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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA AT FLEMINGTON 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 Flemington, 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 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.

SPECIAL

- (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

- (1) 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:
- (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 The Esplanade and Maidstone Street, then in a northerly direction along Maidstone Street to the intersection of Maidstone Street and Kororoit Creek Road, then in a westerly direction along Kororoit Creek Road to 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 Stations Street, which becomes Kings Road, to the intersection of Kings Road and Taylors Road, then in an easterly direction along Taylors Road to the intersection of Taylors Road and Sunshine Avenue, then in a northerly direction along Sunshine Avenue to the intersection of Sunshine Avenue and the Calder Freeway, then in an easterly direction along the Calder Freeway to the intersection of the Calder Freeway and Keilor Park Drive, then in a northerly direction along Keilor Park Drive to the intersection of Keilor Park Drive and Sharps Road, then in an easterly direction along Sharps Road to the intersection of Sharps Road and Melrose Drive, then in a northerly direction along Melrose Drive to the intersection of Melrose Drive and Mickleham Road, then in a northerly direction along Mickleham Road to the intersection of Mickleham Road and Johnstone Street, then in an easterly direction along Johnstone Street to the intersection of Johnstone Street and Pascoe Vale Road, then in a northerly direction along Pascoe Vale Road to the intersection of Pascoe Vale Road and Barry Road, then in an easterly direction along Barry Road to the intersection of Barry Road and Patrick Street, then in a straight line in a north-easterly direction to the intersection of Leeson Grove and Kingsway Drive, then in an easterly direction along Kingsway Drive to the intersection of Kingsway Drive and High Street, then in a southerly direction along High Street to the intersection of High Street and Settlement Road, then in an easterly direction along Settlement Road to the intersection of Settlement Road and Plenty Road, then in a southerly direction along Plenty to the intersection of Plenty Road and Kingsbury Drive, then in an easterly direction along Kingsbury Drive, which becomes Ruthven Street to the intersection of Ruthven Street and Carwarp Street, then in a northerly direction along Carwarp Street to the intersection of Carwarp Street and Erskine Street, then in an easterly direction along Erskine Street to the intersection of Erskine Street and Greensborough Road, then in a southerly direction along Greensborough Road to the intersection of Greensborough Road and Lower Plenty Road then in a south-westerly direction along Lower Plenty Road to the intersection of Lower Plenty Road and Rosanna Road, then in a southerly direction along Rosanna Road, which becomes Lower Heidelberg Road, to the intersection of Lower Heidelberg Road and Burke Road, then in a southerly direction along Burke Road to the intersection of Burke Road and Dandenong Road, then in a south-easterly direction along Dandenong Road to the intersection of Dandenong Road and Grange Road, then in a southerly direction along Grange Road to the intersection of Grange Road and Glen Huntley Road, then in a westerly direction along Glen Huntley Road to the intersection of Glen Huntley Road and Marine Parade, then in a straight line a westerly direction 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 144.74573° East, 37.78238° 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.
