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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE

Reference: Citrus canker outbreak

THURSDAY, 28 JULY 2005

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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE

Thursday, 28 July 2005

Members: Senator Heffernan (*Chair*), Senators Ferris, McEwen, McGauran, Milne and Sterle

Participating members: Senators Abetz, Allison, Bartlett, Mark Bishop, Boswell, Brown, George Campbell, Carr, Chapman, Coonan, Crossin, Eggleston, Chris Evans, Faulkner, Ferguson, Hogg, Hutchins, Lightfoot, Ludwig, Lundy, Sandy Macdonald, McLucas, Mackay, Mason, Nettle, O'Brien, Payne, Ray, Santoro, Stephens, Watson and Webber

Senators in attendance: Senators Heffernan, Ferris, McEwen, McGauran, Milne and Sterle

Terms of reference for the inquiry:

To inquire into and report on:

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

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Committee met at 1.46 pm

CHAIR (Senator Heffernan)—I declare open this public hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee. The committee is hearing evidence on the committee's inquiry into the Department of Agriculture, Fisheries and Forestry's administration of the citrus canker outbreak. I welcome everyone here today. This is a public hearing and a *Hansard* transcript of the proceedings is being made. The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings.

Before the committee starts taking evidence I place on the record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given. I remind witnesses that parliamentary privilege does not extend to statements repeated outside the committee's proceedings. I especially remind witnesses of that because there are people in this world that are fairly litigious. Any act by any person which may disadvantage a witness on account of evidence given by him or her before the Senate or a Senate committee is a breach of privilege.

While the committee prefers to hear all evidence in public, the committee may agree to take evidence confidentially. If the committee takes confidential evidence, it may still publish or present all or part of that evidence to the Senate at a later date. The Senate also has the power to order production and/or publication of confidential evidence. The committee would consult the person whose evidence the committee is considering publishing before taking such action. I also draw your attention to the continuing resolution relating to claims of commercial confidentiality. Under the resolution, a claim to withhold information on the basis of commercial-in-confidence can only be made by a minister and must include a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of that information.

Finally, it is the committee's intention today to seek the facts relating to the citrus canker outbreak, not to apportion blame. While there has been a raise in the expectation of what might come out of these proceedings, we do not want to falsely raise people's expectations. But everyone needs to know that they will be given a fair go. This committee has a great reputation for not playing politics with people's livelihoods. Whether it causes the government, the opposition or whoever a bit of pain, if it is what ought to be said, we say it. I think it would be fair to say that there is plenty of evidence that we treat people fairly. The work that this committee have done so far, even though we have not reported on it, has done a lot of good in that it has got a few people off their backsides who should have been off their backsides in 2001.

[1.49 pm]

IDDLLES, Mr Maurice Charles, Citrus Grower, Selma Citrus

CHAIR—I welcome Mr Maurice Iddles. We would be pleased if you would like to give a brief opening statement.

Mr Iddles—Thanks very much to the chairman and the committee for letting me appear. Apologies from my wife, who would have loved to be here, but due to work commitments she has had to go away. As you can read in the statement I made, a couple of things stick out. The first one is the slow response by AQIS, after Wayne Gillies reported the matter originally, followed by the bungling of the raid, poor investigation work and so on. Being in the building industry, I spent quite a bit of time in the field out at Evergreen doing building work. I actually did quite a bit of building at the main house. I built a large concrete vault out there. God knows what they used to store in there!

I have spoken at length to Tony Young, who you are already aware of. That was at my place, for about four hours. During the conversation I asked him whether they investigated the vault, to which he replied, 'Katherine Cea said that they had lost the key and did not know where it was.' To me that is just ridiculous. Obviously, there must have been something of some note in there; otherwise why would they claim that?

As for some of the witnesses who were out there at the time, I got to know the nursery manager, Robin Price, on a friendly sort of basis. We actually finished up tracking Robin down and in conversations I asked him 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. But as you can see, after Robin appeared more things came out of that.

From a personal view, regarding the way it has affected my wife and me, as I said, we have been in the building industry for nearly a lifetime. All our superannuation has gone into a 40-acre citrus farm. As a consequence of what we believe happened out at Evergreen we have lost everything. All our trees have been burnt. As you know, we had canker found on our property. We have nothing left and nowhere to turn. As for Minister Warren Truss, I have scant regard for his behaviour in this. It is absolutely disgraceful. He should not even be in parliament; he would be better off getting a job working on the roads or something. His behaviour has been appalling.

Senator McGAURAN—Have you been in touch with him?

Mr Iddles—We had a meeting.

CHAIR—Could we come to questions? We will deal with the colour and movement when we get to questions.

Mr Iddles—In summing up, as we have been fighting this for the last 12 or 13 months if something does not come out of Peter McGauran's visit yesterday we will definitely face bankruptcy over this. There are no two ways about that. That is it in a nutshell and that is about all I have to say at the moment.

CHAIR—Thanks very much. Obviously, this committee has expressed its view that a lot of the events in 2001 were Dad and Dave operations, so that is already on the record. When did you get interviewed, as you said, for four hours by Tony Young?

Mr Iddles—Tony Young rang me about two months ago—

CHAIR—Was it after the Canberra hearing?

Mr Iddles—When he appeared?

CHAIR—When he rang you, was it before or after Canberra?

Mr Iddles—It was before Canberra.

Senator FERRIS—I have your statement here. Have you applied for assistance under the federal government's assistance program?

Mr Iddles—The only one we are capable of getting is the interest rate subsidy. We finished doing the paperwork about a week ago and we have only just received the money today. I got a phone call today to say that it had been done, so that is where we are at.

Senator FERRIS—Do you expect to qualify for that?

Mr Iddles—We have qualified and we have received the money.

Senator FERRIS—So you have actually received some assistance from the federal government?

Mr Iddles—That was today, yes.

Senator FERRIS—What about the state government?

Mr Iddles—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.

Senator FERRIS—The submission from the Queensland government, which we received only yesterday afternoon at the end of our hearings, indicates that they are broadening the base of that compensation to enable more people to benefit from it. You might like to have a look—this is a public document—at page 32 where there are details. They are going to broaden the base of the Citrus Industry Recovery Scheme to enable more benefits to be made available.

I would just like to take you back to a meeting that took place near Gatton in 2001, which is detailed in a submission that we have received from a Mr Selwyn Johnston. Are you aware of that meeting? Did you attend that meeting?

Mr Iddles—No, I did not attend that meeting. I have only got to know Mr Johnston in the last 12 months. Actually, my wife saw him on television one Saturday afternoon. That was when the outbreak occurred at Evergreen, I think. That was the only time I met him before, I think.

Senator FERRIS—My understanding is that at a public meeting which was attended by Mr Johnston in March 2001—I am obviously going to question Mr Johnston more about it—six months before Mr Gillies courageously made his statements and that phone call to the Redline, a number of people talked about illegal importation of infected plant material, not only citrus but other things as well, into Queensland. Were you aware of talk about that back in March 2001 or was it the case that you only became aware of the likely importation after the Redline phone call and the subsequent raids and visits by AQIS?

Mr Iddles—Obviously, there were a lot of rumours and innuendo around the town about what was happening out there, but we only really became aware of it when the AQIS raid was carried out.

Senator FERRIS—But small towns being what they are—and I have lived in one—did anybody in your town talk about it informally to any bureaucrats like those in AQIS or the DPIQ in those six months before that Redline phone call?

Mr Iddles—Not that I am aware of, no.

Senator FERRIS—Did the citrus industry itself ever discuss it at that time?

Mr Iddles—I do not think so, before AQIS carried out the investigation.

Senator FERRIS—Also in the submission from DPIQ there is reference to a plan that they wanted to implement, which they call a surveillance program. That involved going to farms that were not infected to carry out inspections. Was your farm one of the farms that was approached to make that available?

Mr Iddles—No, we had not heard of that at that time. We were not involved.

Senator FERRIS—If you had been approached, given by then it was known that there was a likelihood that citrus canker was on Evergreen Farms, would you have been willing to allow DPIQ inspectors onto your property under a general surveillance program?

Mr Iddles—Most definitely, provided that all the information was made public and that all the other growers or industry people were told what was going on and what the results were.

CHAIR—Why do you think they had the confidential agreement? Why do people think, given that they were given court support for AQIS, they went into a confidential deed of arrangement?

Mr Iddles—The average person finds it unbelievable that they went into that agreement. It is just too hard to believe. They had won both court cases and then they went down that path.

Senator FERRIS—But leaving aside the confidential agreement, and keeping your eye on the big picture, which was keeping citrus canker off your farm and other farms, if you were offered the opportunity to have a surveillance program run, would you have agreed to have DPIQ come onto your farm to do it?

Mr Iddles—Yes, that is what I stated before. I would definitely have agreed, provided it was made public and the other growers were made aware of it as well.

Senator FERRIS—What do you mean by ‘made public’?

Mr Iddles—The information has to be around freely, not kept in the back cupboard.

Senator FERRIS—DPIQ’s program was a public program—or so they say.

Senator MILNE—I would like to follow up on the issue of compensation a bit more because it goes to the heart of the situation for all the growers here. I understand from what you are saying that low interest rate loans are not an answer for you because you are not in a position to incur more debt. What have you been offered that is not a low-interest loan?

Mr Iddles—Absolutely nothing.

Senator MILNE—So at this point none of the growers have been given anything that does not force them to incur more debt, even though the canker is not something that can be related to what happened on their own farms. Is that right?

Mr Iddles—That is right.

Senator MILNE—What do you propose should be done for the growers here?

Mr Iddles—The basic problem is that our farm is like a graveyard at the moment. Even if we could plant in two years time, we will not have any income from the property for at least five or seven years, so we have no way of servicing the debt we have at present. We have all the infrastructure on the farms—the spray units, the packing sheds and that sort of thing. The only way forward is to come up with a package—which we have put forward—that will give us moneys to carry on for that period of time.

Senator MILNE—Where is the negotiation on that package up to at the moment?

Mr Iddles—That was presented only yesterday, so it will keep going.

Senator MILNE—So that is currently with the federal government. More broadly, the proposition that has been put forward for the industry as a whole, which will presumably take effect in the future, is one where everyone across the industry would take responsibility if an outbreak occurred. It seems that, at this stage, the citrus growers here are going to fall between the floorboards. Is that a fair assessment of how you see things at the moment?

