

Biosecurity (Import Restriction - Phylloxera) Control Declaration 2025

Notifiable instrument NI2025–180

made under the

Biosecurity Act 2023, s 51 (Control declarations)

1 Name of instrument

This instrument is the *Biosecurity (Import Restriction - Phylloxera) Control Declaration 2025*.

2 Commencement

(1) This instrument commences on the later of—

- (a) the day after its notification day; and
- (b) the commencement of the *Biosecurity Act 2023*, section 51 (Control declarations).

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Grounds for declaration – Act, s 51 (1)

(1) I am satisfied that this declaration is necessary to manage the biosecurity risk posed by phylloxera because—

- (a) Phylloxera is an insect pest that affects grapevines and grapevine material; and
- (b) its spread can have a negative impact on the viticultural industry.

4 Biosecurity matter and biosecurity risk – Act, s51(2) (a)

- (1) The biosecurity matter that is the subject of this declaration is Grapevine phylloxera (*Daktulosphaira vitifoliae*)
- (2) The biosecurity risk that is the subject of this declaration is the risk of phylloxera being introduced into the ACT, which would be likely to have an adverse effect on the ACT economy, in particular viticulture industry.

5 Control measures—Act, s 51 (2) (b)

I consider that the control measures in schedule 1 reasonably necessary to prevent the introduction and spread of phylloxera in the ACT.

6 Control zone—Act, s 51 (2) (c)

The control zone for this declaration is the whole of the ACT.

7 People to whom control measure applies—Act, s 51 (2) (d)

The control measure in this declaration applies to anyone who moves a phylloxera risk item from a phylloxera infested zone.

8 Expiry—Act, s 51 (2) (e)

This instrument expires 5 years after it commences.

Suzanne Orr MLA
Minister for Climate Change, Environment, Energy and Water
28 March 2025

Schedule 1 Control measures

Part 1 Important concepts

- 1 In this declaration:
movement means the introduction into, or transport within or through, the ACT.
- 2 *Phylloxera infested zone (PIZ)* means an area identified in the map at schedule 2.
- 3 *phylloxera exclusion zone (PEZ)* means any of the areas marked as a phylloxera exclusion zone on the map in schedule 2.
- 4 *phylloxera risk zone (PRZ)* means any of the areas marked as a phylloxera risk zone on the map in schedule 2.
- 5 *phylloxera management zone* means a PEZ, a PIZ, or a PRZ.
- 6 *Phylloxera risk item* means the following:
 - (a) phylloxera insects, including their eggs and nymphs;
 - (b) grape vine cuttings;
 - (c) grape vine rootlings;
 - (d) potted vines;
 - (e) whole wine grapes;
 - (f) grape must;
 - (g) unfiltered juice;
 - (h) pre-fermentation marc;
 - (i) vineyard soil.
- 7 *prohibited item* means:
 - (a) for a prohibited item being moved from or through a PIZ - a prohibited item under section 1;
 - (b) for a prohibited item being moved from or through a PRZ - a prohibited item under section 17(3); and
 - (c) for a prohibited item being moved from or through a PEZ - a prohibited item under section 30(2).

Note If a phylloxera risk item has moved through several phylloxera management zones the conditions that apply to the highest risk zone generally apply

Part 2

Control measures and exceptions - movement of phylloxera risk items from a phylloxera infested zone (PIZ)

8 Control measure - movement of phylloxera risk items from a PIZ

- (1) A person must not introduce a phylloxera risk item into, or transport within or through, the ACT from a PIZ.
- (2) The following items are prohibited items for the purposes of Part 1.2—
 - (a) phylloxera insects, including their eggs and nymphs;
 - (b) grape vine cuttings;
 - (c) grape vine rootlings;
 - (d) potted vines;
 - (e) whole wine grapes;
 - (f) grape must;
 - (g) unfiltered juice;
 - (h) pre-fermentation marc;
 - (i) vineyard soil.

9 Control measure exception— movement of phylloxera risk items from a PIZ

- (1) If a phylloxera risk item referred to in sections 10 to 16 has originated in a PRZ and has travelled through a PIZ only on a direct journey then the conditions applicable to that item in schedule 2 apply to that item, instead of the conditions in this schedule.
- (2) If a phylloxera risk item referred to in sections 10 to 16 has originated in a PEZ and has travelled through a PIZ only on a direct journey then the conditions applicable to that item in schedule 3 apply to that item, instead of the conditions in this schedule.

