

Plant Health and Plant Products Act 1995**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF EUROPEAN HOUSE BORER HOST MATERIAL INTO VICTORIA**

I, Patrick Sharkey, as delegate of the Minister for Agriculture, make the following Order:

Dated 30 June 2009

PATRICK SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic pest European house borer into Victoria.

2. Authorising Provision

This Order is made under section 24 of the **Plant Health and Plant Products Act 1995** ('the Act').

3. Revocation

The Order made on 9 July 2008 under section 24 of the Act, and published in Government Gazette S198 on 10 July 2008, is revoked.

4. 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 inspector' means a person authorised as an inspector under the Act;

'European house borer' means the exotic pest *Hylotrupes bajulus* (Linnaeus);

'European house borer host material' means any timber of pinewood, including seasoned pinewood, or any item made from timber of pinewood which is 100 cm³ or more in size, and includes furniture, pallets and structural pinewood;

'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;

'pinewood' means any wood from trees of the genera *Abies* Mill, *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carriere;

'seasoned pinewood' means pinewood that has a moisture content of 20% or less when tested in accordance with Australian Standard AS1080.1–1997 Timber: methods of test – moisture content;

'structural pinewood' means any pinewood which is part of an existing building or is to be used in the construction of a building.

5. Controls applying to European house borer host materials

(1) The entry or importation into Victoria of any European house borer host material is prohibited.

(2) Sub-clause (1) does not apply if the European house borer host material –

(a) was grown on, or sourced from a property, that is located in a State or Territory, or part of a State or Territory, for which an area freedom certificate, issued by an officer responsible for agriculture in the State or Territory where the host material was grown or sourced, is currently in force certifying that the State or Territory, or part of the State or Territory, is known to be free from European house borer; or

(b) is packed, labelled and certified in accordance with any conditions prescribed by an accreditation program, administered by the department responsible for agriculture in the affected State or Territory; or

- (c) is accompanied by a plant health declaration issued by an authorised person declaring that it has been treated in a manner approved by the Manager Plant Standards; or
- (d) is accompanied by a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory certifying that it has been treated in a manner approved by the Manager Plant Standards.

6. Verification of Consignments

Where requested by an authorised inspector, European house borer host material imported into Victoria which is required by clause 5(2) to be accompanied by a certificate or declaration must be:

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

Note: Section 25 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and a penalty not exceeding 50 penalty units in the case of a natural person, and 200 penalty units in the case of a body corporate, for knowingly breaching an Importation Order.