Mr Iddles—When we had a meeting with Lois Ransom in Bruce Scott’s office in Canberra, we were clearly told that it was more than likely the case and that the only way we would get anything out of it is if it was made retrospective. There was not much hope of that. There was not much of a glimmer of light there at all.

CHAIR—How far are you from signing up to a levy?

Mr Iddles—That is the problem. The industry is fully behind this latest package that we have had input into, but as far as this goes, it is just in the middle, in the throes, of getting signed off now. It is in the foreseeable future.

Senator MILNE—So something has to be developed which takes care of this situation prior to the levy coming into effect for all growers in the future and so on. This is really a one-off that we have to deal with in this situation. I would like to ask a couple of other questions in relation to the 2001 and 2004 episodes. What explanation have you, as a grower, been given as to where the 2004 citrus canker came from?

Mr Iddles—We have been told that it arrived at our properties from Evergreen Farms by wind and rain incursion. That is what we have been told.

Senator MILNE—And there is no explanation as to how it got to Evergreen Farms?

Mr Iddles—No, not at this stage.

Senator MILNE—Finally, from scuttlebutt around the town and from the evidence we have been given, it is clear that Evergreen knew that AQIS were coming. Have you got any thoughts about how that might have occurred?

Mr Iddles—No. In my only conversation with Tony Young he told me they had obviously been forewarned. I think he said they had told the sergeant of police here—but that was only a day before—that they were coming. As far as gossip, or whatever, around town, there was nothing to indicate whatever else happened.

Senator MILNE—Thank you.

Senator STERLE—I just want to touch on your opening statement and one of the first points that you made reference to. That was the disastrous situation—the ‘absolute shambles’, to quote your words—in relation to the whistleblower protection. With the talk around town, would it be fair to say that if anyone did see something going on nowadays there would not be any faith in ringing AQIS and the Redline and becoming a whistleblower?

Mr Iddles—You only have to look at what has happened Wayne Gillies. We know that there are other people out there who may know other things but, because they are not protected in any way and because of the way that Evergreen have been keen to sue anyone involved, they are too frightened to come forward in case they lose everything.

Senator STERLE—Would it be fair to say that, with the disastrous situation we find ourselves in here with the citrus growers and the problems that we have, there would more reason for people to come forward now? Wouldn't that be the feeling around town?

Mr Iddles—Yes, but they still need that degree of protection in a court of law. They cannot just leave themselves open to being sued and that sort of thing.

CHAIR—Hopefully they will turn up here later in the afternoon, because they are protected here. What is more, anyone that tries to influence them or change their mind for them we can take action against.

Mr Iddles—That is correct. Fred Ienco was my next door neighbour. There were rumours that he knew things but he never said anything to me, so he was obviously frightened of things such as libel.

Senator FERRIS—An AQIS document that we have here, which is a public document, shows that Mr Ienco was questioned on 27 July 2001 for 15 minutes by AQIS, and he denied any knowledge of illegal imports of bud wood at that time.

Senator McEWEN—Mr Iddles, you have explained to us the terrible situation that you and your family now find yourselves in. Who do you blame for the situation that you are in? If there are a number of people or organisations, what percentage of blame would you allocate to the different parties who have got you to this position?

Mr Iddles—I would blame Evergreen Farms for 99 per cent of it and Philip Cea for the other one per cent. Then you have AQIS following on behind them, so it is just a progression.

Senator McEWEN—Was it common knowledge that the vault that you talked about had been built on the Evergreen property?

Mr Iddles—People were working on the construction site out there. Everyone knew it was there. We were involved in building it, so it was common knowledge out at Evergreen Farms, yes.

Senator FERRIS—Was there a refrigeration plant in it?

Mr Iddles—Not to my knowledge, no.

Senator McEWEN—Do most farms have a vault like that?

Mr Iddles—Not that I know of—not that big, no.

CHAIR—I have one but it is not that big. Have you ever heard any discussion about a refrigerator?

Mr Iddles—No.

Senator McEWEN—You mentioned that the former minister for agriculture, Warren Truss, came to speak to the growers. Has there been any other contact from federal politicians between that visit and the visit of Minister McGauran yesterday?

Mr Iddles—If I could correct you there, Warren Truss has never been to Emerald since this has happened. The only time we got to see him was when we had to pay our own airfares for four of us to go down to Canberra. Before that we had arranged to meet him in Brisbane. He cancelled that meeting at a moment's notice. We had paid for all our airfares to Brisbane and back, so we were out of pocket. Apart from that, there has been very little involvement by the government.

Senator McEWEN—Thank you.

Senator MILNE—How would you go about identifying varieties of citrus, in other words, the trace-back mechanism? If citrus tristeza was, let us say for argument's sake, found on your property, with the trace-back procedures in place should AQIS have been able to quickly establish where you got that bud wood?

Mr Iddles—Yes. I had a meeting with some DPI people—including the head of surveillance—a couple of days ago here in Emerald. We were asked similar questions: where do our trees come from and that sort of thing. We have receipts and so on to say that they come from Cedar Creek Nursery, Mountain View Nursery or wherever. It is relatively easy to know where they came from.

Senator MILNE—If a grower cannot produce a receipt in terms of a trace-back then you could assume that they may have illegally obtained that material?

Mr Iddles—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, ‘Mauri Iddles got 600 trees from here,’ and they would be able to go back through their records and trace it that way? I would think that would be the case.

Senator MILNE—What you are telling me is that AQIS should be able to trace with relative ease where any particular tree came from?

Mr Iddles—That is correct. Even with bud wood, you are able to trace where bud wood comes from.

Senator MILNE—That is what I meant.

CHAIR—I want to clear up an earlier answer to Senator McEwen when you said you had not heard from anyone from the government. Does that include me? I have made 3,000 bloody phone calls to people up here trying to find witnesses who should have been found. Where do I fit?

Mr Iddles—You fit into the picture when we had a cup of coffee in a plastic cup in a foyer in Canberra.

Senator FERRIS—While we are talking about this document, which I read from, regarding Mr Ienco, it is also worth nothing that, given Mr Ienco has also given evidence to this committee which contradicts what he told AQIS in 2001, Mr Price—who has also given evidence to this committee—was also questioned for 15 minutes on 27 July 2001 and he also at that time denied any knowledge of illegal imports of bud wood. So, in fact, the only person who was able to confirm to AQIS anything to do with illegal imports of bud wood was the original author of the statement, Mr Wayne Gillies, who was questioned for two hours on one occasion and 30 minutes on another, all around June-July 2001, during which he confirmed a willingness to make a formal statement in relation to this. I think it is important for everyone to understand that, at the end of that period of inquiry, only Mr Gillies had made any statement in relation to illegal imports of bud wood.

Senator McGAURAN—Going back to the compensation question, you said that you have just received interest rate payments, which pay for 50 per cent of your interest rate commitments. Is that right?

Mr Iddles—That is correct.

Senator McGAURAN—Is that for the whole farm debt?

Mr Iddles—That is correct.

Senator McGAURAN—Is it because you are ineligible that you could not meet the criteria for the Newstart allowance? Is it there on offer if you can meet the criteria; is that right?

Mr Iddles—What you have to realise is that, because we have debts, we have to gain some sort of income. We cannot just live on benefits and those sorts of things. There are tractor payments, machinery payments—all sorts of payments—to make.

CHAIR—I know the feeling.

Senator McGAURAN—Sure, but I want to know where the benchmark is set. Is it that you are not on the Newstart allowance because you do not meet the criteria? Or are you on it?

Mr Iddles—No, I am not on it. As I said, I am still in the construction game. I have to earn my dollars that way to support my family and so on. I am still earning money, but I am not reducing debt. That is the problem we have.

Senator McGAURAN—Do you receive anything from the Queensland government?

Mr Iddles—No. Regarding other loans or other restructured loans—those sorts of things—or borrowing more money, we just cannot do that. We do not want more debt.

Senator McGAURAN—Have you been interacting with anyone from the Queensland government?

Mr Iddles—Yes, we have been talking to them.

Senator McGAURAN—And your critique of that, given that you have given a harsh critique of the federal government?

Mr Iddles—It has been a 12- to 13-month battle. We need help and we have not got any. That is the whole problem.

Senator McGAURAN—From the Queensland government?

Mr Iddles—That is right.

CHAIR—I would say the whole thing has been a bloody disgrace.

Senator STERLE—Could you paint a picture for us of where your farm is located in relation to Evergreen Farms?

Mr Iddles—We are about five kilometres north-west of Evergreen.

Senator STERLE—Is there another property or more than one property between you and Evergreen?

Mr Iddles—No, there is just scrubland—the river and open scrubland.

Senator STERLE—Being a boatie from Western Australia I understand which way the wind blows over there, but does the wind blow from Evergreen to your farm?

Mr Iddles—That is right. We are actually in the throes of putting together the detail of wind directions and so on from Evergreen to our farm and through to 2PH and so on.

CHAIR—Thank you very much.

[2.17 pm]

JOHNSTON, Mr Selwyn Noel Leslie, Private capacity

CHAIR—Welcome. We would be grateful if you would make an opening statement.

Mr Johnston—I first became involved in this issue back in March 2001 as the result of a number of phone calls that I received. I will briefly refer to the statement which I submitted. I will leave out the first paragraph because Senator McGauran might want to take exception to it later on. To say that I am personally disappointed with the handling of the citrus canker fiasco would be an understatement. I would like to say straight off that, if Senator Heffernan had not become involved when we were in Canberra, I do not believe we would be sitting here right now. That is a commercial, Bill—we will have a beer later on!

Put simply, due in part to this issue before you today I believe an audit of Australia's quarantine legislation, particularly in relation to the confiscation of property associated with the illegal importation of commercial materials—and similar to tainted goods in drug related crimes—should be initiated as a matter of urgency. Why should Australian taxpayers fund the damage caused by the illegal importation of exotic citrus canker disease or other things? I think it is abundantly clear after perusal of the Quarantine Act, the Customs Act and the imported foods act that AQIS has a fundamental administration and financial responsibility in relation to carrying out of its duty of care. I think in this particular instance it has failed miserably.

These growers who are before you today are from the same families who are incurring massive debts on a daily basis. They are debts that are rightly the responsibility of the federal government due to the failure of AQIS and Biosecurity Australia to protect our quarantine borders. At this stage I refer you to the correspondence I had with the Prime Minister. It is self-explanatory and we can go from there.

