



Victoria Government Gazette

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Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF MYRTLE RUST HOST MATERIAL INTO VICTORIA

I, Patrick Sharkey, as delegate of the Minister for Agriculture, make the following Order:

Dated 18 June 2010

PATRICK SHARKEY
Manager Plant Standards

1 Objective

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

2 Authorising Provision

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

3 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;

'authorised inspector' means a person authorised as an inspector under the Act;

'myrtle rust' means the exotic disease *Uredo rangelii* Simpson *et al*;

'myrtle rust host plant' means any plant or plant material of the family Myrtaceae including nursery stock, cut flowers and fruit;

'myrtle rust host material' means any myrtle rust host plant or any agricultural equipment used in the culture, harvesting or packing of myrtle rust host material;

'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.

4 Controls applying to myrtle rust host material

(1) The entry or importation into Victoria of any myrtle rust host material is prohibited.

(2) Sub-clause (1) does not apply if the myrtle rust host material-

- (a) was grown on, or sourced from, a property that is located 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 for the State or Territory where the myrtle rust host material was grown or sourced, is currently in force certifying that the State or Territory, or part of the State or Territory, is known to be free from myrtle rust; or
- (b) is packed, labelled and certified in accordance with any conditions prescribed by an accreditation program, administered by the department responsible for agriculture in the affected State or Territory; or
- (c) is accompanied by a plant health declaration issued by an authorised person declaring that it has been inspected, tested or treated in a manner approved by the Manager Plant Standards; or

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- (d) is accompanied by a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory certifying that it has been inspected, tested or treated in a manner approved by the Manager Plant Standards.

5 Verification of Consignments

Where requested by an authorised inspector, myrtle rust host material imported into Victoria which is required by clause 4(2) to be accompanied by a certificate or declaration, 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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