 1: the area under the skid plate,
  - (b) Area 2: each header knife and finger,
  - (c) Area 3: the auger located horizontally across the header,
  - (d) Area 4: the area behind any cover on the header,
  - (e) Area 5: the area within any belts on any draper front (if fitted),
  - (f) Area 6: the feeder house,
  - (g) Area 7: the driver's cab compartment floor area,
  - (h) Area 8: the cleaning fan and the area between the bottom of the fan housing and any shield under the fan housing,
  - (i) Area 9: the chassis, including the inside of any chassis rail ledges, back axle-beam and undercarriage areas,
  - (j) Area 10: any tailing auger,
  - (k) Area 11: any sieve area, including the full length and width of the grain pan,
  - (l) Area 12: any grain bin area, including any auger,
  - (m) Area 13: the engine compartment, including the radiator core,
  - (n) Area 14: any grain or "repeat" elevator including any cups and rubber flights,
  - (o) Area 15: any straw spreader or chopper, and
  - (p) Area 16: any tyres and rims.
5. Without limiting the requirements set out in this Schedule, if the grain harvester is a conventional harvester the following area of the grain harvester (as indicated in Diagram 1 below) must also be cleaned:
  - (a) Area 17: the threshing or separating area, including the drum and concaves behind the rasp bars and lead-in plates and around concave wires, and

- (b) Area 18: the beater drum, including the area between the drum and walkers, and
  - (c) Area 19: the straw walkers, including the beater and the chaff pan, underneath any straw walker and any concealed areas under rubber air flaps.
6. Without limiting the requirements set out in this Schedule, if the grain harvester is a rotary harvester the following areas of the grain harvester (as indicated in Diagram 2 below) must be cleaned:
- (a) Area 17: the external top and sides of the conical section of the rotor cage, and
  - (b) Area 18: the areas inside the top of the conical section, and
  - (c) Area 19: the threshing or separating area, including along the rotor cage.

Diagram 1:

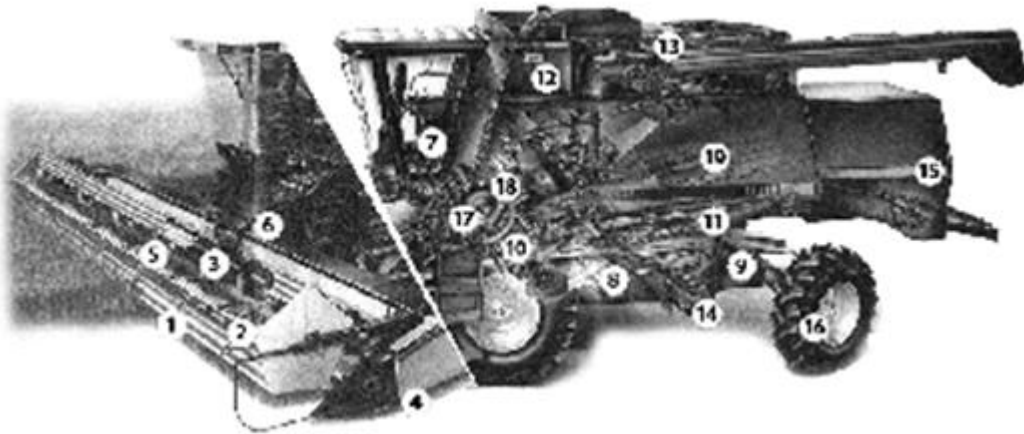
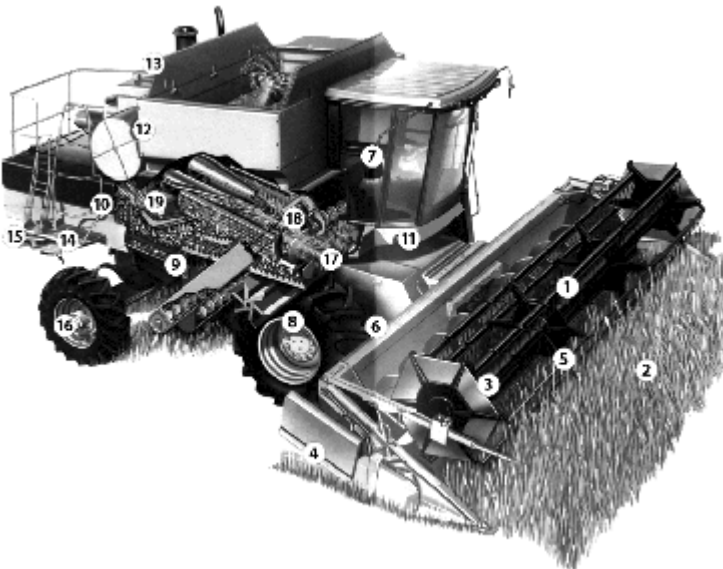