CHAIR—I think it would be fair to say that any sensible person would have viewed the chain of events surrounding this issue with some alarm, in that obviously citrus canker did not arrive mysteriously. It obviously turned up here through circumstances of error, human failure or deliberate incursion. We do not know, but it is important that we try to get to the bottom of that. If we do not, it invites other people to stand in contempt of Australia's best interests and the best interests of Australians in the same way.

Senator FERRIS—Mr Johnston, I would like to take you to the letter that you wrote to the Prime Minister on 12 May 2005 in which you refer to this meeting that I referred to when I was asking some questions of Mr Iddles—that is, the rumours at that meeting in March 2001 concerning quarantine breaches and the illegal importation of rootstock. Given that it was being discussed at the meeting—although the meeting was held for another reason—did anybody go and talk to anybody from DPIQ, AQIS or to any other bureaucrats who could have assisted with an inquiry into this process in the six months before Mr Gillies made his call to Redline?

Mr Johnston—I will take it back to a few weeks before that on 22 March. I was coming here to Emerald where it was publicised that I would be speaking at the town hall on property and rural issues. I had a number of phone calls which were initiated out of Emerald. I have no idea who the persons were who rang me. Two guys rang me because they had seen the notices up here that I was speaking at the town hall. The first one who rang me asked me if I would be interested in looking at an issue in Emerald which was to do with citrus materials and others which he believed were imported into Emerald illegally, and would I be interested in talking to him. Obviously, I said yes because I was coming up here a couple of weeks later. After about three or four days, I then had a second fellow ring me. He identified himself—not by name—as also a worker in relation to what I was doing when I was up here. He asked me if I was interested. I told him that, yes, I was. I think I only had two phone calls from each of those guys in early March.

I arrived in Emerald on 17 March and on 17 March I was at Evergreen Farms. I have photographs with me that were properly date stamped et cetera when I was there. I spent about 20 minutes on Evergreen Farms. I only got as far as the boom gate at the main entrance, about a kilometre and a half into the property, when I was stopped. I had two colleagues with me, one from the Lockyer Valley area and another from Western Australia, who were part of the questions that we wanted to ask.

Senator FERRIS—Why did you decide to go to Evergreen Farms? Did you know from the conversations that you had had on the telephone that Evergreen Farms was the farm that they were referring to in relation to this imported bud stock?

Mr Johnston—In both phone calls from the two people, they both said that they worked there and that that was where it came from. Continuing on, we were stopped at the boom gate by an armed guard. We had a discussion for probably 15 minutes about some of the issues which I was trying to raise with him. He

answered some of our questions and then finally he said: 'I am now ordering you off the property. Turn your vehicle around and get the hell out of here,' which we did.

Senator FERRIS—You had obviously thought that the phone calls you got were credible and that the allegations were certainly worth investigating, if not truthful. You went to the farm. After you left the farm, did you then speak to anybody in DPIQ or in AQIS?

Mr Johnston—No.

Senator FERRIS—Why not?

Mr Johnston—Because at the time I was travelling. I was on my way and I had to get out of Emerald. I was on the move.

Senator FERRIS—Did you have a mobile phone?

Mr Johnston—Yes, I did.

Senator FERRIS—Are you aware of the Redline number?

Mr Johnston—I am also aware that at most of the places where I was, there is no Telstra connection.

Senator FERRIS—Let us get back to priorities. I am trying to establish, you got phone calls in March—

Mr Johnston—The beginning of March.

Senator FERRIS—You thought they were serious enough for you yourself to drive out to Evergreen, which was something of a risk, to talk to an armed guard at the gate about the issues that you had been told about anonymously on the telephone. But when you left, were you satisfied with the answers you got?

Mr Johnston—Absolutely not.

Senator FERRIS—And ever since, you made no decision to ring anybody or talk to anybody until you wrote this letter on 12 March 2005?

Mr Johnston—That is incorrect.

Senator FERRIS—What did you do?

Mr Johnston—Around 21 March, as it says clearly in the letter to the PM, I contacted the Prime Minister, the Deputy Prime Minister, the minister for agriculture, Premier Beattie and Henry Palaszczuk; they were all made aware of it. One of the people at the meeting on 22 March was a member of parliament and he said publicly in that meeting that he was taking what I was saying to Minister Truss.

Senator FERRIS—But you did not go to AQIS, and AQIS are the federal body responsible for the administration of quarantine. Mr Gillies knew that when he rang Redline six months later. I find it difficult to understand that somebody who is in the agribusiness field, as you are, would be unhappy with the answer but not go to AQIS, who are the body who administer this. I do not have any other questions.

Mr Johnston—Thank you.

Senator MILNE—I am unaware of your professional role. You said that you live in Cairns and you were invited to come to Emerald. You say you travel a lot; I do not know what your business is, why people would have approached you to come here, what capacity you would have gone to Evergreen in and so on. I am keen to know those things. I am also keen to know if you would make available to the committee the emails that you sent to the Deputy Prime Minister and all the others, which you have listed in your evidence—if you have copies of them—so we know who you did inform and what you actually told them. Would you mind telling us about your role?

Mr Johnston—I have been involved with primary producers for the last 15 to 20 years. I have been as concerned as most of them.

Senator MILNE—As what, though? As a consultant?

Mr Johnston—As a concerned citizen of Queensland. As far as our rural industries are concerned, it appeared from 15 years ago that a lot of our primary industries were being pushed in a direction which I believe was not a direction we should be going in. Subsequent to that, this is where we are now, not only in citrus but also in all the rest of our primary industries; they are going in the same direction. That was what I was interested in; I was interested in the water issue. As I went around and was talking about property rights and water rights, these other issues came into play. I then took an interest in them, as I took with the citrus industry. Subsequent to that, two or three years ago, I made statements in relation to what was happening here

in Emerald and newspapers and media picked it up and ran with it. About 12 or 14 months ago, Mauri Iddles contacted me because he had seen me on a program out of Canberra, I think it was, and asked me if I would have a look at what correspondence et cetera they had done, which I did.

Senator MILNE—But what I am trying to understand is: are you being paid by someone; do you represent an organisation; are you funding yourself in these public interest activities that you are engaged in?

Mr Johnston—I am not getting paid by anybody, which can be confirmed by the growers that are here. I fund myself. In actual fact, I am a computer systems analyst by profession and I am doing this because of my concern for rural Queensland.

Senator MILNE—Would you make the emails that you sent to the Deputy Prime Minister and all the other people on your list available to the committee?

Mr Johnston—Absolutely, yes.

Senator MILNE—Thank you.

Senator McEWEN—Have you had a response from the Prime Minister to your letter of 12 May 2005?

Mr Johnston—No.

CHAIR—What about the Premier?

Mr Johnston—No.

CHAIR—There is a slight political take in these questions and I am trying to take the politics out of this committee.

Senator McEWEN—I am just curious.

CHAIR—That is bullshit.

Senator MILNE—If I can just ask one more question in relation to the confidential agreement. It is clear that nobody can really understand why AQIS entered into that confidential agreement when the court cases to date had upheld their position. There is a sense in a lot of the submissions and things that have been made that AQIS went soft on Evergreen Farms. That has been put in the colloquial. Do you have a view on why that was so? What motivation would they have to play favourites in that regard?

In relation to that, there is a second part to the question. Whilst they would argue that they had to enter into the deed agreement to cover the grape harvest and to keep an eye on where those grapes from Evergreen Farms went, I understand they already had evidence of the citrus tristeza disease—where it came from and that it was an unknown disease in Australia at that time. So, in your view, why did they go soft on it? And knowing that the other disease was there, why wouldn't they have at least quarantined the farm on that basis, quite apart from the grapes?

Mr Johnston—If you look at the transcript of the court case of 12 October—regarding court action that was taken by Evergreen Farms or PCP—and the following document, which I think was item Q217 from the Federal Court, dated 15 October, you will see that it was clear then that Jenny Gordon was asking for a three-year quarantine of the whole farm for three years. It seems that some sort of coercion was applied, because it was a matter of only days before the three-year period was withdrawn. Under the auspices of getting the grape crop picked and away, it seems to me that they tied the lifting of the quarantine for the citrus together with the lifting of the quarantine for the grapes.

Senator MILNE—Exactly.

Mr Johnston—They tied them both together, totally incorrectly. I believe that was a result of the action that was taken on 15 October, particularly since that was the only time they were talking about it changing from an indefinite quarantine period. On 15 October, AQIS was asking for a three-year period, and it should have happened for a three-year period.

Senator MILNE—Why do you think they did not? Why do you think they separated off the citrus, which should have been a reason in itself to maintain the quarantine, quite apart from the grapes?

Mr Johnston—The talk around the street that I was getting back was that it was because court action for in excess of \$90 million was being threatened.

Senator MILNE—From the owners of Evergreen Farms?

Mr Johnston—Yes, from Evergreen Farms or PCP—whichever. That is my understanding of it. My understanding is that AQIS or the director blinked. It is as simple as that.

Senator MILNE—So you believe it was because of pressure under the threat of legal action—that there may have been interference from a higher level to pull that—

Mr Johnston—If you follow through the legal documents, to me it sticks out.

Senator MILNE—Thank you.

CHAIR—If a property is quarantined for citrus canker and it is a grape farm as well, does that bar you from doing an activity that might contaminate trucks, men and boots? Does that make it difficult to deal with your grapes?

Mr Johnston—I am not qualified to answer that question. I think you would have to talk to growers.

CHAIR—Another question is: if someone has brought in these cuttings illegally, would the quarantine period that we have in place be long enough to pick up an outbreak of citrus canker? I am not too sure, but we will find that out later.

Mr Johnston—My understanding is that six weeks is ridiculous.

CHAIR—It looks like the incubation period might be two or three years.

Mr Johnston—They should have asked for three years in the first place.

CHAIR—It seems to me that Jenny Gordon was right.

Mr Johnston—I agree with some things, but there are other things I do not agree with. I believe that the three-year period should have been stuck to. Going back to some of the phone calls I received in early March and into April, after I got back from my tour, two people suggested that the bud wood in question came in a tea chest. I have heard a lot about things being wrapped in tea bags et cetera, but my understanding from them was that they believed it came in tea chests. You would probably remember the old tea chests.

CHAIR—Yes.

Senator McEWEN—You are an expert in agribusiness—is that right?

Mr Johnston—No, I am not. I have knowledge of the ag business across the board, but I am not an expert.

