

The Senate

---

Rural and Regional Affairs  
and Transport Legislation  
Committee

---

The administration by the Department of  
Agriculture, Fisheries and Forestry of the  
citrus canker outbreak

June 2006

© Commonwealth of Australia  
ISBN 0 642 71657 9

This document was prepared by the Senate Rural and Regional Affairs and Transport Legislation Committee, and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

## Membership of the Committee

### *Members*

Senator the Hon. Bill Heffernan	LP, New South Wales	Chair
Senator Anne McEwen	ALP, South Australia	Deputy Chair
Senator Jeannie Ferris	LP, South Australia	
Senator Christine Milne	AG, Tasmania	
Senator Fiona Nash	NATS, New South Wales	
Senator Glenn Sterle	ALP, Western Australia	

### *Participating Members involved in the inquiry*

---

Senator McGauran  
Senator O'Brien  
Senator Stephens

### *Committee Secretariat*

Ms Maureen Weeks, Committee Secretary (until 7/11/05)  
Ms Roxane Le Guen, Committee Secretary  
Ms Trish Carling, Senior Research Officer  
Ms Rosalind McMahon, Executive Assistant

Parliament House, Canberra  
Telephone: (02) 6277 3511  
Facsimile (02) 6277 5811

**Internet:** [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

**Email:** [rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)



# TABLE OF CONTENTS

<b>Membership of the Committee</b> .....	<b>iii</b>
<b>Table of contents</b> .....	<b>v</b>
<b>Recommendations</b> .....	<b>vii</b>
<b>CHAPTER ONE</b> .....	<b>1</b>
<b>Introduction and conduct of the inquiry</b> .....	<b>1</b>
Background.....	1
Terms of reference.....	1
Conduct of the inquiry.....	2
The Committee's aim.....	3
Structure of the report.....	4
Acknowledgements .....	4
<b>CHAPTER TWO</b> .....	<b>5</b>
<b>A citrus canker outbreak in Emerald, Queensland</b> .....	<b>5</b>
What is citrus canker? .....	5
Prevalence of citrus canker.....	8
Previous Australian outbreaks.....	8
Plant protection in the Australian federal system.....	9
Preparedness to manage a citrus canker outbreak .....	12
The National Management Group (NMG) and the CCEPP .....	13
The Emergency Plant Pest Response Deed .....	13
The 2004 outbreak in Emerald .....	14
Positive cooperation .....	15
Conclusion .....	16
<b>CHAPTER THREE</b> .....	<b>17</b>
<b>DAFF's administration of the citrus canker outbreak</b> .....	<b>17</b>
AQIS' role and response to the 2001 allegations of illegal importation.....	17
The management of the emergency response – quarantine protocols.....	26

<b>CHAPTER FOUR.....</b>	<b>35</b>
<b>Impact of citrus canker on the Australian citrus industry.....</b>	<b>35</b>
The Australian citrus industry .....	35
<b>CHAPTER FIVE.....</b>	<b>43</b>
<b>Conclusion .....</b>	<b>43</b>
<b>Appendix 1 .....</b>	<b>53</b>
<b>List of Submissions .....</b>	<b>53</b>
<b>Appendix 2 .....</b>	<b>55</b>
<b>Witnesses who appeared before the Committee at Public Hearings .....</b>	<b>55</b>
<b>Appendix 3 .....</b>	<b>59</b>
<b>Note on Florida's citrus eradication program – the 'Florida protocol' .....</b>	<b>59</b>
<b>Appendix 4 .....</b>	<b>61</b>
<b>Assistance and Compensation Offered to Emerald Growers .....</b>	<b>61</b>
<b>Appendix 5 .....</b>	<b>65</b>
<b>Glossary .....</b>	<b>65</b>

## **List of Recommendations**

### **Recommendation 1**

**The committee recommends that Plant Health Australia immediately review the operations of both the National Management Group (NMG) and of the Consultative Committee on Emergency Plant Pests (CCEPP) to improve their performance during pest incursion emergencies. Regular reviews should also be conducted at least monthly during the management of such emergencies.**

### **Recommendation 2**

**The committee recommends that the Quarantine Act be amended to require a full inspection of relevant property and premises by AQIS' Compliance and Investigations Program officers within 3 working days of an allegation of illegal importation of material being brought to AQIS' attention.**

### **Recommendation 3**

**The committee recommends that AQIS develop a special Compliance and Investigations Unit drawn from permanent staff of the programme around the country and train it so that it can be sent at short notice to the appropriate area when the need arises. The committee also recommends that officers of the Australian Federal Police be involved in that training.**

### **Recommendation 4**

**The committee recommends that twice a year, the Commonwealth Ombudsman review all investigations carried out by AQIS to assess whether they have been conducted by appropriately trained staff, in a timely manner, in accordance with all the relevant legislation and according to the rules adopted by AQIS' executive.**

### **Recommendation 5**

**The committee recommends that the Department of Agriculture, Fisheries and Forestry (DAFF) and AQIS, liaise with the Attorney General's department to develop a joint strategy to ensure that it is appropriately prepared to deal with any possible industrial sabotage or bioterrorist attack against Australia's primary industries.**





# CHAPTER ONE

## Introduction and conduct of the inquiry

### Background

1.1 In May 2005 – during consideration of the 2005-06 Budget Estimates in relation to the Department of Agriculture, Fisheries and Forestry (DAFF) – the committee raised concerns about a reported outbreak of citrus canker in the town of Emerald, Queensland. The outbreak had been confirmed in July 2004.

1.2 During the Estimates inquiry process, the committee asked a number of questions in relation to:

- allegations of plant material being illegally imported into Australia;
- the role played by DAFF in terms of early intervention and the emergency response to the outbreak;
- the details of a 'Deed of Arrangement' entered into by AQIS with Pacific Century Productions Ltd (owners of a property called Evergreen Farms on which citrus canker was first detected);
- the progress being made in eradicating citrus canker; and
- the level of financial assistance being provided to affected producers.<sup>1</sup>

### Terms of reference

1.3 In order to pursue these issues in more detail, on 27 May 2005, the committee resolved to conduct an inquiry into:

The Department of Agriculture, Fisheries and Forestry's administration of the citrus canker invasion with particular reference to:

- (1) AQIS' response to the allegations of illegal importation of plant material;
- (2) The adoption of the quarantine protocols and management of the emergency response;
- (3) Cooperation between the Commonwealth and States, including funding issues;

---

1 Senate RRAT Committee, *Committee Hansard*, 25 May 2005, pp. 28-49

- (4) The impact of the incursion on the Australian citrus industry;
- (5) Prevention and management of future incursions; and
- (6) Other related matters.<sup>2</sup>

1.4 The committee adopted the inquiry of its own motion, under Senate Standing Order 25(2)(b), which allows legislation committees to inquire into the performance of the departments allocated to them.

### **Conduct of the inquiry**

1.5 Advertisements calling for submissions to the inquiry were placed in *The Australian* on 8 June, 22 June, 6 July, 20 July and 3 August 2005.

1.6 In addition to advertising in the press, the committee also contacted a number of interested persons and organisations advising them of the inquiry, and inviting submissions.

1.7 The committee received 13 written submissions on the reference. A list of submissions is provided in **Appendix 1**.

1.8 Following referral of the inquiry, the committee held a series hearings in the following locations:

<b>Canberra</b>	15 June 2005
<b>Canberra</b>	22 June 2005
<b>Brisbane</b>	27 July 2005
<b>Emerald</b>	28 July 2005
<b>Canberra</b>	12 August 2005
<b>Canberra</b>	14 September 2005
<b>Canberra</b>	1 March 2006
<b>Canberra</b>	29 March 2006

1.9 The *Hansard* transcript of all public hearings is available on the Hansard website at [www.aph.gov.au](http://www.aph.gov.au).

1.10 The committee took evidence from more than 35 witnesses, including representatives of industry organisations, citrus growers, individuals employed in the citrus industry and community representatives. The committee also took evidence

---

2 Minutes of Private Meeting held on Friday, 27 May 2005, Parliament House, Canberra

---

from representatives of government bodies – both Commonwealth and state. A list of witnesses is provided in **Appendix 2**.

### **The Committee's aim**

1.11 At each of the public hearings held during the inquiry, the committee's Chair stated that the committee's main aim in this inquiry was to seek the facts, not to apportion blame. The committee is aware that in spite of this, there are high expectations, especially among those affected by the citrus canker outbreak that, in its report, the committee will finally unveil who are the culprits. This is not the focus of this report.

1.12 The committee was able to collect evidence that had not been available previously. The committee is grateful to the witnesses who appeared before it for their willingness to give evidence and it will return to this later in this report.

1.13 The worst of the citrus canker emergency appears to have passed. The committee does not doubt the ability of the officers of the agencies involved in the fight against canker to review their actions and draw lessons for the future. However, the committee hopes that its inquiry will assist that process. The committee is also aware that the Minister for Agriculture, Fisheries and Forestry has requested that a review be carried out into the technical aspects of how the outbreak was managed.<sup>3</sup>

1.14 Having looked at the new evidence that became available through its inquiry and with the benefit of hindsight, it is clear to the committee that mistakes were made by AQIS' compliance unit in the handling of the 2001 investigations and by DAFF and the Queensland Department of Primary Industries and Fisheries in dealing with the 2004 citrus canker outbreak. By pointing to some of these mistakes, the committee hopes to make a positive contribution to the review process to ensure that, in the event of another plant or animal pest outbreak, those mistakes are not repeated.

1.15 The impact of the citrus canker outbreak was not limited to a few citrus growers in Emerald. The whole community was affected and it also had an impact on the wider region. There are lessons to be learned from this pest outbreak, and not just for the bureaucrats who had to manage the emergency response or for the officers at the coalface. The lessons are for all Australians who travel overseas and who are tempted to bring back illegal plant and animal material.

1.16 A short film of the devastation wreaked upon the Emerald community by the canker outbreak should be made and shown on all incoming flights into this country. It would deter the majority of Australians from breaching quarantine laws. But there are lessons in this sad episode also for growers, farmers and for all farm employees: early detection of pests and the willingness to report them is crucial to avoiding this type of economic and personal disaster.

## **Structure of the report**

1.17 Chapter 1 is an introduction to the committee's inquiry.

1.18 Chapter 2 gives some background information on citrus canker and gives an overview of how the Commonwealth and the states deal with plant protection in the Australian federal system.

1.19 Chapter 3 considers issues to do with DAFF's administration of the citrus canker outbreak, particularly AQIS' response to the allegations of illegal importation of plant material and looks at AQIS' management of the quarantine and emergency responses to the outbreak.

1.20 Chapter 4 looks at the impact that the citrus canker outbreak has had on growers and on the community in Emerald, Queensland.

1.21 Chapter 5 states the committee's conclusions and recommendations.

## **Acknowledgements**

1.22 The committee acknowledges the contribution of all those individuals and organisations who prepared written submissions and those who appeared as witnesses, sometimes at great cost to themselves. Their work has assisted the committee considerably in its inquiry.

1.23 Above all, the committee acknowledges the contribution made to the fight against imported plant pests by the whistleblower, Mr Wayne Gillies. Citrus canker was not detected as a result of his action. It may not have been present at the time, in 2001, but as the subsequent outbreak in Emerald shows, every breach of quarantine has potentially disastrous consequences and it is crucial to alert the authorities early to stop any pest incursion before it gets out of hand.

1.24 Mr Gillies has suffered considerably as a result of his action, including experiencing severe stress and having to leave Emerald to live elsewhere. The committee commends him for taking a stand. The committee strongly believes that more must be done to protect whistleblowers and it urges governments, employers, industry groups and members of the public to see this as a common responsibility.

# CHAPTER TWO

## A citrus canker outbreak in Emerald, Queensland

### What is citrus canker?

2.1 Citrus canker is a highly contagious plant disease caused by the bacterium *Xanthomonas axonopodis* pv. *citri*. Citrus canker affects plants in the Rutaceae family, including those from the genera *Citrus*, *Fortunella* and *Poncirus*.<sup>1</sup>

### Strains

2.2 There are a number of distinct types of citrus canker disease caused by various pathovars and variants of the bacterium. The Asiatic variety of citrus canker (Canker A), is caused by a group of strains originally found in Asia and is the most widespread and severe form of the disease. While grapefruit, lime and trifoliate orange stock are particularly susceptible to Canker A, it also affects most other varieties of citrus, including mandarin, tangerine, satsuma and kumquat. Minor genetic variations of citrus canker strains have been detected in the A strains in Florida and other citrus growing regions of the world.

2.3 The canker most commonly called Cancrosis B is caused by a group of strains originally found in South America. This canker affects lemons, Mexican lime, sour orange, and pummelo and is easily distinguished from strains of the Canker A group.

2.4 A strain referred to as Cancrosis C has also been isolated, after being found in Mexican lime in Brazil. The only other known host for this particular bacterium is sour orange and strains of this particular group are not easily differentiated from the Cancrosis B group.

2.5 A fourth group of strains, known as A\*, has been found in Oman, Saudi Arabia, Iran and India. This group, which is limited in host range to Mexican lime, appears to be quite distinct from the common A strains.

2.6 In 1981 there were reports of an additional strain – also found to affect Mexican limes, in Mexico – named Canker D. However, the official identification of this particular strain remains controversial.

---

1 The information regarding citrus canker included in this Chapter is based on material contained in the *National Citrus Industry Biosecurity Plan: Pest Risk Review*, Plant Health Australia, March 2004; the Department of Primary Industries and Fisheries (Queensland) website, [www.dpi.qld.gov.au/health](http://www.dpi.qld.gov.au/health) and the United States Department of Agriculture's website, [www.aphis.usda.gov/ppq/ep/citruscanker/background.html](http://www.aphis.usda.gov/ppq/ep/citruscanker/background.html)

2.7 The symptoms of the various strains are generally similar, and a specific strain may only be distinguished by scientific testing.

### ***Symptoms***

2.8 Citrus canker has characteristic symptoms which can appear on the leaves, stems and fruit of an infected plant. Typically, small yellow marks (approximately the size of pin heads) appear on the leaves. These develop into small, pimply, watery spots which become more spongy and scab-like over time and progress from white to tan as they grow.

2.9 Young lesions appear raised on both leaf surfaces, but are usually more apparent on the lower surface. As the lesions age and thicken, they become corky and often develop a brown, crater-like depression in the centre. The edges of the lesions are frequently watery and yellow-brown in appearance, fading to green, with a surrounding yellow ring or halo.

2.10 Following leaf infection, the symptoms typically spread onto stems, and eventually to branches. Cankers can occur on woody stems, the bark may develop discoloured areas, and dieback of stems coupled with internal reddening can occur. Ripening fruit on infected trees are also targets for infection and affected fruit may develop scabs or pitting.

