
Plant Health and Plant Products Act 1995**DECLARATION OF A CONTROL AREA IN VICTORIA FOR THE PURPOSE OF
PREVENTING THE ENTRY OF THE PEST GRAPE PHYLLOXERA****Order in Council**

The Governor in Council under section 9 of the **Plant Health and Plant Products Act 1995** –

- (1) for the purpose of preventing the entry of the pest Grape Phylloxera (*Daktulosphaira vitifoliae* Fitch) from other parts of Victoria, declares the area described in Schedule 1 to be a control area to be known as the Western Phylloxera Exclusion Zone; and
- (2) specifies the prohibitions in Schedule 2 which are to operate in relation to the control area to prevent the entry of the pest Grape Phylloxera from other parts of Victoria; and
- (3) revokes the Order made under section 9 of the Act on 1 July 2008, and published in Government Gazette G27 on 3 July 2008 (p 1623–1624).

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

Dated 10 June 2009

Responsible Minister

JOE HELPER

Minister for Agriculture

TOBY HALLIGAN
Clerk of the Executive Council

SCHEDULE 1

The area of land within the rural cities of Mildura and Swan Hill, the shires of Gannawarra and West Wimmera, and the Geographical Indication ‘Henty’ (Commonwealth of Australia Gazette, No. GN 23, Wednesday 14 June 2000, page 3); and –

the area of land within the rural city of Ararat and the shires of Northern Grampians and Pyrenees, and the area bounded by a line commencing at the intersection of the boundaries of the shires of Moyne and Southern Grampians and the rural city of Ararat, then in a south-westerly direction along the southern boundary of the shire of Southern Grampians to the intersection of the boundary

of the shires of Southern Grampians and Moyne, and the Geographical Indication 'Henty' (Register of Protected Names, 24 August 2000), then in a generally northerly direction along the boundary of the Geographical Indication 'Henty' to the intersection of the Wannon River and Bundol Road, then in a north-easterly direction along Bundol Road to the intersection of Bundol Road and Victoria Valley Road, then in a northerly direction along Victoria Valley Road to the intersection of Victoria Valley Road and Cassidys Gap Road, then in an easterly direction along Cassidys Gap Road to the intersection of Cassidys Gap Road and the boundary of the Rural City of Ararat, then in a generally southerly direction along the boundary of the rural city of Ararat to the point of commencement; and –

the area of land bounded by a line commencing at the intersection of the Geographical Indication 'Bendigo' (Register of Protected Names, 27 June 2001) and the Shires of Hepburn and Pyrenees, then in a northerly, then easterly direction along the boundary of the Geographical Indication 'Bendigo', to the intersection of the Geographical Indication 'Bendigo' and the Geographical Indication 'Heathcote' (Register of Protected Names, 21 August 2002) and continuing in a north-easterly, easterly and then southerly direction along the boundary of the Geographical Indication 'Heathcote' to the intersection of the Geographical Indication 'Heathcote' and Bendigo–Murchison Road, then in an easterly direction along Bendigo–Murchison Road to the intersection of Bendigo–Murchison Road and Kennedy Road, then in a southerly direction along Kennedy Road to the intersection of Kennedy Road and Bakers Bridge Road, then in a westerly direction along Bakers Bridge Road to the intersection of Bakers Bridge Road, Egans Bridge Road and the Geographical Indication 'Heathcote', then continuing in a southerly direction along the boundary of the Geographical Indication 'Heathcote' to the intersection of the Geographical Indication 'Heathcote' and Lancefield–Tooborac Road, then continuing in a southerly direction along the Northern Highway to the intersection of the Northern Highway and Fullards Road, then in a straight line in a westerly direction to the intersection of Youngs Road and Baynton–Pyalong Road, then in a straight line in a north-westerly direction to the boundary of the Geographical Indication 'Heathcote' at the intersection of Sievers Lane and Watchbox Road, then in a south-westerly then westerly direction along the boundary of the Geographical Indication 'Heathcote' to the intersection of the Geographical Indication 'Heathcote' and Morgans Road, then in a generally south-westerly direction along Morgans Road to the intersection of Morgans Road and Goldfields Road, then in a straight line in a south-westerly direction to the intersection of the Calder Highway and Forrest Road, then in a straight line in a north-westerly direction to the intersection of Vaughan–Chewton Road and Campbells Creek–Fryers Road, then in a north-westerly direction along Campbells Creek–Fryers Road to the intersection of Campbells Creek–Fryers Road and the boundary of the Geographical Indication 'Bendigo', then in a westerly and then southerly direction along the boundary of the Geographical Indication 'Bendigo' to the intersection of the Geographical Indication 'Bendigo' and Yandoit–Sandon Road then in an easterly direction along Yandoit–Sandon Road to the intersection of Yandoit–Sandon Road and Yandoit Creek Road, then in a southerly direction along Yandoit Creek Road to the intersection of Yandoit Creek Road and Yandoit–Weron Road, then in a south-westerly direction along Yandoit–Weron Road to the boundary of the Geographical Indication 'Bendigo' then in a southerly direction along the boundary of the Geographical Indication 'Bendigo' and continuing to the point of commencement.

SCHEDULE 2

1. Definitions

In this Schedule –

'host material' means any plant, plant part or plant product of the genus *Vitis*, including potted vines, cuttings, rootlings, grapes, grape marc, grape must, juice, germplasm and plant and soil samples for diagnostic purposes;

'juice' means fresh, unclarified or unfiltered juice, but not juice filtered or otherwise processed so as to achieve a maximum particle size of 50 microns.

2. Prohibitions relating to the control areas

- (1) The entry into the control areas of –
- (a) any host material; or
 - (b) any agricultural equipment that has been used for the cultivation, harvesting, handling, transport or processing of plant, plant parts or plant products of the genus *Vitis*; or
 - (c) any package which has contained any plant, plant part or plant product of the genus *Vitis*; or
 - (d) soil originating from a property involved in the cultivation or handling of plants, plant parts or plant products of the genus *Vitis* –

is prohibited.

- (2) Sub-clause (1) does not apply in the case of any host material, equipment, package or soil sourced from, or last used on, a property located in an area of Victoria declared as a control area for preventing the entry of phylloxera.

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 entering a control area contrary to any prohibition or restriction, unless authorised to do so under a permit issued by the Secretary.