Senator McEWEN—It has been alleged that the owners of Evergreen Farms may have illegally imported some rootstock or some material to bypass Australia's regulations and laws regarding the importing of material for agricultural purposes. Why do you think they did it? It has been said that it was to give them an edge, so that they were faster off the mark than other growers to introduce and grow new varieties and would thereby get a better market share. I am not trying to defend the indefensible, but is it because Australia's regulations about improving our rootstock or improving the number of species or the kind of agricultural products that we grow are too slow and put Australian growers at a disadvantage that forces people to do illegal things?

Mr Johnston—I do not think it has anything to do with any of that. Look at the Evergreen conglomerate, which is a worldwide conglomerate, taking into consideration their shipping companies. Look at what they have done with the development of new containers which they can pack fruit into. They can have it at sea for three, four or five months and drop it anywhere. Look at there being lightweight containers. I believe that the fruit which came out of Evergreen Farms would have been for the Chinese market, probably the South-East Asian market, because they were looking at a variety which was conducive to the market for the population over there. So I do not believe it was to upset the Australian market. I believe it was all for the export market.

Senator McGAURAN—You were asked to supply the emails; is that correct?

Mr Johnston—Correct. That goes back to March 2001.

Senator McGAURAN—Did you receive any answers, and can you supply them?

Mr Johnston—No. I did not receive any answers. However, with the discussion with Henry Palaszczuk and a fellow by the name of Cameron Dick, I actually wrote them some material and asked them, in reference to my correspondence of March 2001. In fact I received a reply from Cameron Dick, not from Henry Palaszczuk. The reply I received had parts of the text which I wrote in 2001, but they denied receiving the email. I found that pretty annoying, and I sent an email back to him saying, 'How can you quote my email of 2001 and then deny its existence?'

Senator McGAURAN—You emailed the Premier, Mr Beattie, and his minister for primary industries. I take it you never received a reply from them?

Mr Johnston—No, I did not.

Senator McGAURAN—In your introduction—

Mr Johnston—Sorry?

Senator FERRIS—And you still did not ring AQIS?

Mr Johnston—I do not work in the industry at all. I did what I believed was the right thing. Not only did I not contact AQIS or Biosecurity Australia, either in Queensland in Canberra; I went directly to the ministers involved, the ministers who administer these departments. For heaven's sake, if you go to the people who run these bloody shows—AQIS and the DPI—don't you think that they should be doing something about it? I went to a lot of trouble to do it.

Senator FERRIS—Look what happened when Mr Gillies rang the red line. We have a copy of how they monitored his call—

Mr Johnston—And it still took them six weeks.

Senator FERRIS—No, just a moment—

Mr Johnston—Sorry.

Senator FERRIS—It did not take them six weeks at all. If you want to have a look at what happened, the documents are public.

Mr Johnston—I have read those documents.

Senator FERRIS—Then you will know that it took six weeks before the raid took place—

Mr Johnston—Correct.

Senator FERRIS—but it did not take six weeks for the action to be taken on the call to the red line that Mr Gillies so courageously made.

CHAIR—Anyhow, there you go.

Mr Johnston—I think Mr Gillies did a good job too.

Senator FERRIS—He did.

Senator MILNE—You mentioned that, at the meeting at which these allegations were made, there was a member of parliament who undertook to take the feeling of the meeting back. Who was that?

Mr Johnston—Cameron Thompson, the federal member for Leichhardt.

Senator FERRIS—He is actually the member for Blair.

Mr Johnston—In fact, when we were talking about it at that public meeting, there were two local mayors, two or three deputy mayors and probably about a dozen councillors. Political candidates for probably most of the major political parties were there, as were senior representatives of community groups and heaps of farmers.

CHAIR—Was this in the context of an election?

Mr Johnston—No.

CHAIR—Cameron Thompson is the member for—

Mr Johnston—The member for Blair.

CHAIR—Yes.

Mr Johnston—He jumped up after we were talking about that, and he yelled out: 'Alarmists! Scaremongering!' I thought it was wonderful that he said that. That was when we pushed him into a corner to take it to the minister. He said he was going to take it to Minister Palaszczuk. I believe—disregarding our not making a phone call to AQIS or Biosecurity—that we pushed enough buttons to get it right to the top. And that was our intent when we did it.

CHAIR—It is a bloody shame that you did not push my button. Anyhow, there you go. So do you have any political aspirations?

Mr Johnston—I am standing as an Independent for the federal electorate of Leichhardt in 2007! If there is anybody here from Leichhardt, I will talk to you later.

Senator McGAURAN—Was that a bit of political grandstanding, Mr Johnston?

Mr Johnston—Yes, it was. I have seen you do it often yourselves.

Senator FERRIS—Yes, but we are politicians; you are not.

Mr Johnston—That is correct.

CHAIR—Thanks very much.

[2.40 pm]

PRESSLER, Mr Craig Robert, Private capacity

CHAIR—Please state the capacity in which you appear and make an opening statement.

Mr C Pressler—I am a partner in 2PH Farms. My position is operations manager. I am also part owner of Citricorp, formerly Cottrell Farms. I live on a farm in the war zone. Over the last 12 months I have watched the progressive destruction and burning of our lifetime's work, destroyed on a daily basis until there is nothing left on Selma Road—approximately 1,000 acres of mandarins. From day one, 2PH and our staff have been committed to achieving the best possible outcome for Emerald growers, Queensland citrus growers and our industry. From day one there have been many times when grower assistance should have been sought and was not. When staff assistance was provided, these people were treated disgracefully.

There has been an enormous amount of time, energy and resources wasted by growers and staff in supplying and resupplying information that has then been lost or misplaced and required again because of continual changes in staff and/or has been required after the fact. DPIF have not recognised or responded to growers' concerns about some of their staff and their actions and issues of conflict of interest which still exist.

Growers' information regarding the trees collected from our farms with regard to epidemiology, spread and distribution of the disease and the like has been requested from DPIF, NCCEP and AQIS. It was requested from AQIS under the Freedom of Information Act. It has been bogged down in a legal process and still has not been provided. This has been requested on numerous occasions, orally, in writing and by our legal representatives. Not once has a single piece of paper been provided. There is an attitude that this is not for the growers that it affects to have. I think some of their so-called science and scientific advice is severely lacking in substance. Therefore, it will not be provided, because some may not in fact be science and some may not in fact exist. We have had to remain focused on surviving this war zone, not only for ourselves but for the future of our families, our staff and our industry. I thank all of these people for their support.

CHAIR—Thank you very much. When the bulldozing occurs, is there a risk that if there is diseased stock in what is being bulldozed, if there is a root or something left stuck in the ground, it could continue on?

Mr C Pressler—Typically the treatment is such that the roots are removed.

CHAIR—Yes, but we are talking about human failure here.

Mr C Pressler—There is a risk if it was to regrow and be reinfected with the bacteria.

CHAIR—So there has been some special provision made, for instance, on your farm—you go around and make sure there is no regrowth or even just a dormant root there?

Mr C Pressler—Correct. The treatment that is applied on our farm is, firstly, copper spraying to the trees then bulldozing and, after the burning, cutter barring, raking, ripping, discing numerous times and levelling.

CHAIR—They introduced the Florida protocol, which has got a percentile risk attached to it. I think with the percentile risk that they have taken here the removal of the risk is reasonably high but not 100 per cent. There are classic examples of full failure of the Florida protocol in America, for instance.

Mr C Pressler—This is with regard to the distance, the 600 metres, you are talking about?

CHAIR—Yes. I have the view that your first loss is probably your best loss and whack the lot, but it is easy for me to say. Has there been consultation on the 600 metres since the 600 metres appears to have failed?

Mr C Pressler—No.

CHAIR—What about the quarantine? I find it curious. AQIS look after one episode of it and apply the quarantine, and then DPI enforce the quarantine. That is my understanding of it. Is that right?

Mr C Pressler—I believe so.

CHAIR—So what is to stop me this afternoon from just driving up the road here and just picking myself a pile of mandarins?

Mr C Pressler—There is only a barbed wire fence.

CHAIR—So it is a sort of quarantine barrier that is subject to a high level of goodwill and good behaviour.

Mr C Pressler—Correct.

Senator FERRIS—In the DPI document that we received yesterday, reference is made to something called the ‘Pressler plan’, which was subsequently rejected at a senior federal level, a committee of the state and federal bureaucracies. Can you take us through what that Pressler plan was, briefly, or is that a question for your father?

Mr C Pressler—That is probably better, if you want to leave it till then.

Senator FERRIS—I do not mind. It is a question of which one of you wants to answer; it is your call.

Mr C Pressler—Basically the proposal was put up in consultation with the growers here. The growers consulted and worked out what we all believed. The growers that were consulted were the Cordomas, the Iddleses, Cottrells and 2PH. They consulted and worked out that the best way forward was to completely remove all the trees in the area and to fast-track it. Often there is reference made to the dollar figures on it. It was proposed to fast-track this plan and enable the trees to be removed and there was a \$50 figure used on that. That would be for the removal of all the commercial trees in the Emerald district of those farms that we named. Do you need more detail on that?

Senator FERRIS—Do you know why it was rejected? Were you told why it was rejected?

Mr C Pressler—No.

Senator FERRIS—Simply that it was.

Mr C Pressler—That is correct, yes.

Senator FERRIS—One of the other areas that I would like to explore with you is on page 11 of their submission. Because I realise you will not have it, I will briefly tell you that it refers to a proposed surveillance program which was planned to commence in May 2002, six or eight months after the raid on Evergreen. The proposed surveillance program did not proceed, however, due to objections received from 2PH Farms, which then represented more than 50 per cent of the citrus trees in Emerald at that time. Given that you were pest free at that time, and you say that in the submission—that we got, sadly, on the aeroplane as we were flying in here, which makes it hard to have time to read it, but I did glance at it—on page 2 that at that time you were pest free, why did you decide not to cooperate with DPIQ’s proposed surveillance program such that it could not take place at all because they were not able to come onto your property without your support?

Mr C Pressler—It is in fact incorrect that we did not choose to cooperate. It was they who chose not to cooperate with us in that it was clearly made plain—and Maurie Iddles said before—that what they wanted to come and do was surveillance for tristeza. It was not in fact canker. I think you said canker before; it was in fact tristeza that was the virus they were wanting to do surveillance for.

Senator FERRIS—That was the virus they had found on Evergreen.

Mr C Pressler—That was the virus that I believed DPI&F wanted to come and do surveillance of in the area to establish whether it was in the area, what its spread and distribution were, how far it had gone and those types of things.

