

Plant Health and Plant Products Act 1995**ORDER DECLARING A RESTRICTED AREA AT ASCOT VALE FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Jacinta Allan, Acting 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 January 2009

JACINTA ALLAN
Acting Minister for Agriculture

1. Objective

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Ascot Vale, 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. Revocation

The Order declaring a Restricted Area at Ascot Vale for the control of Queensland Fruit Fly, made on 6 February 2008 under section 20 of the Act and published in Government Gazette S 31 on 7 February 2008 is revoked.

4. 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 and any plants bearing these fruits or vegetables.

5. 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.

6. 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 –
 - (a) is packed, labelled and certified in accordance with any conditions prescribed by the accreditation program, administered by the Department of Primary Industries; or
 - (b) is 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) is 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.

7. Verification of Consignments

- (1) 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	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 Kororoit Creek Road and Fitzgerald Road, then in a northerly direction along Fitzgerald Road to the intersection of Fitzgerald Road and Boundary Road then in a westerly direction along Boundary Road to the intersection of Boundary Road and Mount Derrimut Road, then in a northerly direction along Mount Derrimut Road, which becomes Station Road, which becomes Kings Road to the intersection of Kings Road and Melton Highway, then in a straight line in a north-easterly direction to the intersection of Mickleham Road and Barrymore Road, then in a straight line in a north-easterly direction to the intersection of Roxburgh Park Drive and Somerton Road, then in an easterly direction along Somerton Road, which becomes Cooper Street, to the intersection of Cooper Street and the Hume Freeway. Then in a southerly direction along the Hume Freeway to the intersection of the Hume Freeway and the Metropolitan Ring Road, then in an easterly direction along the Metropolitan Ring Road to the intersection of the Metropolitan Ring Road and Dalton Road, then in a southerly direction along Dalton Road to the intersection of Dalton Road and Settlement Road, then in a generally easterly direction along Settlement Road to the intersection of Settlement Road and Plenty Road, then in a southerly direction along Plenty Road to the intersection of Plenty Road and Kingsbury Drive, then in a south-easterly direction along Kingsbury Drive to the intersection of Kingsbury Drive and Waiora Road, then in a southerly direction along Waiora Road, which becomes Upper Heidelberg Road, to the intersection of Upper Heidelberg Road and Banksia Street, then in an easterly direction along Banksia Street, which becomes Manningham Road, to the intersection of Manningham Road and Bulleen Road, then in a southerly direction along Bulleen Road to the intersection of Bulleen Road and Doncaster Road, then in a south-westerly direction along Doncaster Road to the intersection of Doncaster Road and Burke Road, then in a southerly direction along Burke Road to the intersection of Burke Road and High Street, then in a westerly direction along High Street to the intersection of High Street and Tooronga Road, then in a southerly direction along Tooronga Road to the intersection of Tooronga Road and Wattletree Road, then in a westerly direction along Wattletree Road to the intersection of Wattletree Road and Kooyong Road, then in a southerly direction along Kooyong Road to the intersection of Kooyong Road and Glen Huntly Road, then in a westerly direction along Glen Huntly Road to the intersection of Glen Huntly Road and Marine Parade, then in a straight line in a westerly direction to the intersection of The Strand and Ferguson Street, then in a westerly direction along Ferguson Street, which becomes Kororoit Creek Road to the point of commencement.

Schedule 3

The area of land bounded by a line commencing at the intersection of Citylink and Flemington Road, then in a south-easterly direction along Flemington Road to the intersection of Flemington Road and Dryburgh Street, then in a southerly direction along Dryburgh Street to the intersection of Dryburgh Street and Dynon Road, then in a westerly direction along Dynon Road to the intersection of Dynon Road and Citylink, then in a southerly direction along Citylink to the intersection of Citylink and Footscray Road, then in a westerly direction along Footscray Road to the intersection of Footscray Road and Whitehall Street, then in a northerly direction along Whitehall Street to the intersection of Whitehall Street and Dynon Road, then in a westerly direction along Dynon Road to the intersection of Dynon Road and Moore Street, then in a northerly direction along Moore Street to the intersection of Moore Street and Ballarat Road, then in a westerly direction along Ballarat Road to the intersection of Ballarat Road and Farnsworth Avenue then in a north-easterly direction along Farnsworth Avenue to the intersection of Farnsworth Avenue and the Maribyrnong River, then in a generally northerly direction along the Maribyrnong River to the intersection of the Maribyrnong River and Maribyrnong Road, then in an easterly direction along Maribyrnong Road to the intersection of Maribyrnong Road and Orford Street, then in a northerly direction along

Orford Street, which becomes Waverley Street, to the intersection of Waverley Street and Buckley Street, then in an easterly direction along Buckley Street to the intersection of Buckley Street and Pascoe Vale Road, then in a southerly direction along Pascoe Vale Road to the intersection of Pascoe Vale Road and Wilson Street, then in an easterly direction along Wilson Street to the intersection of Wilson Street and Citylink, then in a southerly direction along Citylink to the point of commencement.

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.
