

Plant Health and Plant Products Act 1995DECLARATION OF A CONTROL AREA IN SOUTH WESTERN VICTORIA FOR THE
PURPOSE OF PREVENTING THE ENTRY OF THE PEST POTATO CYST NEMATODE

Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 9 of the **Plant Health and Plant Products Act 1995**—

- (a) declares the area described in Schedule 1 to be a control area in south western Victoria for the purpose of preventing the entry of the pest Potato Cyst Nematode, *Globodera rostochiensis* (Woll); and
- (b) specifies the prohibitions, restrictions and requirements in Schedule 2 which are to operate in, or in relation to, the control area for the purpose of preventing the entry of the pest Potato Cyst Nematode.

This Order is to come into operation on the day of its publication in the Government Gazette.

Dated 27 September 2005

Responsible Minister

BOB CAMERON

Minister for Agriculture

RUTH LEACH

Clerk of the Executive Council

Schedule 1

The area of land bounded by a line commencing at the intersection of the Princes Highway and Ascot Street, Dartmoor; then in a northerly direction along Ascot Street to the intersection of Ascot Street and North Dartmoor Road, then in a north-westerly direction along North Dartmoor Road to the intersection of North Dartmoor Road and Grubbed Road, then in a northerly direction along Grubbed Road to the intersection of Grubbed Road and the Glenelg Highway; then in a north-easterly direction along the Glenelg Highway to the intersection of the Glenelg Highway and Sandy Track; then in a north-westerly direction along Sandy Track to the intersection of Sandy Track and Martins Road, then in a north-easterly direction along Martins Road to the intersection of Martins Road and Tower Road; then in a north-easterly direction along Tower Road to the intersection of Tower Road and Casterton–Penola Road; then in a westerly direction along Casterton–Penola Road to the intersection of Casterton–Penola Road and Tullich Road; then in a north-westerly direction along Tullich Road, which becomes Old Telegraph Road, to the intersection of Old Telegraph Road and the state border of South Australia and Victoria; then in a southerly direction along the state border of South Australia and Victoria to the southern most point; then in a south-easterly direction along the coastline of Victoria to Lowe Street, Portland; then in a westerly direction along Lowe Street to the intersection of Lowe Street and the Henty Highway; then in a northerly direction along the Henty Highway, which then becomes the Princes Highway, to the point of commencement.

Schedule 2**1. Definitions**

In this Schedule—

“**Agricultural equipment**” means equipment which has been used in the cultivation, harvesting, packing, transporting and processing of PCN host plants, including bulk handlers;

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

“**Potato Cyst Nematode**” or “**PCN**” means the pest *Globodera rostochiensis* (Woll);

“**PCN host plants**” means any plant, plant part of plant product of the Solanaceae family and any root vegetable, bulb, seedling or nursery plant;

“**Solanaceae**” means the family of plants which includes potatoes, tomatoes, eggplants and weeds, including nightshade.

2. ***Prohibitions relating to the control area***

- (1) The entry into the control area of –
- (a) PCN host plants; and
 - (b) agricultural equipment; and
 - (c) packages, including bins or bulk bags, which contain, or have contained, any PCN host plants; and
 - (d) soil that has been used with any PCN host plants –
is prohibited.
- (2) Sub-clause (1) does not apply in the case of –
- (a) PCN host plants or, agricultural equipment, packages or soil used in the cultivation, harvesting, packing and processing of PCN host plants, from any State or Territory, or part of a State or Territory, for which an area freedom certificate is in force, certifying that the State or Territory, or part of the State or Territory, is free from PCN; and
 - (b) potatoes for human consumption; and
 - (c) seed potatoes –
 - (i) supplied under a Certification Scheme approved by the Minister, in accordance with Section 40 of the **Plant Health and Plant Products Act 1995**; or
 - (ii) treated in a manner approved by the Manager Plant Standards; and
 - (d) nursery plants, including seedlings, grown in soil-less media; and
 - (e) bare rooted plants; and
 - (f) root vegetables (except potatoes) or bulbs which have been washed or brushed so as to be free of visible soil; and
 - (g) agricultural equipment (bulk handlers) operated by businesses accredited by Plant Standards; and
 - (h) packages which –
 - (i) are accompanied by a Plant Health Declaration declaring that the packages have been cleaned so as to be practically free of soil and organic matter by brushing or washing; or
 - (ii) have been treated in a manner approved by the Manager Plant Standards, where last used with PCN host plants sourced from:
 - (A) within 10km of a PCN detection; or
 - (B) a control area declared under Section 9 of the **Plant Health and Plant Products Act 1995** for the purpose of preventing the spread of PCN.

Note: Section 9(3) provides that a person is guilty of an offence and liable for a penalty not exceeding 100 penalty units for entering a control area contrary to any restrictions, unless authorised to do so under a permit issued by the Secretary.