Senator FERRIS—At that stage they had not found citrus canker.

Mr C Pressler—That is correct. We made it plain to them that it would not be a satisfactory situation for them to come and do surveillance on our farm—or any other farm, but dealing with our farm—unless that information was going to be made public to all and not be hidden behind some secret agreement. Likewise, our information and that of Iddles, Cordoma and everyone should be available to all. It should not be hidden and disguised in some manner.

Senator FERRIS—To clarify: they had said to you that the results of the proposed surveillance program would be confidential to just you?

Mr C Pressler—I do not believe so.

Senator FERRIS—I am just trying to clarify this. You say it is not right. I will take you to page 12 of the submission in a minute. The basis of your objection is that you wanted to know the contents of the confidential agreement that AQIS had struck with Evergreen Farms before you would allow the surveillance on your property. Is that what you are telling me?

Mr C Pressler—I am not sure that I recall that piece of paper.

CHAIR—Someone is nodding behind you who may be able to answer that question in due course.

Mr C Pressler—That is fine.

Senator MILNE—I would like to pursue this to clarify Senator Ferris's line of questioning. It was my understanding from what I have read in the documents that the confidential deed of arrangement was what really upset a lot of growers here because it appeared that the court process was on track to actually win and that there was an argument for keeping the property under quarantine because of this tristeza. The growers said to the quarantine service that they were prepared to have their properties under surveillance but only if all the information on all the properties was made available, including Evergreen. What had come back was a proposition that the evidence about Evergreen would not be released. When that was refused, the view of the growers was that it was all in or none in. Is that basically the sense of it?

Mr C Pressler—I believe so.

Senator FERRIS—DPIQ never had any part in that confidential agreement. That was struck between Evergreen and AQIS and did not involve DPIQ in any sense at all. Is that correct?

Mr C Pressler—Correct.

CHAIR—What is good for the goose is good for the gander.

Mr C Pressler—Exactly.

Senator McGAURAN—Are you receiving any compensation?

Mr C Pressler—No.

Senator McGAURAN—Have you applied for any?

Mr C Pressler—No.

Senator McGAURAN—Why not?

CHAIR—We are coming to you, Senator McGauran.

Senator MILNE—In terms of compensation, whilst you may not wish to apply for compensation, what in your view would be the most appropriate way to deliver compensation? What would be the best way of dealing with this situation?

Mr C Pressler—A two-part proposal has been put forward for grower reimbursement on a per tree basis and grower remuneration for re-establishment. We had an established industry and it certainly is the intention of all the growers to re-establish that industry here. However, it is very difficult to re-establish when your means of producing an income has been taken away for the next X number of years until we can plant again. Are you familiar with that proposal?

Senator MILNE—Yes, I am asking you for your opinion on the best way to go. Finally, if citrus tristeza was found on your property, what would you expect AQIS's response to be?

Mr C Pressler—The same citrus tristeza virus that was found at Evergreen or the other one? There is citrus tristeza in Australia already.

Senator MILNE—No, the strain that had not been in Australia. If they found it on your property what would you expect them to do?

Mr C Pressler—To apply the appropriate measures that are open to them.

Senator MILNE—So why do you think they did not do that on Evergreen? When the grapes came into question, the citrus tristeza just went off the agenda. Why do you think that was?

Mr C Pressler—I think they are risk averse and they did not want to risk litigation or any unfavourable outcome against them.

Senator STERLE—I take it that Citricorp and 2PH are one and the same.

Mr C Pressler—No.

Senator STERLE—Are they two different properties?

Mr C Pressler—Entirely.

Senator STERLE—Where is your property located in relation to Evergreen Farms? How close is it? Do you border it?

Mr C Pressler—I am a partner in 2PH Farms. I will digress a little. Earlier this year, the destruction and eradication was going down the path of the cookie cutter approach and there were no deviations in that. Bindi Pressler, my wife, and I decided that we needed to give ourselves and our family some direction and look at

where we could go forward in this. Whilst we would not be allowed in the domestic market, we would be able to export fruit in the future. We have got in the order of 70,000 trees in nurseries outside the pest quarantine area. We applied through the DIP&F, who put it to the scientific advisory panel consultative committee national management group, to be able to introduce those trees into the pest quarantine area and were granted that approval, which would permit those trees to be introduced into the pest quarantine area.

We purchased a property at that time, prior to applying for that permit, to give us some direction. That property was in fact Cottrell Farms. We purchased that in April. It is a completely standalone entity from 2PH, with no association or relation in any way, shape or form. We recognised that we could not have it as an operation that was run as one and the same as 2PH.

Senator STERLE—Geographically, do you border common boundaries?

Mr C Pressler—No. It is on the other side of the river. There are 2PH properties on both sides of the river. The affected area of 2PH is on the other side of the river. It is approximately three kilometres away.

Senator STERLE—So at this stage it would be fair to say that your property is not contaminated but, with the cookie cutter approach, you will be at the end of the losing streak too, if we go through the eradication.

Mr C Pressler—That is correct.

Senator STERLE—That is where your concern is.

Mr C Pressler—The DPI&F had done surveillance on that and gave the Citricorp property a clean bill of health. Certainly we did surveillance with our staff on that, who are trained in looking for and doing surveillance for canker. That is the reason we purchased it; we believe it is free of canker.

Senator STERLE—I know I sound like a broken record but, to pick up on Senator Ferris's line of questioning, I am having difficulty finding a reason that other growers in the area would not allow inspections to take place unless they could find out publicly what the deal was between Evergreen and AQIS. After the event, we are all experts. Canker was going through the place and now we are at the blunt end of the stick, but why wouldn't the industry be concerned and want to be part—

Mr C Pressler—This farm was purchased after that was the case. It was in April this year that Citricorp Farm was purchased.

Senator STERLE—I suppose I will leave that line of questioning to the next witness.

Senator McEWEN—Following on from a question from Senator Milne, you said that you were going to re-establish; you want to continue as a citrus grower in the region. You also said in answer to a question from Senator Milne that if an outbreak of a disease was found on your property you would expect AQIS to do whatever they could. Do you think the armaments that AQIS have got are sufficient to do what they need to do to prevent a recurrence of either this outbreak of a disease or future outbreaks? If you think that the weapons they have are insufficient, have the growers been doing anything to address that issue?

Mr C Pressler—Let me know if I forget some of the questions that you had, because I think there is more than one in there.

Senator McEWEN—There are two.

Mr C Pressler—I think the armaments that they have are sufficient if they are applied and if there is diligent work conducted at the start of the operation and carried out—and I will not say 'to the best of their ability' because I do not think their ability was all that good at the time—to the best of their charter and what they are supposed to carry out. I think there are adequate protection methods there. What was the second part of the question?

Senator McEWEN—If you did not think they were adequate, are the growers working together to address inadequacies? You are saying the legislation is okay but it is the implementation of the legislation that is the problem.

Mr C Pressler—Yes.

CHAIR—It is a curiosity, having gained court consent for a quarantine area, to then have a complete change of direction. We have had demonstrated to us about the 18-month period—perhaps I should not say it was bullshit. There were only two or three inspections. There was no inspection in the last three-month period and there was obviously a crossover: during that 18-month period there was actually citrus canker on the area and it was not picked up. The lady in charge of that said she was given 'mission impossible' to inspect this place, given the manner in which she was allowed to conduct the inspection. There is a huge risk of human

failure in visual inspection. I can understand why the rest of them probably got a bit agitated about the strength of a court, after it applied a quarantine and then a confidential agreement was entered into. I know what that raises in my mind, but I would not dare say it here. Have there been any rumours around here about why that took place?

Mr C Pressler—No—other than that they were risk averse and did not want to risk it.

CHAIR—So how did people discover that there was in fact a confidential memorandum of understanding?

Mr C Pressler—I do not recollect how that came about.

CHAIR—When the quarantine was put in place—and I imagine that would have been a pretty newsworthy event in the district—did people think, ‘Oh well, it’s under quarantine,’ and just go about their business and take no interest in what became of the quarantine?

Mr C Pressler—No, certainly there was interest as to what was happening in regard to grapes and their so-called inspection or protocols that were in place.

Senator McGAURAN—Why haven’t you applied for compensation?

Mr C Pressler—Again, not to go into debt any further. It does not serve any benefit to apply for more funding—we still have to pay it back.

Senator FERRIS—What about household support? The federal package includes household support.

Mr C Pressler—I think that is a joke.

Senator FERRIS—Why do you think it is a joke?

CHAIR—I have to say with respect that, for a lot of people, being able to pay the weekly \$300 tucker bill through that scheme is pretty important.

Mr C Pressler—But—

Senator FERRIS—It might be a joke for you, but it is not a joke for thousands of farmers who are in drought areas.

Mr C Pressler—To apply it to us—

Senator FERRIS—It is a package available. I am asking you whether you considered applying for household support. If the answer is no, just say no.

Mr C Pressler—No.

Senator FERRIS—Fine.

Senator McGAURAN—The interest rate payment that is available to you is not going into debt; it is in fact a straight payment of support. So why would you be going into debt if you applied for that?

Mr C Pressler—No, I was talking about the Queensland government one.

Senator McGAURAN—They have one?

Senator FERRIS—Yes, they have.

Senator McGAURAN—But you have not looked at the federal government one.

Mr C Pressler—I have not applied for it.

Senator McGAURAN—Why?

Interjector—We have the paperwork, but we have not had time.

Senator MILNE—Mr Pressler, in the earlier part of your presentation you said that you believed there were some people who had a conflict of interest but you did not elaborate on who they were. Could you elaborate on that now—which positions or which people you thought had a conflict of interest?

Mr C Pressler—I believe Michael Benham, who is in charge of surveillance, has a conflict of interest.

Senator MILNE—Can you explain why you believe that is so?

Mr C Pressler—Michael Benham works for the DPI&F. He was, I believe, a manager of the citrus at Evergreen Farms for a long period of time. He then went into surveillance on other farms. The conflict of interest is that he has done surveillance on Iddles’, Cordoma’s and 2PH. With his background in citrus prior to becoming a citrus manager at Evergreens, he should have had the knowledge to be able to identify citrus canker. If he did not have that knowledge then he should have been able to ask his peers or industry associates,

‘What is this strange disorder or disease or problem that is in that orchard out there?’ It was widespread, I believe, out there. He was put in charge of surveillance and continued accessing all the other growers in the area in his role with the DPI&F. I also believe he has got a strong association—in fact he resides with a current employee of Evergreen Farms who is in a senior management position. Surely that is unacceptable, if you are employing him and he is still residing with the alleged illegal importation of material. That is why I believe there is a conflict of interest.

