



Victoria Government Gazette

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SPECIAL

Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE MOVEMENT, HARVESTING OR HANDLING OF ASPARAGUS TO PREVENT THE SPREAD OF EXOTIC DISEASE, ASPARAGUS RUST

I, Bob Cameron, Minister for Agriculture, under Sections 20 and 22 of the **Plant Health and Plant Products Act 1995** make the following Order declaring a restricted area for the purpose of preventing the spread of the disease asparagus rust and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 16 September 2003

BOB CAMERON
Minister for Agriculture

1. Objective

The objective of this Order is to prohibit subject to conditions or restrict the movement of asparagus, agricultural equipment and packages or soil used in association with asparagus to prevent the spread of the disease asparagus rust (*Puccinia asparagi*).

2. Authorising provision

This Order is made under Sections 20 and 22 of the **Plant Health and Plant Products Act 1995**.

3. Definitions

In this Order—

- (a) “Act” means the **Plant Health and Plant Products Act 1995**;
- (b) “Asparagus” means any plant or plant product of the *Asparagus* spp. (including crowns, fern, seed, spears and ornamental asparagus);
- (c) “Manager Plant Standards” means the person for the time being occupying or acting in the position of Manager Plant Standards in the Department of Primary Industries;
- (d) “Inspector” means an officer authorised under the Act;
- (e) “agricultural equipment” means any equipment used for the culture, spraying, harvesting, packing, processing or transport of asparagus and includes any vehicle;
- (f) “packages” includes anything in or by which asparagus is contained, wrapped or packed including bins, crates and pallets used for harvesting, packing or transport of asparagus and bulk containers.

4. Restricted area for the control of asparagus rust

The restricted area for the control of asparagus rust is declared to be the area described in Schedule 1.

5. Prohibitions, restrictions and requirements

- (1) The removal from the restricted area of —
 - (a) any asparagus that has been grown within the restricted area; or
 - (b) any agricultural equipment or package used on a property growing asparagus in the restricted area; or
 - (c) any soil originating from a property growing asparagus within the restricted area —is prohibited unless —

- (d) in the case of asparagus that has been grown within the restricted area, it is —
 - (i) treated in a manner approved by the Manager Plant Standards and packed and consigned free of organic matter and soil in new packages; or
 - (ii) treated, packed and transported under an accreditation arrangement specified under Section 43A of the Act; or
 - (e) in the case of agricultural equipment or packages, it is treated —
 - (i) in a manner approved by the Manager Plant Standards; or
 - (ii) under an accreditation arrangement specified under Section 43A of the Act; or
 - (f) in the case of soil, it is —
 - (i) treated and transported in a manner approved by the Manager Plant Standards; and
 - (ii) accompanied by a permit issued by an inspector under Section 21 of the Act.
- (2) In addition to the requirements under sub-clauses (1)(d) and (e), any items listed in sub-clauses (1) (a) and (b) must, when removed from the restricted area, also be accompanied by —
- (a) a plant health declaration issued by an accredited person; or
 - (b) a plant health certificate issued by an inspector; or
 - (c) a plant health assurance certificate issued by an accredited person.
- (3) Owners or occupiers of land which is within the restricted area and on which asparagus rust has been detected must treat, destroy or handle plant material grown on the property in a manner approved by the Manager Plant Standards and as directed by an authorised officer.

Schedule 1

The area of land within the boundaries of the Municipal District of the East Gippsland Shire Council (Victoria Government Gazette, No. S 94, 2 December 1994, page 11) and the Municipal District of the Wellington Shire Council (Victoria Government Gazette, No. S94, 2 December 1994, page 16).

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