

Queensland



Plant Protection Act 1989

**PLANT PROTECTION
(BANANA PEST
QUARANTINE) REGULATION
1999**

**Reprinted as in force on 1 September 2002
(includes amendments up to SL No. 228 of 2000)**

This is the reprint current on the repeal date

Reprint No. 1B

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Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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PLANT PROTECTION (BANANA PEST QUARANTINE) REGULATION 1999

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[as amended by all amendments that commenced on or before 1 September 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Plant Protection (Banana Pest Quarantine) Regulation 1999*.

2 Definitions

The dictionary in schedule 6 defines particular words used in this regulation.

PART 2—BANANA PEST QUARANTINE AREAS

3 Declaration of pest quarantine areas

(1) Each area described in schedule 1 is declared to be a pest quarantine area for section 11(1) of the Act.¹

(2) The attachment to this regulation shows the approximate location of each pest quarantine area.

1 Maps of the quarantine areas are available for inspection during office hours on business days at the department's head office at 80 Ann Street, Brisbane and at the following places—

- (a) Maroochy Horticultural Research Station at Mayers Road, Nambour;
- (b) Centre for Wet Tropics Research at South Johnstone Road, South Johnstone;
- (c) the department's regional office at 21 Redden Street, Cairns.

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(3) The attachment—

- (a) does not form part of this regulation; and
- (b) must be revised if the area of a pest quarantine area is amended.

(4) The revision must be made when the pest quarantine area is amended.

4 Objects of quarantine

The objects of the quarantine for each pest quarantine area are—

- (a) to prevent the introduction into the State of pests that infest banana plants; and
- (b) to prevent the spread of the pests in the State; and
- (c) to prevent, control or remove pest infestation of banana plants in the pest quarantine area.

PART 3—DECLARATION OF NOTIFIABLE PESTS

5 Notifiable pests

Each pest mentioned in schedule 2 is declared to be a notifiable pest for section 12(1) of the Act.

PART 4—GENERAL PEST CONTROL MEASURES

Division 1—Preliminary

6 Definition for pt 4

In this part—

“**banana plant**” does not include the fruit of the plant.

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Division 2—Introduction of banana plants

7 Restriction on introducing banana plants

(1) A person must not, without an inspector's approval, introduce a banana plant into the State unless the plant—

- (a) is a banana plantlet; and
- (b) is in a sealed pest-proof container; and
- (c) is accompanied by—
 - (i) a QBAN certificate for the plant; or
 - (ii) an inspector's certificate stating the plant may be introduced; and
- (d) is transported in a way that prevents infestation by a pest.

(2) In this section—

“banana plantlet” means a banana plant that—

- (a) has been grown in a QBAN facility; and
- (b) is in a tissue culture medium in a closed container.

“QBAN certificate” means a document that—

- (a) is given by a QBAN facility for a plant; and
- (b) states the plant has been tested and found to be free of each of the following viruses—
 - (i) banana bunchy top;
 - (ii) banana streak;
 - (iii) cucumber mosaic.

“QBAN facility” means a banana plant nursery or other place approved by the Banana Industry Protection Board under the *Banana Industry Protection Act 1989* to give a QBAN certificate.

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Division 3—Movement of banana plants, soil, appliances and other things

8 Restriction on moving banana plants

A person must not, without an inspector's approval, move a banana plant—

- (a) into a pest quarantine area; or
- (b) from a parcel of land in a pest quarantine area to another parcel of land in the area; or
- (c) out of a pest quarantine area.

9 Restriction on moving soil, appliances and other things

(1) A person must not, without an inspector's approval, move soil on which a banana plant has been growing or an appliance or other thing that has been in contact with an infested plant or soil on which an infested plant has been growing—

- (a) into a pest quarantine area; or
- (b) from a parcel of land in a pest quarantine area to another parcel of land in the area; or
- (c) out of a pest quarantine area.

(2) In this section—

“infested plant” means a banana plant infested with a notifiable pest mentioned in schedule 2, part 1.

“other thing” includes clothing, footwear, packaging material and banana bunch covers, but does not include fruit of a banana plant.

Division 4—Planting and cultivating banana plants

10 Restriction on planting and cultivating banana plants

(1) A person must not, without an inspector's approval—

- (a) plant a banana plant in a pest quarantine area; or

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(b) cultivate a banana plant in a pest quarantine area.

(2) However, a person may plant or cultivate a banana cultivar mentioned in schedule 3, parts 1 or 2, if the cultivar is planted and cultivated in—

(a) a pest quarantine area for the part of the schedule in which the cultivar is in; and

(b) a residential plantation.