CHAIR—Thank you very much. You will be pleased to know we will ask him about that this afternoon. He may well have a good explanation.

Mr C Pressler—Thank you.

[3.14 pm]

PRESSLER, Mr John Frederick, Partner, 2PH Farms

CHAIR—Welcome. Would you like to make an opening statement before we ask questions?

Mr J Pressler—I have filed a submission with the committee and I do not propose to repeat it in any detail in my statement. In summary, it describes the losses suffered by 2PH and growers in the area. It attaches a plan for compensation that was provided to Minister Peter McGauran yesterday. We and the other growers need compensation from the government if this valuable industry is to survive. The growers' plan is very reasonable. It does not include the full loss suffered by growers, but if it is quickly adopted and implemented, it will help the growers survive. I am happy to continue to cooperate with all government agencies, as I have done to date. I welcome the Senate inquiry and acknowledge Senator Heffernan's good work.

The compensation that my submission is about—and I think some of the discussions that have taken place are about this—does not have anything to do with loan assistance and the assistance packages that have been offered thus far by both state and federal governments. It is a very different concept to what we are talking about. I would also be happy to tell you why 2PH growers ended up not participating in the surveillance. I assure you that it was not our decision that it did not go ahead.

Senator FERRIS—Perhaps we could explore that straight away. On page 12 of the DPI submission it says:

The proposed 2002 surveys of Emerald citrus orchards by DPI&F did not proceed for the following reasons:

- The confidential agreement involved controls over movement of plant material, ongoing surveillance on the property by AQIS inspectors and not DPI&F 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 DPI&F inspectors to enter properties.

It goes on, but that is the critical nature of it. Could you take us through exactly why your farm decided not to cooperate with that survey?

Mr J Pressler—Senator Ferris, we did agree to cooperate.

Senator FERRIS—You did not agree to cooperate?

Mr J Pressler—We did agree to cooperate.

Senator FERRIS—So what DPI says in this is not correct?

Mr J Pressler—That is not correct.

Senator FERRIS—Perhaps you would like to correct the record. There is one other bit, just to contextualise it. If you are going to correct the record, I think I should just read you this as well. On page 11 of this document it says:

The proposed surveillance program for CTV and CTLV in Emerald citrus orchards did not, however, proceed due to objections received from 2PH Farms, which represented over fifty per cent of the citrus trees present in Emerald at that time.

Mr J Pressler—If we go back to the secret agreement, that did gall the local community and the local growers. The person conducting the major portion of the operation at that time for AQIS was Jenny Gordon and she was communicating quite regularly. She answered phone calls and she told us what the state of play was. However, when the secret agreement came into place it was then a curt, 'I am not prepared to discuss this any further with you; there will be no further communication. A deed of arrangement has been put in place and we are not at liberty to discuss anything further.' So we went from having reasonable dialogue to complete incommunicado.

Senator FERRIS—Did you think that was because she was a signatory to the agreement?

Mr J Pressler—I did not know, but nobody else stepped forward to make any communication. We were just slapped in the face and told, 'Get back in your box,' if you like.

Senator FERRIS—To get it contextualised: before the agreement was signed, Jenny Gordon was the main source of communication; after the agreement was signed, there was no communication. In other words, when she stopped communicating, no-one took her place.

Mr J Pressler—As far as we are concerned, that is exactly right. I suppose relationships between government or agency officials and the growers were not at a good ebb at that point. Then, it was mooted that

this surveillance take place for citrus tristeza virus, which was actually a good idea. We thought: great; we will have a trade-off here; we will get to know about this secret agreement. As Senator Heffernan said, there was no communication with the growers to explain what had taken place and why it could not be communicated. You got a blank wall at all times.

Senator FERRIS—How did you know that the agreement had taken place?

Mr J Pressler—Jenny Gordon said there was a deed of arrangement, that she could not discuss it any further and that she would not communicate with us on it at all. Of course, what also galled the growers was that we knew of the allegations and we knew of the court case et cetera. The place was under quarantine and, when the deed of arrangement was put in place, the quarantine sign was taken off the property.

Senator FERRIS—And you did not know why?

Mr J Pressler—We did not know why. Nobody would tell us anything.

CHAIR—Did you know when the sign came down?

Mr J Pressler—Only when people that had driven past told us. Then we went around and saw it.

Senator FERRIS—Let's keep on track with this surveillance because I am interested to know this.

Mr J Pressler—When they came forward with the idea to do this surveillance, they said, 'We propose X amount of samples, the majority of which will be on your property and Evergreen's and the other properties; we want to do this.' We said, 'That'd be great. Come and do it, but we need to know what's in this secret agreement.' They said, 'You can't do that.'

Senator FERRIS—When you say 'they', Jenny Gordon is an AQIS employee—

Mr J Pressler—No, not Jenny Gordon, it was handed over to—

Senator FERRIS—Hang on. Jenny Gordon is the AQIS employee. The group who wanted to do the surveillance was DPI&F. So it was the state government.

Mr J Pressler—No, it was not DPI&F at all, it was Plant Health. Bill Roberts was in charge of that group at that time.

Senator FERRIS—But it was still state government?

Mr J Pressler—My communication was predominantly via Bill Roberts.

Senator FERRIS—In this submission it indicates that it was state government.

Mr J Pressler—They—let's say it was Bill Robert's group—said, 'We can't do that because the law does not allow us to disclose that deed of arrangement.' So, after a reasonable amount of argy-bargy, we said, 'Okay, that's fine. Come in and do all your surveillance. But the only provision that we require is that the results of that surveillance'—which was independent, obviously, of the deed of arrangement—'be made known to industry.' That is all we asked.

Senator FERRIS—And that surveillance would have included Evergreen Farms?

Mr J Pressler—Yes. Quite obviously, if we were going to make ours public, we needed theirs made public as well. Bill Roberts said, 'We've never done that before and we don't intend to do it now.' So the ball was in his court.

Senator FERRIS—This submission says that it did not proceed because you would not agree to give access. When push came finally to shove—whether it was Plant Health, AQIS or whoever who were not able to give you the results from Evergreen Farm because it was within the structure of the deed of arrangement—did you then decide not to allow it to take place at all?

Mr J Pressler—No, they decided that. I said, 'That is what our requirement is.' They said, 'No, we will not do it.'

Senator FERRIS—So you would have been prepared to allow that surveillance operation to occur notwithstanding the fact that, at the end of the day, you were not going to get access to the Evergreen information. You were prepared, in the end, to cut your losses.

Mr J Pressler—We were prepared to continue negotiating, but they just said, 'No, we're not going to do it.'

Senator STERLE—Who was 'they'?

Mr J Pressler—Bill Roberts's group, plant health.

Senator FERRIS—Do you think that that would have assisted the process anyway? Let us just remind ourselves that this was not about citrus canker anyhow, because it had not been found then. Do you think that, if that surveillance had taken place as requested, it would have assisted in the detection of citrus canker on your place anyway?

Mr J Pressler—No, not citrus canker.

Senator FERRIS—No, I mean three or four years later. There does seem to be some suggestion of a limited study. Again, I am sorry you do not have this document. On page 12 it says a limited epidemiological study that was undertaken on Evergreen indicated that citrus canker was likely to have been present on that farm for at least 18 months before its detection in 2004. That begs the question: was it already on your property and you did not know either?

Mr J Pressler—Citrus canker?

Senator FERRIS—Yes. They say here that it looks as if it was on their property at least 18 months before it was actually detected in 2004. In other words, it was probably there in 2002.

Mr J Pressler—Correct. More likely 2001.

Senator FERRIS—Maybe. I am just quoting from the DPI submission. Did you ever see any suspicious fruit or trees on your property before that detection? Can you take us through how that detection actually occurred on your property? Did you find it?

Mr J Pressler—On 4 October?

Senator FERRIS—Yes.

Mr J Pressler—Yes, I did.

Senator FERRIS—And that was the first time you had seen any symptoms on any trees? You had not felt uneasy before that, given that you already knew then—it was public—that it was on Evergreen?

CHAIR—I think it would be fair to say he probably felt bloody uneasy.

Senator FERRIS—Presumably you would have been looking for it after it was publicly found on the other place.

Mr J Pressler—Yes, we were. We did our own surveillance. We looked and we collected. We had our pest scout continually looking. He would bring leaves that were maybe strange to him but not necessarily citrus canker. He brought anything in for us to do anything further with.

Senator FERRIS—So you were doing your own investigative work?

Mr J Pressler—Yes. We then communicated and liaised with the pathologist in here. We also from time to time rang the pathologists in Brisbane and Indooroopilly to discuss various lesions and whatnot that we were looking at. We asked, ‘Is this the way you would see it and do you want this sample?’ et cetera. Certainly we were continually looking. Once you get, as Senator Heffernan said, uneasy about the whole thing, every time you turn around you see citrus canker—every damn thing is citrus canker.

Senator FERRIS—Was it you that found it on 5 October 2004?

Mr J Pressler—Correct. Me.

Senator FERRIS—Can you take us through that day and how that happened?

Mr J Pressler—Yes.

Senator FERRIS—I am sure it is an unforgettable day in your life.

Mr J Pressler—We were looking, as I said, continually. Whenever you walked into a block your eyes were looking. It was in what we call pivot 7. I walked in there and in a pivot track—which is where a pivot walks around, and of course there is an opening and it damages plant material—I looked and there it was.

Senator FERRIS—On one tree?

Mr J Pressler—Initially, just where I saw it, yes. Further looking around that pivot track I found several other spots.

Senator FERRIS—My final question is: where was that pivot 7 block in relation to Evergreen Farms? How far away is it? Is it north, south, east or west?

Mr J Pressler—Seven kilometres from the north-west or the north-north-west.

Senator FERRIS—Is there a prevailing wind?

Mr J Pressler—From there to us, yes. South-east.

Senator FERRIS—So it is in the path of the prevailing wind?

Mr J Pressler—Yes.

CHAIR—What does that say about the Florida protocol?

