

Plant Health and Plant Products Act 1995**ORDER DECLARING A RESTRICTED AREA AT ELDORADO 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 27 April 2009

JOE HELPER
Minister for Agriculture

1. Objective

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Eldorado, 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 material is –

(a) packed, labelled and certified in accordance with any conditions prescribed by an 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 material removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:

- (1) presented to an inspector for inspection; or
- (2) 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	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 Barambogie Road and Edgar Track, then in a southerly direction along Edgar Track to the intersection of Edgar Track and Pine Road, then in a straight line in a south-easterly direction 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 Woolshed Road, then in a straight line in a southerly direction to the intersection of McFeeters Road and Malakoff Road, then in a southerly direction along Malakoff Road to the intersection of Malakoff Road and Flat Rock Road, then in a straight line in a south-westerly direction to the intersection of Flat Rock Road and Beechworth–Wangaratta

Road, then in a south-westerly direction along Beechworth–Wangaratta Road to the intersection of Beechworth–Wangaratta Road and Voigts Road, then in a southerly direction along Voigts Road to the intersection of Voigts Road and Newey Lane, then in a straight line in a south-westerly direction to the intersection of Diffey Road and Horseshoe Gap Road, then in a straight line in a south-westerly direction to the intersection of Carboor–Everton Road and Markwood–Everton Road, then in a straight line in a north-westerly direction to the intersection of Milawa–Tarrawingee Road and Oxley Flats Road, then in a north-westerly direction along Oxley Flats Road to the intersection of Oxley Flats Road and Williams Lane, then in a straight line in a north-westerly direction to the intersection of Great Alpine Road and Detour Road, then in a generally northerly direction along Detour Road to the intersection of Detour Road and Bowser Road, then in an north-easterly direction along Bowser Road to the intersection of Bowser Road and Back Estcourt Road, then in a north-westerly direction along Back Estcourt Road to the intersection of Back Estcourt Road and Hayward Road, then in an easterly direction along Hayward Road to the intersection of Hayward Road and Federation Way, then in a northerly direction along Federation Way to the intersection of Federation Way and Boland Road, then in an easterly direction along Boland Road to the intersection of Boland Road and Hughes Road, then in a northerly direction along Hughes Road to the intersection of Hughes Road and Robbins Road, then in an easterly direction along Robbins Road to the intersection of Robbins Road and Boralma–Rutherglen Road, then in a northerly direction along Boralma–Rutherglen Road to the intersection of Boralma–Rutherglen Road and McMahons Road, then in an easterly direction along McMahons Road to the intersection of McMahons Road and O’Brien Road, then in a northerly direction along O’Brien Road to the intersection of O’Brien Road and Boorhaman–Springhurst Road, then in an easterly direction along Boorhaman–Springhurst Road, which becomes Church Road, to the intersection of Church Road and Anzac Road, then in northerly direction along Anzac Road to the intersection of Anzac Road and School Road, then in a straight line in a south-easterly direction to the intersection of Benton Road and Vipond Road, then in a southerly direction along Vipond Road to the intersection of Vipond Road and Sanderson Road, then in an easterly direction along Sanderson Road to the intersection of Sanderson Road and Rocky Creek Road, then in a straight line in a north-easterly direction to the intersection of Orchard Lane and Rogers Lane, then in a straight line in a south-easterly direction to the intersection of Water–Trust Road and Barambogie Road, then in a north-easterly direction along Barambogie 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 146.51200° East, 36.30797° 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.
