



Victoria Government Gazette

No. S 201 Friday 24 May 2019
By Authority of Victorian Government Printer

Plant Biosecurity Act 2010

ORDER DECLARING A RESTRICTED AREA IN VICTORIA NEAR LINDSAY POINT FOR THE CONTROL OF QUEENSLAND FRUIT FLY

I, Jaclyn Symes, Minister for Agriculture, being of the reasonable belief that the exotic pest Queensland fruit fly (*Bactrocera tryoni* (Froggatt)) is present in Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010**, declaring the area described in clause 5 and Schedule 1 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 Queensland fruit fly in 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**.

3. Commencement

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

4. Definitions

In this Order –

Queensland fruit fly host material means the plants specified in clause 6.

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

The area described in Schedule 1 is declared to be a restricted area for the control of Queensland fruit fly.

6. Affected plants

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

Abiu	Eggplant	Nectarine
Acerola	Feijoa	Orange
Apple	Fig	Passionfruit
Apricot	Goji Berry	Pawpaw
Avocado	Granadilla	Peach
Babaco	Grape	Peacharine
Banana	Grapefruit	Pear
Black Sapote	Grumichama	Pepino
Blackberry	Guava	Persimmon
Blueberry	Hog Plum	Plum
Boysenberry	Jaboticaba	Plumcot
Brazil Cherry	Jackfruit	Pomegranate
Breadfruit	Jew Plum	Prickly Pear
Caimito (Star Apple)	Ju Jube	Pummelo
Cape Gooseberry	Kiwifruit	Quince
Capsicum	Lemon	Rambutan
Carambola (Starfruit)	Lime	Raspberry
Cashew Apple	Loganberry	Rollinia

SPECIAL

Casimiroa (White Sapote)	Longan	Santol
Cherimoya	Loquat	Sapodilla
Cherry	Lychee	Shaddock
Chilli	Mandarin	Soursop
Citron	Mango	Strawberry
Cocoa Berry	Mangosteen	Sweetsop (Sugar Apple)
Cumquat	Medlar	Tamarillo
Custard Apple	Miracle Fruit	Tangelo
Date	Mulberry	Tomato
Durian	Nashi	Wax Jambu (Rose Apple)

7. Prohibitions, restrictions and requirements

- (1) The removal of any host material from the restricted area described in clause 5 and Schedule 1 is prohibited.
- (2) Subclause (1) does not apply to a person who removes any host material from 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.
- (3) The owners and occupiers of land described in Schedule 2 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.

8. Issuing of Directions

Inspectors are authorised to issue a direction to any owner or occupier of land described in Schedule 2 requiring the owner or occupier to:

- (a) strip Queensland fruit fly host materials from plants, and collect and dispose of that waste material; or
- (b) treat or destroy that material.

9. Expiry

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

Schedule 1

The area of land in Victoria within a radius of fifteen kilometres of the outbreak epicentre at 141.01° East, 34.09° South.

Schedule 2

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 141.01° East, 34.09° South.

Notes

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.

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.

Terms used in this Order that are defined in the Act have that meaning.

Dated 23 May 2019

JACLYN SYMES MP
Minister for Agriculture

This page was left blank intentionally

bluestar  **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2019

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street

Melbourne 3002

Victoria Australia

How To Order**Retail &
Mail Sales****Victoria Government Gazette**

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

email

gazette@bluestargroup.com.au

Price Code A