



Victoria Government Gazette

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Plant Biosecurity Act 2010

ORDER DECLARING A RESTRICTED AREA IN VICTORIA FOR THE CONTROL OF CHESTNUT BLIGHT

I, Jaelyn Symes, Minister for Agriculture, being of the reasonable belief that the exotic disease chestnut blight (*Cryphonectria parasitica* (Murrill) M.E.Barr) is present in Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010**, declaring the area described in Clause 6 and the Schedule to this Order to be a restricted area:

1. Objectives

The objectives of this Order are –

- (a) to declare a restricted area for the control of chestnut blight in Victoria; and
- (b) to specify the prohibitions, restrictions and requirements which are to operate in relation to the restricted area.

2. Authorising provision

This Order is made under section 32(1) of the **Plant Biosecurity Act 2010**.

3. Commencement

This Order comes into operation on the day that it is published in the Government Gazette.

4. Revocation

The Order entitled Order declaring a restricted area in Victoria for the control of chestnut blight, made under section 32(1) of the **Plant Biosecurity Act 2010** and published in Victoria Government Gazette G40 on 4 October 2018 at pages 2128–2129, is **revoked**.

5. Definitions

In this Order –

host material means any host plant, agricultural equipment or used package.

host plant means any plant or plant product, except nuts, of the genus *Castanea* (chestnuts) or *Quercus* (oaks).

6. Declaration of a restricted area for the control of chestnut blight

The area described in the Schedule is declared to be a restricted area for the control of chestnut blight.

7. Affected plants and materials

This Order affects host plants and host materials described in Clause 5 of this Order.

8. Prohibitions, restrictions and requirements

- (1) The removal of any host plant which is to be used for the purposes of planting or propagation, from the restricted area described in clause 6, is prohibited.
- (2) Subclause (1) does not apply to a person who removes any host plant from the restricted area under and in accordance with a permit issued by an inspector and complies with any conditions set out in the permit.

9. Inspector may issue directions

An inspector is authorised to issue a direction to a person owning or occupying any land located within the area of land described in the Schedule –

- (a) requiring the person to –
 - (i) destroy any host plant known or suspected to be infected with chestnut blight; or
 - (ii) destroy any host plant where this is considered necessary to control or prevent the spread of chestnut blight; or

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(iii) apply to any host material any treatment for the purpose of controlling chestnut blight, including chemicals registered, approved or permitted for the purpose of controlling chestnut blight; or

(b) prohibiting the planting or propagation of any host plant.

10. Expiry

This Order remains in force for a period of 12 months after the date that it is published in the Government Gazette.

Schedule

The area of land in Victoria bounded by a line commencing at the intersection of Great Alpine Way and Happy Valley Road, then in an easterly direction along Happy Valley Road to the intersection of Happy Valley Road and Havilah Road, then in a south-easterly direction along Havilah Road to the intersection of Havilah Road and Westons Road, then in a straight line in a southerly direction to the intersection of One Mile Creek Road and Centre Road, then in a straight line in a south easterly direction to the intersection of Quins Gap Road and Mt Porepunkah Road, then in a straight line in a south-easterly direction to the intersection of Dunstans Track and Tawonga Gap Road, then in a straight line in a south-easterly direction to the intersection of Dungey Track and Stony Top Track, then in a straight line in a south-westerly direction to the intersection of Homewood Bound Track and Wet Gully Track, then in a straight line in a north-westerly direction to the intersection of Devils Creek Road and Demon Ridge Track, then in a straight line in a north-westerly direction to the intersection of Buckland Valley Road and Montgomery Lane, then in a straight line in a north-westerly direction to the intersection of Longos Lane and Clemens Lane, then in a straight line in an easterly direction to the point of commencement.

Notes

Section 33 of the Act provides that it is an offence for a person to cause or permit the movement of any plant, plant product, plant vector, used package, used equipment, earth material or beehive to which the declaration of the restricted area applies into, within or from that area or to contravene any prohibition, restriction or requirement specified in this order, unless authorised to do so by a permit issued by an inspector and in accordance with that permit. A maximum penalty of 60 penalty units applies in the case of a natural person and 300 penalty units in the case of a body corporate.

Section 35(2) of the Act provides that an order made under section 32 may authorise an inspector to issue directions to any person to do any of the things specified in section 35(1) of the Act. Section 35(4) of the Act provides that a person must not contravene any direction of an inspector. A maximum penalty of 60 penalty units applies.

Terms used in this Order that are defined in the Act have that meaning.

Dated 1 October 2019

JACLYN SYMES MP
Minister for Agriculture

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