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Tuesday, 26 July 2005

The Chairman
Rural and Regional Affairs and Transport
Senate Inquiry - Citrus Canker

Good Afternoon Senators

It never ceases to amaze me as to the depths of contempt that our Parliaments, and our elected representative's, hand down to Australia's primary producers. The removal of tariffs, industry deregulation and the dreaded national competition policy immediately come to hand.

To say that I am personally disappointed with the handling of the Queensland citrus canker fiasco would be an understatement.

Former Federal Attorney-General Daryl Williams, former Speaker of the House of Representatives, Bob Halverson, and former President of the Senate, Margaret Reid stated in the 'Foreword' explaining Australia's Constitution, and I quote...

The Australian Constitution is the single most important document in Australia's history. It created the Commonwealth and the States and made Australia one Nation.

But the Constitution is not simply a document of fundamental historical significance. It is also a document of continuing and critical importance to contemporary Australian society. It is the legal and political foundation on which our nation is built and functions. Think of any political issue currently dominating the media and there is a good chance that a proper understanding of that issue will turn on a proper understanding of what is in the Constitution.

Unquote

Australia's Constitution, Part V - Power of the Parliament, clearly states...

Section 51. The parliament shall, subject to this Constitution, have powers to make laws for the peace, order and good governance of the Commonwealth with respect to:

- (ix) quarantine

Due in part to this issue before you here today, I believe an audit of Australia's quarantine legislations, particularly in relation to the confiscation of property associated with illegally imported commercial material, similar to tainted goods in drug related crimes, be initiated as a matter of urgency.

Put simply, why should Australian taxpayers fund the damage caused by the illegal importation of the exotic citrus canker disease?

I refer to Australia's Constitution, Section 51, subsection ...

(xxx) **the acquisition of property on just terms from any State or person** for any purpose in respect of which the Parliament has power to make laws

As NO responsibility can be attributed to the Emerald citrus growers for the failure of a duly constituted government department, the Australian Quarantine Inspection Service (AQIS), and, in terms of the Australian vernacular, '... you broke it, you pay for it'!

AQIS, an entity within the AFFA, is charged with the responsibility of 'assessment' and 'management' of Australia's quarantine security. 'AQIS' and 'Bio-Security Australia' are not only responsible to Parliaments but also to the Australian people who they serve.

There are volumes of legislation relating to Australia's strict quarantine laws, which were drafted with specific emphasis placed upon the protection of Australia's primary and secondary industries.

It is abundantly clear, after the perusal of the Quarantine Act, Customs Act and the Imported Foods Act...

AQIS has a fundamental administration and financial responsibility in relation to the carrying out of its duty of care.

These Emerald citrus growers before you today are experts in 'risk management', and, they are acutely aware of the never-ending struggle with the elements, the markets and the bureaucracy.

These men represent their families, the very same families who are incurring massive financial debts daily... debts that are rightfully the responsibility of the Federal Government, by the failure of AQIS and Bio-Security Australia to protect our quarantine borders.

Senators, I refer you to my correspondence to the Prime Minister dated Thursday, 12 May 2005, which is self-explanatory.

Thank you for allowing me to address this Inquiry.

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Thursday, 12 May 2005

Mr John Howard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Re: Citrus Canker Disease at Emerald (Queensland)

Dear Prime Minister,

I am authorised to write to you on behalf of citrus growers in the Emerald district concerning their plight following the introduction of the exotic citrus disease "citrus canker".

The history of the introduction of this disease into Australia on this occasion, as far as it is known, is as follows.

In early March of 2001, I became aware of some disturbing rumours circulating through the Central Queensland area concerning an alleged illegal importation of infected plant materials into Queensland, and particularly the Emerald area, from China and the United States.

With two (2) colleagues, I travelled to Emerald where I spoke to some fifty (50) to sixty (60) local residents, some of whom provided disconcerting information relating to alleged agricultural quarantine breaches. My colleagues and myself subsequently spent approximately twenty (20) minutes on the property in question before being asked to leave by an armed guard.

On becoming aware of this potentially devastating situation, I e-mailed yourself, Deputy Prime Minister John Anderson, Warren Truss, Minister for Agriculture, Queensland's Premier Peter Beattie and Henry Palaszczuk, Minister for Primary Industries, providing the information that I had obtained.

On 22 March of 2001, I addressed a public meeting in Forrest Hill, near Gatton in South East Queensland, in connection with property and water rights. At that meeting, and during the course of it, I publicly expressed my concerns regarding the information I had received regarding the Emerald citrus disease situation and was attacked by Federal Member for Blair, Cameron Thompson, for my trouble.

