



# *Government Gazette*

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## Primary Industries Notices

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### Plant Diseases (Mediterranean Fruit Fly) Order 2015

under the

Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity and Product Integrity, having delegated authority, and in pursuance of sections 3(2) and 4 of the *Plant Diseases Act 1924* and being of the opinion that the importation, introduction or bringing of Mediterranean fruit fly, certain soil or certain host fruit into New South Wales is likely to introduce the pest Mediterranean fruit fly (*Ceratitis capitata*) into New South Wales, make the following Order:

- (a) prohibiting the importation, introduction or bringing of Mediterranean fruit fly or anything infested with Mediterranean fruit fly into New South Wales; and
- (b) regulating the importation, introduction or bringing of certain soil or certain host fruit into New South Wales.

Dated this 29<sup>th</sup> day of October 2015

**SATENDRA KUMAR,**  
Director Plant Biosecurity and Product Integrity  
Department of Primary Industries  
(an office within the Department of Industry,  
Skills and Regional Development)  
(by delegation)

**Note:** The Department's reference is O-457.

# Plant Diseases (Mediterranean Fruit Fly) Order 2015

under the

Plant Diseases Act 1924

## 1 Name of Order

This Order is the *Plant Diseases (Mediterranean Fruit Fly) Order 2015*.

## 2 Commencement

This Order commences on the date it is published in the *NSW Government Gazette*.

## 3 Interpretation

(1) In this Order:

**area freedom certificate** means a certificate:

- (a) approved by the officer responsible for plant biosecurity in the State or Territory, and
- (b) certifying that Mediterranean fruit fly is absent from the State or Territory or part of the State or Territory.

**approved treatment** means the treatment and manner and timing of harvest and packing relevant to the type of host fruit, as specified in Schedule 2.

**Certification Assurance Arrangement** means an arrangement approved by the Department of Primary Industries which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

**Note:** An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

**composite lots** means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

**host fruit** means fruit of a type specified in Schedule 1 that is fresh, but does not include processed fruit.

**lot** means a discrete quantity of host fruit received from one grower at one time.

**Mediterranean fruit fly** means the pest *Ceratitidis capitata* at any stage of its life cycle.

**Plant Health Assurance Certificate** means a certificate (known as a Plant Health Assurance Certificate) issued by a business accredited under a Certification Assurance Arrangement.

**Plant Health Certificate** means a certificate (known as a Plant Health Certificate) issued by:

- (a) an inspector or a person authorised pursuant to section 11(3) of the Act; or
- (b) a person authorised to issue such a certificate under a law of another State or Territory that relates to plant biosecurity.

**processed fruit** means fruit that has been subjected to a processing activity such as cooking, drying, canning, juicing or freezing and includes pre-prepared fresh fruit that has been chopped, sliced or shredded, and packaged.

**soil** means any natural or artificial medium in which plants are grown or supported.

**the Act** means the *Plant Diseases Act 1924*.

**used packaging** means any covering or package that has contained any of the following:

- (a) host fruit,
- (b) soil, or
- (c) a plant, or any part of a plant, that produces any host fruit.

**Note:** *Department, covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

#### **4 Revocation of *Plant Diseases (Mediterranean Fruit Fly) Order 2012***

Pursuant to sections 4 and 3(2) of the Act, the *Plant Diseases (Mediterranean Fruit Fly) Order 2012* (having the Department's reference O-426) published in *NSW Government Gazette* No. 120 of 9 November 2012 at pages 4657 to 4660 is revoked, as is any Order revived as a result of this revocation.

#### **5 Prohibition on the introduction of Mediterranean fruit fly**

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of any of the following into New South Wales is prohibited:

- (a) live Mediterranean fruit fly; or
- (b) anything that is infested with live Mediterranean fruit fly.