(3) An inspector may give an approval to plant or cultivate a pest banana plant only if satisfied the planting and cultivation are to be carried out—

(a) for research or educational purposes; and

(b) in a way that is not likely to spread the plant's seed.

(4) In this section—

“residential plantation” means a group of no more than 10 banana plants or 30 pseudostems that are not cultivated for sale.

PART 4A—PEST CONTROL MEASURES FOR MOVEMENT OF FRUIT

10A Restriction on moving fruit

(1) This section applies to fruit of a banana plant growing within 50 km of a place (the **“restricted area”**) where any of the following pests have been found—

(a) banana bacterial wilt;

(b) banana black Sigatoka;

(c) banana blood disease;

(d) banana bugtok disease;

(e) banana moko disease.

(2) A person must not, without an inspector's approval, move the fruit—

(a) out of the restricted area; or

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- (b) from a parcel of land in the restricted area to another parcel of land in the area.

PART 5—OTHER PEST CONTROL MEASURES

Division 1—Treatment methods for banana plants

11 Treatment methods

Treatment methods A, B, C and D for treating banana plants under this part are described in schedule 4, items 1 to 4.

Division 2—Notifiable pests

12 Banana bacterial wilt, blood disease, bugtok disease and moko disease

(1) This section applies to an owner of land in a pest quarantine area who grows a banana plant on the land within 20 m of a place (the “**pest site**”) where any of the following pests have been found—

- (a) banana bacterial wilt;
- (b) banana blood disease;
- (c) banana bugtok disease;
- (d) banana moko disease.

(2) Unless the owner has an inspector’s approval stating the plant does not have to be treated under this section, the owner must—

- (a) treat the plant using treatment method B or C; and
- (b) fence off the pest site from other banana plants.

(3) The owner must—

- (a) treat the plant and fence off the pest site within 1 day after becoming aware the pest has been found; and

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(b) as soon as practicable after the day the plant is treated, plant and grow ground cover vegetation on the pest site.

(4) The owner must not, without an inspector's approval, plant a banana plant on the pest site.

(5) The owner must grow the ground cover vegetation on the pest site unless the owner has an inspector's approval stating the vegetation need not be grown on the site.

13 Banana black Sigatoka

(1) This section applies to an owner of land in a pest quarantine area who grows a banana plant on the land within 500 m of a place where the banana black Sigatoka pest has been found.

(2) Unless the owner has an inspector's approval stating the plant does not have to be treated under this section, the owner must—

(a) treat the plant's leaf tissue that is dead or not green in colour by—

(i) burning it; or

(ii) burying it under at least 60 cm of soil; and

(b) treat the plant using treatment method B, C or D.

(3) The owner must—

(a) treat the leaf tissue mentioned in subsection (2)(a) within 1 day after becoming aware the pest has been found; and

(b) treat the plant within 3 days after becoming aware the pest has been found.

(4) In this section—

“banana plant” does not include a banana black Sigatoka resistant cultivar mentioned in schedule 5.

14 Banana bract mosaic and banana bunchy top

(1) This section applies to an owner of land in a pest quarantine area who grows a banana plant on the land within 20 m of a place where any of the following viruses have been found—

(a) banana bract mosaic;

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(b) banana bunchy top.

(2) Unless the owner has an inspector's approval stating the plant does not have to be treated under this section, the owner must—

(a) spray the plant with dieseline or kerosene; and

(b) treat it using treatment method A or B.

(3) The owner must spray and treat the plant within 1 day after becoming aware the virus has been found.

15 Banana Panama

(1) This section applies to an owner of land in a pest quarantine area if—

(a) the owner is growing a banana plant on the land; and

(b) the plant is infested with banana Panama.

(2) Unless the owner has an inspector's approval stating the plant does not have to be treated under this section, the owner must—

(a) treat the plant using treatment method B or C; and

(b) fence off the pest site from other banana plants.

(3) The owner must—

(a) treat the plant and fence off the pest site within 7 days after becoming aware the plant is infested; and

(b) as soon as practicable after treating the plant, plant and grow ground cover vegetation on the pest site.

(4) The owner must not, without an inspector's approval, plant a banana plant on the pest site for at least 5 years after the day the plant is treated.

(5) The owner must grow the ground cover vegetation for at least 5 years after the day the plant is treated unless the owner has an inspector's approval to plant a banana plant on the pest site.

(6) In this section—

“pest site” means the area within 5 m of a plant infested with banana Panama.

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16 Pest banana plants

(1) This section applies to an owner of land in a pest quarantine area if a pest banana plant is growing on the land.

