



Victoria Government Gazette

No. S 194 Tuesday 21 August 2007
By Authority, Victorian Government Printer

Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE IMPORTATION OR ENTRY OF ELECTRIC ANTS INTO VICTORIA

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

Dated 20 August 2007

JOE HELPER, MP
Minister for Agriculture

1. Objective

The objective of this Order is to prevent the importation or entry of the exotic pest electric ant 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 17 August 2006 under section 24 of the Act, and published in Government Gazette G34 on 24 August 2006 (p.1797–1798), is revoked.

4. Definitions

In this Order—

“**accreditation program**” means any program under which a person is permitted to issue an assurance certificate, including any procedures available under the Interstate Certification Assurance (ICA) Scheme;

“**agricultural equipment**” means any equipment used for the culture, harvesting, packing or processing of any electric ant host material;

“**electric ant**” means the exotic pest *Wassmannia auropunctata* Rogers;

“**electric ant host material**” means any material capable of harbouring electric ants, including plants, landscaping materials, turf, hay and straw, and soil;

“**hay and straw**” includes baled organic material and fodder;

“**landscaping material**” means any non-liquid combination of organic material, potting media, sand, coal fines, dried biosolids or mulch;

“**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;

“**plants**” means any plants including plants with potting media or soil attached, containerised plants and other plants such as epiphytic ferns, but not bare rooted plants or cut flowers or foliage;

“**turf**” means any grass sod with soil or potting media attached.

5. Controls applying to electric ant host materials

(1) The entry or importation into Victoria of any—

(a) electric ant host material; or

(b) agricultural equipment; or

(c) package which has contained electric ant host material—
is prohibited.

SPECIAL

- (2) Sub-clause (1) does not apply if:
- (a) the electric ant host material was grown or packed on, or the agricultural equipment or package was 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 electric ant material was grown, or the agricultural equipment or package was last used, is currently in force certifying that the State or Territory or that part of the State or Territory is known to be free of electric ants; or
 - (ii) outside of an area declared in a State or Territory, under corresponding laws of that State or Territory, to be a control area for the purposes of preventing the spread of electric ant; or
 - (b) the electric ant host material, agricultural equipment or package is—
 - (i) accompanied by 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 certifying that the electric ant host material, equipment or package has been treated in a manner approved by the Manager Plant Standards; and
 - (ii) packed and labelled in accordance with any restrictions or conditions prescribed by an accreditation program under which the produce is certified.

6. Verification of consignments

Where requested by an authorised inspector, the electric ant host material, agricultural equipment or used package imported into Victoria in accordance with clause 5(2), and the accompanying certificate or declaration—

- (a) must be presented to an authorised inspector for inspection; or
- (b) inspected in accordance with the terms and conditions of a compliance agreement for the receipt of electric ant host material—

to verify compliance with this Order.

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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