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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA AT BENALLA 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 20 February 2008

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 Benalla, 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) 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

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- (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.
- (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	Eggplant	Orange
Acerola	Feijoa	Passionfruit
Apple	Fig	Pawpaw
Apricot	Granadilla	Peach
Avocado	Grape (table grapes)	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 Quinns Road and the Midland Highway, then in a straight line in a south-westerly direction to the intersection of Goomalibee Road and Hanlon Road, then in a westerly direction along Hanlon Road to the intersection of Hanlon Road and Baddaginnie–Goomalibee Road, then in a southerly direction along Baddaginnie–Goomalibee Road to the intersection of Baddaginnie–Goomalibee Road and Burness Road, then in a westerly direction along Burness Road to the intersection of Burness Road and Griffins Road, then in a southerly direction along Griffin Road to the intersection of Griffin Road and McKechnie Road, then in a straight line in a south-westerly direction to the intersection of Ross Road and Robinson Road, then in a southerly direction along Robinson Road to the intersection of Robinson Road and Curries Road, then in a straight line in a south-easterly direction to the intersection of Cook Road and Roach Road, then in a southerly direction along Roach Road to the intersection of Roach Road and Warrenbayne West Road, then in an easterly direction along Warrenbayne West Road to the intersection of Warrenbayne West Road and Baddaginnie–Warrenbayne Road, then in a south-easterly direction along Baddaginnie–Warrenbayne Road to the intersection of Baddaginnie–Warrenbayne Road and Whites Road, then in a southerly direction along Whites Road to the intersection of Whites Road and James Road, then in an easterly direction along James Road to the intersection of James Road and Benalla–Warrenbayne Road, then in a southerly direction along Benalla–Warrenbayne Road to the intersection of Benalla–Warrenbayne Road and Dobson Road, then in a north-easterly direction along Dobson Road to the intersection of Dobson Road and Harrison Road, then in a straight line in an easterly direction to the intersection of Lima Road and the Midland Highway, then in a straight line in an easterly direction to the intersection of Samaria Road and Knight Road, then in a straight line in a north-easterly direction to the intersection of Arnott Road and Rothesay Road, then in a northerly direction along Rothesay Road to the intersection of Rothesay Road and Benalla–Tatong Road, then in a straight line in a north-easterly direction to the intersection of Kilfeera Road and Brock Road, then in a northerly direction along Brock Road to the intersection of Brock Road and Winton–Lurg Road, then in a north-westerly direction along Winton–Lurg Road to the intersection of Winton–Lurg Road and Gardiner Road, then in a northerly direction along Gardiner Road to the intersection of Gardiner Road and Wattle Creek Road, then in a north-westerly direction along Wattle Creek Road to the intersection of Wattle Creek Road and Winton–Glenrowan Road, then in a north-easterly direction along Winton–Glenrowan Road to the intersection of Winton–Glenrowan Road and Hernan Road, then in a north-easterly direction along Hernan Road to the intersection of Hernan Road and Nelson Road, then in a straight line in a north-westerly direction to the intersection of Lake Makoan Road and Farnley Road, then in a north-westerly direction along Farnley Road to the intersection of Farnley Road and Benalla–Yarrowonga Road, then in a northerly direction along Benalla–Yarrowonga Road to the intersection of Benalla–Yarrowonga Road and Chesney Road, then in a south-westerly direction along Chesney Road to the intersection of Chesney Road and the Midland Highway, then in a north-westerly direction along the Midland Highway 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 145.97311° East, 36.57281° 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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