

Plant Health and Plant Products Act 1995**DECLARATION OF A CONTROL AREA NEAR WARRAGUL 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 in south eastern Victoria for the purpose of preventing the entry of the pest Potato Cyst Nematode, *Globodera rostochiensis* (Woll); 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 it is published in the Government Gazette.

Dated 30 April 2008

Responsible Minister

JOE HELPER MP

Minister for Agriculture

RYAN HEATH

Clerk of the Executive Council

Schedule 1

The area of land bounded by a line commencing at the intersection of the Princes Highway and Lardners Track, then in a northerly direction along Lardners Track to the intersection of Lardners Track and Gales Road, then in a westerly direction along Gales Road to the intersection of Gales Road and Buln Buln Road, then in a northerly direction along Buln Buln Road to the intersection of Buln Buln Road and Old Sale Road, then in an easterly direction along Old Sale Road to the intersection of Old Sale Road and Brandy Creek Road, then in a northerly direction along Brandy Creek Road to the intersection of Old Brandy Creek Road and Main Neerim Road, then in a generally northerly direction along Main Neerim Road to the intersection of Main Neerim Road and Elton Road, then in a westerly direction along Elton Road to the intersection of Elton Road and Tarago Road, then in a westerly direction along Tarago Road to the intersection of Tarago Road and BT Divide Track, then in a generally northerly direction along BT Divide Track to the intersection of BT Divide Track and Limberlost Road, then in a northerly direction along Limberlost Road to the intersection of Limberlost Road and Yarra Junction–Noojee Road, then in an easterly direction along Yarra Junction–Noojee Road to the intersection of Yarra Junction–Noojee Road and Mt Baw Baw Tourist Road, then in an easterly direction along Mt Baw Baw Tourist Road to the intersection of Mt Baw Baw Tourist Road and La Trobe River, then in a generally south easterly direction along La Trobe River to the intersection of La Trobe River and Wilkes Road, then in a south westerly direction along Wilkes Road to the intersection of Wilkes Road and Old Sale Road, then in a north westerly direction along Old Sale Road to the intersection of Old Sale Road and Araluen Road, then in a southerly direction along Araluen Road to the intersection of Araluen Road and Yarragon–Shady Creek Road, then in a southerly direction along Yarragon–Shady Creek Road to the intersection of Yarragon–Shady Creek Road and Reserve Road, then in a westerly direction along Reserve Road to the intersection of Reserve Road and Loch Street, then in a southerly direction along Loch Street to the intersection of Loch Street and Waterloo Road, then in a westerly direction along Waterloo Road to the intersection of Waterloo Road and Little Moe River Road, then in a north-westerly direction along Little Moe River Road to the intersection of Little Moe River Road and Darnum–Shady Creek Road, then in a north easterly direction along Darnum–Shady Creek Road to the intersection of Darnum–Shady Creek Road and Stuhrs Road, then in a westerly direction along Stuhrs Road to the intersection of Stuhrs and Nilma–Shady Creek Road, then in a westerly direction along Nilma–

Shady Creek Road to the intersection of Nilma–Shady Creek Road and Bloomfield Road, then in a southerly direction along Bloomfield Road to the intersection of Bloomfield Road and No. 1 Road, then in a westerly direction along No. 1 Road to the intersection of No. 1 Road and Copelands Road, then in a northerly direction along Copelands Road to the intersection of Copelands Road and Sutton Street, then in a westerly direction along Sutton Street to the intersection of Sutton Street and Tarwin Street, then in a southerly direction along Tarwin Street to the Princes Highway, then in a westerly direction along 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 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); and

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

‘Solanaceae’ means the family of plants which includes potatoes, tomatoes, eggplants and weeds including nightshade;

‘the Act’ means the **Plant Health and Plant Products Act 1995**.

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 area in Victoria declared to be a Control Area for the purpose of preventing the entry of PCN; or
- (b) potatoes for human consumption or stock feed; or
- (c) seed potatoes –
 - (i) supplied under a Certification Scheme approved by the Minister, in accordance with section 40 of the Act; or
 - (ii) treated in a manner approved by the Manager Plant Standards; or
- (d) nursery plants, including seedlings, grown in soil-less media; or
- (e) bare rooted plants; or
- (f) root vegetables (except potatoes) or bulbs which have been washed or brushed so as to be free of visible soil; or
- (g) 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) where last used with PCN host plants sourced from any part of Victoria declared to be a Control Area under section 9 of the Act for the purpose of preventing the spread of PCN, have been treated in a manner approved by the Manager Plant Standards.

3. Verification of Consignments

Any PCN host plants, agricultural equipment or used package entering the control area in accordance with clause 2(2), and the accompanying certificate or declaration must, where requested by an authorised inspector, be –

- (a) presented to an authorised inspector for inspection, examination or treatment; or
- (b) verified by a person accredited to do so by the Department of Primary Industries.

Note: Section 9(3) of the Act 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.
