

Plant Health and Plant Products Act 1995**ORDER DECLARING A RESTRICTED AREA AT YACKANDANDAH 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 26 February 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 Yackandandah, 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

(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 Albert Road and Ford Street, then in a generally northerly direction along Ford Street, which becomes Beechworth–Wodonga Road to the intersection of Beechworth–Wodonga Road and Beechworth–Chiltern Road, then in a north-westerly direction along Beechworth–Chiltern Road to the intersection of Beechworth–Chiltern Road and Reids Way, then in a northerly direction along Reids Way to the intersection of Reids Way and McGuinness Lane, then in a straight line in a north-easterly direction to the intersection of Old Coach Road and Deep Creek Road, then in a north-westerly direction along Deep Creek Road to the intersection of Deep Creek Road and Link Road, then in a northerly direction along Deep Creek Road to the intersection of Deep Creek Road and Honeysuckle Creek Road, then in a north-westerly direction along Honeysuckle Creek Road to the intersection of Honeysuckle Creek Road and Elligates Road, then in a north-easterly direction along Elligates Road to the intersection of Elligates Road and Baynes Track, then in a straight line in a north-easterly direction to the intersection of McSweens Road and Indigo Creek Road, then in a south-easterly direction along Indigo Creek Road to the intersection of Indigo Creek Road and Hartigans Gap Road, then in a north-easterly direction along Hartigans Gap Road, which becomes Elligate Lane to the intersection of Elligate Lane and Castle Creek Road, then in south-westerly direction along Castle Creek Road to the intersection of Castle Creek Road and Ennis Road, then in a straight line in a south-easterly direction to the intersection of Boyes Road and Edneys Lane, then in a south-easterly direction along Edneys Lane to the intersection of Edneys Lane and Trig Point Track, then in a generally easterly direction along Trig Point Track to the intersection of Trig Point Track and Ridge Lane, then in a generally easterly direction along Ridge Lane to the intersection of Ridge Lane and Wodonga–Yackandandah Road, then in a southerly direction along Wodonga–Yackandandah Road to the intersection of Wodonga–Yackandandah Road and Lindsay Road, then in a south-easterly direction along Lindsay Road to the intersection of Lindsay Road and Turvey Lane, then in a generally southerly direction along Turvey Lane, which becomes Powerline Road, to the intersection of Powerline Road and Simpson Road, then in a southerly direction along Simpson Road to the intersection of Simpson Road and Gap Flat Track, then in a southerly direction along Gap Flat Track to the intersection of Gap Flat Track and Condons Track, then in a southerly direction along Condons Track to the intersection of Condons Track and Maddock Lane, then in a straight line in a westerly direction to the intersection of Mt Big Ben Lane and Basin Track, then in a straight line in a south-westerly direction to the intersection of Tunnel Gap Road and Yackandandah–Dederang Road, then in a straight line in a westerly direction to the intersection of Escarpment Road and Mt Stanley Road, then in a north-westerly direction along Mt Stanley Road to the intersection of Mt Stanley Road and Cook Lane, then in a southerly direction along Cook Lane to the intersection of Cook Lane and Griffiths Lane, then in a westerly direction along Griffiths Lane, which becomes O'Neill Lane to the intersection of O'Neill Lane and Six Mile Road, then in a south-westerly direction along Six Mile Road to the intersection of Six Mile Road and Lady Newton Drive, then in a westerly direction along Lady Newton Drive to the intersection of Lady Newton Drive and Dingle Track then in a northerly direction along Dingle Track to the intersection of Dingle Track and Mokepoke Track, then in a straight line in north-westerly direction to the intersection of Silver Creek Road and Payne Road, then in a north-westerly direction along Payne Road to the intersection of Payne Road and Stanley Road, then in north-westerly direction along Stanley Road, which becomes Hodge Street, to the intersection of Hodge Street and Albert Road, then in a north-westerly direction along Albert 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 146.83716° East, 36.31160° 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.