

2 November 2011

The Research Director
Environment, Agriculture, resources and Energy Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir / Madam,

Growcom would like to offer comment on the proposed amendments under the Protecting Primary Production Amendment Bill 2011.

About Growcom

Growcom is the peak representative body for the fruit and vegetable growing industry in Queensland, providing a range of advocacy, research and industry development services. We are the only organisation in Australia to deliver services across the entire horticulture industry to businesses and organisations of all commodities, sizes and regions, as well as to associated industries in the supply chain. We are constantly in contact with growers and other horticultural business operators. As a result, we are well aware of the outlook, expectations and practical needs of our industry.

The organisation was established in 1923 as a statutory body to represent and provide services to the fruit and vegetable growing industry. As a voluntary organisation since 2003, Growcom now has grower members throughout the state and works alongside other industry organisations, local producer associations and corporate members. To provide services and networks to growers, Growcom has about 30 staff located in Brisbane, Bundaberg, Townsville, Toowoomba and Tully. We are a member of a number of state and national industry organisations and use these networks to promote our members' interests and to work on issues of common interest.

Comments on Plant Protection Act, 1989

Clause 39 Amendment of s 12 (Notification of pests)

When a grower notices a pest that they are unfamiliar with or suspect to be of an unusual nature, they are in the first instance, likely to seek the assistance of their local agronomist to help in the identification of the pest. From there, if the pest is known to the agronomist and confirmed to be a 'notifiable pest', they would then approach the Department of Primary Industries or an 'inspector'. This process would seem reasonable to most growers and demonstrates duty of care and a willingness to act to protect

primary industries, but in the spirit of the law, would make them liable and potentially see them fined 1,000 penalty units if it takes longer than the allotted 24 hours.

Growcom is concerned that growers thinking that they were taking reasonable action might end up in contravention of the legislation. We are also concerned that a failure to act within the 24 hour period as described above might leave an individual open to a class action by the rest of their industry. This is something which we would like to prevent.

Whilst there is a need for haste in these circumstances, we feel that 24 hours may be too onerous, particularly if the pest is noticed during a public holiday or weekend period, where an inspector may not be available. In these circumstances, we would suggest the following:

'(3) The owner or person must notify an inspector about the pest as soon as practicable, but not more than 24 hours, after the owner or person is aware, or ought reasonably to have been aware, of the existence of it.'

Change to

The owner or person must notify an inspector about the pest within 24 hours or as soon as practicable, after the owner or person is aware, or ought reasonably to have been aware, of the existence of it.

We do not dispute the reference to the person's level of awareness, but are concerned about the timeframe for notification. The Bill states that:

'(4) The notification mentioned in subsection (3) may be given orally or in writing.'

In the event that the grower who notices a 'notifiable pest' gives notice to an inspector via e-mail and that person does not receive that e-mail until they return to work after a weekend, the result is the same as the grower contacting the inspector on the Monday directly following the 'notifiable pest' discovery. Conventional mail may also take several days to reach the recipient, which also means that action would not commence until the letter is received. This demonstrates a flaw in the wording of the time frame for notification and with the wording of the notification method.

Growcom is aware of the national hotlines for exotic plant pests and animal diseases and the DEEDI call centre. The former has working hours of weekdays 8am to 6pm with an after hours message service, but is not considered the same as contacting an inspector. The latter has varying business hours with no mention of an after hours message service and may also not be considered the same as contacting an inspector. We are unaware of any 24 hour service provided to growers to call in the event of a notifiable pest being identified during non-business hour periods. This then places a heavy onus on the grower to report the notifiable pest in certain circumstances.

In light of these statements, Growcom requests that consideration be given to changing the proposed wording in the above-mentioned clauses and sections, or that there be a suitable provision of clarity on the procedure for 'notifiable pest' notification to inspectors during non-business hours.

Sincerely,

Janine Clark
Pest Management Officer
Growcom