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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA AT BRIMIN 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 3 May 2007

JOE HELPER MP
Minister for Agriculture

1. **Objective**

The objective of this Order is to declare a restricted area for the control of Queensland fruit fly at Brimin, 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 produce is –

(a) accompanied by an assurance certificate issued by an accredited person, a plant health declaration issued by an authorised person or a plant health certificate issued by an inspector certifying that the host produce has been treated in a manner approved by the Manager Plant Standards; and

(b) packed and labelled in accordance with any conditions prescribed by an accreditation program under which the produce is certified.

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**

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	<i>Pouteria caimito</i> (Ruiz & Pavon) Radlk. [Sapotaceae]
Acerola	<i>Malpighia glabra</i> L. [Malpighiaceae] <i>Malpighia emarginata</i> Sessé & Moc. ex DC. [Malpighiaceae]
Apple	<i>Malus domestica</i> Bork L. [Rosaceae]
Apricot	<i>Prunus armeniaca</i> L. [Rosaceae]
Avocado	<i>Persea americana</i> Mill. [Lauraceae]
Babaco	<i>Carica pentagona</i> Heilborn [Caricaceae]
Banana	<i>Musa acuminata</i> Colla [Musaceae]
Black Sapote	<i>Diospyros dignya</i> Jacq. [Ebenaceae]
Blackberry	<i>Rubus fruticosus</i> L. [Rosaceae]
Blueberry	<i>Vaccinium corymbosum</i> L. [Ericaceae]
Boysonberry	<i>Rubus ursinus</i> (Cham. & Schlenht) var. <i>loganobaccus</i> [Rosaceae]
Brazil Cherry	<i>Eugenia uniflora</i> L. [Myrtaceae]
Breadfruit	<i>Artocarpus altilis</i> (Parkinson) Fosberg [Moraceae]
Caimito (Star Apple)	<i>Chrysophyllum cainito</i> L. [Sapotaceae]
Cape Gooseberry	<i>Physalis peruviana</i> L. [Solanaceae]
Capsicum	<i>Capsicum</i> L. [Solanaceae]
Carambola (Starfruit)	<i>Averrhoa carambola</i> L. [Oxalidaceae]
Cashew Apple	<i>Anacardium occidentale</i> L. [Anacardiaceae]
Casimiro (White Sapote)	<i>Casimiroa edulis</i> Llave & Lex. [Rutaceae]
Cherimoya	<i>Annona cherimola</i> Miller [Annonaceae]
Cherry	<i>Prunus avium</i> L. [Rosaceae]
Chilli	<i>Capsicum annuum</i> L. [Solanaceae]
Citron	<i>Citrus medica</i> L. [Rutaceae]
Cumquat	<i>Fortunella japonica</i> (Thunb.) Swingle [Rutaceae] <i>Fortunella margarita</i> (Lour.) Swingle [Rutaceae]
Custard Apple	<i>Annona reticulata</i> L. [Annonaceae]
Date	<i>Phoenix dactylifera</i> L. [Arecaceae]
Dragon Fruit (Than Lung)	<i>Hylocereus undatus</i> (Haw.) Britt. & Rose [Cactaceae]

Durian	<i>Durio zibethinus</i> Murray [Bombacaceae]
Feijoa	<i>Acca sellowiana</i> (O. Berg) O. Berg [Myrtaceae]
Fig	<i>Ficus carica</i> L. [Moraceae]
Granadilla	<i>Passiflora quadrangularis</i> L. [Passifloraceae]
Grapefruit	<i>Citrus x paradisi</i> Macfad. (pro sp.) [Rutaceae]
Grumichama	<i>Eugenia braziliensis</i> Lam. [Myrtaceae]
Guava	<i>Psidium guajava</i> L. [Myrtaceae] <i>Psidium cattleianum</i> Sabine [Myrtaceae] <i>Psidium friedrichsthalianum</i> (O. Berg) Niedenzu [Myrtaceae]
Hog Plum	<i>Prunus umbellata</i> Ell. [Rosaceae]
Jaboticaba	<i>Myrciaria cauliflora</i> (C Martius) O Berg [Myrtaceae]
Jackfruit	<i>Artocarpus heterophyllus</i> Lam. [Moraceae]
Jew Plum	<i>Spondias cytherea</i> Sonn. [Anaradiaceae]
Ju jube	<i>Ziziphus jujube</i> Miller [Rhamnaceae]
Kiwifruit	<i>Actinidia chinensis</i> Planchon [Actinidiaceae]
Lemon	<i>Citrus limon</i> L. Burm. f. [Rutaceae]
Lime	<i>Citrus aurantifolia</i> (Christm.) Swingle [Rutaceae]
Loganberry	<i>Rubus loganobaccus</i> L.H. Bailey [Rosaceae]
Longan	<i>Dimocarpus longan</i> Lour. [Sapindaceae]
Loquat	<i>Eriobotrya japonica</i> (Thunb.) Lindley [Rosaceae]
Lychee	<i>Litchi chinensis</i> Sonn. [Sapindaceae]
Mandarin	<i>Citrus reticulata</i> Blanco [Rutaceae]
Mango	<i>Mangifera indica</i> L. [Anacardiaceae]
Mangosteen	<i>Garcinia mangostana</i> L. [Clusiaceae]
Medlar	<i>Mespilus germanica</i> L. [Rosaceae]
Miracle Fruit	<i>Synsepalum dulcificum</i> (Schumacher & Thonn.) Daniell [Sapotaceae]
Mulberry	<i>Morus nigra</i> L. [Moraceae]
Nashi	<i>Pyrus pyrifolia</i> (Burm. F.) Nakai [Rosaceae]
Nectarine	<i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> (Suckow) C. Schneider [Rosaceae]
Orange	<i>Citrus sinensis</i> (L.) Osbeck [Rutaceae]
Passionfruit	<i>Passiflora edulis</i> Sims [Passifloraceae]
Pawpaw	<i>Carica papaya</i> L. [Caricaceae]
Peach	<i>Prunus persica</i> (L.) Batsch [Rosaceae]
Peacharine	<i>Prunus persica</i> (rar.) <i>nucipersica</i>
Pear	<i>Pyrus communis</i> L. [Rosaceae]
Pepino	<i>Solanum muricatum</i> Aiton [Solanaceae]
Persimmon	<i>Diospyros kaki</i> L.f. [Ebenaceae]
Plum	<i>Prunus domestica</i> L. [Rosaceae]
Plumcot	<i>Prunus domestica</i> x <i>Prunus ameniaca</i> [Rosaceae]
Pomegranate	<i>Punica granatum</i> L. [Punicaceae]