2.11 In the initial stages of the disease, lesions on the rind of fruit often resemble large oil glands. These lesions then gradually darken and become scab-like or cork-like in texture. Typically, lesions are round, and occur either singly or in groups.

2.12 Canker lesions can vary in size between 5-10mm depending on host susceptibility and the number of infection cycles. When conditions are dry, lesions remain corky or spongy in appearance. When exposed to wet conditions, however, lesions can expand rapidly, and take on a flatter, water-soaked appearance.

2.13 Historically, citrus canker has had a serious impact on local citrus industries whenever infections have been detected. A serious citrus canker infection can cause defoliation, dieback, and premature fruit drop. The disease can also retard the growth of young trees and set back maturity for several years. Most significantly, the leaf, stem and fruit blemishing directly reduces both the quantity and quality of fruit, and leads to infected fruit becoming less valuable or completely unmarketable.

### ***Life cycle and means of transmission***

2.14 New outbreaks of citrus canker usually occur when new shoots are emerging or when fruit are at an early stage of development. Canker bacteria can enter through a plant's stomatal openings (the pores in the surface of leaves through which air normally enters the leaves), or through natural openings and wounds. A plant's susceptibility to infection can decline with maturity and the first ninety days after petal fall are the most critical for fruit infection.

2.15 Later infection results in the formation of small and inconspicuous pustules only. Latent infections can occur on shoots infected in autumn just before dormancy, with over-wintering bacteria forming lesions the following spring.

2.16 The citrus canker bacterium can survive for up to ten months in lesions on citrus. The bacterium can also survive for long periods in diseased plant tissue (including discoloured bark tissue on tree trunks and limbs) in plant debris, as an epiphyte<sup>2</sup> on host and non-host plants, as a weak saprophyte<sup>3</sup>, on straw mulch or in soil. The viability of the bacteria decreases rapidly with exposure to sunlight or with contact with soil micro-organisms. The bacterium does not survive well on the surface of citrus leaves or in buried leaf litter. Dry, diseased leaves can, however, harbour the bacteria for two to three months.

2.17 Over-wintering lesions, especially those formed on angular shoots, are the most important source of inoculum for the following season. During spring rains, dormant bacteria within the cankers multiply, ooze out of lesions, and spread to new shoots and leaves and, when aided by wind and rain, can spread to other plants in the area.

2.18 There is a higher risk of fresh infections from over-wintered lesions in leaf or stem tissues where the initial infection occurred in autumn. Because infections initiated in autumn are the freshest before entering winter, they will carry a higher bacterial load than lesions formed in summer, for instance. Similarly, bacterial levels in susceptible host plants will be higher than in a tolerant variety. However, bacterium is able to survive in low levels through winter in the lesions formed the previous spring, provided conditions are mild.

2.19 Infection of young leaves in late autumn, prior to the plant entering dormancy, can occur without the development of symptoms. As environmental conditions become more favourable, bacterial populations increase, canker lesions are formed and a new infection cycle can commence.

2.20 The most destructive phase of the disease tends to be after heavy rains, (particularly during spring) and when the average temperature is greater than 20 degrees centigrade. Dispersal of the citrus canker bacterium within a tree canopy is aided by free moisture. Over short distances, wind-driven rain, air currents, insects, birds and human movement can spread the canker pathogen. Overhead or spray irrigation can escalate the rate of disease spread in an orchard.

2.21 Over longer distances, dispersal is most common when infected plant material is moved between areas. This includes bud wood, rootstock, seedlings and budded

---

2 A plant (such as a tropical orchid or staghorn) that grows on another plant upon which it depends for mechanical support but not for nutrients

3 An organism, especially a fungus or bacterium, that grows on and derives its nourishment from dead or decaying organic matter

trees, but less commonly fruit or leaves. Movement of straw or mulch, contaminated clothing, tools, harvest and post-harvest equipment are also potential sources of infection. However, the bacteria responsible for citrus canker is able to survive on inanimate objects for less than 72 hours, which means that if the contaminated item immediately comes into contact with host plant material, there is an increased risk of spreading the disease.

### **Prevalence of citrus canker**

2.22 Citrus canker is not an endemic bacterial disease in Australia, however it has had a serious impact on citrus industries in other parts of the world.

2.23 Citrus canker is believed to have originated in areas of South-east Asia and India, and has since spread to most parts of the world. It is common in many tropical and subtropical citrus growing areas of the world including Japan, some parts of west and central Africa, the Middle East, southern Asia (including Indonesia), the Pacific Islands (including Papua New Guinea), some areas of South America and Florida in the United States.

2.24 The disease is particularly widespread in China, Japan, Malaysia and Vietnam and is also present on Christmas and Cocos Islands.

2.25 Australian citrus growing areas with climatic conditions particularly suited to the establishment of citrus canker include the Central Burnett region of Queensland, the Central Coast region of New South Wales and Darwin in the Northern Territory. Other major citrus production areas, such as the Riverland, Riverina and Sunraysia districts are situated in much drier regions, making them less suitable areas climatically for the establishment of the canker bacterium.

### **Previous Australian outbreaks**

2.26 The first recorded outbreak of citrus canker was in the Northern Territory in 1912. The initial occurrence of the disease took 11 years to fully eradicate and resulted in the destruction of every citrus tree north of latitude 19 degrees south.

2.27 In 1984, a program to eradicate citrus canker from Thursday Island was initiated following the detection of the disease. Over a two year period a total of 10 citrus trees were found to have canker symptoms and were destroyed. No symptoms of citrus canker have been observed on Thursday Island since February 1986, and the disease was declared eradicated in September 1988.

2.28 Citrus canker was detected in the Northern Territory again in 1991 and 1993. These incursions, at the Lambell's Lagoon subdivision, about 50 kilometres from Darwin, affected a small number of pummelo citrus trees. All affected trees were destroyed, and the area was intensively monitored for two years. Citrus canker was officially declared eradicated in the Northern Territory in 1995.



2.29 The 1991-1993 incidence of citrus canker in the Northern Territory was the last confirmed outbreak of citrus canker in Australia until the disease was found in an orchard in Emerald, Queensland in late June 2004.

2.30 The importation of propagation material or fresh fruit from overseas is one of the most likely ways citrus canker has been able to enter Australia. Travellers to Australia who illegally import citrus plant material have been identified as one of the primary risk pathways for the introduction of citrus canker into the country. Authorities regularly intercept material infected with citrus canker from air flight passenger baggage coming in from Asia and arriving in Brisbane, Sydney or Melbourne. Infected material has also been found in postal items.<sup>4</sup>

## **Plant protection in the Australian federal system**

### ***Cooperation between the Commonwealth and the states***

2.31 In the Australian federal system, the Commonwealth and the states share responsibility for plant protection. The Commonwealth *Quarantine Act 1908*, the *Quarantine Proclamation 1998* and the *Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 1999* operate alongside state legislation to cover all issues relating to plant protection matters in Australia.

### ***Department of Agriculture, Fisheries and Forestry***

2.32 All investigations into allegations of illegal importation of plant material are conducted under the Commonwealth's Quarantine Act, which is administered by the Department of Agriculture, Fisheries and Forestry (DAFF). The Act provides for:

- the prevention or control of the introduction, establishment or spread of diseases or pests that will or could cause significant damage to human beings, animals, plants, other aspects of the environment or economic activities;
- the declaration of a quarantinable disease;
- the declaration of a quarantine area; and
- a prohibition on the removal of plants and goods from any part of Australia.

2.33 In addition to administering the Quarantine Act, DAFF meets its quarantine obligations through:

- risk assessments and scientific advice provided by Biosecurity Australia (BA);

---

4 *National Citrus Industry Biosecurity Plan: Pest Risk Review*, Plant Health Australia, March 2004, p. 9

- quarantine measures applied by the Australian Quarantine and Inspection Service (AQIS) at points of entry into Australia;
- involvement in specific measures at the immediate post-border level.

2.34 A key role of the department is the national coordination of responses to emergency pest and disease outbreaks which is handled by the Product Integrity Animal and Plant Health Division of DAFF.<sup>5</sup>

### ***State powers and legislation***

2.35 Each state and territory jurisdiction has separate quarantine and/or plant health legislation which prescribes their responsibilities and powers. While all those involved agree that uniform legislation across the states and the commonwealth would provide a stronger framework for emergency management, that uniformity is still some way off, and the Commonwealth, states and industry are yet to agree on the best way to achieve it.

2.36 According to DAFF:

Overall, the State agencies are reasonably well placed in terms of their legislative powers to respond to new pest incursions. However, there are some areas where actions to contain or eradicate an outbreak may be constrained by legislation, namely:

Few States have specific powers to destroy healthy plants or to establish buffer zones to prevent the spread of an outbreak.<sup>6</sup>

2.37 The committee was concerned to hear that only Tasmania and Victoria have passed the necessary legislation to restrict the movement of people into or out of an area affected by a pest. The committee strongly urges all states to learn from the experience afforded by the citrus canker outbreak in Queensland and to review their legislation in consultation with other states and the relevant commonwealth agencies. A swift response to any disease outbreak is crucial and it is often only possible on the basis of sound legislation.

2.38 In relation to pest incursions and quarantine issues, state agencies have primary responsibility for:

- post-entry surveillance and any incursions that occur in their jurisdiction;
- inter and intrastate quarantine operations;
- the detection of new pest and disease outbreaks; and
- the collection of data on the status of animal and plant health.

---

5 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 6

6 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 22

---

**Plant Health Australia - PLANTPLAN**

2.39 In April 2000, a joint industry and government-owned body known as Plant Health Australia (PHA) was established. PHA is a Corporations Law company with membership that includes representatives from federal, state and territory governments, and national representatives of plant industry organisations. PHA is charged with coordinating national priorities for plant health, and it has emphasised the need to develop an integrated approach to national plant health policy development and implementation. In particular, PHA has concentrated on emergency preparedness and response in the event of a plant pest incursion.<sup>7</sup>

2.40 PHA's approach has been to develop PLANTPLAN – an emergency plant pest response guide – as a framework for management of infrastructure, actions and communications through all sectors involved in any response to a disease.<sup>8</sup> PLANTPLAN also includes a formal cost sharing agreement which covers government and industry funding arrangements in the event of Emergency Plant Pest (EPP) incursions.<sup>9</sup>

2.41 In accordance with PLANTPLAN guidelines, there are four phases of response to an Emergency Plant Pest (EPP) incursion:

- (i) **Investigation Phase** – A pest is detected and reported to the Chief Plant Health Manager (CPHM) of the state/territory agriculture department. The process of identification is initiated and the relevant people and organisations are notified of the suspected detection.
- (ii) **Alert Phase** – Identification of the pest is confirmed and the outbreak is declared. The Chief Plant Protection Officer (CPPO) convenes a meeting of the Consultative Committee on Emergency Plant Pests (CCEPP). The CCEPP will determine the feasibility of eradication and make a recommendation to the National Management Group (NMG). If the NMG decides to proceed with the eradication campaign, the CCEPP will oversee the preparation of an EPP Response Plan by the lead Agency(s). The resource requirements needed to implement the response and costings for the eradication program will be identified. The NMG will approve the EPP Response Plan and the national cost sharing arrangements to fund the campaign.
- (iii) **Operational Phase** – The Lead Agency(s) in the state(s)/territory(s) in which the incursion occurs will implement

---

7 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 7

8 Details of PLANTPLAN are at: <http://www.planthealthaustralia.com.au/plantplan/files/asp>

9 Plant Health Australia, *PLANTPLAN: Australian Emergency Plant Pest Response Plan, Version 1*, July 2004, p. ii and p. 6

and manage the EPP Response Plan overseen by the CCEPP. The Lead Agency(s) will provide regular reports to the CCEPP on the progress of the campaign. If relevant, a Scientific Advisory Panel (SAP) will evaluate the effectiveness of the response and its implementation.

- (iv) **Stand Down Phase** – After the coordinated response is completed or if a review determines that eradication is not feasible, records of expenditure and technical reports are provided to PHA so that each state and territory's share of the cost can be calculated.<sup>10</sup>

2.42 Three of the four phases listed above have been implemented in Emerald in response to the citrus canker outbreak with varying degrees of success. Since the Emerald outbreak proved to be the first opportunity to put in practice the PLANTPLAN guidelines, a number of lessons have been learnt about how the plan operates in practice, which should enable Plant Health Australia to refine the guidelines to provide a better response in the event of another emergency.

### **Preparedness to manage a citrus canker outbreak**

2.43 In March 2004, prior to the confirmation of the outbreak of canker in Emerald, government and industry had specifically identified citrus canker as a disease that posed a possible threat to the Australian citrus industry. The Office of the Chief Plant Protection Officer in DAFF, in consultation with Australian citrus industry organisations prepared a *Draft Contingency Plan for Citrus Canker* to form the basis for the emergency management of any future disease incursion.<sup>11</sup>

2.44 The Plan was based on the fire blight contingency plan, the international phytosanitary standards and the experience of the Florida Department of Agriculture and Consumer Services in dealing with citrus canker.<sup>12</sup>

2.45 In addition to summarising both the Australian experience and international practices to contain and/or eradicate citrus canker, the Plan identified two main principles for the eradication of citrus canker:

- (i) stopping the multiplication of bacteria on infected plants; and
- (ii) preventing contact between non-infected susceptible plants and the citrus canker bacterium.<sup>13</sup>

---

10 Plant Health Australia, *PLANTPLAN: Australian Emergency Plant Pest Response Plan, Version 1*, July 2004, p. ix

11 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 14

12 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 15

13 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 14

---

## **The National Management Group (NMG) and the CCEPP**

2.46 Under PLANTPLAN, the response to the canker pest was managed jointly by the Commonwealth and the state of Queensland, under the auspices of the Primary Industries Ministerial Council/Primary Industries Standing Committee framework with the other states involved through the Citrus Canker National Management Group (NMG), a body that comprised the CEOs of all state and territory agricultural agencies and the chairs of Australian Citrus Growers and of Plant Health Australia.

2.47 A national Consultative Committee on Emergency Plant Pests (CCEPP) was also convened to develop the control and eradication programme. The NMG made determinations to deal with the outbreak based on the advice received from the CCEPP.<sup>14</sup> Both the CCEPP and the NMG were guided in their work by the *Draft Contingency Plan for Citrus Canker*.

2.48 The committee will comment on the operations of the NMG and of the CCEPP in Chapter 3.

## **The Emergency Plant Pest Response Deed**

2.49 In addition to providing a set of national guidelines for responding to emergency plant pest incursions, PLANTPLAN also includes a formal cost sharing agreement which covers government and industry funding arrangements in the event of Emergency Plant Pest (EPP) incursions.<sup>15</sup>

2.50 Unfortunately, when citrus canker was detected in Emerald, the Emergency Plant Pest Response Deed (EPPRD)<sup>16</sup> was still being developed and its signing and ratification was still fifteen months away. This had serious ramifications for the way an important part of the management response to the emergency was handled, namely, the central issue of funding the response to the pest incursion and compensating the affected growers.

