

Plant Health and Plant Products Act 1995**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
FIRE ANT HOST MATERIAL INTO VICTORIA**

I, David Beardsell, as delegate of the Minister for Agriculture, make the following Order:

Dated 15 September 2009

DAVID BEARDSELL
Acting Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry or importation or entry of the exotic pest fire ant 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 23 September 2008 and published in Government Gazette G40 on 2 October 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;

'fire ant' means the exotic pest *Solenopsis invicta* (Buren);

'fire ant host material' means any material capable of harbouring fire ants, including plants, landscaping materials, soil, turf, hay and straw, agricultural equipment or used package;

'hay and straw' includes baled organic material and fodder;

'landscaping material' means any non-liquid combination of organic material, potting media, sand, coal fines, dried biosolids or mulch;

'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;

'plants' means any plants including plants with potting media or soil attached, containerised plants and other plants such as epiphytic ferns, but not bare rooted plants or cut flowers or foliage;

'turf' means any grass sod with soil or potting media attached.

5. Controls applying to fire ant host materials

(1) The entry or importation into Victoria of any fire ant host material is prohibited.

(2) Sub-clause (1) does not apply if the fire ant host material:

(a) was grown, sourced or last used on 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 fire ant material host material was grown, sourced or last used, is currently in force certifying that the State or Territory or that part of the State or Territory is known to be free of fire ants; 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

Any fire ant 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, examination or treatment; 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.
