



Speech by

**Mike Horan**

**MEMBER FOR TOOWOOMBA SOUTH**

Hansard Tuesday, 31 August 2004

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## **PLANT PROTECTION AMENDMENT BILL**

**Mr HORAN** (Toowoomba South—NPA) (5.52 p.m.): The National Party opposition will be supporting the Plant Protection Amendment Bill 2004. We believe it is a very important bill. This bill has been introduced into this parliament to rectify some problems identified in the Plant Protection Act 1989 during the recent citrus canker outbreak detected at the Evergreen farm in Emerald. If ever there has been an example of why we need to have first class or better than first class biosecurity in Australia, it is these events in Emerald at the Evergreen farm.

At the outset, I want to say how important I believe biosecurity is to Australia. When we see the potential for the ruination of people's lives and the ruination of entire districts and their economies it makes us realise how essential it is that the quarantine laws that are in place for the good of our nation and for the good of our produce are absolutely adhered to by each and every person. We need to have in place systems whereby if there is confirmed detection of a serious disease then the staff within the department have the legislation, regulations and guidelines that enable them to go in and act swiftly to prevent any further outbreaks and contain and get rid of the existing outbreak.

Citrus canker is a serious exotic disease. It affects all types of citrus crops including oranges, grapefruits, tangerines, lemons and limes. The disease is caused by a highly contagious bacterium. Infected trees continuously decline in health and fruit production until no fruit is produced at all. Citrus canker can be spread by wind borne rain, lawnmowers, landscaping equipment—slashers, for example—animals, birds, people carrying the infection on their hands, clothing or equipment, or moving infected or exposed plants or plant parts.

Citrus canker is common in many tropical and subtropical citrus growing areas of the world, including Japan, south and central Africa, the Middle East, the Pacific islands and some areas of South America. It has had a devastating impact on the citrus industry in Florida, USA. In fact, if some of these regulations that we are bringing in tonight had been in place in America it would have had every chance to contain and eradicate the disease. The US would have been able to move swiftly and not been held up by various court initiated actions that prevented it from acting immediately and, as such, allowed the citrus canker to get out of control.

There have been several outbreaks of the disease in Australia, most notably in the Northern Territory in 1912, 1991 and 1993. All were successfully eradicated by removing and destroying host plants in the wider vicinity of infected areas. The gross value of production of citrus in Australia is \$420 million and approximately 700,000 tonnes are produced per annum—75 per cent being oranges, 20 per cent mandarins and five per cent lemons, limes or grapefruit.

Citrus is the largest fresh fruit exporting industry in Australia and generates more than \$200 million per annum in earnings. The major markets for Australian citrus produce are Hong Kong, Malaysia, the USA, Singapore, Indonesia, Japan, New Zealand, Taiwan, Canada and Korea. Queensland produces 96,258 tonnes of citrus annually, about 15 per cent of Australia's production. Emerald produced 6,700 tonnes of citrus in 2000-01, about nine per cent of Queensland's citrus production. The main citrus

producing area in Queensland is the Gayndah-Mundubbera region with annual production of about 22,000 tonnes.

The citrus canker outbreak on the Evergreen farm in Emerald first came to the attention of the DPI on Monday, 28 June this year when samples from this farm at Emerald were submitted by a private consultant to a DPI officer for identification. The affected 1,200 hectare property was subsequently placed in quarantine and on 6 July an eradication and surveillance program was agreed to by what is called the national management group of federal and state agricultural chief executives. Destruction of trees on the property finally commenced on 11 July 2004. Protocols and inspection procedures have been put in place to establish area freedom accreditation so that market access restrictions can be lifted.

If one looks at those dates we find that it goes from detection on Monday, 28 June to the destruction of trees commencing on 11 July. That is virtually two weeks. Any delays in that time, such as different climatic conditions which could have spread the bacterium, could have been absolutely critical to the final result.

I say all that because we support this bill. There are various measures being brought in in this bill that will bring the time down to the absolute minimum. I understand that a national surveillance program will run for the next two years to restore Queensland's status as a pest free area for citrus canker. This program is expected to cost \$7 million. I understand it will be funded in a similar way to the fire ant eradication program.

The fire ant eradication program is more than 90 per cent funded by the federal government and other states, with the Queensland government contributing around nine per cent of the cost. I do not know that the costs or percentages have been finally determined for the eradication of citrus canker.