#### **6 Regulation of the movement of certain soil or certain host fruit**

- (1) Pursuant to section 4(1) of the Act, the importation, introduction or bringing into New South Wales of soil or host fruit is regulated as specified in this clause.
- (2) Soil that originates from or has moved through a State or Territory where an infestation of Mediterranean fruit fly is known to exist must not be moved into New South Wales.
- (3) Host fruit that originates from or has moved through a State or Territory where an infestation of Mediterranean fruit fly is known to exist must not be moved into New South Wales unless:

- (a) the host fruit is grown and sourced and packed on a property located in a part of a State or Territory, for which an area freedom certificate is currently in force; or
- (b) the host fruit has, prior to movement, received an approved treatment and complies with the following conditions:
  - (i) the owner or occupier of the property or facility from which the host fruit originates must ensure the host fruit remains under secure conditions which prevent infestation by Mediterranean fruit fly, from post-harvest to the time of dispatch and transport; and
  - (ii) prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
    - (A) any used packaging containing host fruit is free of soil, plant residues and other organic matter; and
    - (B) in the case of host fruit that has been consigned:
      - 1. as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
      - 2. as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Mediterranean fruit fly; and
    - (C) any individual package contains only one kind of host fruit; and
    - (D) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
      - 1. the district of production; and
      - 2. the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
      - 3. a brief description of the contents of the package;or
    - (E) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed and labelled in accordance with the Certification Assurance Arrangement.

- (4) The movement of any host fruit in accordance with clause 6(3)(b) must be accompanied by:
  - (a) a Plant Health Certificate certifying:
    - (i) the origin of the host fruit; and
    - (ii) that the host fruit has received an approved treatment; or
  - (b) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.

**SCHEDULE 1      Host fruit**

Abiu	Eggplant	Olive
Acerola	Feijoa	Orange
Apple	Fig	Passionfruit
Apricot	Granadilla	Papaya (Pawpaw)
Avocado	Grape	Peach
Babaco	Grapefruit	Peacharine
Banana	Grumichama	Pear
Black sapote	Guava	Pepino
Blackberry	Hog plum	Persimmon
Blueberry	Jaboticaba	Plum
Boysenberry	Jackfruit	Plumcot
Brazil cherry (Grumichama)	Jew plum	Pomegranate
Breadfruit	Ju jube	Prickly pear
Caimito (Star apple)	Kiwifruit	Pummelo (Pomelo)
Cape gooseberry	Lemon	Quince
Capsicum	Lime	Rambutan
Carambola (Starfruit)	Loganberry	Raspberry
Cashew Apple	Longan	Rollinia
Casimiroa (White sapote)	Loquat	Santol
Cherimoya	Lychee (Litchi)	Sapodilla
Cherry	Mandarin	Shaddock
Chilli	Mango	Soursop
Citron	Mangosteen	Sweetsop (Sugar apple)
Coffee berry	Medlar	Tamarillo
Cumquat	Miracle fruit	Tangelo
Custard apple	Monstera	Tomato
Date	Mulberry	Wax jambu (Rose apple)
Dragon fruit (Than lung)	Nashi	
Durian	Nectarine	

## SCHEDULE 2 Approved treatments for host fruit

### 1 Methyl Bromide Fumigation

- (1) Any host fruit:
- (a) fumigated post-harvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
    - (i) 10.0°C - 14.9°C at 48 g/m<sup>3</sup>; or
    - (ii) 15.0°C - 20.9°C at 40 g/m<sup>3</sup>; or
    - (iii) 20.0°C - 25.9°C at 32 g/m<sup>3</sup>; or
    - (iv) 26.0°C - 31.9°C at 24 g/m<sup>3</sup>; and
  - (b) in the case of defective flower end-type papaya (pawpaw), is in a mature green condition prior to fumigation.
- (2) In this clause:

**mature green condition** means the fruit is hard and has no more than 25% ripe colouring at the time of packing.

**Note:** The procedure under an approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

### 2 Cold Treatment

- (1) Any host fruit (excluding lemons), treated post-harvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
  - (b) 1.0°C ± 0.5°C for a minimum of 16 days; or
  - (c) 2.0°C ± 0.5°C for a minimum of 18 days; or
  - (d) 3.0°C ± 0.5°C for a minimum of 20 days.
- (2) Lemons treated post-harvest at a temperature of:
- (a) 1.0°C ± 0.5°C for a minimum of 14 days; or
  - (b) 2.0°C ± 0.5°C for a minimum of 16 days; or
  - (c) 3.0°C ± 0.5°C for a minimum of 18 days.

**Note:** The procedure under an approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

### 3 Gamma Irradiation

Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post-harvest with gamma irradiation at a minimum dose of 150Gy.