Mr J Pressler—Could I elaborate on that? I saw a tiny lesion. It was only in the early stages. That may well answer your question of how come I did not know. It was not there a year or two before. There was no outbreak found that could possibly have been aged to the period prior to that. We have fairly and squarely put that ageing process at January and February 2004, when we were affected by rain events. That is where we have squarely put it. There has been no pathology to suggest otherwise or to dispute that. We pride ourselves on having developed a good knowledge.

CHAIR—We hear you loud and clear. Given that you are seven kilometres downwind, what does that say about the protocol? I think it is dream time. If it can move that far, what is the point of doing the 600 metre test?

Mr J Pressler—The cookie cutter is the Florida protocol. They wanted to appear to have selected an international model that could not be strongly disputed by DPI and whoever else was conducting the whole thing; that would not be open to scrutiny or criticism. They lifted a protocol out of Florida, but they only lifted parts of it. That was the cookie cutter proposition.

CHAIR—I have grave reservations about that, as I do with OIE. We are going to prove that in a week or two with the Brazilian beef, which is also a national disgrace. The DPI submission, which we only got last night, said that on 7 July, 2004 a DPI employee at Brisbane market impounded some fruit from Evergreen which was found to have canker. Wouldn't that mean that the horse had bolted?

Mr J Pressler—Of course. There were obviously months and months during which canker ridden fruit was being distributed right throughout Australia.

CHAIR—We might not be at the end of this, which is all the more reason why it is important for us to work out exactly what we want here. I also noticed in this document that in some of the trace-backs you sent some cuttings to Golden Grove nursery at Howard. Do you have a commercial relationship with them?

Mr J Pressler—They do propagation for us under contract.

Senator MILNE—I want to finish up the clarification of the surveillance issues. When it was put to you by the plant people that this surveillance should take place and you had the discussion about releasing the results, were Evergreen Farms going to be subjected to the same independent surveillance as everybody else as part of this process, or were they excluded?

Mr J Pressler—They were included. It was so many samples.

Senator MILNE—So they were to be covered—it is just that the results were not to be released. That was the issue. The whole thing looks to me as though it is divided into two areas. One is: how did the canker get here in the first place? The other one is: how do we manage the present crisis? In terms of how we manage it, it is very clear from your submission what you think the compensation should be. I would like to take you to: how did it get here in the first place? There seems to have been quite an effort to separate the 2001 incidents and investigation from the 2004 occurrence. What explanation have you been given for how citrus canker appeared at Evergreen in 2004?

Mr J Pressler—Officially?

Senator MILNE—What is the explanation for how it got there in 2004 if it is unrelated to 2001?

Mr J Pressler—The federal minister denied that any link could be made between the two outbreaks. Does that answer your question?

Senator MILNE—Everything I have read suggests that the two have to be related and that the question of how it got here, if 2001 is to be ruled out, has never been answered. Is that correct?

Mr J Pressler—That is correct.

Senator MILNE—To go back to 2001, there has been a counterclaim against you, maybe not in relation to 2001 but in relation to the citrus canker. Do you want to clarify for the committee what is now regarded as a vexatious counterclaim? Can you explain what happened and how that has affected you?

Mr J Pressler—I am sorry, just explain to me the vexatious claim.

Senator MILNE—Were there counterclaims against 2PH Farms in relation to how the canker got to the district?

CHAIR—Are there allegations that Evergreen did not introduce it, but that you did?

Mr J Pressler—By Evergreen through their court submission?

Senator MILNE—It is in the papers that a claim was made.

Mr J Pressler—That was made by Evergreen during those court proceedings, obviously in an endeavour to deflect the heat from them. It was a nonsense. That was investigated by Tony Young from AQIS. He got information from Pat Barclay. I think he said that the variety Taylor-Lee was imported illegally. Pat Barclay was able to provide him with the information to show that it was not from bud wood. So the whole thing was stupid.

Senator MILNE—So it has been demonstrated to be vexatious. The particular variety or strain citrus tristeza, which had not been found in Australia before it was found in 2001—has AQIS or anybody been able to demonstrate how it got here? Has that investigation proceeded or has it just been abandoned and forgotten?

Mr J Pressler—As I understand it, that strain had not previously been detected in Australia. However, the total comprehension of what strains are in Australia is probably incomplete. Therefore, there is a possibility that that strain could be somewhere in Australia. That is where the boffins start to fall down when they say, 'That would be the evidence we need.'

Senator MILNE—We are still none the wiser as to how that strain got to Evergreen Farms. That has still not been investigated?

Mr J Pressler—No. I am sure of that.

Senator STERLE—I am taking note of how these trees have been destroyed on your property. What percentage of your property is dedicated to citrus?

Mr J Pressler—About 50 per cent.

Senator STERLE—How many employees did you have on your farms before the canker outbreak?

Mr J Pressler—We had about 60 full-time employees, and seasonally, which is most of the year, up to 500 casuals as well.

Senator STERLE—So would it be fair to say that about 75 per cent of your work force is now unemployed?

Mr J Pressler—Yes.

Senator STERLE—I understand that there is a certain grower in the area who is probably not on everyone's Christmas list. I know you are seven kilometres from Evergreen Farms. Are there any other properties in between?

Mr J Pressler—Yes. We have a number of properties. The main one, where it was first found, we call the Selma Road property, and there are other properties between us and Evergreen. One of those properties is one of ours. It is called Gum Trees. Another property where canker was found belongs to Maurie Iddles. His is maybe not between us but his is closer.

Senator STERLE—So as far as the wind blows, normally, there are a couple of properties that have escaped the outbreak? Is that a fair assumption?

Mr J Pressler—Five properties have been given pest-free status by the DPI.

Senator STERLE—I can fully appreciate the frustration that the local growers would have with the secrecy deal that was done with AQIS. I can understand it, but I was taken aback and want to note what you have told us today in terms of the cooperation you offered to Plant Health, wasn't it?

Mr J Pressler—Yes.

Senator STERLE—Yet we have something completely different. Thank you very much. That has certainly cleared up a lot of confusion for me.

CHAIR—Would it be unfair to say that the farms that are not declared infected might be incubating? Could they be incubating or is the test—

Mr J Pressler—Yes, sure. They can have very low undetected levels, yes.

CHAIR—I am a wool classer and a welder; you are the orchardist. How long would the longest incubation period be? Would it be two years?

Mr J Pressler—In a recent article that I read, which was from Florida, one of their eminent canker people said it could be 12 months or more before it became detectable. It could be present in fields before it could be detected by surveillance.

CHAIR—So if I got an orange with citrus canker on it, drove past and flung it out the window into an orange orchard, could that possibly infect that orchard?

Mr J Pressler—Under a set of circumstances that could allow it to emit and actually affix in there, yes.

CHAIR—So this fruit that has gone to the Brisbane market could end up in Woolies in Timbuktu.

Mr J Pressler—Yes. Bear in mind, it is said that now you can treat canker fruit, which tends to make it innocuous. It should not then happen. In other words, with the treatment and protocols that they have, you should be able to export that fruit and allow it to get to a country. If there was the possible risk of missing a piece of fruit, the treatment has taken place. But none of that fruit had been treated, so it had gone widespread throughout Australia.

Senator McEWEN—Prior to October 2004, had you ever found citrus canker in any variety on any of your properties?

Mr J Pressler—No.

Senator McEWEN—And you have been in the business since 1987. Is that right?

Mr J Pressler—Yes. I am a third generation citrus grower.

Senator McEWEN—On another matter, I have been provided with a transcript of something that you said to the Rural Press Club in Brisbane on 22 July. Was that you who made that comment?

Mr J Pressler—That was me, yes.

Senator McEWEN—That was a comment about Wayne Gillies, who worked for Evergreen, and the incident where it is alleged that the house that he lived in on the property was broken into and his computer was accessed. You said in that context: ‘What I am asking is: who knew to break in there? Is there a serious breach of people in AQIS allowing stuff to get out?’ Do you remember saying that?

Mr J Pressler—Yes.

Senator McEWEN—Do you stand by that quote?

Mr J Pressler—Yes.

Senator McEWEN—Do you have any evidence to support what you said about AQIS?

Mr J Pressler—No, I do not.

Senator McGAURAN—I have a couple of questions. Are you and your neighbours in the industry happy with the amount of signage that has been placed on the quarantined properties?

Mr J Pressler—I think the whole security in keeping canker at bay here has been totally inadequate.

CHAIR—That would be an understatement.

Senator McGAURAN—Is the submission for the reimbursement and re-establishment package which you have given us something you have written, or is it on behalf of the local industry?

Mr J Pressler—The second part has been generated by the local industry growers. They compiled annexure 1, which is the Emerald citrus growers reimbursement and re-establishment package summary.

Senator McGAURAN—So that has been put together?

Mr J Pressler—Yes. I mentioned that it was presented to Minister McGauran yesterday.

Senator McGAURAN—That is the one I am talking about.

Mr J Pressler—It had been distributed to various government sectors some weeks earlier. It had been given to the federal department of agriculture. I understand it had been given to Chris Parker, who was the chief adviser for Minister Truss. Minister McGauran said yesterday that he had not received one yet, so we gave him a presentation of it. The first part of this submission talks about the true cost to Emerald growers. We deal with the cost to 2PH as well. You might see there that the cost to 2PH is calculated at \$93,570,000 over the next period. That is what we calculate our loss as.

Senator McGAURAN—Have you also presented this to the Queensland government?

Mr J Pressler—Annexure 1, about reimbursement?

Senator McGAURAN—Yes.

Mr J Pressler—I am pretty sure that it has been. We have also sent invitations to the new minister for primary industries to please come and be here.

Senator McGAURAN—According to these percentages, the Commonwealth would be paying 40 per cent of the package. That is what you have submitted to allot to the federal government. But the main state that would pay for the package—and Senator Ferris might be interested in this—is South Australia. Why would that be?

Mr J Pressler—That is the arrangement that is in place for cost sharing of this current canker incursion. It deals with the percentage of the national crop that they produce. The higher producers pay more of the 50 per cent distribution split after the Commonwealth pays 50 per cent. We are pretty simple-thinking people and we endeavoured to put something forward that does not give them the right to reject it because we did not do it in the right form or someone said something and therefore a boffin has got hold of it and got rid of it. We were desperate. We needed to put something forward and to put something on the table that somebody could consider, so we used that formula. But it is all up for grabs, surely. But the worst thing has been that nobody would ever come and talk to us. There have been these piecemeal assistance packages put forward, but nobody ever came and asked us about it. An announcement would just be made.

Senator FERRIS—What about the national citrus industry body?

Mr J Pressler—Sorry?