I want to speak about the AQIS investigation that occurred in 2001. There have been concerns raised previously about the property on which citrus canker was found this year—in particular, the possibility of illegal imports.

I understand that the Australian Quarantine and Inspection Service, or AQIS, has confirmed that no import permits for plant material have ever been issued to the firm that owns the Emerald property. AQIS quarantined that property in 2001 and conducted an investigation with Queensland authorities after allegations that there was exotic plant material on the property. AQIS became involved following allegations of illegal imports of citrus planting material. Despite some mischievous and misleading claims made by the Queensland Primary Industries Minister when this citrus canker outbreak was first discovered earlier this year, I have been advised that AQIS did notify and did consult with the Queensland authorities in the 2001 investigation and in fact had a legal obligation to do so.

In a letter to the *Courier-Mail* on 19 July, the Executive Director of AQIS, Meryl Stanton, stated—

... a 2001 agreement between the Australian Quarantine and Inspection Service and Pacific Century Productions in no way impeded surveying of that company's Emerald farm for exotic pests and diseases.

Ms Stanton went on to state—

... the agreement did not affect other authorities' ability to undertake surveys on the PCP property or on other properties in the area.

All citrus on the property was inspected and samples taken for testing for diseases such as citrus canker. No evidence of citrus canker was found and there was insufficient evidence of illegal activity to support a prosecution. Surveillance continued for 18 months, during which time regular sampling took place, but no evidence of citrus canker was found. Surveillance finished in March 2003 because two production seasons had passed without any signs of disease being evident. Surveillance since March 2003 was the responsibility of the Queensland government. AQIS became involved initially because of allegations of a barrier breach, but normal biosecurity is the responsibility of the states and territories.

There are a number of key amendments in the Plant Protection Amendment Bill. These include the fact that the bill removes the ability of owners of diseased properties to seek injunctions to prevent eradication. The state of Queensland has found itself defending an injunction that could have prevented DPIF from eradicating canker infested host plants which is in the public interest. I was certainly concerned when the DPI was being taken to court and being stymied in its efforts to control the citrus canker outbreak, and I welcome this amendment. Whilst that injunction was there and due to public feeling on this issue and the public comments that had been made, I understand that that injunction process was lifted after a brief period. But in the meantime it did cause something in the order of two or three days delay, and that certainly could have been crucial had the weather conditions changed.

In 2002 parliament set a precedent with regard to this provision by approving the inclusion of a similar provision in the Exotic Diseases in Animals Act 1981. This will only apply to 21 exotic pests and diseases that are specified in this bill and considered to have a severe impact on the environment and cause major socioeconomic consequences. This provision does not affect the rights of a person to initiate legal proceedings for any loss or damage caused by the negligence of the DPI, if in fact there is any negligence by the DPI.

The amendments will also enable clear powers of surveillance to determine the presence or absence of a notifiable pest or disease when a pest quarantine area is declared or a direction into quarantine is given. Currently, the act is deficient in that it does not provide the capacity for surveillance programs. Surveillance programs will allow an inspector or authorised person to monitor, inspect, test, take samples for testing and to photograph anything and to lay baits and set traps for the pest. Safeguards are also put in place to prevent surveillance being used as a backdoor power of entry.

This power of surveillance is a very important part of this bill tonight, and the minister might want to comment on this particular matter. After the previous investigation by AQIS and then having gone through more than two seasons of surveillance, inspections and so forth, the difficulties that then arose for Queensland in many cases were issues to do with surveillance. But of course to have the surveillance there does need to be this provision of proving this precedent of setting it as a serious pest.

The bill also provides that inspection and production of records be carried out to enable trace forward and trace back of records during a quarantine that relate to the movement of plants from or to an infected premises. Businesses involved in the movement and sale of host plants and persons in possession of a relevant business movement document must be required to keep the relevant document for seven years and produce these if requested by an inspector. Record keeping should be happening anyway in any normal well-run business in terms of accountancy and taxation records.

Consumers will be exempted from the record keeping and production requirements unless they are moving plants in a business—in other words, referring to people who buy plants from nurseries and so forth. I still think that that is an area of risk—that is, if there is ever a problem in backyards and so forth, how do we know where it has come from? Has it come from a flea market? Has it come from a registered nursery? When did they get it? How long did they have it and so forth? It is one niche of the whole process where, whilst we are getting improved surveillance and improved control and inspection methods relating to those people who are involved in full-time commercial business, there are other plants around the place that may possibly be a source of some disease at some particular time in the future.