**Note:** The procedure under an approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.



**4 Mature green condition - Bananas**

- (1) Bananas harvested and packed in a mature green condition.
- (2) In this clause:

*mature green condition* means hard green with unbroken skin.

**Note:** The procedure under an approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas*.

**5 Mature green condition - Tomatoes**

- (1) Tomatoes harvested and packed in a mature green condition.
- (2) In this clause:

*mature green condition* means the fruit has no more than a 2 cm diameter area of pink to red colour at the stylar end at the time of colour sorting after harvest.

**6 Hard condition**

- (1) Avocados (Hass, Lamb Hass, Sharwill, Reed and Fuerte varieties only) harvested in a hard condition and stored in secured conditions within 48 hours of harvest.
- (2) In this clause:

*hard condition* means fruit that is deliberately detached from healthy branches of living trees and showing no signs of softening or spotted areas, or of having any areas of breakdown or broken skin on any part of the fruit.

**Note:** The procedure under an approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocados*.

# Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order (No 3) 2015

under the

Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity and Product Integrity, having delegated authority, in pursuance of sections 3(2) and 4 of the *Plant Diseases Act 1924* and being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

Dated this 29<sup>th</sup> day of October 2015

**SATENDRA KUMAR,**  
Director Plant Biosecurity and Product Integrity  
Department of Primary Industries  
(an office within the Department of Industry,  
Skills and Regional Development)  
(by delegation)

**Notes:**

1. The Department's reference is O-458.
2. Section 26(1) of the *Plant Diseases Act 1924* makes it an offence, with a maximum penalty of 100 penalty units, to sell or move host fruit with the knowledge that the host fruit is infested with Queensland fruit fly.

# Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order (No 3) 2015

under the

Plant Diseases Act 1924

## 1 Name of Order

This Order is the *Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order (No 3) 2015*.

## 2 Commencement

This Order commences on the date it is published in the *NSW Government Gazette*.

## 3 Interpretation

(1) In this Order:

***approved systems approach*** means the risk management measures relevant to the type of host fruit, as specified in Schedule 9.

***approved treatment*** means the treatment and manner and timing of harvest and packing relevant to the type of host fruit, as specified in Schedule 8.

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

***area freedom certificate*** means a certificate:

- (a) approved by the officer responsible for plant biosecurity in the State or Territory where the host fruit was grown or packed, and
- (b) certifying that the State or Territory or that part of the State or Territory where the host fruit was grown or packed is known to be free of Queensland fruit fly.

***assorted tropical and sub-tropical fruits – inedible peel*** means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

***authorised person*** means an inspector or a person authorised pursuant to section 11(3) of the Act.

***berries*** means the host fruit specified in Schedule 6, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

***cart note*** means a written document that, in relation to the wine grapes that are the subject of the consignment, includes (at least) the following information:

- (a) the quantity of wine grapes being supplied;

- (b) the variety of wine grapes being supplied;
- (c) the name and contact details of the grower of the wine grapes;
- (d) the physical address of the property on which the wine grapes were grown;
- (e) the name and physical address of the winery receiving the wine grapes;
- (f) the name and signature of the person signing the cart note; and
- (g) the date the cart note is signed.

**certificate** means a Plant Health Certificate or a Plant Health Assurance Certificate.

**Certification Assurance Arrangement** means an arrangement approved by the Department of Primary Industries which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

**Note:** An example of an approved Certification Assurance Arrangement is a Compliance Agreement (CA) or the *Interstate Certification Assurance (ICA) Scheme*.

**citrus fruits** means the host fruit specified in Schedule 5, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

**Codex Classification of Foods and Animal Feeds** means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

**composite lots** means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

**free of broken skin** means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

**Greater Sunraysia (NSW Portion) Pest Free Area** means the portion of New South Wales described in Schedule 1.

**Greater Sunraysia (Victoria Portion) Pest Free Area** means the part of Victoria declared as a restricted area for the control of Queensland fruit fly, known as the Greater Sunraysia Pest Free Area, under section 20 of the *Plant Health and Plant Products Act 1995* (Vic) or section 32 of the *Plant Biosecurity Act 2010* (Vic).

**host fruit** means fruit of a type specified in Schedule 3 that is fresh, but does not include processed fruit.

**lot** means a discrete quantity of fruit received from one grower at one time.

**Outbreak Area** means an area described in Column 1 of Schedule 2.

**Pest Free Area** means the Greater Sunraysia (NSW Portion) Pest Free Area and the Greater Sunraysia (Victoria Portion) Pest Free Area.