(2) Unless the owner has an inspector's approval to grow the plant, the owner must, within 1 day after becoming aware the plant is on the land—

- (a) collect and burn the fruit and seeds of the plant; and
- (b) inject the plant's pseudostem at a height of 30 cm above the ground with—
 - (i) 15 ml of a 1% solution of 2,4-D; or
 - (ii) 15 ml of a 3.6% solution of glyphosate.

Division 3—Other pests

17 Banana yellow Sigatoka and leaf speckle

(1) This section applies to an owner of land in a pest quarantine area if—

- (a) the owner grows a banana plant on the land; and
- (b) there is an infested leaf on the plant.

(2) Unless the owner has an inspector's approval stating the plant does not have to be treated under this section, the owner must treat each infested leaf by—

- (a) removing it from the plant; and
- (b) leaving it to rot on the surface of the soil.

(3) The owner must treat each infested leaf within 7 days after the owner becomes aware it is an infested leaf.

(4) In this section—

“infested leaf” means a banana plant leaf that is infested with the banana yellow Sigatoka pest or banana leaf speckle pest and the visible symptoms of the infestation of either or both of the pests are showing—

- (a) at any time between 1 November and 31 May—on more than 15% of the leaf; or

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- (b) at any time between 1 June and 31 October—on more than 30% of the leaf.

Division 4—Volunteer plants

18 Treating volunteer plants

(1) This section applies to an owner of land in a pest quarantine area if a volunteer plant that is a banana plant is growing on the land.

(2) The owner must, within 5 days after becoming aware the plant is on the land, treat it using treatment method A, B or C.

Division 5—Regrowth and weeds

19 Treating regrowth

(1) If a person treats a banana plant under section 12, 15 or 16,² the person must treat any regrowth of the plant by spraying it with a 0.2% solution of 2,4-D.

(2) If a person treats a banana plant under section 13, 14 or 18,³ the person must treat any regrowth of the plant by—

- (a) removing the regrowth from the soil and cutting it into pieces no more than 5 cm in diameter; or
- (b) spraying it with a 0.2% solution of 2,4-D.

(3) The person must treat the regrowth as soon as practicable after becoming aware of it.

2 Sections 12 (Banana bacterial wilt, blood disease, bugtok disease and moko disease), 15 (Banana Panama) and 16 (Pest banana plants)

3 Sections 13 (Banana black Sigatoka), 14 (Banana bract mosaic and banana bunchy top) and 18 (Treating volunteer plants)

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20 Keeping land weed-free

An owner of land in a pest quarantine area who grows a banana plant on the land must keep the land within 2 m of the plant free from weeds or other plants that are—

- (a) more than 60 cm high; and
- (b) growing in numbers likely to hinder—
 - (i) symptom expression of a pest infestation on the banana plant; or
 - (ii) inspection of the banana plant by an inspector or other person.

SCHEDULE 1

PEST QUARANTINE AREAS

section 3(1)

1 Far northern pest quarantine area

The far northern pest quarantine area consists of—

- (a) the part of the Torres local government area north of latitude 10°41' south; and
- (b) the area within the following boundary—
 - from latitude 11°20' south, longitude 145° east to the eastern bank of the Jardine River where it intersects latitude 11°20' south
 - along the bank to where it intersects the mainland shore at latitude 10°55'29" south, longitude 142°12'49" east
 - to latitude 10°55' south, longitude 141° east
 - to latitude 10°41' south, longitude 141° east
 - to latitude 10°41' south, longitude 145° east
 - to latitude 11°20' south, longitude 145° east.

2 Northern buffer pest quarantine area

The northern buffer pest quarantine area is the area within the following boundary—

- from latitude 15°55' south where it intersects the eastern boundary of the Great Barrier Reef Region to the boundary of the Cook and Douglas local government areas where it intersects the mainland shore at latitude 15°55'25" south
- then along the southern boundary of the Cook local government area through latitude 16° south to where the boundary next intersects latitude 16° south
- to latitude 16° south, longitude 141° east

SCHEDULE 1 (continued)

- to latitude 10°55' south, longitude 141° east
- to the eastern bank of the Jardine River where it intersects the mainland shore at latitude 10°55'29" south, longitude 142°12'49" east
- along the bank to latitude 11°20' south
- to latitude 11°20' south, longitude 145° east
- then along the eastern boundary of the Great Barrier Reef Region to where it intersects latitude 15°55' south.