The amendments also provide the capacity for inspectors to destroy infested host plants so as to manage the legal liability of the state by ensuring effective destruction in preventing the spread of the pest. Again, time is of the essence. It could well be, as I have said before, there could be environmental changes or the wind and the rainfall conditions could change. Therefore, it is important that they are able to put the plants in wind rows and are able to have a system of burning and destroying them as quickly as possible.

The amendments also prevent people seeking administrative review of decisions and actions that have been taken for notifiable pests in a pest quarantine area. A 28-day delay in carrying out a decision to act or meet the objectives of a quarantine notice or regulation while a review is heard is considered not acceptable and definitely not in the public interest of quarantining the affected area and the need to move quickly, and we agree with that. Another month would just be disastrous in some of these cases of notifiable pests, but certainly it does mean that the department needs to be in a position to accurately and swiftly identify these pests.

This bill also creates a new concept of a 'serious pest'. These serious pests are those plant pests which, if not eradicated, would cause significant public loss of environment, severe economic impacts on regions and the state economy, trade loss and serious effects on quality of life. A serious pest may be declared by regulation or notice, and the serious pests are actually listed in this bill.

The bill increases certain penalties for breaches of the act to reflect the gravity of the implications of non-compliance with control and eradication measures corresponding with those for equivalent quarantine offences relating to animal diseases such as foot-and-mouth disease. These maximum penalties under the act would now be 2,000 penalty units—that is, \$150,000—for serious offences in contravention of the act. These amendments also make it clear that there is a responsibility for executive officers to ensure that their corporations comply with the act.

I want to say some words about the lack of biosecurity funding in the recent budget, because this whole outbreak of citrus canker has demonstrated the importance of biosecurity to our state and to our nation and the importance of swift action. The Department of Primary Industries was able to undertake very swift action, and I think credit should be given. In the latter part of my speech, I will provide that particular credit. Staff had to be pulled out of various important duties right around the state. There simply were not any surplus staff at all because of the staff cutbacks that have occurred over the years.

Staff from all parts the state did a marvellous job. When the call came, they all went. It was a very difficult job—working in difficult conditions in suits and all the various quarantine cover over their bodies and so forth that they had to have, the processes that they had to go through to decontaminate themselves and simply the process looking at virtually tens, if not hundreds of thousands, of trees and trying to inspect all the various leaves and fruit and so forth in looking for this bacterium. It was a very difficult job for DPI staff and it shows the need to have adequate staff numbers in the DPI so that numbers of staff can be shifted at a moment's notice to various parts of the state if there are minor or medium problems that occur without disrupting other biosecurity services that of necessity have to continue 24 hours a day such as

stock inspections, tick line checks and the issuing of various permits and weigh bills that are so important to preventing the spread of disease.

So while the changes being made in this bill are welcome and necessary, the Queensland government must back up these sorts of legislative changes with more funding for biosecurity. The Queensland Fruit and Vegetable Growers, or Growcom as they are now known, was particularly critical of the Queensland government's inadequate biosecurity funding when the state budget was handed down in June. I would like to read from a media release of QFVG, or Growcom, that was issued on 16 June this year. It states—

Queensland Fruit & Vegetable Growers fears the horticulture industry may be placed more at risk of pest and disease outbreak following a lack of new plant industry biosecurity initiatives.

QFVG Chief Executive Officer Jan Davis said the industry had been regularly informed by the government before, during and since this year's election that it would increase biosecurity funding commitments in the budget.

...

We have been constantly assured by the government that it would show a strong commitment towards protecting our industry from pests and diseases but that is not the case.

Two years ago the government introduced new certification fees and promised improved biosecurity arrangements. We were assured more resources would be provided to plant biosecurity but this has not occurred.

Ms Davis went on to state—

According to the budget papers, the number of jobs in the biosecurity section of the Department of Primary Industries & Forestry is forecast to fall from 1050 to 932 next financial year, a loss of more than 10 per cent.

**Mr PALASZCZUK:** I rise to a point of order. We have spoken to Jan Davis in relation to this matter and she realises herself—and I will let her speak for herself—that there is no reduction in the staff of DPI. The 100 staff reduction is in the fire ant area. So the member should tell the truth.

**Mr HORAN:** The minister will get a chance to make his comments in his reply. So he should listen to what we have to say. Ms Davis continued to state—

Maintaining the 'clean and green' status is essential to the continued development of our industry, both domestically and internationally.