2.51 After five years of negotiation, the EPPRD was ratified on 26 October 2005 by the Commonwealth government, all state and territory governments and thirteen plant industry members. In the event of a future outbreak, it will be used as a template for deciding the funding arrangements: government and plant industry signatories will share the costs, based on an assessment of the relative private and public benefits flowing from the eradication of the particular pest involved.

---

14 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 13

15 Plant Health Australia, *PLANTPLAN: Australian Emergency Plant Pest Response Plan, Version 1*, July 2004, p. ii and p. 6

16 Note: For full details about the Emergency Plant Pest Response Deed (EPPRD), see Plant Health Australia's website at:  
[http://www.planthealthaustralia.com.au/project\\_documents/display\\_document.asp?category=15&ID=211](http://www.planthealthaustralia.com.au/project_documents/display_document.asp?category=15&ID=211)

2.52 This means that some of the problems that arose in the early phase of the emergency at Emerald should be avoided. Plant industry body Growcom submitted to the committee that the Commonwealth and state agencies at the forefront of the fight against citrus canker cooperated well and would have achieved more if the funding issue had not worked against greater cooperation:

While there has been a certain level of political manoeuvring around the outbreak, at a professional bureaucratic level there has been reasonable discussion, cooperation and cohesion among the technical and bureaucratic staff involved in responding to and managing the outbreak.<sup>17</sup>

With an agreement in place, the fundamental principles of funding the program would not have been an issue. Rather, the technical approach to responding to the outbreak... could have been the prime focus of all stakeholders.<sup>18</sup>

2.53 The committee hopes that through the implementation of the EPPRD that the type of issues listed above will be addressed in future to the satisfaction of farmers affected by pest incursions. The Deed also details the timing of cost sharing arrangements. It is proposed that funding will commence once the National Management Group endorses a recommendation from the Consultative Committee on Emergency Plant Pests (CCEPP) to eradicate a new pest incursion. The National Management Group will also make the final decision on when cost sharing should cease. This is likely to follow a recommendation from CCEPP that eradication has been achieved or is no longer technically or economically feasible.<sup>19</sup>

2.54 The committee is pleased to note that the principles underpinning the EPPRD and the guidelines for the reimbursement of owner costs include:

- growers being no worse off, or better off, as a result of reporting a suspected exotic pest incursion; and
- social justice for growers who, through no fault of their own, are seriously affected by a decision to eradicate an exotic pest.

### **The 2004 outbreak in Emerald**

2.55 On 28 June 2004, a private employee of Evergreen Farms sent a sample of what he suspected was citrus canker to the Queensland Department of Primary Industries and Fisheries (QDPI). Tests were conducted and on 2 July 2004, QDPI confirmed the sample as being infected with citrus canker in accordance with the protocols established by PLANTPLAN.<sup>20</sup> Under PLANTPLAN, Queensland was

---

17 *Submission 11*, Growcom, p. 6

18 *Submission 11*, Growcom, p. 10

19 Plant Health Australia, *PLANTPLAN: Australian Emergency Plant Pest Response Plan, Version 1*, July 2004, p. 7

20 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 3

---

responsible for developing the emergency response using the *Draft Contingency Plan for Citrus Canker* as a basis for action.

2.56 The Draft Contingency Plan advocated that, with National Management Group approval, the quarantine area to be treated should include all infested trees and all citrus canker hosts within a defined area of an infected tree, an approach based on the one used on canker infested citrus plantations in Florida and often referred to by witnesses to the inquiry as "the Florida protocol" (see **Appendix 3** for more details).<sup>21</sup>

2.57 In the case of Emerald, the Consultative Committee on Emergency Plant Pests (CCEPP) determined to operate at the maximum level and set the radius of the destruction zone at 600 metres.<sup>22</sup> A quarantine area was declared and steps taken to eradicate the canker on Evergreen Farms using the so-called 'cookie-cutter' approach of destroying trees within a 600 metre radius of where citrus canker had been found, imposing a quarantine zone of 3.2 kilometre radius around it and a buffer zone involving intense surveillance of a further 3.2 kilometre radius around the quarantine zone.

2.58 While this process was being implemented, citrus canker was detected on a second property (2PH Farms) and a third (the Iddles' property) in the Emerald district on 5 October 2004 and 23 May 2005 respectively. As stated earlier, the committee decided to conduct an inquiry into the outbreak in May 2005.

### **Positive cooperation**

2.59 The committee deals with the way in which the *Draft Contingency Plan for Citrus Canker* was implemented in response to the Emerald outbreak and reviews the operation of the various management and consultative groups set up under PLANTPLAN in the following chapter.

2.60 Inevitably, since it was the first time that those response mechanisms were being put in practice, there were some problems, which the committee will address in the next chapter. But the evidence before the committee suggests that, from the time AQIS informed the relevant Queensland state government agency of the situation, officers of QDPI and AQIS cooperated fully with each other and worked well together throughout the 2001 investigation of possible illegal importation and the management of the emergency response to the canker outbreak in 2004.

2.61 For example, an association of Queensland's fruit and vegetable growers trading as Growcom, who dealt with the government agencies involved told the Committee that:

While there has been a certain level of political manoeuvring around the outbreak, at a professional bureaucratic level, there has been reasonable

---

21 See Note on the Florida Protocol, Appendix 3

22 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 14

discussion, cooperation and cohesion among technical and bureaucratic staff involved in responding to and managing the outbreak.<sup>23</sup>

2.62 Growcom welcomed the level of professionalism shown and stressed that it was absolutely essential that it be maintained because under the Emergency Plant Pest Response Deed:

... industries and governments will be looking to invest in biosecurity matters and will only do so where there is confidence in the operations and implementation of those investments.<sup>24</sup>

## Conclusion

2.63 The committee is strongly of the view that, as a result of the lessons learnt in Emerald, all states must ensure that they have legislation in place to ensure that appropriate compensation measures are available to affected growers. In the case of Emerald, Queensland state legislation provided for compensation only where healthy plants were destroyed to prevent the spread of the pest. DAFF told the committee:

There is no uniform position across the States on the matter of compensation for losses incurred as a result of eradication action;

For example, only the Queensland *Plant Protection Act 1989* provides for compensation of owners of healthy plants that are destroyed as part of a response programme; growers in a similar position in other States are not entitled to compensation.<sup>25</sup>

2.64 Funding of the eradication programme and compensation for affected growers are issues that lie at the heart of the implementation of any emergency programme in response to a pest incursion. Not only because the issue of how the costs are shared has the potential to influence the decisions made by the Consultative Committee<sup>26</sup> but also because it determines the level of cooperation that the response team can expect from the affected growers. It is also a key element of any rebuilding program after a pest incursion has been successfully dealt with.

---

23 *Submission 11*, Growcom, p. 6

24 *Submission 11*, Growcom, p. 6

25 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 22

26 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 22, Footnote No. 12



# CHAPTER THREE

## DAFF's administration of the citrus canker outbreak

### AQIS' role and response to the 2001 allegations of illegal importation

3.1 In addition to its quarantine role, one of the central roles of AQIS is its investigatory role where there is evidence that the Quarantine Act or the Export Control Act has been breached. It is AQIS' Compliance and Investigations Unit which is charged with gathering evidence for submission to the Commonwealth Director of Public Prosecutions (DPP) who then makes a decision regarding whether there is sufficient evidence to prosecute.<sup>1</sup>

3.2 AQIS was first made aware of the possible illegal entry of plant material into the Emerald region on 12 June 2001. A telephone call made to the AQIS 'Redline' number, alleged that the owner and employees of Evergreen Farms (owned by Pacific Century Production Pty Ltd) had been involved in smuggling plant cuttings into Australia.<sup>2</sup>

3.3 The caller (Mr Wayne Gillies) alleged that the persons concerned had been involved in the illegal importation of grapes, lychees and citrus cuttings as well as paw-paw and melon seeds.<sup>3</sup>

3.4 AQIS officers responded to the allegations of illegal importation by checking "AQIS databases to determine whether permits had been granted to import material; obtaining a statement of disease risk; checking on the travel movements of the people associated with the Evergreen Farms property and making enquiries with the State and Territory departments of agriculture to determine if the citrus variety 'Ponkan' was already in Australia. They also took a statement from Mr Gillies."<sup>4</sup> Those steps took several weeks to complete, following which AQIS applied for a search warrant to investigate the Evergreen Farms property.

#### *Execution of search warrant*

3.5 The search warrant was granted on 23 July 2001, six weeks after the Redline call and it was executed on the morning of 26 July 2001. AQIS had previously contacted officers of the Queensland Department of Primary Industries and Fisheries (QDPI) to request that an entomologist assist AQIS by identifying

---

1 Ms Meryl Stanton, Department of Agriculture, Fisheries and Forestry, *Committee Hansard*, 22 June 2005, p. 2

2 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 2

3 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 8

4 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 8

any established insect pests in order to eliminate them from investigations of possible exotic insect species (no insect pests were found on the plants inspected).

3.6 The team executing the warrant also included AQIS Compliance and Investigations Unit officers, AQIS scientists, and quarantine officers based both in Brisbane and Gladstone. As is normal practice, the local Queensland Police were also notified of the action in case of any breaches of the peace.<sup>5</sup>

3.7 In executing the search warrant, AQIS officers searched those parts of the property identified by the informant (Mr Wayne Gillies) and took cuttings of both the grape and citrus plants which were alleged to have been illegally imported.

### ***Questioning of Evergreen Farms employees***

3.8 AQIS gave evidence to the committee that, on the day that the warrant was executed, its officers questioned a number of staff in relation to the allegations but that, apart from the original informant, five Evergreen Farms' staff members questioned denied any knowledge of illegal imports of bud wood.<sup>6</sup>

3.9 The committee notes that in evidence to its inquiry, several of those staff members challenged AQIS' version of events and stated that AQIS had failed to interview them:

**Chair:** You were not interviewed back when this all occurred and when the place was put into quarantine?

**Mr Ienco:** No

**Chair:** There was no approach?

**Mr Ienco:** No<sup>7</sup>

**Mr Iddles:** I asked him (the nursery manager, Robin Price) whether he would come forward with information or talk to us. He was only too pleased to help and when asked whether he had been questioned by the AQIS officers he said, 'Only very briefly.' They sort of brushed past him and did not really want to know him.<sup>8</sup>

---

5 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 8

6 Answers to Questions on Notice put by the committee at Canberra Public Hearing, 22 June 2005, p. 4 and *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 2

7 Mr Ienco, *Committee Hansard*, 15 June 2005, pp. 9, 25 and 29

8 Mr Iddles, *Committee Hansard*, 28 June 2005, p. 2

---

**Mr Price:** No. I have never been interviewed by any government department... I have never formally been interviewed. AQIS has spoken to me... There has been no, what I call, formal interview.<sup>9</sup>

3.10 In contrast, AQIS' Queensland Regional Compliance Manager, Mr Young, gave evidence that all Evergreen staff members (with the exception of Mr Gillies) were questioned by him for up to 15 minutes about possible illegal importation on 26 July 2001 – in the presence of their employer:

We were not able to speak to them in private on the property because Michelle King, the director of Evergreen Farms, accompanied them and us while we conducted the search.<sup>10</sup>

3.11 Mr Young also told the committee that he went back to Emerald in 2001, to give potential witnesses the opportunity to speak to him 'off the property' and again, after the 2004 outbreak of citrus canker:

I went back to Emerald. I made two trips to Emerald in an attempt to obtain evidence from any witness who was prepared to come forward. People in the industry up there had made contact with the people who were still employed, at that time, on Evergreen. They were given the opportunity to speak to me off the property as I had no legal right to go back onto the property. That offer was not accepted by those people, including Mr Ienco. I then contacted him earlier this year. He recalls our conversation on the property on the day we executed the warrant, so what he said about not being spoken to is not factual. I did speak to him on the day and I asked him the same questions as I asked all the other employees.

3.12 The committee notes that the widely-held perception in Emerald and among Queensland Citrus Growers that AQIS lacked resolve in pursuing its investigations is based on a perception that AQIS failed to interview the former employees of Evergreen Farms who were willing to tell their story:

There were obvious lines of investigation that we could see that they did not appear to follow. We could only scratch our heads and say: 'Why didn't they look into this? Why didn't they look into that?' There were a number of people they did not interview, as we have already seen this afternoon. I just felt that they were not really determined to get to the bottom of it.<sup>11</sup>

3.13 Those employees were certainly willing witnesses to the committee's inquiry. However, the committee's inquiry was held four years after the event. By then Emerald had suffered the devastation of citrus canker – an imported plant disease. The committee does not discount the possibility that its inquiry came at a time when those witnesses who had first-hand knowledge of the unusual plant

---

9 Mr Price, *Committee Hansard*, 15 June 2005, pp.19 and 29

10 Mr Young, *Committee Hansard*, 22 June 2005, p. 3

11 Mr Simpson, *Committee Hansard*, 15 June 2005, p. 48

material that they were being asked to plant at Evergreen farms, decided that it was time to back Mr Gillies' allegations.

3.14 It is also possible that, under parliamentary privilege and with the benefit of hindsight, they were willing to reveal things to the Senate inquiry that they might not have been prepared to talk about in 2001 when AQIS was trying to ask them questions to corroborate Mr Gillies' allegations.

3.15 The committee is aware that in April 2005, just before it began its inquiry into the outbreak, Emerald citrus growers posted a reward of \$250,000 dollars to "anyone with information that leads to a successful prosecution under the (Queensland) Plant Protection Act 1989".<sup>12</sup>

3.16 The committee notes that the affidavit from Mr Steve Watson, dated 7 August 2001 and tendered to the federal court of Australia suggests that Mr Watson (one of AQIS' Senior Compliance officers who executed the search warrant at Evergreen Farms on 26 July 2001) believed that there may have been prohibited plant material at Evergreen.<sup>13</sup> It is a pity that, on that day, the AQIS' team failed to force entry to the locked room next to the laundry (which it had the power to do under the provisions of the search warrant) and that it failed to pursue subsequently, the many employees and potential witnesses who had been reluctant to talk to them on 26 July 2001, in the presence of Ms Michelle King, the director of Evergreen Farms.

