

Plant Health and Plant Products Act 1995**ORDER DECLARING A RESTRICTED AREA AT GORMANDALE 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 28 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 Gormandale (east of Traralgon), 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 Princes Highway and Old Melbourne Road, then in an easterly direction along Old Melbourne Road to the intersection of Old Melbourne Road and Colliers Lane, then in a southerly direction along Colliers Lane to the intersection of Colliers Lane and Rosedale–Flynn Creek Road, then in an easterly direction along Rosedale–Flynn Creek Road to the intersection of Rosedale–Flynn Creek Road and Farleys Road, then in an easterly direction along Farleys Road to the intersection of Farleys Road and Willung Road, then in a southerly direction along Willung Road to the intersection of Willung Road and Mitchells Road, then in a south-easterly direction along Mitchells Road to the intersection of Mitchells Road and Merton Vale Road, then in a south-easterly direction along Merton Vale Road to the intersection of Merton Vale Road and Gormandale–Stradbroke Road, then in an easterly direction along Gormandale–Stradbroke Road to the intersection of Gormandale–Stradbroke Road

and Old Rosedale Road, then in a southerly direction along Old Rosedale Road to the intersection of Old Rosedale Road and Kangaroo Swamp Road, then in a straight line in a south-westerly direction to the intersection of Carrajung–Woodside Road and McNees Road, then in a westerly direction along Carrajung–Woodside Road to the intersection of Carrajung–Woodside Road and Hyland Highway, then in a southerly direction along Hyland Highway to the intersection of Hyland Highway and Carrajung Lower Road, then in a westerly direction along Carrajung Lower Road to the intersection of Carrajung Lower Road and The Grand Ridge Road, then in a south-westerly direction along The Grand Ridge Road to the intersection of The Grand Ridge Road and Youngs Road, then in a straight line in a north-westerly direction to the intersection of Traralgon–Balook Road and Red Hill Road, then in a northerly direction along Red Hill Road to the intersection of Red Hill Road and Traralgon Creek Road, then in a northerly direction along Traralgon Creek Road to the intersection of Traralgon Creek Road and Bartons Lane, then in an easterly direction along Bartons Lane to the intersection of Bartons Lane and Manniedale Road, then in a northerly direction along Manniedale Road to the intersection of Manniedale Road and Shields Road, then in a straight line in a north-easterly direction to the intersection of Princes Highway and Flynn's Barrs Road, then in an easterly direction along Princes Highway 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 146.69974° East, 38.29381° 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.