**Plant Health Assurance Certificate** means a document (known as a Plant Health Assurance Certificate) issued by a business accredited under a Certification Assurance Arrangement.

**Plant Health Certificate** means a document (known as a Plant Health Certificate) issued by:

- (a) an authorised person; or
- (b) a person authorised to issue such a certificate under a law of another State or Territory that relates to plant biosecurity.

**processed fruit** means fruit that has been subjected to a processing activity such as cooking, drying, canning, juicing or freezing and includes:

- (a) berries that have been packaged after having been individually inspected and found to be free of splits and blemishes; and
- (b) pre-prepared fresh fruit that has been chopped, sliced or shredded, and packaged.

**Queensland fruit fly** means the pest *Bactrocera tryoni* (Froggatt).

**secure conditions**, in relation to the transport of host fruit, means the host fruit:

- (a) is in unvented packages; or
- (b) is in vented packages in which the vents are secured with gauze or mesh having a maximum aperture of 1.6 mm; or
- (c) has been shrink wrapped and sealed as a palletised unit.

**Suspension Area** means an area described in Column 2 of Schedule 2.

**the Act** means the *Plant Diseases Act 1924*.

**Vic QFF Restricted Area** means any part of Victoria declared as a restricted area for the control of Queensland fruit fly (other than the restricted area known as the Greater Sunraysia Pest Free Area), under section 20 of the *Plant Health and Plant Products Act 1995* (Vic) or section 32 of the *Plant Biosecurity Act 2010* (Vic).

**Note:** **Department, covering or package, inspector, occupier** and **owner** all have the same meaning as in the Act.

- (2) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

#### **4 Revocation of *Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order (No 2) 2015***

Pursuant to sections 4 and 3(2) of the Act, the *Plant Diseases (NSW Greater Sunraysia Pest Free Area and Fruit Fly Outbreak and Suspension Areas) Order (No 2) 2015* (having the Department's reference O-451) published in *NSW Government Gazette* No. 71 of 21 August 2015 at pages 2615 to 2656 is revoked, as is any Order revived as a result of this revocation.

**5 Regulation of the movement of host fruit (excluding wine grapes)**

- (1) Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit (excluding wine grapes) into specified portions of New South Wales is regulated as specified in this clause.
- (2) Host fruit (excluding wine grapes) from any area outside the Greater Sunraysia (NSW Portion) Pest Free Area must not be moved into the Greater Sunraysia (NSW Portion) Pest Free Area, unless:
  - (a) the host fruit is grown and packed within the Greater Sunraysia (Victoria Portion) Pest Free Area (excluding any Outbreak Area, Suspension Area or Vic QFF Restricted Area) and legibly marked with:
    - (i) the name and postcode of the city or town nearest to the locality where the host fruit was grown; and
    - (ii) a description of the contents of the package; or
  - (b) the movement is as specified in Schedule 7 and complies with the relevant conditions of exception set out in Schedule 7.
- (3) Host fruit (excluding wine grapes) that originates from or has moved through an Outbreak Area, Suspension Area or Vic QFF Restricted Area, must not be moved into the Greater Sunraysia (NSW Portion) Pest Free Area for the purpose of proceeding to a destination that is outside the Greater Sunraysia (NSW Portion) Pest Free Area, unless:
  - (a) the host fruit has been inspected and found to be free of Queensland fruit fly and complies with the following conditions:
    - (i) the host fruit is transported under secure conditions; and
    - (ii) the host fruit is accompanied by
      - (A) a Plant Health Certificate certifying:
        1. the origin of the host fruit; and
        2. that the host fruit has been inspected and found to be free of Queensland fruit fly; or
      - (B) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement; or
  - (b) the movement is as specified in Schedule 7 and complies with the relevant conditions of exception set out in Schedule 7.
- (4) Host fruit (excluding wine grapes) that originates from or has moved through an Outbreak Area, Suspension Area or Vic QFF Restricted Area, must not be moved into the Greater Sunraysia (NSW Portion) Pest Free Area unless the movement is as specified in Schedule 7 and complies with the relevant conditions of exception set out in Schedule 7.

