



# Victoria Government Gazette

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## Plant Health and Plant Products Act 1995

### ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF LUPIN ANTHRACNOSE INTO VICTORIA

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

Dated 10 May 2007

JOE HELPER MP  
Minister for Agriculture

**1. Objective**

The objective of this Order is to prevent the importation or entry of the exotic disease lupin anthracnose into Victoria.

**2. Authorising provision**

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

**3. Revocation**

The Order made on 5 May 2006 under section 24 of the Act and published in Government Gazette G19 on 11 May 2006 (p906–907) is revoked.

**4. Definition**

In this Order –

“**Inspector**” means an inspector authorised under the Act;

“**lupin anthracnose**” means the exotic disease caused by the fungus *Colletotrichum gloeosporioides* (severe strain);

“**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 lupin anthracnose host materials**

(1) The entry or importation into Victoria of –

- (a) any plant or plant product of *Lupinus* species; or
- (b) any agricultural equipment which has been used in the cultivation, harvesting, packing, processing or transportation of any plant or plant product of *Lupinus* species; or
- (c) any package which has contained any plant or plant product of *Lupinus* species –

is prohibited.

(2) Sub-clause (1) does not apply if the plant or plant product was grown, or the agricultural equipment or package was last used, 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 is in force certifying that the State or Territory or part of the State or Territory is free from lupin anthracnose.

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

- (a) a permit has been issued by an inspector for the plant, plant product, agricultural equipment or package; and
- (b) the plant, plant product, agricultural equipment or package is imported according to conditions specified in the permit issued by an inspector; and

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- (c) the plant, plant product, agricultural equipment or package is accompanied by a plant health certificate issued by an officer of a department responsible for agriculture in the State or Territory where the plant or plant product was grown or the agricultural equipment or package was last used certifying that –
- (i) in the case of plants of *Lupinus* species –
    - (A) the plants were grown on a property that is accredited as being free of lupin anthracnose by the department responsible for agriculture in the State or Territory where the plants were grown; and
    - (B) the plants were inspected by an officer of the department responsible for agriculture in the State or Territory where the plants were grown at those stages during the growing season when lupin anthracnose is detectable on plants of *Lupinus* species; and
    - (C) the plants were found to be free of lupin anthracnose at the time of inspection; or
  - (ii) in the case of grain or lupin husks of *Lupinus* species for processing –
    - (A) the grain or husks are from a crop that has been examined during the growing season when the crop is mature in a manner approved by the Manager Plant Standards and found to be free of lupin anthracnose; or
    - (B) the consignment and each grower lot within the consignment has been sampled and tested for the presence of lupin anthracnose according to a method approved by the Manager Plant Standards and found to be free of lupin anthracnose; or
    - (C) the grain or husks have been treated and transported in a manner approved by the Manager Plant Standards to an approved premises; or
  - (iii) in the case of seed of *Lupinus* species for sowing, the seeds are imported according to conditions approved by the Manager Plant Standards; or
  - (iv) in the case of agricultural equipment or packages used in the cultivation, harvesting, packing, processing or transportation of plants or plant products of *Lupinus* species they have been cleaned and treated in a manner approved by the Manager Plant Standards under the supervision of an inspector.
- (4) If a plant health certificate under sub-clause (3)(c)(ii)(A) is relied upon for exemption from sub-clause (1), it must be accompanied by a statutory declaration signed by the grower of the crop stating that the crop was grown –
- (a) from seed known not to have been infected with lupin anthracnose; and
  - (b) on a property that has not received any plants or plant products of *Lupinus* species from a property on which lupin anthracnose has been detected or shared agricultural equipment or packages with a property on which lupin anthracnose has been detected.

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**6.      *Verification of Consignments***

Where requested by an authorised inspector, lupin anthracnose host material imported into Victoria in accordance with clause 5(3)(c) and the accompanying certificate must be:

- (a)      presented to an authorised inspector for inspection; or
- (b)      verified by a person accredited to do so by the Department of Primary Industries.

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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