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Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF BLUEBERRY RUST HOST MATERIAL INTO VICTORIA

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

Dated 22 April 2009

PATRICK SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic disease blueberry rust into Victoria.

2. Authorising provision

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

3. 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;

'**blueberry rust**' means the exotic disease caused by the fungus *Pucciniastrum vaccinii*;

'**blueberry rust host plant**' means any plant or plant product of *Vaccinium* spp. (including blueberry, cranberry and huckleberry), *Gaylussacia* (black huckleberry), *Tsuga* (hemlock), *Rhododendron* spp. (including azalea), *Lyonia*, *Menziesia*, *Pernettya*, *Hugeria*, *Pieris*, *Leucothoe*, *Oxycoccus*;

'**blueberry rust host material**' means any blueberry rust host plant, agricultural equipment or used package;

'**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.

4. Controls applying to blueberry rust host material

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

(2) Sub-clause (1) does not apply if the blueberry rust 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 blueberry rust 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 blueberry rust; 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

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- (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; or
- (e) is treated in accordance with conditions specified in a permit issued by the Manager Plant Standards.

5. Verification of Consignments

- (1) Where requested by an authorised inspector, blueberry rust host material imported into Victoria which is required by clause 4(2) to be accompanied by a certificate or declaration must be:
 - (i) presented to an authorised inspector for inspection; or
 - (ii) 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 for a natural person, or 200 penalty units for a body corporate, for knowingly breaching an importation order.
