

Plant Health and Plant Products Act 1995**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF ANNUAL RYEGRASS TOXICITY HOST MATERIAL INTO VICTORIA**

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

Dated 18 May 2009

PATRICK SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic disease annual ryegrass toxicity 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

This Order made on 28 May 2008 and published in Government Gazette G23 on 5 June 2008 is revoked.

4. Definition

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;

'annual ryegrass toxicity' means the disease of livestock caused by eating annual ryegrass infected jointly with the nematode (*Anguina funesta*) and the bacterium (*Rathayibacter toxicus*);

'annual ryegrass toxicity host material' means any cereal, lucerne (except second or subsequent cut for the season), pasture hay, stock feed or plant waste and agricultural equipment;

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

'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.

5. Controls applying to annual ryegrass toxicity host material

(1) The entry or importation into Victoria of any annual ryegrass toxicity host material is prohibited.

(2) Sub-clause (1) does not apply if the annual ryegrass toxicity host material –

(a) was grown on, sourced from 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 annual ryegrass toxicity host material was grown, sourced or last used, is currently in force certifying that the State or Territory or part of the State or Territory is known to be free of annual ryegrass toxicity; 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 a 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, annual ryegrass toxicity 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.
