Panama TR4 and the law

Biosecurity affects us all. We are united by the potential risk to our businesses, our communities, the environment and our health. The Biosecurity Act 2014 (Qld) provides a framework for an effective biosecurity system. As a banana grower, you need to be aware of biosecurity laws that apply generally and in particular, in relation to Panama disease tropical race 4 (TR4).

Reporting signs of Panama TR4

Panama TR4 is category 1 restricted matter. Plants showing signs of disease must be reported to Biosecurity Queensland on 13 25 23 immediately and not more than 24 hours after becoming aware of the symptoms.

Early detection is key to controlling Panama TR4. If you see any signs of disease, you have a legal obligation to report it.

Failing to report Panama TR4 may attract a penalty of up to 750 penalty units or 6 months imprisonment.

(penalty unit value $126.15)

For more information visit biosecurity.qld.gov.au or call 13 25 23
Biosecurity Queensland’s surveillance and compliance programs

Biosecurity Queensland’s Panama TR4 Program has been undertaking surveillance since the disease was first detected in Far North Queensland in 2015.

Under the Act, the Program is authorised by the Director-General of the Department of Agriculture and Fisheries to:

- determine the presence and extent of Panama TR4 within Queensland
- monitor compliance with the Act.

Under the surveillance program, biosecurity officers can enter properties to undertake activities which include (but are not limited to):

- inspect and examine banana plants for signs of disease
- collect a sample, or samples, from a banana plant for examination
- take photos and document information when collecting data and samples
- remain at the property for the time required to undertake activities.

Where possible, before entering a property Biosecurity Queensland will make contact with an owner or occupier to seek permission to enter. As part of the permission to enter an owner may place reasonable conditions or entry requirements on authorised officers.

It is important to note that the powers of authorised officers include the ability to enter a place, other than a residence, without a warrant and without the occupier’s consent.
What happens if Panama TR4 is detected on my banana farm?

If Biosecurity Queensland knows or reasonably believes there is a significant risk that Panama TR4 is present on land or in/on a plant, a Notice of presence of Panama disease tropical race 4 (notice) will be given to the owner or occupier of the land.

The notice may require the owner or occupier to undertake destruction of plants in such a way as to minimise the risk of disease spread from the land.

These procedures are contained within the Biosecurity Manual - visit biosecurity.qld.gov.au to find out more.

The notice may require the occupier to comply with certain processes and procedures to minimise the biosecurity risk posed by the disease.

These operational processes can be individualised to the property. For example, if your property is mixed crop the notice may provide requirements for enabling fruit other than bananas to be harvested and moved off.

Under the Act, a failure to comply with a notice may result in a failure to discharge your general biosecurity obligation.

What is the general biosecurity obligation (GBO)?

Under the Act an obligation is imposed on individuals and corporations to:

- Take all reasonable and practical steps to prevent or minimise a biosecurity risk.
- Minimise the likelihood of the risk causing a biosecurity event and limit the consequences of such an event.
- Prevent or minimise adverse effects on human health, the economy, the environment and social amenity that could be caused by a biosecurity event such as Panama TR4.
- Not do anything that might worsen adverse effects on a biosecurity consideration.

In practical terms, this means that you should not touch or tamper with any plant if you suspect that it may have Panama TR4.

You should also take precautions to minimise the possible biosecurity risk by cordoning off and restricting access to any suspect infected plants until Biosecurity Queensland advises otherwise.

Failing to discharge your GBO may attract a penalty of up to 3000 penalty units and imprisonment up to three years.
Other legislation that affects the banana industry

**Banana industry biosecurity guideline**
As a banana grower in Queensland you should also be aware of the Banana industry biosecurity guideline. The purpose of the guideline is to provide advice to persons who cultivate bananas on discharging their GBO and specific guidance in relation to banana planting material, banana pests and banana yellow Sigatoka and leaf speckle and banana bunchy top virus. The guideline is available at daf.qld.gov.au.

**Biosecurity zones**
Biosecurity zones for the management of serious banana pests and diseases are established in Queensland. Please refer to both the Biosecurity Regulation 2016 (Qld) and the Biosecurity Manual for detailed information on requirements within the zones, including the requirement for biosecurity certificates. In summary please note, there are four zones:
- The northern banana biosecurity zone operates as an exclusion zone and its purpose is to restrict entry of risk materials into the area
- The far northern biosecurity zones 1 and 2 restricts the movement of risk materials out of Cape York Peninsula south into the rest of the state and has detailed requirements on planting and management of crops.
- The southern biosecurity zone's purpose is to contain and prevent the spread of banana bunchy top virus, but generally restricts movement of banana plants, soil and other growing mediums and appliances within the zone.
- Please refer to zone maps published at daf.qld.gov.au

**Fruit consignment**
Some intrastate or interstate markets may require additional quarantine certification as a condition of entry. It is the responsibility of the business consigning the produce to ensure compliance with all applicable quarantine requirements. Information on interstate requirements can be obtained from the plant quarantine service in the destination state of territory.

**Biosecurity Act 2014**
The Act is a risk-based approach to biosecurity threats, which allows greater flexibility and more responsive approaches to manage each specific circumstance.
The Act focuses on biosecurity risks that are, or are likely to become, a significant problem for human health, social amenity, the economy or the environment.
A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.

**Biosecurity Regulation 2016**
The Biosecurity Regulation 2016 sets out the detail of how the Act is implemented and applied.
The regulation prescribes ways in which a person’s general biosecurity obligation can be met to prevent or minimise a biosecurity risk, and includes measures to prevent or control the spread of biosecurity matter, sets maximum acceptable levels of contaminants in carriers, and sets fees.

**Biosecurity Manual and a Notice of presence of Panama disease tropical race 4 (notice)**
A person who is the owner or occupier of the land that is infested, or suspected to be infested with Panama disease tropical race 4 must meet the requirements of a notice given under Section 58 of the Biosecurity Regulation 2016.