Prickly Pear	<i>Opuntia stricta</i> (Haw.) Haw. [Cactaceae]
Pummelo	<i>Citrus maxima</i> (Burm. f.) Merr. [Rutaceae]
Quince	<i>Cydonia oblonga</i> P. Mill. [Rosaceae]
Rambutan	<i>Nephelium lappaceum</i> L. [Sapindaceae]
Raspberry	<i>Rubus idaeus</i> L. [Rosaceae]
Rollinia	<i>Rollinia pulchrinervis</i> A. DC. [Annonaceae] <i>Rollinia mucosa</i> (Jacq.) Baill. [Annonaceae]
Santol	<i>Sandoricum indicum</i> Cav. [Meliaceae]
Sapodilla	<i>Manilkara zapota</i> (L.) van Royen [Sapotaceae]
Shaddock	<i>Citrus grandis</i> (L.) Osbeck [Rutaceae]
Soursop	<i>Annona muricata</i> L. [Annonaceae]
Strawberry	<i>Fragaria ananassa</i> Duch. [Rosaceae]
Sweetsop (Sugar Apple)	<i>Annona squamosa</i> L. [Annonaceae]
Tahitian Lime	<i>Citrus latifolia</i> Tanaka [Rutaceae]
Tamarillo	<i>Cyphomandra betacea</i> (Cav) Sendtner [Solanaceae]
Tangelo	<i>Citrus x tangelo</i> J. Ingram & H. Moore [Rutaceae]
Tomato	<i>Solanum lycopersicum</i> L. [Solanaceae]
Wax jambu (Rose Apple)	<i>Syzygium jambos</i> L. Alston [Myrtaceae]

Schedule 2

The area of land bounded by a line commencing at the intersection of the Murray River and Majors Lane, then in a southerly direction along Majors Lane, which becomes Wrights Road, to the intersection of Wrights Road and Playfair Road, then in an easterly direction along Playfair Road to the intersection of Playfair Road and McDougals Road, then in a southerly direction along McDougals Road to the intersection of McDougals Road and Carmichaels Road, then in an easterly direction along Carmichaels Road, which becomes Chapel Road, to the intersection of Chapel Road and McDonalds Road, then in a southerly direction along McDonalds Road to the intersection of McDonalds Road and Geodetic Road, then in an easterly direction along Geodetic Road to the intersection of Geodetic Road and Lanes Road, then in a southerly direction along Lanes Road to the intersection of Lanes Road and Thorps Road, then in a straight line in a south-easterly direction to the intersection of Nishs Road and Wangaratta-Yarrowonga Road, then in a straight line in a south-easterly direction to the intersection of Jones Swamp Road and Seymour Road, then in an easterly direction along Seymour Road to the intersection of Seymour Road and Wises Road, then in a northerly direction along Wises Road to the intersection of Wises and Keoghs Road, then in an easterly direction along Keoghs Road to the intersection of Keoghs Road and Boorhaman East Road, then in a northerly direction along Boorhaman East Road to the intersection of Boorhaman East Road and Boundary Road, then in an easterly direction along Boundary Road to the intersection of Boundary Road and O'Keefe Road, then in a northerly direction along O'Keefe Road to the intersection of O'Keefe Road and McPhersons Road, then in an easterly direction along McPhersons Road to the intersection of McPhersons Road and Seymour Road, then in a northerly direction along Seymour Road to the intersection of Seymour Road and Clohesseys Road, then in an easterly direction along Clohesseys Road to the intersection of Clohesseys Road and Federation Way, then in a northerly direction along Federation Way to the intersection of Federation Way and Kings Road, then in an easterly direction along Kings Road to the intersection of Kings Road and Jacks Road, then in a northerly direction along Jacks Road to the intersection of Jacks Road and Back Wahgunyah Road, then in an easterly direction along Back Wahgunyah Road to the intersection of Back Wahgunyah Road and Carlyle Road, then in a north-westerly direction along Carlyle Road to the intersection of Carlyle Road and the Murray River, then in a generally westerly direction along the Murray River 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 146.27718° East, 36.02909° 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.

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