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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA AT BEECHWORTH FOR THE CONTROL OF QUEENSLAND FRUIT FLY

I, Joe Helper, Minister for Agriculture, under section 20 of the **Plant Health and Plant Products Act 1995** make the following Order declaring a restricted area for the control of Queensland Fruit Fly and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 7 April 2008

JOE HELPER MP
Minister for Agriculture

1. Objective

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Beechworth, and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

2. Authorising provisions

This Order is made under section 20 of the **Plant Health and Plant Products Act 1995**.

3. Definition

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;

‘**Act**’ means the **Plant Health and Plant Products Act 1995**;

‘**authorised person**’ means a person authorised by the Department of Primary Industries;

‘**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;

‘**Queensland fruit fly**’ means the exotic pest *Bactrocera tryoni* (Froggatt); and

‘**Queensland fruit fly host material**’ means any fruit or vegetable listed in Schedule 1.

4. Restricted area for the control of Queensland fruit fly

The restricted area for the control of Queensland Fruit Fly is declared to be the area described in Schedule 2.

5. Prohibitions, restrictions and requirements

(1) The removal from the restricted area into any part of Victoria of any Queensland fruit fly host material is prohibited.

(2) Subclause (1) does not apply if the Queensland fruit fly host produce is –

(a) packed, labelled and certified in accordance with any conditions prescribed by the accreditation program, administered by the Department of Primary Industries; or

(b) accompanied by a plant health declaration issued by an authorised person declaring that the host material has been treated in a manner approved by the Manager Plant Standards; or

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- (c) accompanied by a plant health certificate issued by an inspector certifying that the host material has been treated in a manner approved by the Manager Plant Standards.
- (3) The owners and occupiers of land described in Schedule 3 must give an inspector access to such land for the purposes of inspection, deployment of any lures or traps, application of any treatment or performance of any other actions which are necessary for the eradication or prevention of spread of the pest.
- (4) The owners and occupiers of land described in Schedule 3 must, on instruction from an inspector, strip Queensland Fruit Fly host materials from plants, collect and dispose of waste material, or treat the material in a manner approved by the Manager Plant Standards.

6. Verification of Consignments

Any Queensland fruit fly host produce removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:

- (a) presented to an inspector for inspection; or
- (b) verified by a person accredited to do so by the Department of Primary Industries.

Schedule 1

| | | |
|--------------------------|---------------------------|------------------------|
| Abiu | Eggplant | Orange |
| Acerola | Feijoa | Passionfruit |
| Apple | Fig | Pawpaw |
| Apricot | Granadilla | Peach |
| Avocado | Grape (table grapes only) | Peacharine |
| Babaco | Grapefruit | Pear |
| Banana | Grumichama | Pepino |
| Black Sapote | Guava | Persimmon |
| Blackberry | Hog Plum | Plum |
| Blueberry | Jaboticaba | Plumcot |
| Boysenberry | Jackfruit | Pomegranate |
| Brazil Cherry | Jew Plum | Prickly Pear |
| Breadfruit | Ju jube | Pummelo |
| Caimito (Star Apple) | Kiwifruit | Quince |
| Cape Gooseberry | Lemon | Rambutan |
| Capsicum | Lime | Raspberry |
| Carambola (Starfruit) | Loganberry | Rollinia |
| Cashew Apple | Longan | Santol |
| Casimiroa (White Sapote) | Loquat | Sapodilla |
| Cherimoya | Lychee | Shaddock |
| Cherry | Mandarin | Soursop |
| Chilli | Mango | Strawberry |
| Citron | Mangosteen | Sweetsop (Sugar Apple) |
| Cumquat | Medlar | Tamarillo |
| Custard Apple | Miracle Fruit | Tangelo |
| Date | Mulberry | Tomato |
| Dragon Fruit (Than Lung) | Nashi | Wax jambu (Rose Apple) |
| Durian | Nectarine | |

Schedule 2

The area of land bounded by a line commencing at the intersection of the Great Alpine Road and Buckland Gap Road, then in a westerly direction along the Great Alpine Road to the intersection of the Great Alpine Road and Cemetery Lane, then in a northerly direction along Cemetery Lane, which becomes Horseshoe Gap Road, to the intersection of Horseshoe Gap Road and Diffey Road, then in a westerly direction along Diffey Road to the intersection of Diffey Road and White Post Road, then in a northerly direction along White Post Road to the intersection of White Post Road and Beechworth–Wangaratta Road, then in a westerly direction along Beechworth–Wangaratta Road to the intersection of Beechworth–Wangaratta Road and Farmers Road, then in a northerly direction along Farmers Road to the intersection of Farmers Road and Masons Road, then in a north-easterly direction along Masons Road to the intersection of Masons Road and Woolshed Road, then in an easterly direction along Woolshed Road to the intersection of Woolshed Road and Mulls Track, then in a northerly direction along Mulls Track, which becomes Flat Rock Track, to the intersection of Flat Rock Track and Old Coach Road, then in an easterly direction along Old Coach Road to the intersection of Old Coach Road and Oates Road, then in a northerly direction along Oates Road to the intersection of Oates Road and Martins Track, then in a generally easterly direction along Martins Track, which becomes Norm Road, to the intersection of Norm Road and Beechworth–Chiltern Road, then in a southerly direction along Beechworth–Chiltern Road to the intersection of Beechworth–Chiltern Road and Toveys Road, then in an easterly direction along Toveys Road, which becomes Toveys Forest Road, to the intersection of Toveys Forest Road and Pine Gap Road, then in a straight line in an easterly direction to the intersection of Rocky Track and Moloneys Road, then in a south-easterly direction along Moloneys Road and Goldings Track, then in a straight line in a south-easterly direction to the intersection of Beechworth–Wodonga Road and Yackandandah Road, then in a southerly direction along Yackandandah Road to the intersection of Yackandandah Road and Bells Flat Road, then in a south-westerly direction along Bells Flat Road to the intersection of Bells Flat Road and Kirby Flat Road, then in a southerly direction along Kirby Flat Road to the intersection of Kirby Flat Road and Schmidt Lane, then in a straight line in a southerly direction to the intersection of Meurant Lane and Bruarong Lane, then in a straight line in a south-westerly direction to the intersection of Mt Stanley Jeep Track and Granite Creek Road, then in a straight line in a westerly direction to the intersection of Myrtleford–Stanley Road and Basin Creek Track, then in a south-westerly direction along Basin Creek Track to the intersection of Basin Creek Track and Px Track, then in a westerly direction along Px track to the intersection of Px Track and West End Track, then in northerly direction along West End Track to the intersection of West End Track and Flagstaff Road, then in a westerly direction along Flagstaff Road to the intersection of Flagstaff Road and the Great Alpine Road, then in a northerly direction along the Great Alpine Road to the point of commencement.

Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 146.68638° East, 36.36803° South.

Note: Section 21 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and liable for a penalty not exceeding 50 penalty units in the case of a natural person, and 100 penalty units in the case of a body corporate for moving any host material from a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.