10 Germplasm of the genus *Vitis* from a PIZ

- (1) Germplasm of the genus *Vitis* must be accompanied by—
 - (a) a *biosecurity permit*; and
 - (b) a plant health certificate which certifies that all conditions in the permit have been met.

11 Diagnostic samples of the genus *Vitis*, including vineyard soil samples, from a PIZ

- (1) Diagnostic samples of the genus *Vitis*, including vineyard soil samples must be accompanied by:

- (a) a *biosecurity permit*; and
- (b) a plant health certificate which certifies that all conditions in the permit have been met.

12 Filtered, clarified or cold settled juice of the genus *Vitis* from a PIZ

- (1) Filtered, clarified or cold settled juice of the genus *Vitis* (juice) must be accompanied by a plant health certificate which specifies its origin.
- (2) A copy of the plant health certificate required by section 12(1) must be provided to Access Canberra before the juice can enter the Territory.

13 Post-fermentation marc of the genus *Vitis* from a PIZ

- (1) Post-fermentation marc of the genus *Vitis* (marc):
 - (a) in the case of red marc—must have undergone a fermentation process of at least four days; or
 - (b) in the case of white marc, or red marc which does not meet the requirement of 13(1)(a):
 - (i) must have been composted for at least 3 months;
 - (ii) must have been composted in accordance with Australian Standard AS 4454 (2012); or
 - (iii) must have been pasteurised in accordance with Australian Standard AS 4454 (2012).
- (2) The marc must be packed into a sealed container.
- (3) The container and the transport vehicle transporting the marc must be completely clean of soil and organic matter.
- (4) The marc must be accompanied by a plant health certificate or plant health assurance certificate which:
 - (a) certifies that the applicable conditions in sections 13 (1) to (3) have been met; and
 - (b) specifies the origin of the marc.
- (5) A copy of the relevant certificate required by section 13(4) must be provided to Access Canberra before the marc can enter the Territory.

14 Table grapes of the genus *Vitis* from a PIZ

- (1) Table grapes of the genus *Vitis*:
 - (a) must be packed for sale as table grapes;

- (b) must be packed with a registered product containing a minimum 970 g/kg anhydrous sodium metabisulphite at the rate specified on the label; and
 - (c) must be free of soil and leaf material.
- (2) The table grapes must be accompanied by a plant health certificate or plant health assurance certificate which:
- (a) certifies that the conditions in section 14(1) have been met; and
 - (b) specifies the origin of the table grapes.

15 Used vineyard machinery or equipment from a PIZ

- (1) Used vineyard machinery or equipment must be thoroughly cleaned with steam or high-pressure hot water to remove all soil and plant debris.
- (2) The machinery or equipment must be sterilised using one of the following methods:
- (a) steam:
 - (i) the steam applied must be above 100°C;
 - (ii) or the steam must contact all surfaces; and
 - (iii) all surfaces must be left dry, not wet with condensate.
 - (b) hot water:
 - (i) the machinery or equipment must be totally immersed in water heated to a minimum of 70°C, and
 - (ii) the machinery or equipment must remain immersed for at least 2 minutes after the equipment has reached 70°C.
 - (c) dry heat:
 - (i) the surface temperature of the equipment must be measured to ascertain when the required temperature is reached, and
 - (ii) the heat in the room, shed or container must be held constant so that the required temperature of the equipment is maintained for a minimum of:
 - (A) one and one quarter (1¼) hours after the equipment has reached and maintains 45°C, or
 - (B) two (2) hours after the equipment has reached and maintains 40°C.
- (3) Dry heat treatment described in section 15(2) (c) must be used for mechanical harvesters.
- (4) The machinery or equipment must be accompanied by a *biosecurity permit* and a plant health certificate which certifies that all conditions in the permit have been met.

- (5) A copy of the certificate required by section 15(4) must be provided to Access Canberra before the machinery or equipment can enter the Territory.

