



# Victoria Government Gazette

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## Plant Health and Plant Products Act 1995

### ORDER DECLARING A RESTRICTED AREA IN VICTORIA FOR THE CONTROL OF CHESTNUT BLIGHT

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

Dated 21 September 2010

JOE HELPER MP  
Minister for Agriculture

#### 1 Objective

The objective of this Order is to declare a restricted area for the control of chestnut blight in Victoria, and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

#### 2 Authorising provision

This Order is made under section 20 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 person**’ means a person authorised by the Department of Primary Industries;

‘**chestnut blight**’ means the exotic disease caused by the fungus *Cryphonectria parasitica* (Murrill) M.E. Barr;

‘**chestnut blight host plant**’ means any plant, or plant part, of the genus *Castanea* (chestnuts) or *Quercus* (oaks);

‘**chestnut blight host material**’ means any chestnut blight host plant, agricultural equipment or used package;

‘**inspector**’ means a person authorised as an inspector under the Act;

‘**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 Restricted areas for the control of chestnut blight

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

#### 5 Prohibitions, restrictions and requirements

(1) The removal from the restricted area of any chestnut blight host material is prohibited.

(2) The removal from any property within the restricted area of any chestnut blight host material is prohibited.

(3) Sub-clauses (1) and (2) do not apply if the chestnut blight host material is –

(a) accompanied by a plant health certificate issued by an inspector certifying that the material has been treated in a manner approved by the Manager Plant Standards; or

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- (b) packed, labelled and certified in accordance with any conditions prescribed by an accreditation program under which the material is certified; or
  - (c) accompanied by a plant health declaration issued by an authorised person declaring that the material has been treated in a manner approved by the Manager Plant Standards.
- (4) The owners and occupiers of land in the restricted area must –
- (a) destroy any plant known to be infected with chestnut blight; or
  - (b) prune affected parts of any plant known to be infected with chestnut blight and destroy prunings.
- (5) The owners or occupiers of land in the restricted area must report to an inspector, by quickest means possible, the presence of any symptoms on any chestnut blight host plant that the owner or occupier knows, or suspects, have been caused by the presence of chestnut blight.
- (6) The owners or occupiers of land in the restricted area must apply a treatment to any planting of chestnut blight host plants, a chemical registered, or approved or permitted, for the purpose of controlling chestnut blight.

#### 6 Verification of consignments

- (1) Where requested by an inspector any chestnut blight host material removed from the restricted area in accordance with clause 5(3) and accompanying certificate or declaration must be:
- (a) presented to an inspector for inspection; or
  - (b) verified by a person accredited to do so by the Department of Primary Industries.

#### 7 Issuing of directions

Inspectors are authorised to issue a direction to any owner or occupier of land requiring the owner or occupier to –

- (1) destroy any tree, or part of a tree, known, or suspected, to be infected with chestnut blight; or
- (2) destroy any host plant where this is considered necessary to control or prevent the spread of chestnut blight.

#### SCHEDULE 1

The area of land bounded by a line commencing at the intersection of the Murray River and the Hume Freeway, then in a generally south-easterly direction along the Hume Freeway to the intersection of the Hume Freeway and the Midland Highway, then in a southerly direction along the Midland Highway to the intersection of the Midland Highway and the Maroondah Highway, then in a straight line in an easterly direction to the intersection of the Great Alpine Road and the Omeo Highway, then in a northerly direction along the Omeo Highway to the intersection of the Omeo Highway and Benambra Road, then in a north-easterly direction along Benambra Road, which becomes the Benambra–Corryong Road, to the intersection of Benambra–Corryong Road and the Murray Valley Highway, then in an easterly direction along the Murray Valley Highway, which becomes Corryong Road, to the intersection of Corryong Road and the Murray River, then in a generally westerly direction along the Murray River to the point of commencement.

Note:

Section 21 of the Act provides that a person is guilty of an offence and liable for a penalty not exceeding 50 penalty units in the case of a natural person, and 100 penalty points in the case of a body corporate for moving any host materials into a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.

Section 22 of the Act provides that a person is guilty of an offence and liable for a penalty not exceeding 50 penalty points for contravening a written direction of an Inspector.

Section 58 of the **Plant Health and Plant Products Act 1995** provides powers for an inspector to access any land for the purposes of inspection, application of any treatment or performance of any other actions which are necessary for the prevention of spread of exotic pests.

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