3 Northern pest quarantine area

The northern pest quarantine area is the area within the following boundary—

- from latitude 22° south where it intersects the eastern boundary of the Great Barrier Reef Region to the eastern bank of the Isaac River where it intersects latitude 22° south
- along the bank through longitude 148° east to where the bank next intersects longitude 148° east
- along longitude 148° east to the top of the Denham Range
- then north-easterly along the top of the Denham Range to where it intersects the top of the Leichardt Range at latitude 21°23'21" south, longitude 148°19'23" east
- then north-westerly along the top of the Leichardt Range to where it intersects the northern bank of the Burdekin River
- along the bank through longitude 145° east to where the bank next intersects longitude 145° east
- along longitude 145° east to where it first intersects the boundary of the Douglas local government area
- along the boundary of the Douglas local government area to the mainland shore at latitude 15°55'25" south
- to latitude 15°55' south where it intersects the eastern boundary of the Great Barrier Reef Region

SCHEDULE 1 (continued)

- then along the eastern boundary of the Great Barrier Reef Region to where it intersects latitude 22° south.

4 Southern buffer pest quarantine area

The southern buffer pest quarantine area consists of—

- (a) the Banana, Calliope, Duaringa, Eidsvold, Fitzroy, Gladstone, Livingstone, Monto, Mt Morgan and Rockhampton local government areas; and
- (b) the part of the Broadsound local government area south of latitude 22° south.

5 Special pest quarantine area

The special pest quarantine area consists of the Biggenden, Bundaberg, Burnett, Cooloola, Hervey Bay, Isis, Kolan, Maryborough, Miriam Vale, Perry, Tiaro and Woocoo local government areas.

6 Southern pest quarantine area

The southern pest quarantine area consists of—

- (a) the Beaudesert, Boonah, Brisbane, Caboolture, Caloundra, Crows Nest, Esk, Gatton, Gold Coast, Ipswich, Kilcoy, Laidley, Logan, Maroochy, Noosa, Pine Rivers, Redcliffe and Redland local government areas; and
- (b) the area of the City of Brisbane.

SCHEDULE 2

NOTIFIABLE PESTS

section 5

PART 1—MICRO—ORGANISMS

Bacteria

Common name	Scientific name
banana bacterial wilt	<i>Ralstonia solanacearum</i> (E.F. Smith) <i>Yabuuchi et al</i>
banana blood disease	<i>Ralstonia</i> spp.
banana bugtok disease	<i>Ralstonia solanacearum</i> (E.F. Smith) <i>Yabuuchi et al</i>
banana moko disease	<i>Ralstonia solanacearum</i> (E.F. Smith) <i>Yabuuchi et al</i>

Fungi

Common name	Scientific name
banana black Sigatoka	<i>Mycosphaerella fijiensis</i>
banana Panama	<i>Fusarium oxysporum</i> f.sp. <i>cubense</i>

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SCHEDULE 2 (continued)

Viruses

Symptoms

Cause of symptoms

banana bract mosaic

banana bract mosaic virus

banana bunchy top

banana bunchy top virus

PART 2—PLANTS

A plant of the genera *Musa* or *Ensete* other than—

- (a) a plant that produces edible fruit; or
- (b) indigenous plant that is not a volunteer plant.

SCHEDULE 3

CULTIVARS FOR RESIDENTIAL PLANTATIONS

section 10(2)

PART 1—FAR NORTHERN, NORTHERN BUFFER, NORTHERN AND SOUTHERN BUFFER PEST QUARANTINE AREAS

Blue Java
Bluggoe
Ducasse
FHIA 01 (Goldfinger)
FHIA 02
Goly Goly Pot Pot
Kluai Namwa Khom (Dwarf Ducasse)
Pisang Ceylan (Mysore type)
Sh 3436
Simoi
Tu-8
War War
Yangambi Km5

PART 2—SPECIAL AND SOUTHERN PEST QUARANTINE AREAS

Blue Java
Bluggoe
Ducasse

SCHEDULE 3 (continued)

FHIA 01 (Goldfinger)

Kluai Namwa Khom

Lady Finger

Pisang Ceylan (Mysore type)

SCHEDULE 4

TREATMENT METHODS

section 11

1 Treatment method A

- remove the plant, including the corm, suckers and pseudostem from the soil
- cut each pseudostem into pieces no more than 60 cm long and split each piece lengthwise
- cut the corm into pieces no more than 5 cm in diameter.

2 Treatment method B

- remove the fruit from the plant or spray the fruit with a permanent marker dye to make it unsuitable for human or animal consumption
- inject each pseudostem at a height of 30 cm above the ground with 15 ml of a 1% solution of 2,4-D.

3 Treatment method C

- remove the fruit from the plant or spray the fruit with a permanent marker dye to make it unsuitable for human or animal consumption
- inject each pseudostem at a height of 30 cm above the ground with 15 ml of a 3.6% solution of glyphosate.

