Managing pests and diseases is an obligation of landholders. Good biosecurity management helps protect local communities, the horticulture industry and trade for Victoria.

If a landholder is having difficulty in controlling pests or diseases, DEPI will work with them to take the best action.

Changes have been made to the Plant Biosecurity Act. These provide Victorian plant industries with more options for dealing with biosecurity risks.

The changes are in response to the impact on some Goulburn Valley growers of a reduced fruit intake by SPC Ardmona, which may result in an increase of neglected crops in the region.

**How does the Act relate to neglected crops?**

If plants on a property become infested with a pest or disease, which impacts other properties, DEPI can request action by a landholder to control the pest or disease.

This is managed by issuing an Infested Land Notice, which requires the landholder to treat or remove the infested plants within a reasonable time.

If the landholder fails to comply with the notice, DEPI can undertake the treatment or remove the infested plants and recover these costs from the landholder.

**What are the benefits to industry?**

The Act now provides extra assurance to industry and markets that DEPI can take action to address biosecurity issues and support the viability of horticulture, forestry and grains production in Victoria.

**What changes have been made to the Act?**

The Act has been changed to provide an additional option for DEPI to recover costs for the management of plant biosecurity risks within Victoria.

If the landholder cannot pay due to financial constraints, or refuses to reimburse DEPI for the cost of treatment or removal, the Act now provides for the debt to be applied as a first charge on the land.

This means the charge remains until the debt is repaid by the landowner. If the property is sold and the charge has not been paid, it will be repaid then.

**However, the first and best option is always for DEPI staff to work with landholders to find an amicable and effective outcome.**
Who decides if treatment is required?

A DEPI inspector will manage biosecurity issues by working collaboratively with landholders. DEPI inspectors work closely with technical experts to diagnose the disease or pest issue to ensure appropriate directions are provided.

However, if the landholder does not voluntarily agree to address plant pest or disease issues, then a DEPI inspector can issue an Infested Land Notice. This provides directions for the landholder to treat or remove infested plants within a reasonable time.

If an landholder is aggrieved by the issuing of an Infested Land Notice, the landholder can request a review of this decision by DEPI. This request must be made within specific timeframes provided in the Infested Land Notice.

How are the costs to control pests and diseases worked out?

If a landholder does not comply with an Infested Land Notice, DEPI can undertake the work and recover the costs. The landholder will be consulted over which DEPI-approved contactor will do the work.

After works are undertaken, DEPI will issue the landholder with a determination of the costs. If aggrieved by the determination, the landholder can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review.

The landholder is given reasonable time to pay this debt. However, failure to pay the debt will result in the notice of debt being issued to the landowner stating that they have 30 days to pay the debt and that failure to pay will result in the debt being registered as a charge on the land.

How would the charge apply to abandoned leased land?

In the case of leased land, and failure to pay the debt following action by DEPI, the landowner can be issued with a notice of debt.

However, the leaseholder and the owner are both informed throughout the whole process, starting from the issuing of an Infested Land Notice. The payment of the debt is a matter for the landowner and the leaseholder to resolve.

Can a landholder notify DEPI if they can no longer care for their orchard?

Yes. If a landholder cannot care for their orchard they should contact DEPI on 136 186.

A DEPI inspector will then contact the landholder and work with them to resolve the plant biosecurity issue on their property.

Any work deemed necessary by DEPI will be specific to the biosecurity risk. It may include appropriate treatment options and is not limited to tree removal.

If tree removal is the best option, it can still only occur following a step-by-step consultation process with a DEPI officer, including issuing of an Infested Land Notice and accompanying directions to address the problem. Failure to comply with the notice will result in DEPI undertaking the work required and the cost will be recovered from the landholder.

What are the implications for other agricultural land?

The Act only applies to the management of plant pests and diseases across Victoria. The Act applies to fruit and vegetables, nuts, grain crops, timber and nursery plants. It does not apply to dairy or other livestock industries.