

Plant Health and Plant Products Act 1995**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
ASPARAGUS STEM BLIGHT HOST MATERIAL INTO VICTORIA**

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

Dated 16 September 2009

DAVID BEARDSSELL
Acting Manager Plant Standards

1. Objective

The objective of this Order is to prevent the importation or entry of the exotic disease asparagus stem blight 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 10 October 2007 and published in Government Gazette G42 on 18 October 2007, and extended by Notice 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;

'agricultural equipment' means any equipment used for the culture, harvesting, packing or processing of any asparagus stem blight host material and includes any vehicle;

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

'asparagus stem blight' means the disease caused by the exotic fungus *Phomopsis asparagi* (Sacc.) Bubák;

'asparagus stem blight host material' means any plant, plant part or plant product of the genus *Asparagus*; or soil in which any asparagus stem blight host material has been grown;

'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;

'used package' means any package which contains or is known to have contained or may reasonably be suspected of containing or having contained any asparagus stem blight host material.

5. Controls applying to asparagus stem blight host materials

(1) The entry or importation into Victoria of any:

- (a) asparagus stem blight host material; or
- (b) agricultural equipment; or
- (c) used package

is prohibited.

(2) Sub-clause (1) does not apply if the asparagus stem blight host material, agricultural equipment or used package:

- (a) was grown, 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 asparagus stem blight host material, agricultural equipment or used package was grown, sourced from 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 asparagus stem blight; 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; or
- (e) is consigned in any other manner approved by the Manager Plant Standards.

6. Verification of consignments

Where requested by an authorised inspector, asparagus stem blight host material, agricultural equipment or used package imported into Victoria 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.