4 Treatment method D

- remove the plant, including the corm, suckers and pseudostem from the soil
- cut the pseudostem and leaf tissue, other than leaf tissue that is dead or not green in colour, into pieces no more than 60 cm long

SCHEDULE 4 (continued)

- cut the corm, suckers and butt of each pseudostem into pieces no more than 5 cm in diameter
- leave the pseudostem and leaf tissue pieces to rot on the surface of the soil or bury them under at least 60 cm of soil
- leave the pieces of the corm, suckers and butt of each pseudostem to rot on the surface of the soil or bury them under at least 1 m of soil.

SCHEDULE 5

BANANA BLACK SIGATOKA RESISTANT CULTIVARS

section 13(4)

Blue Java

Bluggoe

Ducasse

FHIA 01 (Goldfinger)

FHIA 02

FHIA 25

Kluai Namwa Khom (Dwarf Ducasse)

Pisang Ceylan (Mysore type)

SH 3436

Simoi

Tu-8

Yangambi Km5

SCHEDULE 6

DICTIONARY

section 2

“banana plant”—

- (a) generally, means a plant of the genera *Musa* or *Ensete*; and
- (b) for part 4, see also section 6.

“far northern pest quarantine area” see schedule 1, section 1.

“Great Barrier Reef Region” means the Great Barrier Reef Region under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

“ground cover vegetation” means any low spreading plant that covers the soil and retards movement of soil.

“local government area” means a part of the State established as a local government area under the *Local Government Act 1993*.

“northern buffer pest quarantine area” see schedule 1, section 2.

“northern pest quarantine area” see schedule 1, section 3.

“notifiable pest” see section 5.

“pest banana plant” means a plant of the genera *Musa* or *Ensete* other than—

- (a) a plant that produces edible fruit; or
- (b) an indigenous plant that is not a volunteer plant.

“pest quarantine area” means a pest quarantine area mentioned in schedule 1.

“restricted area” see section 10A.

“southern buffer pest quarantine area” see schedule 1, section 4.

“southern pest quarantine area” see schedule 1, section 6.

“special pest quarantine area” see schedule 1, section 5.

“treatment method A” see schedule 4, item 1.

SCHEDULE 6 (continued)

“treatment method B” see schedule 4, item 2.

“treatment method C” see schedule 4, item 3.

“treatment method D” see schedule 4, item 4.

ATTACHMENT

section 3(2) and (3)

Map 1—Far northern and northern buffer pest quarantine areas

Map 2—Northern pest quarantine area

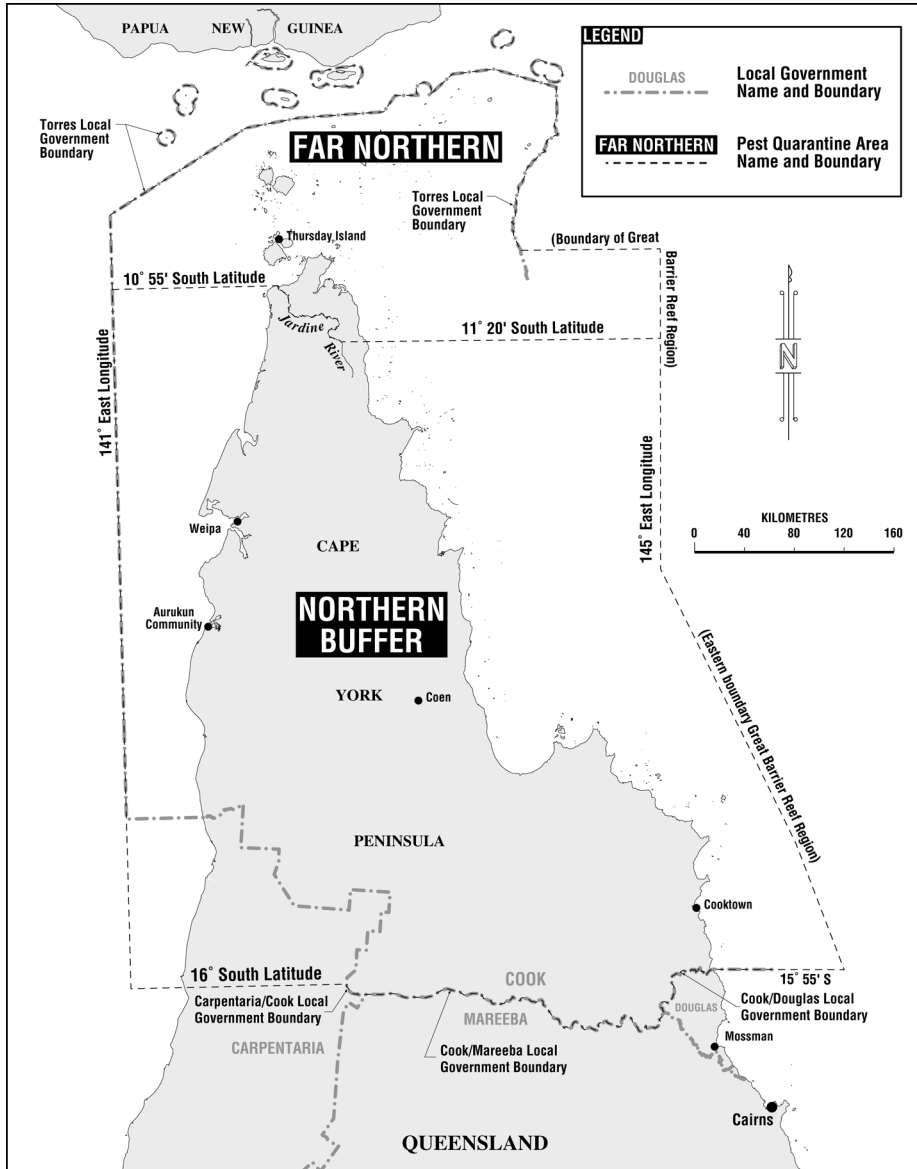
Map 3—Southern buffer and special pest quarantine areas

