



Speech by

Hon. Nita Cunningham

MEMBER FOR BUNDABERG

Hansard Wednesday, 1 September 2004

PLANT PROTECTION AMENDMENT BILL

Hon. N.I. CUNNINGHAM (Bundaberg—ALP) (4.33 p.m.): Australia really is a lucky country. We live on an island continent and this gives the produce we grow a distinct global advantage. Our fruit and vegetables, our crops and our livestock can grow in an environment relatively free from some of the worst pests and diseases that affect produce from all over the world. This gives us a distinct marketing advantage and a distinct farming advantage—advantages that we do not want to lose.

Queensland has its fair share of weeds, pests and diseases. It does not want any more and it does not need any further threats, particularly to its banana, apple or citrus industries, or to any of the horticulture industries that are so very important to my electorate of Bundaberg. Biosecurity is extremely important to our fruit and vegetable, cropping and livestock industries. The recent citrus canker outbreak in central Queensland demonstrated the importance of biosecurity, and it also demonstrated the Queensland government's capabilities in an emergency response situation.

The Department of Primary Industries and Fisheries deserves congratulations for its professional and efficient handling of that response, and it deserves recognition for dealing decisively with some very difficult and possibly disastrous situations—situations such as an uncooperative property owner, interstate market access issues, provision of surveillance staff and the surveillance power limitations of inspectors. These hurdles were overcome but not without the realisation that they could have stopped the emergency response in its tracks.

The Plant Protection Amendment Bill 2004 sets out to strengthen the current act in order to ensure that DPIF staff can continue their work in eradicating citrus canker without concern that recalcitrant property owners could stall proceedings by taking the government to court. During the recent outbreak, the DPIF exercised its powers under the Plant Protection Act 1989 to the fullest extent possible in order to control and eradicate canker from our state. However, the powers to eradicate host plants were challenged in the Supreme Court on two occasions.

In the first case, an injunction was sought. However, it was put aside. In the second case, the matter was heard. The court upheld the actions of the government, but the experience demonstrated that if governments are to be charged with the responsibility of tackling devastating exotic diseases like citrus canker they need the certainty from strong legislation of being able to apply the appropriate measures without the threat of being compromised through legal challenges. This bill will provide that certainty.

It is recognised that the ouster from any challenge, appeal or review under the Judicial Review Act 1991 removes the right of an affected person to challenge and seek review of a decision. However, the public benefit in the department being able to take necessary and timely action to prevent, control and eradicate a serious pest such as canker requires such a change, and it will be strictly limited to those most serious pests that are defined as serious pests under the act. The scope of this ouster will be further limited to destruction or restrictions on movement of host material and to surveillance in a specified area, and will not remove a person's right to sue for loss or damage.

A further amendment proposed in this bill is the insertion of proposed new sections 11C through to 11F regarding the keeping and production of business documents. Inspectors experienced difficulty in

conducting tracing of host plant movements during the canker emergency response. The present act was found to be deficient in not requiring persons moving host plants to keep relevant documents about the movements. It is critical that the movement of host material is able to be effectively traced to enable the DPIF to manage the emergency response. The act is therefore being amended to require persons moving host material of a pest to keep a copy of the relevant business documents for the movement and to give a copy of the document to the person receiving the host material. Both persons would be obligated to retain the business documents for seven years. Consumers are exempted from this requirement because it applies only to a business movement and it is limited to a pest quarantine being declared.

The emergency response to the recent citrus canker outbreak, although successful, exposed some areas of the current legislation that require strengthening. We need to ensure the future of Queensland citrus growers and, indeed, the future of any plant industry that may be affected by a disease outbreak. We need to ensure that Queensland's primary producers have protection for their prime source of income—their crops. So we need to ensure that our legislation is strong enough to withstand any challenges it may encounter in eradicating a pest or disease. I congratulate the Primary Industries Minister, who has moved quickly to bring forward this amendment bill, and I commend the bill to the House.