### ***Sample testing and identification of virus***

3.17 Initial testing of the citrus material taken from Evergreen Farms on 26 July 2001 showed no evidence of citrus canker, but indicated the presence of citrus tatter leaf virus (CTLV) and the possible presence of citrus tristeza virus (CTV). Further tests resulted in the final report confirming that:

- samples were positive for citrus tatter leaf virus; and
- samples were positive for genotypes of citrus tristeza virus that have not previously been characterised in Australia.<sup>14</sup>

3.18 However, QDPI explained to the committee that it was never "conclusively demonstrated that an exotic strain of the (CTV) virus was involved...the virus could be endemic, but not previously detected, or could have evolved independently from local strains."<sup>15</sup>

---

12 ABC National Rural News, Friday, 8 April 2005.

13 Steve Watson, Affidavit dated 7 August 2001, Document No. 9 provided to the Committee by DAFF

14 *Submission 12*, Department of Agriculture, Fisheries and Forestry, pp. 2 and 9 and *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 9

15 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 10

---

### ***Involvement of consultative committee***

3.19 Following the detection of CTLV and CTV, the Commonwealth Chief Plant Protection Officer convened a meeting of the Consultative Committee on Emergency Plant Pests (CCEPP). The meeting was held via teleconference on 14 November 2001, to discuss the progress of disease testing on the citrus samples from Evergreen Farms and the possibility of conducting a survey of the Emerald district for the presence of CTLV and exotic strains of CTV.

3.20 Participants in the teleconference included representatives of commonwealth, state and territory authorities, industry representatives (including the owners of the 2PH property) and legal representatives from Evergreen Farms.<sup>16</sup>

3.21 One of the key decisions of the CCEPP was that the Office of the Chief Plant Protection Officer, AQIS and the QDPI would develop a proposal for sampling and testing citrus in the Emerald area for evidence of CTLV and CTV; since these two viruses had been isolated from material seized by AQIS from Evergreen Farms.

3.22 QDPI told the committee in their submission that the department had developed a protocol to enable surveillance of Emerald citrus orchards for CTV and CTLV. All citrus growing properties in the district were to be surveyed and sampled commencing in May 2002.

### ***The failed surveillance plan***

3.23 QDPI explained that the proposed CTV and CTLV surveillance program did not go ahead because:

- the confidential agreement involved controls over movement of plant material and on-going surveillance on the property by AQIS inspectors but not QDPI inspectors;
- even though it had been agreed nationally that surveys be undertaken, conduct of the surveys depended on cooperation of Emerald growers in giving inspectors permission to enter their properties;
- despite extensive negotiations, permission was not provided by growers for QDPI inspectors to enter properties; and
- action could not be taken under the *Plant Protection Act 1989* because its provisions related to exotic pests and diseases, and as no exotic pest had been found on the property, the power to enter any premises and take samples was not available.<sup>17</sup>

---

16 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 12

17 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 12

3.24 In his evidence, Mr John Pressler denied vigorously that he had refused to cooperate with the authorities regarding the proposed surveillance program. Mr Pressler indicated that he had merely stated the conditions under which he would cooperate.<sup>18</sup>

We were prepared to continue negotiating but they (Bill Roberts's group, plant health) just said: 'No, we're not going to do it.'<sup>19</sup>

3.25 QDPI gave evidence to the committee that, on being contacted, they advised lawyers for 2PH Farms to contact the Commonwealth Chief Plant Protection Officer regarding the release of survey and sampling results. The lawyers were told that:

- it is normal practice for the Consultative Committee to release only general information about any survey;
- detailed results from an individual property are only provided to the owner of that property; and
- the Consultative Committee was unable to give any undertaking regarding the release of survey or sampling results.<sup>20</sup>

3.26 DAFF and QDPI told the committee that there were indications that all citrus growers in the district were willing to cooperate but the key property was 2PH because it represented over fifty per cent of the citrus trees growing in Emerald at that time.<sup>21 22</sup>

3.27 By the time the committee conducted its inquiry, the other citrus growers in Emerald disagreed with AQIS' and QDPI' claims that they had been willing to go ahead with the surveillance plan without conditions attached. They gave evidence that they too were only willing to give permission for QDPI to survey their property on condition that the surveillance provisions in the Deed of Arrangement between PCP and AQIS be made public.<sup>23</sup>

3.28 In view of the subsequent outbreak of citrus canker at Emerald, it is particularly unfortunate that the proposed surveillance program did not go ahead. The committee recognises that the surveillance was for other viruses than canker (CTV and CTLV) but greater vigilance might have assisted early detection.

---

18 Note: The conditions being that he be given access to the details of the confidential Deed of Arrangement between AQIS and PCP, as well as the results of the tests done on all other properties.

19 Mr J Pressler, *Committee Hansard*, 28 July 2005, p. 21

20 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 11

21 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 12

22 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 11

23 Note: The Deed of Arrangement was finally made public only in July 2004

3.29 The committee notes that Queensland has since amended its legislation and now has the power to enter onto private property and undertake surveys and testing if QDPI has reasonable grounds to believe that property to be infested with a quarantinable disease.<sup>24</sup> The owners' express permission is no longer required.

3.30 The committee urges all the states and territories to examine their legislation to ensure that they have the power to inspect and quarantine properties when there are grounds to believe that an exotic plant or plants may be present. The situation that arose in Queensland when there was suspicion of illegal importation but no power to enter and inspect the premises to confirm it, shows this to be a crucial issue.

3.31 In evidence to the Committee, AQIS affirmed its belief that its powers under the Quarantine Act are adequate to enable it to move quickly and list a disease that is not currently listed on the schedule to the Act, should listing become necessary.<sup>25</sup> The Committee is very concerned that illegal importation of plants combined with climate change may cause new strains of diseases to spread in areas where they may not have posed a threat previously.

3.32 The Committee would find it unacceptable for AQIS to discover after the event that an exotic disease has been allowed to spread while AQIS has been focussing its attention on getting it listed in the Quarantine Act rather than devoting all its resources to combating the disease.

### ***Handling of plant material taken from Evergreen Farms***

3.33 Queensland Citrus Growers Inc. submitted to the committee that in the view of its members, there were several unsatisfactory aspects to the way AQIS executed the search warrant on 26 July 2001:

With samples being handled poorly with some of them dying, becoming damaged, or being lost in transit (industry was concerned about evidence being lost).<sup>26</sup>

3.34 In response to the criticism that the search warrant had not been conducted in a professional manner, DAFF told the committee:

Contrary to the suggestion of some, the plant material taken from the property was handled carefully. The grape and citrus cuttings were packaged in plastic bags by the AQIS Senior Plant Pathologist and placed inside a sealed polystyrene box which was in turn placed inside a cardboard carton and sent to the AQIS Eastern Creek Post Entry Plant Quarantine

---

24 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p.3

25 Ms J Gordon, *Committee Hansard*, 1 March 2006, p. 14

26 *Submission 1*, Queensland Citrus Growers Inc, p. 3

Facility (Eastern Creek) for testing to determine the variety and disease status.<sup>27</sup>

3.35 DAFF gave evidence that subsequent testing, completed in February 2002, did identify an atypical strain of CTV, but that there was insufficient evidence to confirm whether the strain of CTV found is exotic to Australia. It told the committee that the CTV strain identified, "was not under State quarantine control, nor was there evidence that it caused overt disease in the citrus on Evergreen Farms or neighbouring properties."<sup>28</sup>

3.36 Citrus plants grown from the material seized from Evergreen Farms on 26 July 2001 are still being held at the Eastern Creek Post Entry Plant Quarantine facility. It is important to note, that in the nearly five years that have elapsed since 2001, the plants have fruited three times and continue to show no evidence of citrus canker.

3.37 Tests conducted on the grape material collected from Evergreen Farms have also shown no evidence of exotic diseases, including Pierce's Disease.

3.38 AQIS could not establish either whether the citrus variety involved was Emperor (which is grown in Australia) or Ponkan (which is not grown here) because the testing technology currently available does not allow it to distinguish between the two varieties.<sup>29</sup> The committee believes that is one of many factors that have contributed to citrus growers' lack of confidence in the federal department's processes and commitment to stamping out illegal importation.

3.39 It is significant that, while the results of the tests might have proven that the plants were foreign to this country, they would not have constituted proof of illegal importation by the particular grower involved. AQIS' Executive Director, Ms Stanton, pointed this out to the committee:

It gives you no indication whatsoever about where that material may have come from, whether it has been illegally imported and, if so, by whom.<sup>30</sup>

### ***Investigation after the 2004 outbreak***

3.40 AQIS completed its inquiries into the 2001 allegations in October 2003 and put a brief of evidence for the consideration of the Commonwealth Director of Public Prosecutions (CDPP). In April 2004, the CDPP advised that he had come to the conclusion that there was insufficient evidence to mount a successful prosecution against any individual or company.

---

27 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 9

28 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 9

29 Dr Roberts, *Committee Hansard*, 22 June 2005, p. 10

30 Ms Stanton, *Committee Hansard*, 22 June 2005, p. 16



3.41 The AQIS investigation into possible illegal importation of plant material by Mr Phillip Cea of Pacific Century Production Pty Ltd and Evergreen Farms was re-opened after the Senate committee heard evidence in public, in July 2005, from several former employees of Evergreen Farms. Witnesses gave evidence for example that the bud wood they were being asked to plant in 2001 had been 'different' to the norm.

3.42 Mr Price, the nursery manager at Evergreen Farms from March 2000 to April 2002 told the committee:

I do not know where the material came from. At the time, particularly in relation to the citrus, the boys that were working with me and I thought it was dodgy.

**Senator Ferris:** Why did you think it was dodgy?

**Mr Price:** Mainly because the bud wood, or bud sticks, were old. They were not good, fresh buds; they were very flat, old buds... It looked a lot different.<sup>31</sup>

3.43 Witnesses appearing before the committee were critical of several aspects of AQIS' investigation, including the apparent failure to pursue with Mr Cea, the provenance of the bud wood that he had asked his employees to plant in 2000:

It is relatively easy to know where they came from... Obviously, if there is a block of 500 or 600 trees in an area, and you are asked where they came from, and you said they came from say, Mountain Creek Nursery, or if you were asked, 'Where's your receipt?' and you said, 'I've lost it' or something, wouldn't you go back to Mountain View Nursery, and say, 'Maurie Iddles got 600 trees from here,' and they would be able to go back through their records and trace it that way?... Even with bud wood, you are able to trace where the bud wood comes from.<sup>32</sup>

3.44 It is not clear to the committee why AQIS' investigators did not pursue issues such as the provenance of the bud wood. The committee deplores this attitude. It would like to stress its view that it is of the utmost importance to send a strong message to potential offenders against Australia's quarantine laws that they will be pursued. The committee is deeply concerned that that message was not sent on this occasion.

3.45 When AQIS presented the second brief of evidence to the Commonwealth DPP in late 2005, CDPP advised that:

Although there are grounds for suspecting that Mr Cea or others under his direction committed one or more offences against section 67(1), the

---

31 Mr Price, *Committee Hansard*, 15 June 2005, pp. 19 and 20

32 Mr Iddles, *Committee Hansard*, 28 June 2005, p. 6

available evidence is not sufficient to justify the commencement of prosecution proceedings against him.<sup>33</sup>

### **The management of the emergency response – quarantine protocols**

3.46 On 26 July 2001, the same day that it executed the search warrant, AQIS issued an Order under Section 55 of the Quarantine Act to place Evergreen Farms, the property owned by Pacific Century Production (PCP) under quarantine in order to manage the risks associated with the possible existence of illegal plant material on the property. A further Order was issued on 27 July 2001 to prevent the unauthorised removal of the quarantine signage on the property.

3.47 On 1 August 2001, PCP challenged the validity of the quarantine order in the Federal Court.<sup>34</sup> AQIS received legal advice on the issues raised by PCP in their application to the Court and subsequently issued a new Order into Quarantine under Section 35 of the Quarantine Act. The new Order limited quarantine control to the plants, plant material and the machinery associated with the elected plant and plant material that was allegedly illegally imported. The Order was in force for a period of six weeks – the estimated amount of time the initial disease testing would take to complete.

3.48 On 17 August 2001, the Court found that the AQIS officer responsible had information before him sufficient to form an opinion that the plants were likely to be affected with a quarantinable disease. The Court also found that the applicants had been provided with the opportunity to respond to the allegations and that the requirements of procedural fairness had been met.

3.49 On 18 September 2001, the Quarantine Order was extended to 13 November 2001, to allow further testing of the seized plant material to be completed. PCP subsequently appealed the Court's decision to the Full Federal Court. On 12 October 2001, the Court ruled that the Quarantine Order was valid.

3.50 During this time, PCP continued to seek approval from AQIS to harvest the grape crop from the Evergreen Farms property, and argued that the quarantine arrangements were resulting in significant commercial losses – particularly as it was the height of the picking season. Legal advice obtained by AQIS at the time indicated that if quarantine restrictions were maintained in the face of PCP's demands and no quarantine risk material was ultimately detected, AQIS would be open to legal action by PCP to recover substantial damages for commercial losses.

---

33 Tabled document, Advice dated 14 February 2006, from the Commonwealth Director of Public Prosecutions to Mr A Young, Manager, AQIS Compliance and Investigations, Qld

34 Note: It is worth noting that while PCP was challenging all of AQIS' actions in court, it was also seeking support from QDPI to assist it in having the quarantine removed, (see *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 8)

3.51 AQIS was also concerned that without hard evidence of a quarantinable disease or illegal importation, it wouldn't be able legally to continue to maintain a Quarantine Order on the plants on the Evergreen Farms property. Therefore, in order to be able to monitor the grapes on the property over a long period and ultimately determine whether they were infected with a quarantinable disease, AQIS indicated that it would be prepared to lift the Quarantine Order under certain conditions. The conditions involved PCP agreeing to destroy all of the citrus in block 182 (the block identified by Mr Wayne Gillies) in addition to allowing regular AQIS monitoring of the entire property for up to three years.<sup>35</sup>

3.52 AQIS' initial offer was rejected by PCP on 8 October 2001, and PCP sought instead to enter into a Compliance Agreement under Section 66B of the Quarantine Act to harvest the grape crop. AQIS formally refused that application on 10 October 2001, indicating that a Compliance Agreement would have allowed PCP to harvest the grape crop without any on the spot supervision. AQIS wanted to be in a position to supervise the picking and packing of the grape crop to ensure that no vegetative material left the property prior to confirmation that no illegal importation had occurred and that no quarantinable disease existed. PCP lodged an appeal against the AQIS decision and a hearing was set down for 23 October 2001.

3.53 AQIS was particularly concerned about the potential for Pierce's Disease – a disease that was devastating grape crops in California – to be introduced into Australia. Pierce's disease was of particular concern because the informant (Mr Wayne Gillies) had indicated that the illegal grape material had been smuggled from California.