Map 4—Southern pest quarantine area

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ATTACHMENT (continued)

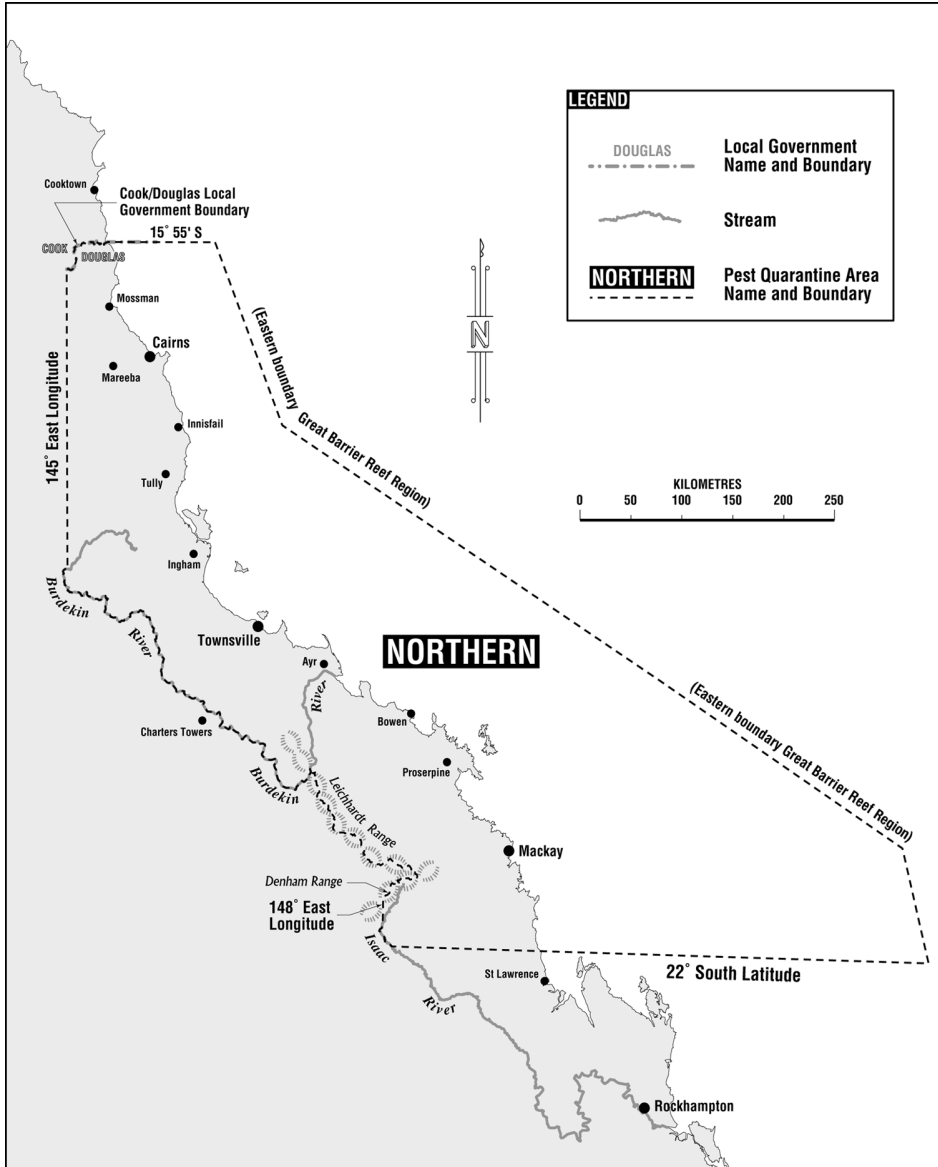
Map 1



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ATTACHMENT (continued)