**6 Certification requirements for the movement of host fruit (excluding wine grapes)**

(1) The movement of any host fruit (excluding wine grapes) in accordance with clause 1 of Schedule 7 must be accompanied by:

(a) a Plant Health Certificate certifying:

(i) the origin of the host fruit; and

(ii) that the host fruit has been grown and packed in an area free of Queensland fruit fly; or

(b) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.

(2) The movement of any host fruit (excluding wine grapes) in accordance with clause 2 of Schedule 7 must be accompanied by:

(a) a Plant Health Certificate certifying:

(i) the origin of the host fruit; and

(ii) that the host fruit has received an approved treatment; or

(iii) that the host fruit has been grown and packed in accordance with an approved systems approach; or

(b) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.

(3) Host fruit (excluding wine grapes) that has been moved in accordance with clause 5(3)(a) or Schedule 7 and the accompanying certificate must, on arrival in the Greater Sunraysia (NSW Portion) Pest Free Area, be presented:

(a) to a business accredited under a Certification Assurance Arrangement; or

(b) to an authorised person,

for verification that the host fruit corresponds with the accompanying certificate.

**7 Regulation of the movement of wine grapes**

(1) Pursuant to section 4(1) of the Act, the importation, introduction or bringing of wine grapes into specified portions of New South Wales is regulated as specified in this clause.

(2) Wine grapes from any area outside the Greater Sunraysia (NSW Portion) Pest Free Area (excluding an area within the Pest Free Area for which an area freedom

certificate is currently in force) must not be moved into the Greater Sunraysia (NSW Portion) Pest Free Area unless:

- (a) the following conditions are complied with:
    - (i) the owner or occupier of the property or facility from which the wine grapes originate ensures the wine grapes are loaded on the transport vehicle in a way that prevents spillage during transportation; and
    - (ii) the wine grapes are processed within 24 hours of receipt by the winery receiving the grapes; or
  - (b) the movement is as specified in Schedule 7 and complies with the relevant conditions of exception set out in Schedule 7.
- (3) Wine grapes that originate from or have moved through an Outbreak Area, Suspension Area or Vic QFF Restricted Area, must not be moved into the Greater Sunraysia (NSW Portion) Pest Free Area unless:
- (a) the following conditions are complied with:
    - (i) the owner or occupier of the property or facility from which the wine grapes originate ensures the wine grapes are loaded on the transport vehicle in a way that prevents spillage during transportation; and
    - (ii) the wine grapes are processed within 24 hours of receipt by the winery receiving the grapes; or
  - (b) the movement is as specified in Schedule 7 and complies with the relevant conditions of exception set out in Schedule 7.

## **8 Certification requirements for the movement of wine grapes**

- (1) The movement of wine grapes in accordance with clause 7(2)(a) or clause 7(3)(a) must be accompanied by a cart note.
- (2) The movement of wine grapes in accordance with clause 1 of Schedule 7 must be accompanied by:
  - (a) a Plant Health Certificate certifying:
    - (i) the origin of the wine grapes; and
    - (ii) that the wine grapes have been grown and packed in an area free of Queensland fruit fly; or
  - (b) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.



- (3) The movement of wine grapes in accordance with clause 2 of Schedule 7 must be accompanied by:
- (a) a Plant Health Certificate certifying:
    - (i) the origin of the wine grapes; and
    - (ii) that the wine grapes have received an approved treatment; or
    - (iii) that the wine grapes have been grown and packed in accordance with an approved systems approach; or
  - (b) a Plant Health Assurance Certificate issued under a Certification Assurance Arrangement.
- (4) Wine grapes that have been moved in accordance with clause 7(2), clause 7(3) or Schedule 7 and the accompanying certificate or cart note must, on arrival in the Greater Sunraysia (NSW Portion) Pest Free Area, be presented:
- (a) to a business accredited under a Certification Assurance Arrangement; or
  - (b) to an authorised person, or
  - (c) in the case of a cart note, to the winery receiving the wine grapes,
- for verification that the host fruit corresponds with the accompanying certificate or cart note.
- (5) A cart note that is required by this clause to accompany a movement of wine grapes must:
- (a) be retained by the winery receiving the wine grapes for at least 2 years from receipt of the wine grapes; and
  - (b) upon request by an authorised person, be made available to the authorised person.