

Plant Health and Plant Products Act 1995**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
QUEENSLAND FRUIT FLY HOST MATERIAL INTO VICTORIA**

I, Pat Sharkey, as delegate of the Minister for Agriculture, make the following Order:

Dated 9 November 2009

PAT SHARKEY
Manager Plant Standards

1. Objective

The objective of this Order is to prevent the entry of the exotic pest Queensland Fruit Fly into Victoria.

2. Authorising provision

This Order is made under section 24 of the **Plant Health and Plant Products Act 1995** (the Act).

3. Revocation

The Order made on 20 November 2008 under section 24 of the **Plant Health and Plant Products Act 1995**, and published in Government Gazette G48 on 27 November 2008 is revoked.

4. Definitions

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;

‘Greater Sunraysia Pest Free Area’ means that part of Victoria declared as a restricted area under section 20 of the Act for the control of Queensland Fruit Fly, and that part of NSW proclaimed under the **Plant Diseases Act 1924** (NSW);

‘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);

‘Queensland Fruit Fly host produce’ means any fruit or vegetable, or plant in fruit as listed in the Schedule 1;

‘Queensland Fruit Fly host material’ means any Queensland Fruit Fly host produce or used packaging;

‘used packaging’ means any packaging that has contained Queensland Fruit Fly host produce.

5. Controls applying to Queensland Fruit Fly host material

(1) The entry or importation into Victoria of any Queensland Fruit Fly host material is prohibited.

(2) Sub-clause (1) does not apply if –

(a) the Queensland Fruit Fly host produce was grown and packed in the NSW portion of the Greater Sunraysia Pest Free Area; or

(b) except in the case of material entering the Greater Sunraysia Pest Free Area, the Queensland Fruit Fly host produce was grown or packed, or the used package was last used on a property in a State or Territory, or part of a State or Territory, for which an area freedom certificate issued by an officer responsible for agriculture in the State or Territory where the Queensland Fruit Fly host produce was grown or packed, or package was last used, is currently in force certifying that the State or Territory or that part of the State or Territory is known to be free of Queensland Fruit Fly; or

- (c) the material is accompanied by a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory certifying that the material has been treated in a manner approved by the Manager Plant Standards; or
- (d) the material is accompanied by a plant health declaration issued by an authorised person declaring that it has been treated in a manner approved by the Manager Plant Standards;
- (e) the host produce has been packed, labelled and certified in accordance with conditions prescribed by an accreditation program under which the produce is certified;
- (f) the material is consigned in any other manner approved by the Manager Plant Standards

6. Verification of consignments

- (1) Where Queensland Fruit Fly host material is required by clause 5(2) to be accompanied by an assurance certificate, plant health declaration or Plant Health Certificate, the host produce and the accompanying certificate or declaration must be:
 - (a) presented to an authorised inspector for inspection; or
 - (b) verified by a person accredited to do so by the Department of Primary Industries.

Note: Section 25 of the Act provides that a person is guilty of an offence and a penalty not exceeding 50 penalty units for a natural person, or 200 penalty units for a body corporate, for knowingly breaching an importation order.

Schedule 1

Abiu	Durian	Nectarine
Acerola	Eggplant	Orange
Achachairu	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)