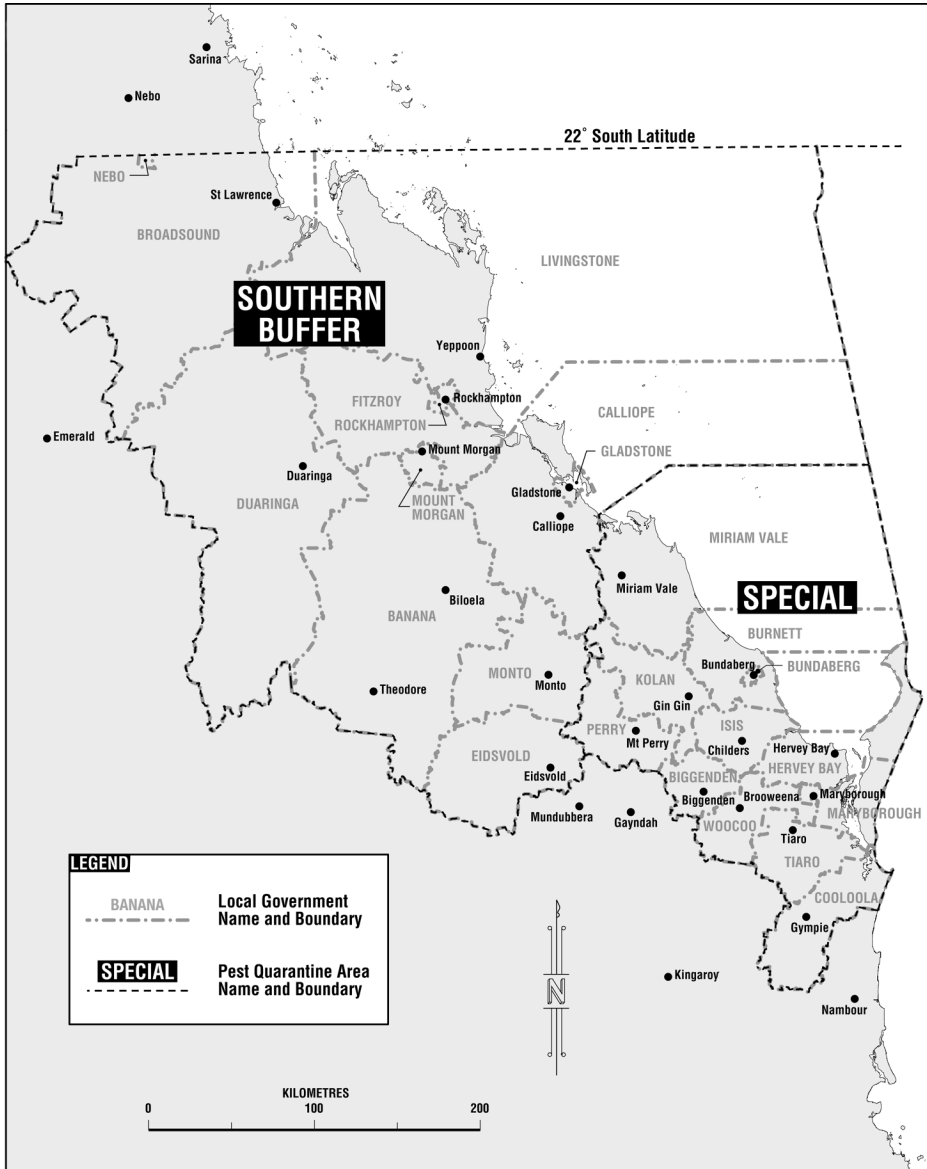
Map 2



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ATTACHMENT (continued)