16 Garden organics from a PIZ

- (1) Garden organics:
- (a) must be composted in accordance with Australian Standard AS 4454 (2012); or
 - (b) must be pasteurised in accordance with Australian Standard AS 4454 (2012).
- (2) The garden organics must be packed into a sealed container.
- (3) The container and the transport vehicle transporting the garden organics must be completely clean of soil and organic matter.
- (4) The garden organics must be accompanied by a plant health certificate or plant health assurance certificate which:
- (a) certifies that the applicable conditions in sections 16(1) to (3) have been met; and
 - (b) specifies the origin of the garden organics.

Part 3 Control measure and exceptions – Movement of phylloxera risk items from a phylloxera risk zone (PRZ)

17 Control measure – movement of phylloxera risk items from a PRZ

- (1) A person must not introduce a phylloxera risk item into, or transport within or through, the ACT from a PRZ.
- (2) This section applies to a phylloxera risk item that has come from, or moved through, a phylloxera risk zone, other than an item that has also come from or moved through a phylloxera infested zone.

Note If a phylloxera risk item has moved through several phylloxera management zones the conditions that apply to the highest risk zone apply.

- (3) The following items are prohibited items for the purposes of Part 1.3:
- (a) phylloxera insects, including their eggs and nymphs;
 - (b) potted grape vines;
 - (c) vineyard soil.

18 Control measure exceptions – movement of phylloxera risk items from a PRZ

If a phylloxera risk item referred to in sections 2.3 to 2.11 has originated in a PEZ and has travelled through a PRZ only on a direct journey then the conditions applicable to that item in schedule 3 apply to that item, instead of the conditions in this schedule.

19 Cuttings or Rootlings of the genus *Vitis* from a PRZ

- (1) Rootlings of the genus *Vitis* must be grown from cuttings sourced in a PEZ.
- (2) Cuttings and rootlings must be washed free of soil.
- (3) Cuttings and rootlings must be treated by:
 - (a) fumigation with methyl bromide at the rate of 32 grams per cubic metre for 3 hours at a temperature of at least 18°C; or
 - (b) complete submersion in a hot water dip for either:
 - (i) 30 minutes at a temperature of $50 \pm 1^\circ\text{C}$, or
 - (ii) 5 minutes at a temperature of $54 \pm 1^\circ\text{C}$.
- (4) Cuttings and rootlings must be accompanied by a plant health certificate or a plant health assurance certificate which certifies that the applicable conditions in section 19 (1) to (3) have been met.

20 Germplasm of the genus *Vitis* from a PRZ

- (1) Germplasm of the genus *Vitis* must be accompanied by:
 - (a) a *biosecurity permit*; and
 - (b) a plant health certificate which certifies that all conditions in the permit have been met.

22 Diagnostic samples of the genus *Vitis*, including vineyard soil samples, from a PRZ

Diagnostic samples of the genus *Vitis*, including vineyard soil samples, are allowed entry only if the diagnostic samples are accompanied by a *biosecurity permit* and a plant health certificate certifying that all conditions in that permit have been met.

23 Whole Wine grapes of the genus *Vitis* from a PRZ

- (1) Whole wine grapes are allowed entry only if:
 - (a) The whole wine grapes are sourced from a vineyard that has been issued with a plant health certificate certifying that:

- (i) the vineyard's ground has been surveyed in accordance with the *National Phylloxera Management Protocol* within the current season; and
- (ii) there is no reason to suspect the presence of phylloxera on the vineyard; and
- (b) The whole wine grapes are packed in bins which have been cleaned free of all soil and plant material before delivery and are securely covered after packing; and
- (c) The bins are loaded onto or into a transport vehicle on a hard surface, not within the vineyard; and
- (d) The transport vehicle has been cleaned free of all soil and organic matter; and
- (e) The whole wine grapes are accompanied by a plant health certificate or plant health assurance certificate certifying that conditions 23 (a) to (d) have been met and specifying the origin of the whole wine grapes.

