



# Victoria Government Gazette

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## Plant Health and Plant Products Act 1995

### ORDER DECLARING A RESTRICTED AREA AT OXLEY 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 30 April 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 Oxley, 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**

- (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 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 Diffey Road and Great Alpine Road, then in a westerly direction along Great Alpine Road to the intersection of Great Alpine Road and Markwood–Everton Road, then in a south-westerly direction along Markwood–Everton Road to the intersection of Markwood–Everton Road and Carboor–Everton Road, then in a southerly direction along Carboor–Everton Road to the intersection of Carboor–Everton Road and Docker–Carboor Road, then in a north-westerly direction along Docker–Carboor Road to the intersection of Docker–Carboor Road and Box Forest Road, then in a south-westerly direction along

Box Forest Road to the intersection of Box Forest Road and Allans Lane, then in a southerly direction along Allans Lane to the intersection of Allans Lane, Oxley–Meadow Creek Road and Wards Lane, then in a westerly direction along Wards Lane to the intersection of Wards Lane and Koorungal Park Lane, then in a straight line in a south-westerly direction to the intersection of Glenrowan–Moyhu Road (Bartley Street) and Wangaratta–Whitfield Road (Byrne Street), then in a northerly direction along Wangaratta–Whitfield Road (Byrne Street) to the intersection of Wangaratta–Whitfield Road (Byrne Street) and Houltts Lane, then in a westerly direction along Houltts Lane which then runs into Glenrowan–Moyhu Road to the intersection of Glenrowan–Moyhu Road and Wangaratta–Kilfeera Road, then in a northerly direction along Wangaratta–Kilfeera Road to the intersection of Wangaratta–Kilfeera Road and Dundas Lane, then in a westerly direction along Dundas Lane to the intersection of Dundas Lane and Twamleys Lane, then in a northerly direction along Twamleys Lane to the intersection of Twamleys Lane and Oxley–Greta West Road, then in a straight line in a north-westerly direction to the intersection of Griffiths Lane and Glenrowan–Moyhu Road, then in a northerly direction along Glenrowan–Moyhu Road to the intersection of Glenrowan–Moyhu Road and Hume Freeway, then in a straight line in a northerly direction to the intersection of Omaru Road and Sharley Street, then in an easterly direction along Sharley Street to the intersection of Sharley Street and Warby Range Road, then in a northerly direction along Warby Range Road to the intersection of Warby Range Road and Colson Drive, then in an easterly direction along Colson Drive to the intersection of Colson Drive and Reth Road, then in a northerly direction along Reth Road to the intersection of Reth Road and Wangandary Road, then in an easterly direction along Wangandary Road to the intersection of Wangandary Road and Wangaratta–Yarrowonga Road, then in a straight line in a north-easterly direction to the intersection of Morrison Road and Wangaratta Road, then in a north-easterly direction along Morrison Road to the intersection of Morrison Road and Bells Lane, then in a south-easterly direction along Bells Lane to the intersection of Bells Lane and Byawatha Road, then in a north-easterly direction along Byawatha Road to the intersection of Byawatha Road and Ellen Lane, then in a straight line in a south-easterly direction to the intersection of Wangaratta–Eldorado Road and Boralma–Tarrawingee Road, then in a straight line in a south-easterly direction to the intersection of Eldorado–Tarrawingee Road and Rusholme Road, then in a straight line in a south-easterly direction to the intersection of Dickens Road and Beechworth–Wangaratta Road, then in a straight line in a south-easterly direction 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 146.38045° East, 36.44267° 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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