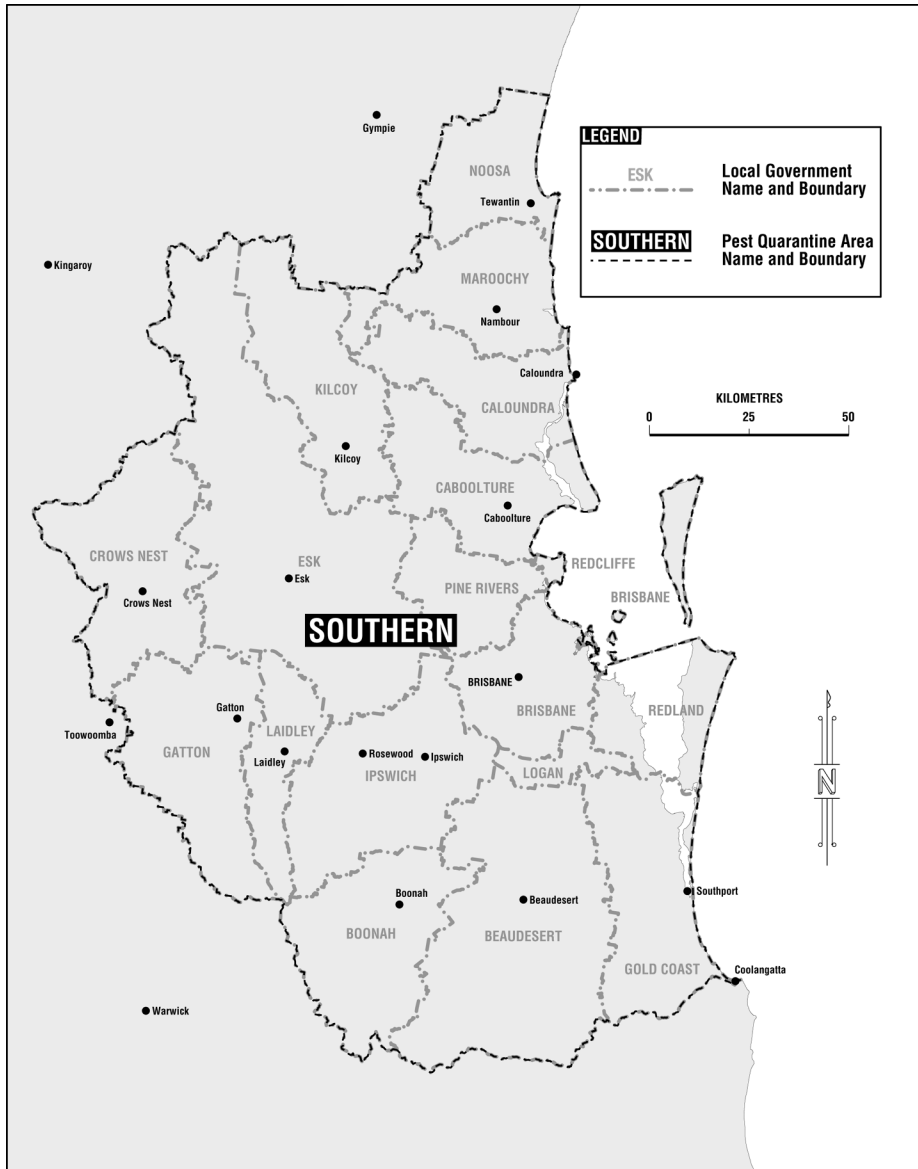
Map 3



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ATTACHMENT (continued)

Map 4



ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 September 2002.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	14 January 2000
1A	to SL No. 228 of 2000	4 September 2000

5 List of legislation

Plant Protection (Banana Pest Quarantine) Regulation 1999 SL No. 310

made by the Governor in Council on 2 December 1999

notfd gaz 3 December 1999 pp 1348–50

commenced on date of notification

rep 1 September 2002 (2002 SL No. 205 s 132(1))

amending legislation—

Plant Protection (Banana Pest Quarantine) Amendment Regulation (No. 1) 2000 SL No. 228

notfd gaz 1 September 2000 pp 58–60

commenced on date of notification

6 List of annotations

PART 4—GENERAL PEST CONTROL MEASURES

Division 3—Movement of banana plants, soil, appliances and other things

div hdg sub 2000 SL No. 228 s 3

Restriction on moving soil, appliances and other things

s 9 sub 2000 SL No. 228 s 4

PART 4A—PEST CONTROL MEASURES FOR MOVEMENT OF FRUIT

pt 4 (s 10A) ins 2000 SL No. 228 s 5

PART 6—AMENDMENT AND REPEAL PROVISIONS

pt 6 (ss 21–23) exp 4 December 1999

SCHEDULE 6—DICTIONARY

def “**restricted area**” ins 2000 SL No. 228 s 6

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SCHEDULE 7—AMENDMENTS
om R1 (see RA s 40)