Biosecurity is an especially important priority for the horticulture industry in Queensland because we are often at the forefront of any new pest or disease outbreak, simply because of our geographic location and proximity to other island neighbours.

Ms Davis finished her press release by stating—

Horticulture is Queensland's second largest primary industry worth more than \$1.5 billion to the economy and employing 25,000 people but the importation of exotic pests and diseases can lead to crop damage as well as a loss of market access that would devastate our industry.

Those were the words of Jan Davis, the CEO of Growcom. They are not the words of the Nationals, although I certainly support what Ms Davis had to say. The reduction in DPI biosecurity staff and the industry's concerns about whether there are sufficient staff to deal with pest and disease outbreaks is something that the government can no longer ignore. The minister has stated that at one stage about 300 people were deployed in the citrus canker response with 120 additional inspectors having to be employed and many staff having to be brought in from interstate. The DPI staff do a great job, despite the fact that under the Beattie government and this particular minister they are constantly and have been constantly confronted by budget and staff cuts.

The Nationals have been particularly concerned about the continued withdrawal of DPI stock inspectors from rural and regional areas. DPI stock inspectors are at the forefront of the battle of biosecurity. It is DPI stock inspectors who not only see that there is compliance with all the travelling arrangements and regulations that are in place but also it is DPI stock inspectors who very often are the ones who can provide advice around a district and who are looked up to by people in the district as a source of information. People can go to many parts of Queensland now and would be flat out finding a stock inspector. As a result, people just do not have the information that they used to have, they do not have the first-hand knowledge and advice that they used to have and we simply do not have the strong, up-front protection that has been provided traditionally, particularly when it comes to livestock, by the provision of stock inspectors.

The removal of stock inspectors from many areas and the Beattie government's failure to fill positions that have been vacant, often for many months, has left a dangerous lack of disease monitoring in those areas which, in some cases, can be thousands of square kilometres in size. Recently I asked the minister a question on notice. As at 13 May 2004, as a result of asking that question, we have found out that there are five vacant inspector positions at Alpha, Charleville, Cloncurry, Quilpie and Yeerongpilly—all very important centres when it comes to disease control and disease prevention. Further, the minister reaffirmed his commitment to using third-party providers for cattle tick inspections rather than professional stock inspectors. His claim that this will enable the freeing up of inspectors' time so that existing inspectors can be utilised more effectively on higher priority biosecurity activities does not ring true

with us, because we know that all he is trying to do is to manage with an ever-decreasing budget because, with the Labor Party, primary industries just gets the crumbs off the table.

Earlier I mentioned the issue of the original quarantine inspections that took place on Evergreen following the allegations that had occurred about the importation of material. At the time, we were all concerned, but I know that I did not enter into the debate overly because I felt that the important thing was to allow the DPI to get on and get stuck into this particular project and to give support to all of those people who left their various posts to go to central Queensland and the department leaders, because that was the important thing to be done. But I want to reiterate that the executive director of Australian Quarantine Inspection Service said that officers from AQIS and QDPI were involved in the initial quarantine order—that is back in 2001. Information was also provided on the results of surveys on the property to Queensland authorities and industry in November 2001 through a national plant health consultative committee. It is good to see that joint Commonwealth and state cooperation continues in relation to the recent detection of disease on this property and that is how it should be. I certainly hope that what is brought forward in this bill will be of assistance in making sure that any of these future disease outbreaks can be controlled.

I said at the outset of my speech that it is essential that we have the very best biosecurity arrangements. In recent times there has been a lot of concern about the disease risks involved in the importation of bananas from the Philippines and the risk of fire blight from the importation of apples from New Zealand. I wrote to the federal minister about these particular concerns, and I wrote to the minister about the concerns people had about Biosecurity Australia—the organisation that is charged with the responsibility of scientifically examining whether or not a particular product can be brought in. In particular I stated in my letter that the scientists engaged in the various panels in Biosecurity Australia stated that something is an acceptable risk.

What may be an acceptable risk to somebody on a panel may not be an acceptable risk to someone who has a huge mortgage, who has a family to care for and who has lease payments to make. Their whole life—everything they have done and worked for in their life—depends upon their product being able to be sold, whether it is sold domestically or exported.

Biosecurity Australia was set up to take the politics out of these particular decisions, to assist Australia in developing an increasing trade. Australia has had the most amazing increase in export and trade over recent years, particularly since the Howard government came to power. We are an export driven nation. Whether it is the federal government or state governments that send delegations to increase exports, it is important to a nation of only 20 million people on a large continent to have a major and massive export industry. Exports give us our standard of living and our lifestyle, so it is important that exports are protected with a system of biosecurity that is absolutely watertight.

