



Victoria Government Gazette

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Plant Biosecurity Act 2010

ORDER DECLARING A RESTRICTED AREA IN NORTH WEST VICTORIA FOR THE CONTROL OF QUEENSLAND FRUIT FLY AND MEDITERRANEAN FRUIT FLY

I, Jaala Pulford, Minister for Agriculture, being of the reasonable belief that Queensland fruit fly (*Bactrocera tryoni* (Froggatt)) is present in Victoria; and that Mediterranean fruit fly (*Ceratitis capitata* (Weidemann)) may be introduced into Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010** declaring the area described in clause 5 and the Schedule to this Order to be a restricted area.

1 Objectives

The objectives of this Order are –

- (a) to declare a restricted area for the control of fruit fly in North West Victoria; and
- (b) to specify the prohibitions, restrictions and requirements which are to operate in relation to the restricted area.

2 Authorising provision

This Order is made under section 32(1) of the **Plant Biosecurity Act 2010** ('the Act').

3 Commencement

This Order comes into operation on the day that it is published in the Government Gazette.

4 Definitions

In this Order –

Fruit fly means Queensland fruit fly (*Bactrocera tryoni* (Froggatt)) or Mediterranean fruit fly (*Ceratitis capitata* (Weidemann)).

Host material means the affected plants and plant products specified in clause 6.

5 Declaration of a restricted area for the control of fruit fly

The area described in the Schedule, known as the North West Victorian Restricted Area, is declared to be a restricted area for the control of fruit fly.

6 Affected plants and plant products

This Order affects the following plants, and the fruits of such plants –

Abiu	Capsicum	Durian
Acerola	Carambola (Starfruit)	Eggplant
Apple	Cashew Apple	Feijoa
Apricot	Casimiroa (White Sapote)	Fig
Avocado	Cherimoya	Goji Berry
Babaco	Cherry	Granadilla
Banana	Chilli	Grape
Black Sapote	Choko	Grapefruit
Blackberry	Citron	Grumichama
Blueberry	Cocoa Berry	Guava
Boysenberry	Coffee Berry	Hog Plum
Brazil Cherry	Cumquat	Jaboticaba
Breadfruit	Custard Apple	Jackfruit
Caimito (Star Apple)	Date	Jew Plum
Cape Gooseberry	Dragon Fruit (Than Lung)	Ju Jube

SPECIAL

Kiwifruit	Nectarine	Quince
Lemon	Olive	Rambutan
Lime	Orange	Raspberry
Loganberry	Passionfruit	Rollinia
Longan	Pawpaw	Santol
Loquat	Peach	Sapodilla
Lychee	Peacharine	Shaddock
Mandarin	Pear	Soursop
Mango	Pepino	Strawberry
Mangosteen	Persimmon	Sweetsop (Sugar Apple)
Medlar	Plum	Tahitian Lime
Miracle Fruit	Plumcot	Tamarillo
Monstera	Pomegranate	Tangelo
Mulberry	Prickly Pear	Tomato
Nashi	Pummelo	Wax Jambu (Rose Apple).

7 Prohibitions, restrictions and requirements

- (a) The movement of any host material into the restricted area described in clause 5 and the Schedule is prohibited.
- (b) Subclause (a) does not apply to a person who brings any host material into the restricted area under and in accordance with a permit issued by an inspector under the Act and complies with any conditions set out in the permit.
- (c) Subclause (a) does not apply if the host material originates from an area for which there is currently in force an area freedom certificate, being a certificate issued by an officer responsible for agriculture in the State or Territory from which the host material originated certifying that the area from which the host material originated is known to be free of fruit fly.
- (d) The owners and occupiers of land described in the Schedule 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 fruit fly.

8 Inspector may issue directions

An inspector is authorised to issue a direction to any owner or occupier of any land found within the restricted area described in clause 5 and the Schedule requiring the owner or occupier to –

- (a) strip any host material from plants, and collect and dispose of that material; or
- (b) treat or destroy that material.

9 Expiry

This Order remains in force for a period of 12 months after the date that it is published in the Government Gazette.

Schedule

Commencing at the intersection of Lacey Avenue and Border Fence Road at the border of Victoria and South Australia; then directly east in a line that intersects with Berribee Tan Track, then directly north of that intersection in a line that intersects with the New South Wales–Victorian border line 1 kilometre west of Pollards Island, continuing north-westerly along the Murray River to the most northern point of Victoria, then south along the South Australian–Victorian border line to the point of commencement.

Notes

- 1 Section 33 of the Act provides that it is an offence for a person to knowingly cause or permit the movement of any plant, plant product, plant vector, used package, used equipment, earth material or beehive to which the declaration of the restricted area applies into, within or from that area or to contravene any prohibition, restriction or requirement specified in this order, unless authorised to do so by a permit issued by an inspector and in accordance with that permit. A maximum penalty of 60 penalty units applies in the case of a natural person and 300 penalty units in the case of a body corporate.
- 2 Section 35(2) of the Act provides that an order under section 32 may authorise an inspector to issue directions to any person to do any of the things listed in section 35(1). Section 35(4) of the Act provides that a person must not contravene any direction of an inspector under section 35(2). A penalty of 60 penalty units applies.

Dated 23 October 2018

HON. JAALA PULFORD MP
Minister for Agriculture

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