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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA AT ECHUCA 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 28 October 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 at Echuca, 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 of the Murray River and Peppernell Road, then in a south-westerly direction along Peppernell Road to the intersection of Peppernell Road and Farley Road, then in a southerly direction along Farley Road to the intersection of Farley Road and the Murray Valley Highway, then in a south-easterly direction along the Murray Valley Highway to the intersection of the Murray Valley Highway and Wharparilla Road, then in a southerly direction along Wharparilla Road to the intersection of Wharparilla Road and Echuca–Mitiamo Road, then in an easterly direction along Echuca–Mitiamo Road to the intersection of Echuca–Mitiamo Road and Cantwell Road, then in a southerly direction along Cantwell Road to the intersection of Cantwell Road and Spiers Road, then in an easterly direction along Spiers Road to the intersection of Spiers Road and Piper Lane, then in a southerly direction along Piper Lane to the intersection of Piper Lane and Lowrie Road, then in an easterly direction along Lowrie Road to the intersection of Lowrie Road and Stratton Road, then in a southerly direction along Stratton Road to the intersection of Stratton Road and Whinfield Road, then in an easterly direction along Whinfield Road to the intersection of Whinfield Road and Northern Highway, then in a straight line in an easterly direction to the intersection of Anderson Road and Spencer Road, then in an

easterly direction along Spencer Road to the intersection of Spencer Road and Echuca–Nanneella Road, then in a northerly direction along Echuca–Nanneella Road to the intersection of Echuca–Nanneella Road and McKenzie Road, then in a northerly direction along McKenzie Road to the intersection of McKenzie Road and Rowe Road, then in an easterly direction along Rowe Road to the intersection of Rowe Road and Tehan Road, then in a northerly direction along Tehan Road to the intersection of Tehan Road and Mitchell Road, then in an easterly direction along Mitchell Road to the intersection of Mitchell Road and Castles Track, then in a straight line in a northerly direction to the intersection of Bangerang Road and Castle Road, then continuing in a northerly direction to the Murray River, then in a generally north-westerly 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.

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