The minister is aware that DPI staff are involved in biosecurity panels on various issues. There are many panels for which people are selected to represent the various states and the different sectors of industry. It is mostly the growing industry, but it may also be the packing industry or other aspects of the industry. That system is used in order to provide us with the highest possible protection.

I turn to the issue of bananas. We in the National Party have been very concerned that Biosecurity Australia brought out a draft report that looked at the acceptability of bringing in bananas from the Philippines. Once a draft report is issued there is an opportunity for industry and industry sectors to criticise and examine that report. I congratulate the banana industry for providing such a good response to that. It pointed out the computer errors that occurred in setting out the risk analysis and brought about another review. I stress the importance of the scientific panels understanding what acceptable risk is.

Bananas from the Philippines have to be inspected in the field. They may have to be dipped in particular chemicals or may have to be held in cold storage for a particular time. In the case of fire blight they have to be held in cold storage for periods of time, be dipped and so forth. I do not think the consumers of Australia want to buy product that has had to be dipped in particular chemicals in case there is some disease present such as fire blight, black sigatoka or moko. I also think that is not an acceptable risk. It is very important that the scientists on the biosecurity panel have a practical understanding—it is important that they are selected for having a practical understanding—of the absolute importance of a foolproof, watertight biosecurity system that protects our export markets from devastation.

If anything has demonstrated how devastating that can be it is the citrus canker outbreak in Emerald. Members can only imagine the devastation of fire blight to Stanthorpe or the implications for Tully of disease coming in with Philippines bananas. In this case one property was affected. Almost 100 per cent of the trees had to be destroyed. I understand that some 1,000 acres—approximately 400 hectares—of trees were destroyed. That is massive. One report I read said that it was somewhere in the order of \$2.6 million worth of trees. They lost about \$1 million or more in production. It will be an absolute minimum of two years before they will be able to replant any of those trees, if clearance is provided. Over that period of time the lost income for that particular organisation could amount to many millions of dollars. One

organisation was affected by that particular outbreak, but honourable members can imagine if we had an outbreak in a whole district or if a whole area of Queensland was quarantined.

The important thing for Biosecurity Australia to realise in relation to things such as fire blight is that it is not just carried in the apple plant itself; it is also carried in other plants that are related to the apple species. We in Toowoomba have even heard that there are a number of plants in the gardens of Toowoomba that could be a vector. Just think of all the tourists who go to Stanthorpe and have a packed lunch on the bus. The odd person might throw an apple core out into the bush or whatever. The fire blight, if it is there, is in the core. Members can see how easily these things can be spread. I make those general statements about biosecurity and the importance of Biosecurity Australia in ensuring that our systems are absolutely watertight. I am pleased that the minister has made some changes to personnel and to the direction of Biosecurity Australia to see that our producers are protected at all costs.

I agree with what the minister said in his second reading speech, that it is critical to have the necessary legislative capacity to control and eradicate these devastating diseases when they do strike. The opposition will support the bill because we want the department and the staff of the department to have the tools and the wherewithal to take whatever action they need to take to stop the devastation of this disease and to protect the other producers in the area and in the state.

I take this opportunity to call on the Beattie government to ensure that there are sufficient staff in the DPI to combat pest and disease outbreaks when they occur. The fact that they were able to combat this outbreak so successfully this time does not address the issue of staffing shortfalls, because staff had to be pulled from other important places across the state.

We would all like to know—I am absolutely certain that DPI staff would like to know—how, where and why this disease outbreak occurred. It is very important to know that. No stone should be left unturned in finding out how this happened. The minister would certainly have the support of the Queensland Nationals in endeavouring to find that out. There are three ways this disease could have come in: by illegal importation, accidentally with some importation—that is highly unlikely—or otherwise accidentally. It did come into the Northern Territory twice in the 1990s. It might be worth looking at how it occurred in those cases. We need to know so that we can stop it in the future. If any individual was responsible for this, they need to have the book thrown at them.

I congratulate DPI Plant Health General Manager Chris Adriaansen and all of the DPI staff who have been involved in battling the citrus canker crisis. Their efforts under very trying circumstances have certainly been appreciated by everybody in Queensland, particularly the people involved in the citrus and horticulture industries.