24 Must (red, rose or white) or unfiltered juice of the genus *Vitis* from a PRZ

- (1) Must (red, rose or white) or unfiltered juice is allowed entry only if:
- (a) The whole wine grapes used are sourced from a vineyard that has been issued with a plant health certificate certifying that:
 - (i) the vineyard's ground has been surveyed in accordance with the *National Phylloxera Management Protocol* within the current season; and
 - (ii) there is no reason to suspect the presence of phylloxera on the vineyard; and
 - (b) In the case of whole must, grapes have been de-stemmed and crushed; or
 - (c) In the case of unfiltered juice, grapes have been crushed with or without de-stemming; and
 - (d) The tanker, in which the must or unfiltered juice is to be consigned, has been:
 - (i) cleaned free of soil and organic matter; and
 - (ii) sealed to prevent leakage or spillage; and
 - (e) The must or unfiltered juice is accompanied by a plant health certificate or plant health assurance certificate certifying that the applicable conditions in sections 24 (a) to (d) have been met and specifying the origin of the must or unfiltered juice.

25 Filtered, clarified or cold settled juice of the genus *Vitis* from a PRZ

Filtered, clarified or cold settled juice is allowed entry only if the filtered, clarified or cold settled juice is accompanied by a plant health certificate specifying the origin of the filtered, clarified or cold settled juice.

26 Table grapes of the genus *Vitis* from a PRZ

(1) Table grapes are allowed entry only if either of the following applies:

- (a) The table grapes are sourced from a vineyard that has been issued with a plant health certificate certifying that:
 - (i) the vineyard's ground has been surveyed in accordance with the National Phylloxera Management Protocol within the current season; and
 - (ii) there is no reason to suspect the presence of phylloxera on the vineyard; and
 - (iii) the table grapes are packed in a container which is free of soil and leaf material; and
 - (iv) the table grapes are accompanied by a plant health certificate or plant health assurance certificate certifying that conditions in sections 26 (1) (a) to (c) have been met and specifying the origin of the table grapes; or

(2) The table grapes are:

- (a) packed for sale as table grapes, with a registered product containing a minimum 970 g/kg anhydrous sodium metabisulphite at the rate specified on the label; and
- (b) the package is free of soil and leaf material; and
- (c) the table grapes are accompanied by a plant health certificate or plant health assurance certificate certifying that the conditions in sections 26 (2) (a) and (b) have been met and specifying the origin of the table grapes.

27 Pre- and Post-fermentation marc of the genus *Vitis* from a PRZ

(1) Pre- and Post-fermentation marc of the genus *Vitis* is allowed entry only if:

- (a) in the case of red marc, a fermentation process of at least four days has been completed; or
- (b) in the case of white marc:
 - (i) composting for at least 3 months has been completed; or
 - (ii) the marc has been composted in accordance with Australian Standard AS 4454 (2012); or
 - (iii) the marc has been pasteurised in accordance with Australian Standard AS 4454 (2012); and
- (c) the marc has been packed into a sealed container; and

- (d) the container and transport vehicle have been cleaned free of soil and organic matter; and
- (e) the marc is accompanied by a plant health certificate or plant health assurance certificate certifying that the applicable conditions of sections 27 (a) to (d) have been met and specifying the origin of the marc.

28 Used vineyard machinery or equipment from a PRZ

- (1) Used vineyard machinery or equipment is allowed entry only if:
 - (a) it has been thoroughly cleaned with steam or high-pressure hot water to remove all soil and plant debris; and
 - (b) it has been sterilised using one of the following methods:
 - (i) steam where the steam is applied above 100°C, contacts all surfaces and the surface is left dry, not wet with condensate; or
 - (ii) hot water where the equipment is totally immersed in water heated to a minimum of 70°C for at least 2 minutes after the equipment has reached 70°C; or
 - (iii) dry heat where the surface temperature of the equipment is measured to ascertain when the required temperature is reached and the heat in the room, shed or container is held constant for a minimum of seventy-five minutes hours after the equipment has reached and maintains 45°C or two hours after the equipment has reached and maintains 40°C; and
 - (c) it is accompanied by a plant health certificate or plant health assurance certificate certifying that the conditions in sections 28 (a) to (b) have been met.

29 Garden organics from a PRZ

- (1) Garden organics are allowed entry only if:
 - (a) the garden organics have been composted in accordance with Australian Standard AS 4454 (2012); or
 - (b) have been pasteurised in accordance with Australian Standard AS 4454 (2012); and
 - (c) are packed into a sealed container; and
 - (d) the container and transport vehicle have been cleaned free of soil and organic matter; and
 - (e) are accompanied by a plant health certificate or plant health assurance certificate certifying that the applicable conditions in sections 29 (a) to (d) have been met and specifying the origin of the garden organics.

