



Victoria Government Gazette

No. S 195 Monday 22 June 2009
By Authority of Victorian Government Printer

Plant Health and Plant Products Act 1995

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF TOMATO YELLOW LEAF CURL VIRUS HOST MATERIAL INTO VICTORIA

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

Dated 22 June 2009

PATRICK SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic disease, Tomato Yellow Leaf Curl Virus (TYLCV) 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;

'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.

'TYLCV host material' means any plant or plant part, excluding fruit and seeds, of tomatoes (*Lycopersicon esculentum*), beans (*Phaseolus vulgaris*), lisianthus (*Eustoma grandiflorum*), lobed croton (*Croton lobatus*) and all species of *Capsicum*, *Euphorbia* and *Physalis*.

4. Controls applying to TYLCV host materials

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

(2) Sub-clause (1) does not apply if the TYLCV host material –

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

SPECIAL

5. Verification of Consignments

Where requested by an authorised inspector, TYLCV host material imported into Victoria which is required by clause 4(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.