Mr Thompson called my concerns on the continuity of Emerald's citrus production 'alarmist' and 'scare-mongering', and stated he would be referring my remarks to Minister Warren Truss.

It was my intention to convey to Thompson the seriousness of the whole situation so as he would be in a position, with the support of the Gatton growers, to advise the Federal Government and ensure that early action was taken to protect citrus and

grape growers in all areas from, what at that time appeared to be, the unavoidable physical and financial consequences of an exotic disease outbreak.

It was not until 26th July 2001 when field officers from AQIS took action following a telephone call made to their “*Redline*” advising them of precisely the same information I had so publicly passed on at Forrest Hill. The upshot of the receipt of this information was that AQIS quarantined “*Evergreen Farms*”, the property in question.

Evergreen Farms, owned by multinational company Pacific Century Production Pty Ltd [PCP], challenged the quarantine order through the Administrative Appeals process.

PCP lost that action although the indefinite quarantine period stated on the original notices was converted into a six weeks period, notwithstanding that the Government's expert advice stated that if citrus canker had been introduced it would take a period of some eighteen (18) months, or more, to manifest itself.

Notwithstanding this PCP appealed the Court decision and this appeal was also lost.

Following the loss of the appeal PCP sought to have the Director of Animal and Plant Quarantine enter into an agreement which was tantamount to the lifting of the quarantine pursuant to section 66B of the Quarantine Act of 1908. An agreement was sought even though the potential outbreak of an exotic disease of the calibre of citrus canker was involved and could reasonably be considered a high-risk activity.

The director of Animal and Plant Quarantine refused to enter into such an agreement and PCP again instituted an action seeking relief, among other things, from their inability to secure an agreement.

This matter never went to trial as it was withdrawn pursuant to a ‘*Deed of Agreement*’ being made between the company and the Government, permitting the removal of fruit from the farm notwithstanding the serious disease threat.

This, together with the reduction of the time limit on the quarantine notices down to six weeks, introduced an element of uncertainty in the Emerald citrus and grape-growing communities effectively preventing them from making long-term plans so as to minimise the financial damage they may incur.

Since “*citrus canker*” was identified on the property concerned, it has now spread to adjoining citrus producing properties. It is more likely than not that an embargo on the removal of fruit and plant materials from citrus farms in the district will be continued, with the livelihood of two (2) independent producers being severely reduced until the matter is appropriately dealt with.

Citrus canker is a disease that affects many countries around the world and its severity; both pathologically and economically, are well documented. It is a serious disease that deserves serious attention.

In addition to the Emerald situation it should be realised that for every day the Emerald outbreak is ineffectively handled, the remainder of the citrus industry in Queensland, and across Australia, is in serious jeopardy.

It is not only the fruit industry that could be affected but the wine industry could also be drawn in given that product from an infected area can be excluded from trade. I would point out that citrus canker is not the only serious disease potentially involved but is the only one of which the growers have notice of to date.

It is therefore essential that immediate action is taken to bring, what to date could be reasonably described as the "Emerald Fiasco", to an end. Experience in other countries indicates that the only scientifically proven method of control of citrus canker is total eradication, and the only way to do that is to remove and destroy all the trees in the potentially contaminated, and currently quarantined, area.

This would include any commercial farm presently under produce movement restrictions, payments to compensate the growers accordingly and equitably, so that they may move into another form of production until the citrus canker outbreak is totally eliminated.

I write you so that you may be fully informed as to what the actual situation is in Emerald, and the associated administrative actions that have taken place. I also wish to advise you of the high level of local community dissatisfaction with the way the disease out-breakout is being handled at the uppermost administrative levels.

I would therefore request, on behalf of the growers I represent, that you intervene personally in this matter to ensure that the wellbeing of the producers, who are innocent victims of this disease outbreak, are given immediate and equitable treatment.

This will ensure that they can be relieved of the present trauma so that they and their families can get on with their lives and be permitted to once again be independent and self-supporting members of the community.

In conclusion, you may be interested in attending a crisis conference organised by Member for Maranoa, Bruce Scott, between Emerald citrus growers and Minister for Agriculture, Warren Truss scheduled for 3.30 pm on Monday 23 May 2005 at Parliament House Canberra.

Your urgent attention and subsequent action on behalf of distraught citrus growers, and the Emerald community, is appreciated.

Respectfully

Selwyn Johnston