Part 4 Control measure and exceptions – Movement of phylloxera risk items from a phylloxera exclusion zone (PEZ)

30 Control measure – movement of phylloxera risk items from a PEZ

- (1) A person must not introduce a phylloxera risk item into, or transport within or through, the ACT from a PEZ.
- (2) This section applies to a phylloxera risk item that has only come from, or only moved through, a phylloxera exclusion zone.

Note If a phylloxera risk item has moved through several phylloxera management zones the conditions that apply to the highest risk zone apply.

- (3) The following items are prohibited items for the purposes of Part 4:
- (a) phylloxera insects, including their eggs and nymphs;
 - (b) vineyard soil.

31 Control measure exceptions – movement of phylloxera risk items from a PEZ

The following items can be moved from a PEZ:

Cuttings of the genus *Vitis* from a PEZ

- (1) Cuttings of the genus *Vitis* are allowed entry to the ACT only if they are:
 - (a) sourced from a PEZ; and
 - (b) washed free of soil; and
- (2) Are sourced from a business (***source business***) accredited under a grape propagation scheme approved in writing by the NSW Principal Director Biosecurity; and
- (3) Prior to dispatch from the source business the number of cuttings are recorded and securely packed for transport to the receiving vineyard; and
- (4) The cuttings are treated by:
 - (a) fumigation with methyl bromide at the rate of 32 grams per cubic metre for 3 hours at a temperature of a least 18°C; or
 - (b) complete submersion in a hot water dip for:
 - (i) 30 minutes at a temperature of $50 \pm 1^{\circ}\text{C}$; or
 - (ii) 5 minutes at a temperature of $54 \pm 1^{\circ}\text{C}$; and
 - (c) is accompanied by a plant health certificate or a plant health assurance certificate certifying section 31 (4) (a) or (b) has been met; or

- (5) The cuttings are accompanied by a plant health certificate or a plant health assurance certificate certifying the origin of the cuttings and that the applicable conditions of sections 31 (1) to (4) have been met.

Rootlings of the genus *Vitis* from a PEZ

- (6) Rootlings of the genus *Vitis* are allowed entry only if they:
- (a) are sourced from a PEZ; and
 - (b) washed free of soil; and
- (7) Treated prior to dispatch from the source by:
- (a) fumigation with methyl bromide at the rate of 32 grams per cubic metre for 3 hours at a temperature of at least 18°C; or
 - (b) complete submersion in a hot water dip for:
 - (i) 30 minutes at a temperature of $50 \pm 1^\circ\text{C}$; or
 - (ii) 5 minutes at a temperature of $54 \pm 1^\circ\text{C}$; and
- (8) Are accompanied by a plant health certificate or a plant health assurance certificate certifying that the applicable conditions of section 31 (6) and (7) have been met.

Potted vines of the genus *Vitis* from a PEZ

- (9) Potted vines of the genus *Vitis* are allowed entry only if they:
- (a) have been grown from cuttings in compliance with section 32 or from rootlings in compliance with section 33; and
 - (b) have not been grown in contact with soil; and
 - (c) have been grown in a soil-less media; and
 - (d) are accompanied by a plant health certificate or a plant health assurance certificate certifying that the conditions in section 31 (9) (a) to (c) have been met.

Germplasm of the genus *Vitis* from a PEZ

- (10) Germplasm of the genus *Vitis* is allowed entry only if the germplasm:
- (a) has been grown in sterile conditions as a tissue culture plant; and
 - (b) has been treated by submersion in a hot water dip for:
 - (i) 30 minutes at a temperature of $50 \pm 1^\circ\text{C}$; or
 - (ii) 5 minutes at a temperature of $54 \pm 1^\circ\text{C}$; and

- (c) is accompanied by a plant health certificate or a plant health assurance certificate certifying that conditions in section 31 (10) (a) and (b) have been met.

Diagnostic samples of the genus *Vitis*, including vineyard soil samples, from a PEZ

- (11) Diagnostic samples of the genus *Vitis*, including vineyard soil samples, are allowed entry only if they:
 - (a) have been packed in an air-tight container and sealed with packing tape; and
 - (b) have been consigned to a facility capable of handling quarantine samples; and
 - (c) are accompanied by a plant health certificate specifying their origin.