Diagram 2:





## Historical notes

The following abbreviations are used in the historical notes:

Am	Amended	LW	Legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

*Biosecurity Order (Permitted Activities) 2019* (605). LW 13.12.2019. Date of commencement, on publication on LW, cl 3. This Order has been amended as follows—

<b>2020</b>	(379)	<i>Biosecurity Order (Permitted Activities) Amendment Order 2020</i> . LW 3.7.2020. Date of commencement, on publication on LW, cl 2.
	(639)	<i>Biosecurity Order (Permitted Activities) Amendment Order 2020 (No. 2)</i> . LW 30.10.2020. Date of commencement, 2.11.2020, cl 2.
	(700)	<i>Biosecurity Order (Permitted Activities) Amendment (Cattle Tick Carriers) Order 2020</i> . LW 4.12.2020. Date of commencement, on publication on LW, cl 2.
<b>2022</b>	(37)	<i>Biosecurity Order (Permitted Activities) Amendment Order 2022</i> . LW 16.2.2022. Date of commencement, on publication on LW, cl 2.
	(529)	<i>Biosecurity Order (Permitted Activities) Amendment Order 2022 (No. 2)</i> . LW 2.9.2022. Date of commencement, on publication on LW, cl 2.
<b>2023</b>	(60)	<i>Biosecurity Order (Permitted Activities) 2019 Amendment Order 2023</i> . LW 17.2.2023. Date of commencement, on gazettal, sec 2.
	(605)	<i>Biosecurity Order (Permitted Activities) Amendment Order (No 2) 2023</i> . LW 3.11.2023. Date of commencement, 9.11.2023, sec 2.
<b>2024</b>	(435)	<i>Biosecurity Order (Permitted Activities) Amendment Order 2024</i> . LW 30.08.2024. Date of commencement, 1.09.2024, cl 2.

## Table of amendments

Cl 5	Am 2023 (605), Sch 1 [1].
Part 2, Div 1, Subdiv 1	Rep 2023 (60), sec 3.

CII 6-13	Rep 2023 (60), sec 3.
Part 2, Div 2, Subdiv 1	Subst 2020 (700), cl 3[1].
CII 23-28	Subst 2020 (700), cl 3[1]
CI 28A	Ins 2020 (700), cl 3[1]
CII 29-31	Subst 2020 (700), cl 3[1]
Part 2, Div 3, Subdiv 2, heading	Subst 2022 (529), cl 3[1]
CI 35	Am 2022 (529), cl 3[2]
CI 36	Subst 2022 (529), cl 3[3]
CI 37	Am 2020 (379), cl 3[1] [2]
CI 37A	Ins 2022 (529), cl 3[4]
Part 2, Div 3, Subdiv 3	Rep 2023 (60), sec 4
CII 38-41	Rep 2023 (60), sec 4
CI 63	Am 2020 (379), cl 3[3] [4]
CI 65	Am 2022 (37), cl 3[1]
Part 2, Div 4, Subdiv 2	Rep 2023 (60), sec 5
CII 85-88	Rep 2023 (60), sec 3
CI 89	Am 2020 (639), cl 3[1]–[8]; 2022 (37), cl 3[2]–[4]. Rep 2023 (60), sec 5
CI 90	Rep 2020 (639), cl 3[9]
CI 91	Am 2020 (379), cl 3[5] [6]; 2020 (639), cl 3[10]. Rep 2023 (60), sec 5
CI 92	Rep 2023 (60), sec 5
CI 93	Am 2023 (605), Sch 1 [2].
CI 96	Subst 2023 (605), Sch 1 [3].
CI 97	Am 2023 (60), sec 6. Am 2024 (435), Sch 1 [1].
CI 98	Am 2024 (435), Sch 1 [2].
CI 99	Am 2024 (435), Sch 1 [3].
CI 106	Am 2020 (379), cl 3[7]
CI 111, note	Am 2023 (605), Sch 1 [4].
CI 112, note	Am 2023 (605), Sch 1 [4].