

Plant Health and Plant Products Act 1995**DECLARATION OF A CONTROL AREA NEAR COLAC IN 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 for the purpose of preventing the entry of the pest Potato Cyst Nematode, *Globodera rostochiensis* (Wollenweber); and
- (b) specifies the prohibitions 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 from other parts of Victoria.

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

Dated 12 September 2006

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 coastline of Victoria and Lighthouse Road, then in a generally northerly direction along Lighthouse Road to the intersection of Lighthouse Road and Great Ocean Road, then in an easterly direction along Great Ocean Road to the intersection of Great Ocean Road and Binns Road, then in a northerly direction along Binns Road to the intersection of Binns Road and Beech Forest–Mt Sabine Road, then in an easterly direction along Beech Forest–Mt Sabine Road, which becomes Turtons Road, to the intersection of Turtons Road and Forrest–Apollo Bay Road, then in a northerly direction along Forrest–Apollo Bay Road to the intersection of Forrest–Apollo Bay Road and Colac–Forrest Road, then in a straight line in an easterly direction to the intersection of Kent Road and Thompson Track, then in a straight line in a north-easterly direction to the intersection of Maher's Road and Hayed Road, then in a straight line in a north-easterly direction to the intersection of Griffins Road and Birregurra–Forrest Road, then in a straight line in a north-easterly direction to the intersection of Pennyroyal Station Road and Pennyroyal Valley Road, then in a north-easterly direction along Pennyroyal Valley Road to the intersection of Pennyroyal Valley Road and Deans Marsh–Lorne Road, then in a northerly direction along Deans Marsh–Lorne Road, which becomes Winchelsea–Deans Marsh Road, to the intersection of Winchelsea–Deans Marsh Road and Fultons Lane, then in a northerly direction along Fultons Lane to the intersection of Fultons Lane and Cape Otway Road, then in an easterly direction along Cape Otway Road to the intersection of Cape Otway Road and Kildean Road, then in a northerly direction along Kildean Road to the intersection of Kildean Road and Ingleby Road, then in a generally westerly direction along Ingleby Road to the intersection of Ingleby Road and Princes Highway, then in a south-westerly direction along Princes Highway to the intersection of Princes Highway and Forest Street, then in a southerly direction along Forest Street to the intersection of Forest Street and Woodrowvale Road, then in a straight line in a westerly direction to the intersection of Queen Street and Harris Road, then in a westerly direction along Harris Road to the intersection of Harris Road and Irrewillipe Road, then in a southerly direction along Irrewillipe Road to the intersection of Irrewillipe Road and Underwoods Road, then in a westerly direction along Underwoods Road to the intersection of Underwoods Road and Larpent Road, then in a southerly direction along Larpent Road, which becomes Carlisle Road, to the intersection of Carlisle Road and Stones Road, then in a westerly direction along Stones Road to the intersection of Stones Road and Timboon–Colac Road, then in a generally south-easterly direction along Timboon–Colac Road to the intersection of Timboon–Colac Road and Majestic

Road, then in a southerly direction along Majestic Road to the intersection of Majestic Road and Coradjil Road, then in a westerly direction along Coradjil Road to the intersection of Coradjil Road and Lavers Hill–Cobden Road, then in a southerly direction along Lavers Hill–Cobden Road to the intersection of Lavers Hill–Cobden Road and Princeton Road, then in a generally southerly direction along Princeton Road to the intersection of Princeton Road and Great Ocean Road, then in a straight line in a southerly direction to the coastline of Victoria, then in a generally easterly direction along the coastline of Victoria 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 and processing of PCN host plants, including bulk handlers; and

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

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

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

“**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 in which PCN host plants have been grown—
is prohibited.

(2) Sub-clause (1) does not apply in the case of—

- (a) PCN host plants, agricultural equipment, packages or soil used in the cultivation, harvesting, packing and processing of potatoes, 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 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 10 km of a PCN detection; or
 - (B) a control area declared under Section 9 the **Plant Health and Plant Products Act 1995** for the purpose of preventing the spread of PCN.

Note: Section 9(3) of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and liable for a penalty not exceeding 100 penalty units for breaching the control area order, unless authorised to do so under a permit issued by the Secretary.