Tables grapes from a PEZ

- (12) Table grapes are allowed entry only if free of soil and leaf material.

38 Used vineyard machinery or equipment from a PEZ

- (13) Used vineyard machinery or equipment is allowed entry only if it has been thoroughly cleaned with steam or high-pressure hot water to remove all soil and plant debris and either of the following conditions apply:
 - (a) it has been located in an interstate PEZ continuously for at least the preceding two weeks and is accompanied by a plant health certificate or plant health assurance certificate certifying that conditions 26 (1) and (2) has been met; or
 - (b) it has been sterilised using one of the following methods:
 - (i) steam, where the steam applied is above 100°C, contacts all surfaces and the surface is left dry, not wet with condensate; or
 - (ii) hot water, where the equipment is totally immersed in water heated to a minimum of 70°C and remains immersed for at least 2 minutes after the equipment has reached 70°C; or
 - (iii) dry heat, where the surface temperature of the equipment is measured to ascertain when the required temperature is reached, and the heat in the room, shed or container is held constant such that the required temperature of the equipment is maintained for a minimum of 75 minutes after the equipment has reached and maintains 45°C, or two hours after the equipment has reached and maintains 40°C; and

- (iv) it is accompanied by a plant health certificate or plant health assurance certificate certifying that conditions in section 13 (b) (i) to (iii) have been met.

- (14) It is compulsory for mechanical harvesters to be sterilised using the dry heat method.

39 Other items from a PEZ

- (15) The following items are allowed entry only if accompanied by a plant health certificate or plant health assurance certificate certifying their origin in the interstate PEZ:

- (a) whole wine grapes;
- (b) must (red, rose or white);
- (c) unfiltered juice;
- (d) filtered, clarified or cold settled juice;
- (e) pre-fermentation marc;
- (f) post-fermentation marc; and
- (g) garden organics.

any other information the director-general reasonably requires about the movement; and

Note Further details may be required—see [website].

an interstate biosecurity certificate for the carrier (if required by this declaration).

Dictionary

Biosecurity permit means a permit issued under Part 5 of the *Biosecurity Act 2023*

cuttings means a portion of grapevine cane which has not been planted in soil or permitted to develop roots.

direct journey means a journey where the item being conveyed:

- (a) is not removed from the vehicle on which it is conveyed;
- (b) is not used in any way during the journey; and
- (c) is not taken onto a vineyard.

marc means the solids residue from pressing of must or of wine fermented on skins; contains skins, seeds and stems. Marc may contain grape sugar ('sweet' marc) or be fermented ('dry' marc).

must means the total product of crushing grape berries, including juice, skins, seeds, pulp and some stems and leaves.

National Phylloxera Management Protocol means a document, as amended from time to time, published under that name by the NVHSC, and accessible at <https://vinehealth.com.au/rules/plans-and-policies/national-phylloxera-management-protocol-2/> .

NVHSC means the National Vine Health Steering Committee, which is a consultative group involving all major stakeholders (Commonwealth, State Governments and industry) with an interest in grape health issues, specifically in relation to grapevine pests and diseases of national economic significance.

NSW Principal Director Biosecurity means the person for the time being occupying or acting in the position of Principal Director Biosecurity within Industry and Investment NSW.

plant health assurance certificate means a Plant Health Assurance Certificate issued by a person authorised by the primary industries department of the relevant State or Territory to issue Plant Health Assurance Certificates.

plant health certificate means a Plant Health Certificate issued by a person authorised by the primary industries department of the relevant State or Territory to issue Plant Health Certificates.

post-fermentation marc means the solids residue from pressing of wine fermented on skins containing skins, seeds, and possibly stems and that has completed at least four days in the fermentation process.

pre-fermentation marc means the solids residue from pressing of wine fermented on skins containing skins, seeds, and possibly stems and that has not completed at least four days in the fermentation process.

rootlings means any grapevine plant material which has developed roots, including callus, and includes original and grafted plants.

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

Schedule 2 – Map of phylloxera management zones in Australia

Phylloxera Management Zones of Australia