3.54 As mentioned in paragraph 3.23, at the time, Queensland DPI did not have the legislative power to enter Evergreen Farms to survey plants or control the movement of plants from the property. Both QDPI and AQIS received legal advice in relation to the interpretation of the *Quarantine Act 1908* and possible action under the *Plant Protection Act 1989* that indicated that the best course of action would be to negotiate a quarantine undertaking with the land owners to allow a surveillance program to be implemented.

3.55 It was against this background, and with a view to maintaining the capacity to pursue its investigations and monitor both the citrus and grape plants on the property for signs of exotic diseases that AQIS entered into a Deed of Arrangement with PCP Ltd on 22 October 2001 – the day before PCP's appeal was to be heard.

3.56 The Deed set out arrangements which:

- allowed PCP to harvest their grape crop under the supervision of AQIS;
- required PCP to destroy (under AQIS supervision) the citrus that had allegedly been illegally imported;

- gave AQIS the right under specified conditions to go onto the property and monitor the grape and citrus plants on the property for up to eighteen months; and
- provided for the terms to remain confidential between the parties (which is in accordance with normal practice for agreements to settle legal actions).<sup>36</sup>

### ***AQIS monitoring of Evergreen Farms property***

3.57 Under the terms of the Deed of Arrangement, AQIS undertook four surveys on Evergreen Farms. The citrus trees were inspected on 24 October 2001, 5 December 2001, and 10 December 2002 and the grape plants were surveyed on 1 May 2002.<sup>37</sup>

3.58 According to AQIS, the surveys of the property were planned following discussions with the Commonwealth Chief Plant Protection Officer and specifically targeted those parts of the orchards adjacent to the areas identified in the initial allegations of illegal importation.

3.59 In its submission, AQIS told the committee that its officers inspected plants for symptoms of disease and took samples for testing. Other than CTV, no signs of quarantinable diseases were found. The blocks inspected repeatedly included block 182, (inspected three times) the area mentioned in the informant's call to AQIS, and also blocks 171, 172 and 173 (inspected twice). Nine other citrus blocks were also inspected.<sup>38</sup>

### ***A scientific approach***

3.60 AQIS explained to the committee that the final survey was conducted in December 2002 on the advice of the Chief Plant Protection Officer, who advised that the period during the initial wet season growth was the most appropriate time for conducting inspections and testing for diseases. Any additional surveillance towards the end of the wet season was judged unlikely to yield additional evidence.

3.61 It is easy to assess a situation with the benefit of hindsight and the committee does not underestimate the difficulty of making decisions in a crisis situation such as the one posed by the citrus canker outbreak. It is nevertheless important to point out that, in the committee's view, the decision to terminate the surveying at this point was an example of over-reliance on scientific data to the exclusion of other considerations.

---

36 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 11

37 Answers provided to AQIS02 and AQIS04, Questions on Notice, Budget Estimates, 25 and 26 May 2005, pp. 19 and 21

38 Answer provided to AQIS 04, Questions on Notice, Budget Estimates, 25 and 26 May 2005, p. 21

3.62 While not discarding the crucial role of scientific advice in combating a pest outbreak of this type (a role recognised and valued by industry)<sup>39</sup> one industry group, Growcom, told the Committee that:

The NMG and other consultative and advisory groups remained steadfast behind a 'scientific approach' (and) therefore did not include the social or economic perspectives when analysing information and making decisions.

3.63 Growcom asserts that government departments and regulators have a propensity to default to their own 'in-house' scientific data/information sources when an outbreak occurs, which has the effect of limiting their ability to assess the situation in a holistic manner.<sup>40</sup>

3.64 This narrow-focussed scientific approach had some disastrous consequences for Emerald. The worst aspect of it was that it was applied with less flexibility than what was called for. The NMG pursued for almost a year, the so-called 'Florida protocol' to combat the outbreak. The protocol had been agreed as part of the *Draft Contingency Plan for Citrus Canker* as the method of choice to fight small outbreaks: it is only in the face of the third farm becoming infected that that approach was abandoned for the more drastic complete destruction of all trees in the district.

3.65 The result increased the citrus industry's scepticism that the best decisions were those based on what the NMG thought was sound science without recourse to the practical advice of those facing the disease on their farms. Matters were not helped by the failure of those managing the citrus canker response to visit the affected farms and the Emerald area. This failure to visit the area was a major contributor to the breakdown in communications between government and the growers. Growcom commented:

The National Management Group and Scientific Advisory Panel did not visit the Emerald quarantine area to gain "on the ground" knowledge of the incursion. This did not bridge the gap, but rather contributed to it, between government and industry.<sup>41</sup>

### ***Communications***

3.66 As stated earlier, under the Australian federal system a prospective quarantine matter is managed by two levels of government, one federal and one state. Thus, unless there are firm protocols to guide the management of the flow of information to those affected, confusion can reign and lead to frustration on the part of stakeholders. This is what happened in this case.

---

39 *Submission 11* Growcom, pp. 5 and 11

40 *Submission 11* Growcom, p. 11

41 *Submission 11*, Growcom, p. 11

3.67 The majority of witnesses to the inquiry were highly critical of the lack of information coming from AQIS following the signing of the Deed of Arrangement between AQIS and PCP Ltd on 22 October 2001. The committee understands that it is standard legal practice for such out of court settlements to be confidential. The committee is of the opinion, however, that AQIS could have made a greater effort to establish a communication bridge to the Emerald citrus growers and to explain the reason why the Deed had to remain confidential.

3.68 The confidentiality clause was non-negotiable but the perception developed in Emerald that it was cloaked in secrecy because AQIS favoured PCP Ltd in some way. Unfounded as this idea was, it became a widely-held view among Emerald citrus growers and others. To this day, it colours the local growers' perception of how the initial investigations and the subsequent canker outbreak were managed by both the government agencies involved.<sup>42</sup>

3.69 This is in spite of the fact that Queensland Citrus Growers, for example, acknowledged in evidence to the committee that in the early stages of managing the citrus canker outbreak, the Queensland state agency kept the lines of communication open:

At the grass roots level the DPI&F communicated fairly well with the Queensland industry, until the latter stages of the program. Growers were kept informed of every development in the program through the frequent Citrus Canker Updates, and the DPI&F's Biosecurity manager regularly participated in QCG teleconferences to brief the QCG of developments.<sup>43</sup>

3.70 Queensland Citrus Growers pointed to tensions later on:

However, briefings dropped off after the initial emergency phase, and as the DPI&F and QCG's views diverged on issues such as the total destruction proposal.

3.71 At that stage, and in the absence of anyone else to act as a source of information for growers, QCG assumed the role of 'communicator' but citrus grower groups resented the fact that this interfered with QCG's "lead role as the conduit and champion of the industry."<sup>44</sup>

3.72 In its submission to the committee, QDPI recognised that communications had broken down when it became more difficult to resolve the issues that arose. It advocated the appointment of a 'Relationships Manager' to enable "response authorities to deal specifically with affected individuals, parties and industries in a

---

42 See, for example, Queensland Citrus Growers, *Committee Hansard*, 15 June 2005, Growcom, *Committee Hansard*, 15 June 2005 and Mr J. Pressler, 2PH Farms, *Committee Hansard*, 28 July 2005

43 *Submission 2*, Australian Citrus Growers, p. 17

44 *Submission 11*, Growcom, p. 11

response situation."<sup>45</sup> Growcom bemoaned the fact that a stated intention for the NMG to appoint an 'Industry Liaison' person was never pursued and recommended that such a person be appointed in future to keep stakeholders and the public informed of the decisions of the NMG.<sup>46</sup>

### ***Criticisms of the NMG and the CCEPP***

3.73 The National Management Group (NMG) was made up of representatives nine different organisations, including six state governments. The Consultative Committee on Emergency Plant Pests (CCEPP) had more members than the NMG because in addition to the federal and state governments representatives and the Plant Health Australia representative, it had three industry representatives compared to the NMG's one.

3.74 Of the six state government representatives on both committees, at least five became rather less concerned about the citrus canker outbreak when, after the first six weeks, it became obvious that the disease had not spread beyond Queensland. According to the industry representatives represented on CCEPP, this had a negative effect on the way in which the Consultative Committee operated. Queensland Citrus Growers (QCG) explained in its submission that:

Notwithstanding their qualifications, the interstate government members of CCEPP had little knowledge of citrus canker. For the most part the CCEPP relied on the acquired expertise of the QDPI&F, and mostly rubber-stamped proposals and recommendations put forward by Queensland...

...CCEPP participants often exhibited a lack of confidence resulting in considerable indecision. They frequently took a "follow-the-leader" approach to decision making after one person was prepared to take a decision. Accordingly, their decisions tended to be overly conservative, being made on the basis of caution in the face of lack of knowledge, rather than with confidence on the basis of sound science.<sup>47</sup>

3.75 Another industry group, Growcom, stated that the CCEPP did not operate in the most efficient way:

CCEPP meetings were normally arranged at short notice, lacked structure and had inadequate follow-up/reporting mechanisms. This resulted in a disjointed approach to information gathering and dissemination.<sup>48</sup>

3.76 Even if the crisis situation in which CCEPP had to operate at first explains the first two criticisms made by Growcom (meetings at short notice and lack of structure of those meetings), there is no excuse for the lack of follow-up which is a

---

45 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, pp. 42-43

46 *Submission 11*, Growcom, p. 5 and 12

47 *Submission 1A*, Queensland Citrus Growers Inc, pp. 5 and 6

48 *Submission 11*, Growcom, p. 6

crucial aspect of managing the effect of a crisis situation on those facing severe loss.

3.77 Both industry groups pointed to the confidentiality in which NMG and CCEPP operated as being a problem:

The processes and decisions of the NMG were confidential therefore adding to the confusion ...It is strongly suggested that future NMG processes and decisions be visually accountable and that the decisions are conveyed to the relevant stakeholders and the general public in a prompt manner.<sup>49</sup>

Confidentiality of CCEPP and NMG meetings has made it difficult for QCG and other industry representatives to communicate decisions and outcomes back to the industry bodies, and to the growers they represent. This improved with time when CCEPP released discussion points for general distribution.<sup>50</sup>

3.78 Australian Citrus Growers Inc. submitted to the committee that, while recognising the difficult challenges involved in doing so, the major consultative bodies managing the response to a pest outbreak must change their focus on a scientific approach to the exclusion of other factors:

SAP (Scientific Advisory Panel), CCEPP and the National Management Group (NMG) look at the technical issues in isolation, without considering the social and economic implications to growers.<sup>51</sup>

3.79 This view was echoed by both Growcom and QCG who expressed the growers' frustration that decisions affecting their daily lives and income were being taken elsewhere and that the NMG did not visit Emerald to gain 'on the ground' knowledge of the incursion.<sup>52</sup>

QCG believes that the CCEPP has been remiss in not having visited Emerald to inspect the outbreak site and acquire a first hand appreciation of the program they have been managing. Many decision making problems observed at CCEPP meetings stemmed from a lack of knowledge of the local geography and conditions, of the industry in the local area, or an understanding of the implementation of the program at the coal-face.<sup>53</sup>

3.80 This failure to establish a connection with the growers and their plight was a key contributor to the growing gap between the positions of government and the industry, although both groups had a common goal – to eradicate canker as efficiently as possible.

---

49 *Submission 11*, Growcom, p. 6

50 *Submission 1A*, Queensland Citrus Growers, p. 6

51 *Submission 2*, Australian Citrus Growers, p. 11

52 *Submission 11*, Growcom, p. 11

53 *Submission 1A*, Queensland Citrus Growers, p. 6



3.81 It is the view of the committee, on the basis of the evidence put to it, that the operations of the CCEPP and the NMG must be reviewed to assess whether a smaller decision-making group might not work better in some circumstances.

### **Recommendation 1**

**The committee recommends that Plant Health Australia immediately review the operations of both the National Management Group (NMG) and of the Consultative Committee on Emergency Plant Pests (CCEPP) to improve their performance during pest incursion emergencies. Regular reviews should also be conducted at least monthly during the management of such emergencies.**

#### *Awareness raising*

3.82 The committee notes that in the five years since the allegations of illegal plant importation were made, the federal government has funded an extensive information campaign (*Quarantine Matters!*) to raise the level of awareness of each individual's responsibility in regard to bringing potentially dangerous material into Australia from overseas.<sup>54</sup>

3.83 Farm employees generally, including the many travellers who work as casual fruit pickers on fruit farms need to be particularly aware of the danger they could pose unwittingly if they do not take care. Growers have a special responsibility to ensure that their employees exercise the greatest vigilance. QDPI stated in its submission that:

Early detection is essential to maximise the chances of eradication and minimise the impacts of incursion. While state and territory agencies have specific roles and responsibilities in surveillance, the greatest capacity for surveillance exists within the group that is constantly in contact with crops and therefore most likely to make the earliest possible detection – the growers themselves.<sup>55</sup>

3.84 From the point of view of managing a pest incursion, the lesson to be learnt from the citrus canker situation in Emerald is that industry groups have a large role to play in providing a lead for affected growers. The EPPRD will be the framework in which this can happen. The committee understands that PHA is concentrating on getting each agricultural industry group to develop Industry Biosecurity Plans and Incursion Management Plans to be better prepared in the event of an emergency.<sup>56</sup> The committee urges all industry groups to take heed of the lessons learnt in the citrus canker disaster and to focus on developing the appropriate plans.

