

# Biosecurity Order (Permitted Activities) Amendment Order 2022 (No 2)

under the

Biosecurity Act 2015

I, Satendra Kumar, Chief Plant Protection Officer, Department of Regional NSW, with delegated authority of the Secretary under section 379 of the *Biosecurity Act 2015* and under section 404A of that Act, make the following Order.

Dated this 29<sup>th</sup> day of August 2022

*Satendra Kumar*

Satendra Kumar  
Chief Plant Protection Officer  
Department of Primary Industries  
Department of Regional NSW

## 1 Name of Order

This Order is the *Biosecurity Order (Permitted Activities) Amendment Order 2022 (No 2)*.

## 2 Commencement

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

## 3 Amendment of *Biosecurity Order (Permitted Activities) 2019*

### [1] Part 2, Division 3, Subdivision 2 Bananas—Panama disease tropical race—carriers

Omit heading. Insert instead:

Bananas—Panama disease tropical race 4 and banana freckle—carriers

### [2] Clause 35

Insert in alphabetical order in clause 35—

*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*.

**[3] Clause 36**

Omit heading. Insert instead:

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

Omit clause. Insert instead:

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.

**[4] After clause 37**

Insert after clause 37—

**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.