



# Victoria Government Gazette

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## Plant Health and Plant Products Act 1995

### ORDER TO PROHIBIT OR RESTRICT THE ENTRY OR IMPORTATION OF BLUEBERRY RUST INTO VICTORIA

I, Joe Helper, Minister for Agriculture, make the following Order:

Dated 20 April 2007

JOE HELPER MP  
Minister for Agriculture

**1. Objective**

The objective of this Order is to prevent the introduction of the fungus blueberry rust (*Pucciniastrum vaccinii*) into Victoria.

**2. Authorising provision**

This Order is made under section 24 of the **Plant Health and Plant Products Act 1995**.

**3. Revocation**

The Order made under Section 24 of the **Plant Health and Plant Products Act 1995** on 16 April 2006 to prevent the entry of blueberry rust into Victoria, and published in Government Gazette G17 on 27 April 2006, is revoked.

**4. Definitions**

In this Order –

“**authorised person**” means a person authorised by the Department of Primary Industries;

“**blueberry rust**” means the exotic disease caused by the fungus *Pucciniastrum vaccinii*;

“**blueberry rust host plant**” means any plant or plant product of *Vaccinium* spp. (including blueberry, cranberry and huckleberry), *Gaylussacia* (black huckleberry), *Tsuga* (hemlock), *Rhododendron* spp. (including azalea), *Lyonia*, *Menziesia*, *Pernettya*, *Hugeria*, *Pieris*, *Leucothoe*, *Oxycoccus*;

“**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.

**5. Controls applying to blueberry rust host material**

(1) The entry or importation into Victoria of –

- (a) any blueberry rust host plant; or
- (b) any agricultural equipment or package used in the propagation, cultivation, harvesting, or processing of any blueberry rust host plant –

is prohibited.

(2) Sub-clause (1) does not apply if –

- (a) the blueberry rust host plants (other than *Vaccinium* spp.) were grown, or the agricultural equipment or packages were last used, on a property that is located –
  - (i) in a State or Territory or part of a State or Territory for which an area freedom certificate, issued by an officer responsible for agriculture in the State or Territory where the plant or plant product was grown or the agricultural equipment or used packages were last used, is currently in force certifying that the State or Territory or part of the State or Territory is known to be free of blueberry rust; or
  - (ii) more than 200 km from a detection of blueberry rust; or

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- (b) the blueberry rust host plant, agricultural equipment or package is accompanied by a plant health declaration issued by an authorised person, an assurance certificate issued by a person who is accredited by the department responsible for agriculture in the affected State or Territory, or a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory in which the plant or plant product was grown or packed, or the agricultural equipment or packages were last used, certifying that –
- (i) in the case of fruit of *Vaccinium* spp., the fruit has been treated in a manner approved by the Manager Plant Standards; and
  - (ii) in the case of plants or plant products of the *Vaccinium* spp., the plants or plant products have been treated in accordance with conditions detailed in a permit issued by the Manager Plant Standards; and
  - (iii) in the case of blueberry rust host plants (other than plants of *Vaccinium* spp.), the plants or plant products have been inspected within 14 days prior to dispatch to Victoria, and no blueberry rust is detected; and
  - (iv) in the case of agricultural equipment and packages, the equipment and packages have been cleaned free of soil and organic matter and treated in a manner approved by the Manager Plant Standards.

Note: Section 25 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and a penalty not exceeding 50 penalty units, in the case of a natural person and 200 penalty units, in the case of a body corporate, for knowingly breaching an Importation Order.

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