---

54 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 17

55 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 35

56 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 17



# CHAPTER FOUR

## Impact of citrus canker on the Australian citrus industry

### The Australian citrus industry

4.1 The citrus industry is one of Australia's larger horticultural industries, with citrus production averaging approximately 680 000 tonnes over the past five years. The citrus industry is also Australia's largest fresh fruit exporting industry, with citrus exports of \$201 million in 2002/03 and \$153 million in 2003/04. The gross value of national production was more than \$508 million in 2002/03, of which Queensland produced approximately 22 percent.<sup>1</sup>

4.2 The Queensland Department of Primary Industries and Fisheries' submission stated that from the perspective of the Australian citrus industry as a whole, "the loss of production at Emerald will have little impact" and offered this explanation:

In fact, Mr Barry Scott, General Manager of Gayndah Packers Cooperative Association is quoted in the 12 May 2005 'Queensland Country Life' as saying that 'prices were slightly higher than last year, due to Emerald's absence from the market'. Therefore, there has been an incentive under current arrangements for other districts to keep Emerald out of the domestic market for competitive purposes.<sup>2</sup>

### *Citrus plantations in Emerald*

4.3 Emerald is a relatively new area for citrus growing. However, production has increased significantly over recent years – by 140.7 percent between 1993 and 2001 – and the region now produces over half of the total value of fruit and vegetable production for the region. Prior to the outbreak of citrus canker in the Emerald district, the local industry had expanded to approximately 472 000 trees, which represented 25 percent of the Queensland industry and around five percent of the national industry.<sup>3</sup>

4.4 Unfortunately, Emerald citrus growers had no other crops to fall back on. Growcom explained that horticultural enterprises in Emerald "tend to have a relatively high degree of specialisation in one or two crops, for example citrus and table grapes, with minor production of others". It also pointed out that the citrus farms tend to be above that of the industry average.<sup>4</sup> Since it is in their area that

---

1 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 30, and *Submission 11*, Growcom, Appendix B, p.14

2 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 30

3 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 30

4 *Submission 11*, Growcom, Appendix B, p.14

canker had been found, the Emerald growers had been hit the hardest. Mr Nick Ulcoq of the Queensland Citrus Growers estimated their financial losses as "conservatively...at over \$100 million."<sup>5</sup>

4.5 According to the 2PH Farms' submission, prior to the citrus canker outbreak, the number of citrus trees in the Emerald district could be estimated as follows:

•	Evergreen Farms	152 000
•	2PH Farms	243 000
•	Joe Cordoma	40 000
•	Cottrell's	30 000
•	Selma Citrus (Iddles)	7 000
	<b>Total citrus trees</b>	<b>472 000</b>

4.6 The 2PH submission also summarised the average gross value of production (per tree) from the different varieties of citrus planted in the area as follows:

•	Lemon Trees	\$300
•	Imperial Mandarin	\$120
•	Murcott Mandarin	\$120
•	Orange	\$100
	<b>Average gross return</b>	<b>\$150</b>

4.7 Based on these figures, it was argued that the total gross revenue for the Emerald district prior to the citrus canker outbreak could have been as high as \$70.8 million per year.<sup>6</sup> 2PH also estimated that since the citrus canker incursion, the employment of approximately 700 casual employees and 100 permanent employees has been terminated or downgraded.<sup>7</sup>

4.8 The President of Queensland Citrus Growers described the impact of the outbreak on the citrus industry in his state in the following terms:

The disease outbreak has had a significant impact on the Queensland citrus industry and, in many aspects, these consequences continue to compound day by day...There was a blanket ban put on all Queensland citrus to interstate markets at the height of our season in 2004 and, even when access

---

5 Mr Nick Ulcoq, Queensland Citrus Growers, *Committee Hansard*, 15 June 2005, p. 45

6 *Submission 5*, 2PH Farms, Annexure A, p. 3

7 *Submission 5*, 2PH Farms, p. 4

---

was restored three to four weeks later, the fall-out ruined the rest of the season for all growers.<sup>8</sup>

4.9 The committee notes reports from the Queensland Government, that as at 10 February 2006, approximately 490 000 citrus trees had been destroyed by the National Citrus Canker Eradication Program (NCCEP) in the Pest Quarantine Area (PQA) – an area of around 3 000 square kilometres centred around the town of Emerald. The NCCEP has also destroyed 175 000 native citrus or citrus glauca which are hosts to citrus canker.<sup>9</sup>

4.10 Mr Craig Edmonston, President of the Emerald Chamber of Commerce, told the committee about the impact the canker outbreak was having on the community:

We have seen the devastation caused to the growers who are involved, and the chamber of commerce fully supports compensation as an immediate resolution to their problem. The flow-on effect is throughout this community and also much wider than the community. We are having problems in that trucks that carted citrus or produce in or out of this community were doing other service drops along the way. Little shops in the southern areas between where this stuff comes from or goes to are having problems getting small deliveries.

It is difficult to put a figure on what the actual monetary cost is to this community, but it is our view that every business in Emerald and the surrounding areas has been affected one way or another, either directly or indirectly.<sup>10</sup>

### ***Impact on individual growers***

4.11 The financial and emotional impact of the citrus canker outbreak on individual growers and their families is of particular concern to the committee. Mr Joe Cordoma described what he saw as a lack of cooperation between the state and federal governments, and was particularly critical of the role played by the Queensland department in providing poor advice regarding market access.<sup>11</sup>

4.12 The committee is aware that the Queensland Minister for Primary Industries and Fisheries encouraged citrus growers to maintain their orchards suggesting that there was a real possibility that they might gain access to domestic markets even after canker had been found on other farms in the area. This had a disastrous impact on some growers. In his submission, Mr Cordoma indicated that the Minister's staff as well as staff of the Queensland department:

---

8 Mr Nick Ulcoq, Queensland Citrus Growers, *Committee Hansard*, 15 June 2005, p. 45

9 Media Release, *Fight against citrus canker succeeding*, 10 February 2006, p. 1

10 Mr Craig Edmonston, *Committee Hansard*, 28 July 2005, p. 45

11 Mr Joe Cordoma, Cordoma Farms, *Committee Hansard*, 28 July 2005, p. 29

... all instructed me to continue to maintain my orchards, as they were confident that they would be able to open the domestic market for Emerald growers. This did not happen, and, as a result, I now have some three (3) million dollars of citrus fruit rotting on the trees.<sup>12</sup>

4.13 Mr Cordoma also told the committee that, as a result of the canker outbreak:

... the impact on my family's health and financial stability, my own health has deteriorated considerably causing stress related diabetes, plus the ongoing financial burden placed upon the family Cordoma Farms, has a severe adverse effect on my ongoing debt reduction ability.<sup>13</sup>

4.14 Another Emerald citrus grower, Mr Maurice Iddles told the committee that after being employed in the building industry for most of his working life, he and his wife had invested the majority of their superannuation in a 40-acre citrus farm. As a result of citrus canker being found on their property (referred to as IP3 in several submissions) all trees had been destroyed and the family was facing bankruptcy.<sup>14</sup>

4.15 Asked about his eligibility for assistance from the state government, Mr Iddles explained to the committee that he was only eligible for loans but not for compensation for losses suffered:

I do not know whether you are aware of it but the only thing we can apply for from the state government is a loan for up to \$500,000 with no interest for two years. We can go to QRAA and try to apply for money from them, but we are in no position to be borrowing any more money.<sup>15</sup>

4.16 On 10 August 2005, the then Queensland Minister for Primary Industries and Fisheries, Mr Gordon Nuttall indicated in a media release that it was one of his priorities, in his first days in the Primary Industries and Fisheries Portfolio, to provide aid to the families affected by the citrus canker outbreak. The Minister indicated that separate to the provision of the Citrus Canker Reimbursement Package:

... it is expected by both the Federal and State governments that through the collaborative efforts of the Queensland citrus industry, one other grower who has already seen his citrus trees destroyed will be afforded some direct financial assistance.<sup>16</sup>

---

12 *Submission 6*, Cordoma Farms, p. 1

13 *Submission 6*, Cordoma Farms, p. 1

14 Mr Maurice Iddles, Selma Citrus, *Committee Hansard*, 28 July 2005, p. 2

15 Mr Maurice Iddles, Selma Citrus, *Committee Hansard*, 28 July 2005, p. 3

16 Media Release, *Minister Announces Package for Emerald Citrus Growers*, Queensland Government, 10 August 2005, p. 2

4.17 In spite of those comments, the Committee understands that Mr Iddles did not receive any compensation package from the state government but received an 'act of grace payment' from the federal government.

### *Assistance packages*

4.18 In the absence of clear guidelines on compensation for growers affected by citrus canker, the growers experienced some serious difficulties before any financial help was forthcoming. However, after six months, both the federal and Queensland governments announced assistance and later compensation packages. A table listing all the different financial packages made available to citrus growers in Emerald is at **Appendix 4**.

### *Queensland government packages*

4.19 The first interim assistance package was announced by the Queensland Government, in response to a request for \$1.22 million for orchard maintenance by the Queensland Citrus Growers (QCG) group. Although the state government had at first refused the \$1.22 million request, the Queensland Premier announced on 1 February 2005, that a sum of \$55,000 would be made available for two 'at-risk' growers to take necessary action to ensure the mature lemons and limes on their properties did not become a pest risk. Both growers met their contractual arrangements and the full payment was made by the Queensland department.

### *Citrus industry recovery scheme*

4.20 The Queensland Government announced the Citrus Industry Recovery Scheme on 9 February 2005 and it became available on 24 February 2005. The scheme (a loan offer) was to assist those Queensland growers who had a crop available for harvesting in 2005 or 2006 to recover from the impacts of the citrus canker outbreak<sup>17</sup> and to maintain their viability. The assistance offered included:

- access to loans – with maximum lending amounts for eligible applicants of up to \$500,000;
- a two-year interest-free period for Emerald growers;
- approved applicants from outside of the Emerald local government area, would be subject to Queensland Rural Adjustment Authority (QRAA) fixed term interest rates of either one or three years; and
- no fees and charges on QRAA loans.

4.21 Because of market uncertainty and concerns about increasing their debt commitments, Emerald growers were not keen to access the loan package. The scheme was later modified to allow the two smaller growers – who were more

---

17 Website: Queensland Rural Adjustment Authority – [www.qraa.qld.gov.au](http://www.qraa.qld.gov.au) and *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 32

dependent on the domestic market – to use the loans to refinance up to \$500,000 of existing debt.<sup>18</sup>

4.22 On 24 May 2005, the Queensland government announced that it would make a further \$300,000 available to enter into contracts with growers to maintain effective disease control. However, following the National Management Group's decision on 3 June 2005 to destroy all trees in the Emerald area, there was no longer a need for the Queensland government to enter into these contracts and the funding was withdrawn.<sup>19</sup>

#### *Non-financial assistance*

4.23 On 14 April 2005, the Primary Industries Ministerial Council noted a paper prepared by a Primary Industries Standing Committee working group. The paper, titled *Citrus Canker Transitional Adjustment Issues* outlined a range of support measure for growers. The Queensland Department of Primary Industries and Fisheries actioned the following measures:

- briefing relevant financial institutions;
- ensuring growers had access to farm financial counsellors; and
- assisting Emerald citrus growers with the identification of production alternatives.<sup>20</sup>

#### *Australian government citrus canker assistance package*

4.24 The Australian Government's Citrus Canker Assistance Package was announced by the then Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss, on 11 February 2005. The \$1.5 million package was made available to Queensland citrus growers and production nurseries facing serious financial pressure due to the outbreak of citrus canker in 2004. The package included measures such as an interest rate subsidy (paying 50% of interest up to \$100,000 per year for two years), income support at a similar rate to the Newstart Allowance and a market facilitation project.

#### *Combined governments citrus canker reimbursement package*

4.25 Finally, both governments combined forces to offer the Citrus Canker Reimbursement Package which was announced by the Hon. Peter McGauran, Federal Minister for Agriculture, Fisheries and Forestry and Mr Gordon Nuttall, the

---

18 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 32

19 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 32

20 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, pp. 31 and 32



---

then Queensland Minister for Primary Industries and Fisheries on 10 August 2005.<sup>21</sup>

4.26 The Reimbursement Package of \$11.5 million was designed to provide reimbursement and re-establishment payments for 115,000 non-infested trees destroyed after 3 June 2005. Eligible growers were entitled to apply for:

- a reimbursement payment of \$80 per citrus tree; and
- \$20 for each tree for the re-establishment of a citrus orchard.

4.27 The reimbursement assistance of \$80 per tree was paid in two instalments. The first payment of \$40 per tree was paid when the trees were cut down and stacked for burning, and the second \$40 instalment was paid in November 2005. The replanting assistance of \$20 per tree is due to be paid in the 2007-08 financial year. When combined with the payments made to the growers to remove their own trees, eligible growers can receive total payments of up to \$120 per year.<sup>22</sup>

4.28 The package was funded by 40% contributions from the Commonwealth and Queensland Governments and a 20% contribution from the citrus industry. The primary industry Ministers from other states and territories had been requested to contribute, but the package did not gain their support.

---

21 Media Release, *Minister Announces Package for Emerald Citrus Growers*, Queensland Government, 10 August 2005, p. 1

22 Queensland Department of Primary Industries and Fisheries, *Canker Community Newsletter*, Issue No. 3, 23 September 2005, p. 2



# CHAPTER FIVE

## Conclusion

5.1 It is true, as DAFF pointed out to the committee, that "even the most stringent quarantine and biosecurity measures will not prevent calculated, deliberate smugglers from breaching quarantine".<sup>1</sup> And in this case, AQIS was facing a formidable task: a litigious, often uncooperative grower who apparently did not hesitate to have all possible evidence of illegal plant importation uprooted and burnt or destroyed by having the plants sprayed with Roundup at three o'clock in the morning.<sup>2</sup>

5.2 The committee heard from Mr Fred Ienco, who was employed at Evergreen Farms as the table grape supervisor from February 2001, that, after he had been questioned by AQIS as to the whereabouts of certain trees and vines on the day it executed the search warrant, (he indicated that he knew nothing about them) the owner sent him home but called him back later that afternoon:

**Mr Ienco** – ... I am not sure about the times, but at about 3.30 or four o'clock I was called back by the owner and was told that there were some vines on the property that were not supposed to be there and she told me to go and get rid of them.

After she told me where they were, I went and pulled them out and stuck them at the bottom of the tip, which was burning, and that was it. I went home after that. About one week or 10 days later, the owner called me again and told me that in relation to some trees in the citrus department – and that was not my department – AQIS had quarantined them and put their stickers on them. So I knew where they were after they had left. Everyone knew where they were, and he told me to go and continuously spray them with poison to kill them. He told me to go at about two o'clock or three o'clock in the morning. That is what I did. I did that two or three times until they were dead, and that was pretty much it.

**Chair** – Just out of interest, what did you spray them with?

**Mr Ienco** – Roundup, straight.<sup>3</sup>

5.3 The committee does not underestimate the task AQIS was faced with. But the difficulty of that task cannot be used as an excuse for not doing everything possible under Australian federal and state laws to find out where the plants under investigation had come from and who might have brought them into Australia. Had those responsible been brought before the courts, a clear message would have been sent to those who contemplate breaching the quarantine laws of this country.

---

1 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 2

2 Mr Ferdinando (Fred) Ienco, *Committee Hansard*, 15 June 2005, p. 2

3 Mr Ferdinando (Fred) Ienco, *Committee Hansard*, 15 June 2005, p. 2

5.4 The majority of witnesses from Emerald who made written submissions to the inquiry and appeared before the committee were critical of AQIS' response in the weeks and months following the 'Redline' call on 12 June 2001, and of the pace of the subsequent investigation. The poor quality of the investigators' record keeping, the delay in taking action and the failure to pursue apparently obvious avenues of investigation support those criticisms and the committee is of the view that the 2001 investigation was, at best, poorly handled.<sup>4</sup>

5.5 The following two statements in DAFF's submission seem to sum up AQIS' position towards the possible illegal importation of plant material on Evergreen Farms:

As Mr Gillies had alleged that the grape cuttings had been smuggled from California, AQIS was particularly concerned with the potential for the introduction into Australia of Pierce's Disease which was devastating crops in California.<sup>5</sup>

If you go back to the submission that we provided to the committee, the issues at the time were particular focused on the grape crop, not on the citrus crop. There was no indication that there were 'quarantinable' diseases in the citrus crop so we took action to contain any problems that might emanate from the grape crop, not from the citrus crop.<sup>6</sup>

5.6 AQIS' officers were extremely concerned about the grape crop becoming infested with Pierce's disease. They were understandably relieved when tests showed that the vines from which they had obtained samples were free of that disease. Other grape plants in the area seemed to have been uprooted<sup>7</sup> but fortunately, from a potential pest invasion point of view, those plants seemed to have been destroyed.

