
Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
ELECTRIC ANT HOST MATERIAL INTO VICTORIA

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

Dated 11 August 2009

PATRICK SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the importation or entry of the exotic pest electric ant into Victoria.

2. Authorising provision

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

3. Revocation

The Order made on 18 August 2008 under section 24 of the Act, published in Government Gazette G34 on 21 August 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;

‘electric ant’ means the exotic pest *Wassmannia auropunctata* Rogers;

‘electric ant host material’ means any material capable of harbouring electric ants, including plants, landscaping materials, turf, hay and straw, soil, 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 electric ant host materials

- (1) The entry or importation into Victoria of any electric ant host material is prohibited.
- (2) Sub-clause (1) does not apply if the electric ant host material –
 - (a) was grown on, or packed on, 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 electric ant material was grown, or the agricultural equipment or package was 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 electric ant; 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, electric 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; 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.