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Plant Health and Plant Products Act 1995

ORDER DECLARING A RESTRICTED AREA NEAR BAROOGA (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 31 March 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, in Victoria, near Barooga (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 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
 - (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

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 only)	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 Dead River Track, then in a southerly direction along Dead River Track to the intersection of Dead River Track 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 Grinter Road, then in a southerly direction along Grinter Road to the intersection of Grinter Road and Powerline Road, then in a westerly direction along Powerline Road to the intersection of Powerline Road and Katamatite East School Road, then in a southerly direction along Katamatite East School Road to the intersection of Katamatite East School Road and Cassidy Road, then in a westerly direction along Cassidy Road to the intersection of Cassidy Road and Langan Road, then in a southerly direction along Langan Road to the intersection of Langan Road and Fields Road, then in a westerly direction along Fields Road to the intersection of Fields Road and Benalla–Tocumwal Road, then in a north-westerly direction along Benalla–Tocumwal Road to the intersection of the Benalla–Tocumwal Road and Ross Road, then in a westerly direction along Ross Road to the intersection of Ross Road and McPherson Road, then in a northerly direction along McPherson Road to the intersection of McPherson Road

and Ross Road, then in a westerly direction along Ross Road to the intersection of Ross Road and Larissa Road, then in a northerly direction along Larissa Road to the intersection of Larissa Road and Sandmount Road, then in a westerly direction along Sandmount Road to the intersection of Sandmount Road and Singapore Road, then in a northerly direction along Singapore Road to the intersection of Singapore Road and Blamey Road, then in a westerly direction along Blamey Road to the intersection of Blamey Road and Kokoda Road, then in a northerly direction along Kokoda Road to the intersection of Kokoda 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 Labuan Road, which becomes Stokes Road, to the intersection of Stokes Road and Carroll Road, then in an easterly direction along Carroll Road to the intersection of Carroll Road and Tom O'Brien Road, then in a northerly direction along Tom O'Brien Road to the intersection of Tom O'Brien Road and Mywee–Koonoomoo Road, then in a straight line in a northerly direction to the intersection of Green Lane and the Murray Valley Highway, then continuing in a straight line to the Murray River, then in a generally south-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.

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