5.7 The Committee notes regretfully that once the farm was clear of Pierce's disease, AQIS adopted a relaxed approach to the point of showing a lack of concern. In relation to the citrus trees, the discovery of a potentially 'benign' strain of citrus tristeza virus caused AQIS investigators to relax even more and not to pursue investigations with the rigour that one would have hoped.

---

4 Note: For example, it took over one month before a statement was sought from the informant, Mr Wayne Gillies. [Affidavit from Mr Stephen Ronald Watson, AQIS Compliance Officer, dated 7 August 2001, tendered in the Federal Court of Australia, p 2, *Tabled Documents (DAFF)*]

5 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 11

6 Ms Gordon, *Committee Hansard*, 1 March 2006 p. 14

7 Affidavit from Mr Stephen Ronald Watson, AQIS Compliance Officer, dated 7 August 2001, tendered in the Federal Court of Australia, p 2, *Tabled Documents (DAFF)*

---

Initial testing of the citrus material showed no evidence of citrus canker. It indicated the possible presence of citrus tristeza virus; subsequent testing, completed in February 2002, identified an atypical strain but there was insufficient evidence to confirm it was exotic to Australia. It is relevant to AQIS's management of this finding that only those strains of citrus tristeza virus that are exotic and likely to cause a serious disease in citrus, or that are currently controlled under State and Territory legislation because of the diseases they produce, are placed under quarantine control. *Many strains of the virus are benign and do not cause any disease symptoms in infected plants.* The strain identified was not under State quarantine control, nor was there evidence that it caused overt disease in the citrus on Evergreen Farms or neighbouring properties.<sup>8</sup>

5.8 AQIS seems to be so focussed on its important role of combating plant and animal pests that it appears oblivious to its other role under the Quarantine Act, which is to stop illegal importation of plants and animals that could potentially bring disease into Australia. If there are no deterrents to illegal importation, the country is at risk of being exposed to a number of pests that are prevalent overseas.

5.9 The committee heard evidence that a "significant number of international backpackers" worked at the Evergreen Farms in Emerald using the property's "extensive dormitory complex".<sup>9</sup> There were also rumours circulating in the town that workers from a citrus property in the Philippines were coming to work on the farm for short periods of time.

5.10 The fact remains that no serious attempt was made to establish the provenance of the citrus tristeza virus found for the first time in Emerald. Responsibility for pursuing illegal importation of plant material rests squarely with AQIS. The committee strongly believes that AQIS must work closely with the Australian Customs Service to establish whether it would be helpful to ask incoming visitors whether they intend to work on a farm immediately after arrival. This might be a first step to identifying potential problems in this area.

5.11 The evidence before the Committee strongly suggests also that no one would have questioned the quality of the investigation conducted by AQIS in 2001, had citrus canker not been discovered on Evergreen Farms some four years later. Having revisited that investigation, the Committee has formed the view that the origin of the citrus material found should have been pursued much more rigorously.

### ***Failure to pursue investigations***

5.12 The committee is well aware that the AQIS' investigation team is not a police unit, with the powers that such a unit might have. But there are examples of a serious reluctance on the part of AQIS to pursue issues that demanded to be investigated and the committee is very concerned that AQIS conducted its

---

8 *Submission 12*, Department of Agriculture, Fisheries and Forestry, p. 9

9 Mr Adriaansen, *Committee Hansard*, 12 August 2005, p. 17

investigation in such a way that it sent the wrong message to anyone contemplating bringing illegal plant imports into Australia.

5.13 For example, it beggars belief that AQIS failed to investigate what was in the locked room at the Evergreen Farms property, (referred to by various witnesses as 'the vault' or the 'bomb shelter') where the farm employees believed evidence of imported plant material might have been kept. AQIS' Compliance officer, Stephen Watson, stated in his affidavit to the federal court that:

We left the residence to return shortly after for an inspection of a downstairs room adjacent to the laundry. The door to this room was behind a full length mirror. This door was found to be locked and Ms King stated that it had never been opened and they did not have a key from the builder. We indicated that if necessary, we would force entry under the provisions of the warrant to inspect the contents of the room. However, we did not gain entry to that room. We did not conduct any further search of the residence.<sup>10</sup>

5.14 The search warrant gave AQIS' Compliance and Investigations Unit's officers the power to force entry to that room. Given that AQIS' staff had not gathered useful evidence from the farm's employees at that stage, the explanation given by the owner, namely that the key to the room had never been provided by the builder should have been enough to convince the investigators that they should find out what was behind those doors.

5.15 AQIS' mistake seems to have been to rely too heavily on the possibility that a scientific analysis of the plant samples taken would help them identify whether there was any foreign plant material involved. They failed to pursue other possible leads in the investigation in the face of the reluctance of the farm's employees to talk to them.

5.16 On this occasion, AQIS' officers were from outside the town. The committee is of the view that, given the sensitivities in many regional areas, AQIS should ensure that when its officers execute a search warrant, some Compliance and Investigations Unit's staff from an interstate unit should always accompany the local state-based staff.

### ***Initial delays in the investigations***

5.17 As described in Chapter 2, it took AQIS about six weeks after receiving the 'Redline' call on 12 June 2001 to obtain a search warrant and to ask for the involvement of the responsible state agency, (the Queensland Department of Primary Industries and Fisheries). In view of the seriousness of the allegations, the committee is very concerned that it took AQIS so long to act on that initial piece of information.

---

10 Affidavit from Mr Stephen Ronald Watson, AQIS Compliance Officer, dated 7 August 2001, tendered in the Federal Court of Australia, p 8., *Tabled Documents (DAFF)*

---

5.18 The committee was told that the matter was handled by two Compliance and Investigations Program (C&I) officers based in Queensland, one of whom came back from his annual leave to pursue the investigation. The search warrant was granted on 23 July 2001 and executed three days later.

### **Recommendation 2**

**The committee recommends that the Quarantine Act be amended to require a full inspection of relevant property and premises by AQIS' Compliance and Investigations Program officers within 3 working days of an allegation of illegal importation of material being brought to AQIS' attention.**

5.19 The testing of the plant material collected on the day that the search warrant was executed took months to complete. It was 9 November 2001 before it was confirmed that citrus tatter leaf virus (CTLV) and a strain of citrus tristeza virus (CTV) had been detected on samples seized during the inspections of Evergreen Farms on 26 July.

5.20 The committee is concerned that the initial response to the Redline call shows that the AQIS C&I unit in Queensland did not have adequate capacity or experience to respond to the task at hand.

5.21 The committee understands that AQIS cannot have a large number of C&I staff posted in every state but it seems to the committee that a 'roaming' C&I unit, comprising three or four staff with high level investigative skills and experience could be developed and made available for work in any specific area when the need arises. This would ensure that unnecessary delays do not occur and that all the crucial aspects of an investigation are attended to in the early stages before valuable evidence gets lost.

### **Recommendation 3**

**The committee recommends that AQIS develop a special Compliance and Investigations (C&I) Unit drawn from permanent staff of the programme around the country and train it so that it can be sent at short notice to the appropriate area when the need arises. The committee also recommends that officers of the Australian Federal Police be involved in that training.**

#### ***Conduct of inspections***

5.22 AQIS' plant pathologist, Dr Vanessa Brake, gave evidence to the committee that she had visited Evergreen Farms five times.<sup>11</sup> The Deed of Arrangement between AQIS and the owners of the property (PCP) stipulated six inspections (see

---

11 Dr Vanessa Brake, Department of Agriculture Fisheries and Forestry, *Committee Hansard*, 22 June 2005, p.12

paragraph 4 of the Deed of Arrangement).<sup>12</sup> Several witnesses to the inquiry complained that AQIS had only made three visits. The committee notes AQIS' evidence that it conducted four out of the six visits agreed to under the Deed.<sup>13</sup> Three of those visits were citrus inspections while one was a grape inspection that tends to be overlooked by the citrus growers.

5.23 Evergreen Farms is a 20 000 acre property. Various AQIS witnesses were categorical in expressing the view that "it is impossible to inspect the whole property in a day".<sup>14</sup> Dr Brake gave evidence that she often had an assistant with her but that the best she could do was a 'targeted survey'. AQIS was positive that its inspections teams knew where to look.

5.24 Evergreen Farms employees gave evidence to the committee four years after the event, that the farm owner had asked them to move some of the plants under suspicion, that some vines had been uprooted and burnt and several citrus trees sprayed with Roundup, casting grave doubts as to whether AQIS' officers had been able to look at the real problem areas and whether they were in a position to keep track of plantings that needed to be monitored.

#### *Adequacy of the visual inspections*

5.25 In the committee's view, the visual inspection approach was a totally inadequate response to the possible outbreak of a pest such as citrus canker. The committee finds it difficult not to draw the conclusion that the very principles underlying AQIS' approach to the problem was fundamentally flawed. The focus of the surveillance program appears to have been to rely heavily on 'spot checks' which resulted in the citrus trees 'passing the test' when the aim should have been to do a thorough check that no tree was infested by any plant pest.

5.26 The committee is not suggesting that there was a premeditated plan to let the owners of Evergreen Farms 'off the hook', but rather that the trusting attitude that seems to have pervaded the investigation team was totally misplaced. Worse still, AQIS' officers give the distinct impression that they allowed themselves to be intimidated by the tactics used by the owners of PCP, including the threat of court action involving millions of dollars worth of damages.

5.27 The devastation visited upon Emerald by an exotic disease should serve as a lesson to potential quarantine offenders and to those who breach quarantine laws through carelessness. There are no winners after a plant or animal pest outbreak. AQIS' investigators must change the approach used in the Emerald investigation and pursue relentlessly those suspected of bringing illegal plants into Australia. As an agency that works on behalf of the people of Australia, it is commendable that it

---

12 Deed of Arrangement between Pacific Century Production Pty Ltd and Commonwealth of Australia, dated 22 October 2001, see [daff.gov.au/corporate\\_docs/publications/pdf/quarantine/pr/pacific\\_century.pdf](http://daff.gov.au/corporate_docs/publications/pdf/quarantine/pr/pacific_century.pdf)

13 Answer provided to AQIS02, Question on Notice, Budget Estimates, 25 and 26 May 2005

14 Dr Vanessa Brake, *Committee Hansard* 22 June 2005, p.16 and Mr Young, *Committee Hansard*, 22 June 2005, p. 15



---

should act with procedural fairness, but that is a very different thing from blind trust.

5.28 Although QDPI, the state government agency responsible for dealing with the 2004 citrus canker outbreak, appeared to have deployed more resources than AQIS had done during the first scare in 2001, the speedy visual inspection approach continued after the 2004 outbreak.

5.29 The incubation period for citrus canker is between 7 to 60 days.<sup>15</sup> The committee was told that the disease is able to be visually detected with the highest accuracy approximately 107 days after infection. This suggests that a proportion of infections are subclinical and numerous small infestations of the disease are not accounted for until subsequent surveys.<sup>16</sup> It is, therefore, very important not to assume in the earlier inspections that the trees in a particular area have escaped the pest.

5.30 The committee is not convinced that the type of visual inspection being carried out in late 2004 and early 2005 would have detected citrus canker threatening other 'blocks' of citrus trees early enough to ensure that the NMG adopt a more aggressive disease management plan earlier in the emergency. For all we know, the second and third citrus properties in Emerald might have already been infested with citrus canker by the time canker was found at Evergreen Farms.

5.31 The committee firmly believes that more inspectors must be deployed early in confronting any disease outbreak or potential outbreak. We are not advocating the employment of permanent expert staff for this purpose. Rather, AQIS should be able to liaise with appropriate university research centres, possibly through the Australian Biosecurity Cooperative Research Centre, to tap into the relevant expertise that could be made available in the event of an emergency.

5.32 The Australian Biosecurity Cooperative Research Centre, which came into operation after the citrus canker outbreak can now call on the resources of CSIRO, five universities, industry groups and several international agencies as well as federal and state government agencies in the fight against diseases and pests.

5.33 Farmers, growers and plant industry groups could also assist by making their employees available as 'checkers' for particular signs. The ready availability of online images should make it possible to train a large number of people in looking for early signs of a particular disease. Anybody spotting something unusual would be able to direct expert pathologists to the area of concern.

#### ***Delays in obtaining test results***

5.34 The committee is also concerned that the delays experienced in obtaining tests results suggest that there was a lack of adequate resources in the diagnostic

---

15 Mrs Ransom, Department of Agriculture, Fisheries and Forestry, *Committee Hansard*, 22 June 2005, p. 19

14 *Submission 2*, Australian Citrus Growers Inc. p. 4 (quoting Gottwald et al. 2002)

capacity to enable testing for plant pests and diseases to be conducted in a timely manner. A number of witnesses, including Australian Citrus Growers, Growcom and QDPI referred to this problem. QDPI saw the major diagnostic issues as being:

- The capacity to rapidly implement and scale-up diagnostic testing, particularly given that the diagnosis will be for unfamiliar/ irregular pests;
- Protocols that ensure appropriate access to testing capacity, regardless of jurisdiction or agency cross-overs, do not exist;
- Ensuring well-established standards (generally and for the specific diagnostic tests being implemented) are developed and adopted;
- Ensuring a multi-stage approach to diagnostics wherever possible, to reduce the potential for routine/non-suspect samples to 'clog' the critical diagnostic system elements;
- Appropriate tracking mechanisms from point-of-sampling to release of diagnostic result; and
- Establishing a diagnostics reference panel to deliberate on unresolved diagnostic outcomes, and to oversee the integrity of the diagnostic process.<sup>17</sup>

5.35 The committee welcomes this analysis and supports the call for an increase in the diagnostic capacity that AQIS may be able to deploy in the event of a suspected pest incursion. Should a similar situation arise, AQIS should be able to call on the assistance of other scientific plant organisations such as the CSIRO or some of the plant research units in the large universities to ensure that plant material is tested promptly.

5.36 AQIS told the committee that it recognised the need to "improve basic diagnostic and surveillance capacity within both the industry and government sectors".<sup>18</sup> The committee welcomes this and it will monitor the way in which AQIS works towards building strong partnerships with all the relevant agencies in order to enhance its capacity to respond to any future pest incursion in a more timely manner.

