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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA IN VICTORIA, NEAR TOCUMWAL (NSW) 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 22 December 2008

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 in Victoria, near Tocumwal (NSW), 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

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 the Murray River and Yarrawonga–Cobram Road, then in a westerly direction along Yarrawonga–Cobram Road to the intersection of Yarrawonga–Cobram Road and Campbell Road, then in a southerly direction along Campbell Road to the intersection of Campbell Road and the Murray Valley Highway, then in a generally north-westerly direction along the Murray Valley Highway to the intersection of the Murray Valley Highway and Cobram South Road, then in a southerly direction along Cobram South Road to the intersection of Cobram South Road and Pullar Road, then in a westerly direction along Pullar Road to the intersection of Pullar Road and Benalla–Tocumwal Road, then in a north-westerly direction along Benalla–Tocumwal Road to the intersection of Benalla–Tocumwal Road and Macarthur Road, then in a westerly direction along Macarthur Road to the intersection of Macarthur Road and Kakoda Road, then in a southerly direction along Kakoda Road to the

intersection of Kakoda Road and Macarthur Road, then in a westerly direction along Macarthur Road to the intersection of Macarthur Road and Labuan Road, then in a northerly direction along Lauban Road to the intersection of Lauban Road and the Murray Valley Highway, then in a westerly direction along the Murray Valley Highway to the intersection of the Murray Valley Highway and Mywee Road, then in a northerly direction along Mywee Road to the intersection of Mywee Road and Bearii East Road, then in a westerly direction along Bearii East Road to the intersection of Bearii East Road and O'Briens Road, then in a northerly direction along O'Briens Road to the intersection of O'Briens Road and Bearii-Mywee Road, then in a westerly direction along Bearii-Mywee Road to the intersection of Bearii-Mywee Road and Rockliffs Road, then in a generally northerly direction along Rockliffs Road to the intersection of Rockliffs Road and the Murray River, then in a generally easterly direction along the Murray River 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.