5.37 The committee also sees the need for appropriate protocols to be developed so that all participating agencies use diagnostic techniques that are compatible and that assist the decision makers in their difficult task of combating the pests involved. Access to peer support could prove crucial in resolving issues that might arise when confronted with an unfamiliar plant pest in an emergency situation.

#### **Recommendation 4**

**The committee recommends that twice a year, the Commonwealth Ombudsman review all investigations carried out by AQIS to assess whether**

---

17 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 39

18 *Submission 11*, Department of Agriculture, Fisheries and Forestry, p. 18

---

**they have been conducted by appropriately trained staff, in a timely manner, in accordance with all the relevant legislation and according to the rules adopted by AQIS' executive.**

### *The whistleblower*

5.38 Above all other matters raised by the citrus canker outbreak in Emerald and by its subsequent inquiry, the committee is concerned for the plight of the whistleblower in this case. As stated in Chapter 3 (para 3.83) growers are heavily reliant on their employees to detect plant pests. That holds true for the detection of illegal plant imports as well. If a grower himself is suspected of illegal importation, the employee may not have much choice but to blow the whistle on his employer – as happened in this case.

5.39 All the government agencies and the industry groups involved recognise that whistleblowers need protection and support. Queensland Citrus Growers, for example, told the Committee:

The outcome for the "whistle-blower" has been disastrous, and he should have been better protected. This is a serious disincentive for anyone to report similar concerns to AQIS in the future.<sup>19</sup>

5.40 QDPI also raised this issue in their submission:

Those who do detect and report must be left in no worse position than they were, prior to detection. There also needs to be greater recognition by the industry itself of those who do look, find and report – after all, these early detections will potentially save the rest of the industry millions in pest management cost and lost market opportunities.<sup>20</sup>

5.41 QDPI pointed out that the principles of the Emergency Plant Pest Response Deed (EPPRD) encourage growers to look and report. While it is to be hoped that as a result all growers would act responsibly, if that does not happen, an employee may still find himself in the role of whistleblower.

5.42 Although Queensland and other states have passed legislation to protect whistleblowers, the difficulty lies in enforcing that legislation. It is relatively easy to do so when ensuring that a whistleblower is not summarily dismissed by an employer as a result of his actions although it can be difficult to prove that a dismissal is the direct result of blowing the whistle. It is almost impossible to ensure that whistleblowers and their families are protected from a myriad of other pressures (including taunts to their children), that could make life difficult for them and their families.

5.43 The committee's view is that agricultural industry bodies have a large role to play in educating farming communities to respect whistleblowers who may have

---

19 *Submission 1*, Queensland Citrus Growers, p. 2

20 *Submission 9*, Department of Primary Industries and Fisheries, Queensland, p. 36

gone out on a limb to protect the livelihood of the community. Industry bodies could also ensure that whistleblowers are given some form of official recognition by the particular industry involved and by the local community. This recognition could take the form of an award presented to the individuals concerned.

### ***Bioterrorism***

5.44 Finally, the committee has become aware through its investigation of the events in Emerald how poorly prepared AQIS appears to have been to deal with a disease outbreak. It would be even less prepared to deal with industrial sabotage or a possible bioterrorist attack. The committee has therefore come to the view that AQIS must take the steps necessary to ensure that it develops immediately an improved strategy to better deal with such an occurrence, that its staff are trained adequately and that it puts in place the communications infrastructure that will be required should such an attack occur.

5.45 The committee will require a briefing from AQIS before the end of 2006, of the changes that it would have made to its strategy to deal with the occurrences mentioned in the above paragraph.

### **Recommendation 5**

**The committee recommends that the Department of Agriculture, Fisheries and Forestry (DAFF) and AQIS, liaise with the Attorney General's department to develop a joint strategy to ensure that it is appropriately prepared to deal with any possible industrial sabotage or bioterrorist attack against Australia's primary industries.**

**Senator the Hon. Bill Heffernan  
Chair**

# **Appendix 1**

## **List of Submissions**

1. Queensland Citrus Growers Inc.
- 1A. Queensland Citrus Growers Inc.
2. Australian Citrus Growers Inc.
3. NSW Farmers' Association
4. Mr Robin Price
5. 2PH Farms
6. Cordoma Farms
7. Selma Citrus
8. Mr Selwyn Johnston
9. Department of Primary Industries and Fisheries (Queensland)
10. Mr Greg Siepen
11. Growcom
12. Department of Agriculture, Fisheries and Forestry
13. Confidential



## **Appendix 2**

### **Witnesses who appeared before the Committee at Public Hearings**

*Wednesday, 15 June 2005*

*Parliament House*

**CANBERRA**

Mr Wayne Gillies, (Private capacity)

Mr Ferdinando Ienco, (Private capacity)

**Growcom**

Mr Mark Panitz, Industry Sustainability Manager

Mr Robin Grenville, (Private capacity)

**Queensland Citrus Growers**

Mr Nick Ulcoq, President

Mr Chris Simpson, Executive Manager

*Wednesday, 22 June 2005*

*Parliament House*

**CANBERRA**

**Department of Agriculture, Fisheries and Forestry**

Ms Meryl Stanton, Executive Director, Australian Quarantine and Inspection Service,  
and Deputy Secretary

Ms Jennifer Gordon, Executive Manager, Quarantine and Plant Programs, Australian  
Quarantine and Inspection Service

Dr Vanessa Brake, Quarantine Plant Pathologist, Australian Quarantine and  
Inspection Service

Mrs Lois Ransom, Chief Plant Protection Officer

Dr William Roberts, Chief Scientist, Biosecurity Australia, and former Chief Plant  
Protection Officer

Mr Anthony Young, Queensland Regional Compliance Manager, Compliance and  
Investigations, Australian Quarantine and Inspection Service

*Wednesday, 27 July 2005*

*Commonwealth Offices*

**BRISBANE**

Mr Gerard Millers, (Private capacity)

Mr Greg Richards, (Private capacity)

***Thursday, 28 July 2005***  
***Emerald Memorial Club***  
***EMERALD***

Dr Michael Belonogofif, (Private capacity)

Mr Michael Benham, (Private capacity)

***Cordoma Farms***

Mr Joe Cordoma, Managing Director

Mr Ronald Crozier, (Private capacity)

***Emerald Chamber of Commerce***

Mr Craig Edmonston, President

Mr Terence Friman, (Private capacity)

***Selma Citrus***

Mr Maurice Iddles, Citrus Grower

Mr Selwyn Johnston, (Private capacity)

***Lindeman and Associates Pty Ltd***

Mr Roger Lindeman, Managing Director

Mrs Kelli-Anne Petersen, (Private capacity)

Mr Craig Pressler, (Private capacity)

***2PH Farms***

Mr John Pressler, Partner

Ms Margaret Wedgwood, (Private capacity)

***Friday, 12 August 2005***

***Parliament House***

***CANBERRA***

***Queensland Department of Primary Industries and Fisheries***

Mr Bruce Turner, Executive Director, Strategic Policy

Mr Christopher Adriaansen, General Manager, Plant Biosecurity

***2PH Farms***

Mr John Pressler, Director

***Wednesday, 14 September 2005***

***Parliament House***

***CANBERRA***

***Australian Citrus Growers Inc.***

Ms Leonie Burrows, Acting Chief Executive

Mrs Patricia Barkley, Technical Advisor

Mr Craig Pressler, (Private capacity)



***Wednesday, 1 March 2006***  
***Parliament House***  
***CANBERRA***

**Department of Agriculture, Fisheries and Forestry**

Mr Christopher Adriaansen, General Manager, Plant Biosecurity

Ms Jennifer Gordon, Executive Manager, AQIS/DAFF

Mr Steve McCutcheon, Executive Manager, Product Integrity, Anima and Plant Health Division

Mr Wayne Terpstra, National Manager, Compliance and Investigations, AQIS

Mr Bruce Turner, Executive Director, Strategic Policy

**Wednesday, 29 March 2006**  
**Parliament House**  
**CANBERRA**

Mr Wayne Gillies (Private capacity)



## Appendix 3

### Note on Florida's citrus eradication program – the 'Florida protocol'

Since 1995, citrus canker has been detected in 24 counties in the US state of Florida. The eradication program used by Florida's Department of Agriculture and Consumer Services – often referred to as the 'Florida Protocol' – is based on a scientific study conducted in Florida. The study found the distance of spread from the foci of the infection in an urban setting to be an average of 1902 feet during a 30-day period. The main elements of the Florida Protocol include<sup>1</sup>:

- citrus trees suspected of being infected with canker are examined by on-site pathologists and samples are sent to the Department's laboratory for diagnostic confirmation;
- geographic positioning system (GPS) coordinates are used to make appropriate measurements and a 1,900 ft. circle is placed around infected trees; and
- all positive and exposed trees within 1,900 ft. (or 579 metres) of an infected tree are destroyed.

Quarantine measures under the eradication program include:

- quarantine areas may be established to prevent spread of the disease;
- no citrus or citrus plants may be moved from a quarantine zone;
- no citrus trees may be planted in a quarantine zone without Department approval;
- businesses engaged in lawn maintenance, citrus planting, production, handling, harvesting, packing and processing with a quarantine zone must sign compliance agreements with the Department and follow mandatory decontamination procedures;
- citrus cannot be planted for two years after the last positive tree detection, except with permission of the CCEP Director.

The 600m destruction or 'cookie cutter' approach is based on research from Florida. The study was conducted in five areas in suburban Miami to measure the distance of dispersal of canker and to provide a biologically sound basis for defining the radius of exposure of trees to citrus canker. Distances between each newly diseased tree and all prior focal trees were calculated and the maximum distances of spread ranged from 12 to 3474m, indicating a broad continuum of distance for bacterial spread was possible. The results of this study were examined by a group of US scientists, regulators and citrus producers familiar with the disease. Based on measurements of disease spread, they selected a distance of 1900 ft. on measurements (579 m) as a radius that would encompass the majority of newly infected trees resulting from a prior infection focus infection that can occur within a 30 day period. The study and the resulting determination of the 579 m distance serves as the scientific basis of the removal of exposed trees around foci of infection practised in Florida at this time.<sup>2</sup>

---

<sup>1</sup> Florida Dept of Agriculture and Consumer Services – Division of Plant Industry, *Comprehensive Report on Citrus Canker Eradication Program in Florida through 14 January 2006*, p. 3

<sup>2</sup> Quote from *Submission 2*, Australian Citrus Growers Inc., p. 4



## Appendix 4

### Assistance and Compensation Offered to Emerald Growers

<b>Interim Assistance Package - Funding for Management of Pest Risk</b>			
<b>Date</b>	<b>Package</b>	<b>Agency Responsible</b>	<b>Details</b>
1 February 2005	Funding for orchard maintenance	Queensland Department of Primary Industries and Fisheries	<p>Queensland Premier announced the provision of \$55,000:</p> <ul style="list-style-type: none"> <li>• Funding provided to <u>two</u> growers to take necessary action to ensure the lemons and limes on their properties did not become a pest risk</li> <li>• Growers met their contractual arrangements and were paid by QDPIF</li> </ul>
<b>Citrus Industry Recovery Scheme</b>			
24 February 2005  (Announced 9 February 2005)	Loan Package	Queensland Department of Primary Industries and Fisheries	<p>Scheme available to Queensland growers with a crop available for harvesting in 2005/2006:</p> <ul style="list-style-type: none"> <li>• Access to loans – maximum lending amounts for eligible applicants of up to \$500,000</li> <li>• Two-year interest-free period for Emerald growers</li> </ul>

			<ul style="list-style-type: none"> <li>• Approved applicants from outside Emerald area to be subject to Queensland Rural Adjustment Authority (QRAA) fixed term interest rates of either one or three years</li> <li>• No fees and charges on QRAA loans</li> </ul>
<b>Non-Financial Support Measures for Growers</b>			
14 April 2005	Support measures for growers	Queensland Department of Primary Industries and Fisheries actioned measures	<p>Range of support measures:</p> <ul style="list-style-type: none"> <li>• Briefings for relevant financial institutions</li> <li>• Ensuring growers had access to farm financial counsellors</li> <li>• Assistance for Emerald growers to identify production alternatives</li> </ul> <p>(based on Primary Industries Standing Committee's recommendations in its paper, "<i>Citrus Canker Transitional Adjustment Issues</i>")</p>

### Australian Government Citrus Canker Assistance Package

11 February 2005	Loan Package and Income Support	Department of Agriculture Fisheries and Forestry	<p>Minister Truss announced \$1.5 million package:</p> <ul style="list-style-type: none"> <li>• Available to Queensland citrus growers and production nurseries</li> <li>• Interest rate subsidy (50% of interest up to \$100,000 per year for two years)</li> <li>• Income support (at similar rate to Newstart Allowance)</li> <li>• Market Facilitation Project</li> </ul>
------------------	---------------------------------	--	---

### Citrus Canker Reimbursement Package (Funded by Commonwealth/State Governments and Industry)

10 August 2005	Reimbursement and re-establishment package	Department of Agriculture, Fisheries and Forestry and Queensland Department of Primary Industries and Fisheries	<p>\$11.5 million package announced by Federal and State Ministers:</p> <ul style="list-style-type: none"> <li>• Designed to provide reimbursement and re-establishment payments for 115,000 non-infested trees destroyed after 3 June 2005</li> <li>• Eligible growers entitled to apply for a</li> </ul>
----------------	--	---	--

		<p>Package funded:</p> <p>40% Commonwealth Govt.</p> <p>40% State Government</p> <p>20% Citrus industry</p>	<p>reimbursement payment of \$80 per citrus tree and \$20 for each tree for the re-establishment of a citrus orchard</p> <ul style="list-style-type: none"><li>• First payment of \$40 per tree paid when trees cut and stacked for burning</li><li>• Second \$40 instalment paid in November 2005</li><li>• Re-establishment assistance of \$20 per tree due to be paid in 2007-08 financial year</li></ul>
--	--	---	--



# Appendix 5

## Glossary

ABARE	Australian Bureau of Agriculture and Resource Economics
AQIS	Australian Quarantine and Inspection Service
BA	Biosecurity Australia
CCEPP	Consultative Committee on Emergency Plant Pests
CPHM	Chief Plant Health Manager
CPPO	Chief Plant Protection Officer
CTLV	Citrus Tatter Leaf Virus
CTV	Citrus Tristeza Virus
DAFF	Department of Agriculture, Fisheries and Forestry
EPPRD	Emergency Plant Pest Response Deed
NCCEP	National Citrus Canker Eradication Program
NMG	National Management Group
PIAPH	Product Integrity, Animal and Plant Health
PHA	Plant Health Australia
QDPI	Department of Primary Industries and Fisheries, Queensland
SAP	Scientific Advisory Panel (also referred to as Scientific Advisory Group)