Senator FERRIS—Was there communication between the state government and the state citrus body, for example?

Mr J Pressler—There has been very poor communication with the state government and the state citrus body. In fact, as soon as anybody sticks their head up and offers resistance or criticism of the state government's operation, they become ostracised. For example—

Senator FERRIS—By who?

Mr J Pressler—By the DPI. Can I give you an example of that?

Senator FERRIS—Please.

Mr J Pressler—At the end of last year, the Emerald growers were getting very agitated and vocal about their desperate plight—mainly going broke and going out backwards, and continuing to spend money. Because very few people would come and talk to us, those who did come up were told the truth and were told it forcefully. So they declared that they were no longer going to communicate with Emerald growers and they were only going to talk with the Queensland industry, which is the Queensland Citrus Growers Association, which they began to do. Then when the Queensland growers association began to tell them things that they did not like and they would not agree to their proposals—such as the plan to get the Emerald growers back into the domestic market by 28 April—they then advised that they were no longer going to communicate with the association because the association were no longer representative of the Queensland industry. As soon as anybody put their head up, they just ostracised them.

CHAIR—Is this the state body?

Mr J Pressler—The state body, yes.

CHAIR—Can I just draw your attention to their submission in which they say that communication with Emerald was largely dealt with by Queensland 'via local grower meetings and informal communications'. What do you think that means? They say that they talked to you—

Mr J Pressler—Yes, they did occasionally.

CHAIR—via local grower meetings. How many meetings were there? A few?

Mr J Pressler—A few early in the piece, yes. But after that they became very limited. Apart from Chris Adriaansen and Mike Ashton, when they came up to deliver a hammer blow—'this is what we're doing'—that was about where it went.

Senator FERRIS—You responded to a question that Senator McGauran asked in relation to signage by saying that you were very unhappy with the whole response package. I think, since we are looking at that

aspect of it as part of our terms of reference, it would be appreciated if you had any views—I do not want to give you more paperwork to do. This is an opportunity for your industry in this region to put in place, perhaps, a range of measures that might be more appropriate—in other words, better signage and some of the other things that you referred to in your response. Would you take that on board and bring it back to the committee?

Mr J Pressler—Yes.

Senator STERLE—For the record, there are a number of agencies that should hang their heads in shame for the way this whole process has been handled, not only state but also federally. I want to quickly run this past you: you said that \$97 million is what you lose. That is as an industry, I take it?

Mr J Pressler—No, that is 2PH.

Senator STERLE—The family loses \$97 million?

Mr J Pressler—\$93 million; it is not that much at all!

Senator STERLE—Obviously, that is the price before costs.

Mr J Pressler—No, that is our loss.

Senator STERLE—Is that profit? Are you losing \$93 million profit? I want to clarify what the \$93 million is, and over how long?

Mr J Pressler—Over 10 years.

Senator STERLE—Is it \$93 million of profit; of income?

Mr J Pressler—It is income and loss of our capital, yes.

Senator STERLE—I am not degrading your argument, I just want to clearly understand what the \$93 million is.

Mr J Pressler—Can I take you to paragraph 11?

Senator STERLE—Of the one that was handed to us today?

Mr J Pressler—Let me read it to you.

Senator STERLE—I must admit I have not had the time to properly go through it at such short notice.

Mr J Pressler—I am sorry about that.

Senator FERRIS—It is difficult when you get it on the plane and only a couple of us got it.

Mr J Pressler—It reads as follows:

A conservative estimate of 2PH's loss alone from this citrus canker incursion is calculated to be \$93,570,000. Such figure includes the value of trees destroyed, lost profits (past and future), loss of the bank of citrus germ plasma breeding material and varietal development program, additional maintenance costs up to the date of destruction, other variable costs and future re-establishment costs.

The re-establishment costs are to get us back into business.

Senator STERLE—That explains it to me perfectly, thank you.

Senator MILNE—One of our terms of reference is to look at AQIS's response to the allegations of illegal importation of plant material. It is very clear to me that nobody is going to be satisfied until there is a full investigation into the alleged illegal importation, and that the grounds exist, if not for canker, at least for the other strain that was talked about before. Would you agree that this is bigger than the citrus industry in terms of sending a signal to rural Australia about the whole quarantine system, and in terms of AQIS's political will, if you like, to pursue these things to the last? Will this issue remain unresolved for Emerald until that issue is dealt with?

Mr J Pressler—Absolutely. This has major implications for all industries and all incursions that are going to occur. It is a total shame that this has been allowed to occur; surely some good will come out of it. I could not agree more.

CHAIR—You can be bloody sure there will be some change coming out of it. Thanks very much.

Mr J Pressler—Thank you.

[3.55 pm]

CORDOMA, Mr Joe, Managing Director, Cordoma Farms

CHAIR—Welcome. Would you like to make an opening statement?

Mr Cordoma—Good afternoon. I am one of a family of 11. I have got five sisters and five brothers, and I work in partnership with my five brothers.

CHAIR—My mother was one of 14. You are doing all right!

Mr Cordoma—Right, where do we go from here? Would you like me to—

CHAIR—You can make a statement, but you do not have to. This is obviously a pretty tough event for you.

Mr Cordoma—Have you got a copy of the submission? I am not very good at reading. Excuse my reading, but if I had had a proper education I would not be a farmer; I would probably be up there with you.

CHAIR—I am a worn-out farmer, son. There is hope for you yet!

Mr Cordoma—My recollection of circumstances leading up to the AQIS raid on Evergreen Farms in July 2001 is that the citrus manager had told me in June-July 2000, 12 months before the outbreak of canker. He raised the alarm that Philip Cea had told him that Philip Cea was bringing in material from overseas, things like citrus, watermelons, lychees and grapes.

CHAIR—Who said that?

Mr Cordoma—The former citrus manager, Wayne Gillies.

Senator FERRIS—When he told you that, what did you do with the information?

Mr Cordoma—At the time, Wayne and I were involved in going to the ag college to some meetings with some mob called—sorry; I am getting blind as well—Central Highlands community employment. I still have their cards. I recall a couple of times—I have known Wayne since I moved up here 10 years ago—we walked out of the meetings and he told me about what Mr Cea was doing. I more or less believed him and kept it to myself. The simple reason was that at the time they were suing everybody in all sorts of businesses, and the honest truth—

CHAIR—You did not want to get sued.

Mr Cordoma—Yes, that is right. The way I looked at it, I talked to my family about it and I said that I was going to blow the whistle and they said: ‘No. What happens if you end up in court? The way they’re suing everybody, we’re going to lose what we’ve got.’ So I kept it to myself.

Senator FERRIS—Did Mr Gillies indicate to you that he was thinking along the same lines as you? Did you talk to him about what either of you might do about it?

Mr Cordoma—No. I do not know if he was trying to hint to me to go and squeal, but I honestly think he was probably telling me as a friend to cover my backside.

Senator FERRIS—One of the questions we have been considering as a committee is whether protection for whistleblowers is adequate under the AQIS legislation, because clearly Mr Gillies has had a very unfortunate experience as a result of his courageous decision to ring the AQIS Redline. It is very clear in looking at the documents that AQIS have supplied to us that a number of people who were questioned at that time denied any knowledge of it. Subsequently, under the protection of this committee, they have said that they were aware of it and that they did see and hear things. Would it have made any difference to you if you had known or could have found out that there was protection for somebody who did, as you say, squeal and, as we would say, was a whistleblower?

Mr Cordoma—At the time, I did not know about the AQIS Redline, or whatever you called it. No-one informed me of it. My worry was about how much protection I would get if they did take AQIS when they approached them and I had to be called as a witness and there was no evidence.

Senator FERRIS—That is one of the issues we are thinking about.

CHAIR—We will sort that out.

Senator FERRIS—Can you take us through what is happening currently with the fruit that is on your property now? You are in the quarantine zone, although no citrus canker has been determined on your block.

Mr Cordoma—When the outbreak at 2PH occurred, we more or less panicked. We did talk to DPI, even as far as Jim Varghese and Henry Palaszczuk. They encouraged me to look after my orchards because in the near short term I would be in the domestic market. So I poured hundreds and thousands of dollars into those orchards. Come the end of March—

Senator FERRIS—This year?

Mr Cordoma—I was ready to harvest, and the national management group put a stop to that.

Senator FERRIS—On what basis?

Mr Cordoma—The citrus industry, the management groups and whichever other groups were not confident that we were safe enough to go into the domestic market. Then Mr Palaszczuk and Jim Varghese came to my property on a Saturday in a private jet. They assured me 70 per cent that we would be back in the domestic market by the end of April and that, if the national management group and the citrus industry would not allow that, they were breaching quarantine laws. So I kept pouring more money into the citrus.

Come 28 April, I got a phone call from Chris Adriaansen telling me that the national management group was meeting on the following Friday and that they were going to put it to them. Come Friday afternoon, Chris Adriaansen rang me. In the meantime, they were doing surveillance on my property. They were halfway through the surveillance—100 per cent, tree by tree. They had 28 people out there. They did the most crucial part of the farm and there was no sign of canker.

Chris Adriaansen rang me that night at about seven o'clock, after the national management group met. He told me that there was no access to the domestic market for at least two years and all trees on my property were deemed infected. So on Saturday morning I rang Chris Adriaansen, because they were still there doing surveillance, and told him that I wanted surveillance finished. He said no; surveillance had ceased from that day on.

Senator FERRIS—When they made that decision to block access for two years, was there any appeal mechanism for you? Under the act is there any appeal mechanism?

CHAIR—Can I just assist the committee. From the Queensland government submission it appears there is a legal problem. They say the legal interpretation under the WTO SPS agreement is unequivocal. If you apply measures domestically to deal with a particular risk then you are obliged to offer the same measures to deal with the same risk from an international source. In other words, if you are in a quarantine area in a known canker area and they allow you to sell your food on the domestic market then they must allow our international competitors the same deal.

Mr Cordoma—But why did Mr Palaszczuk and Mr Varghese tell me that if they had enough scientific evidence then that they could get us into the domestic market, when other states and industry were breaching quarantine laws?

CHAIR—I have got no idea.

Mr Cordoma—I could not work that out either.

Senator FERRIS—To clarify my question, there is no appeal mechanism for you once a determination is made that you are blocked from the domestic market for two years. Despite having all that fruit on your trees, there is no domestic opportunity for you to sell it. What about export?

Mr Cordoma—We can export some varieties—on my property only a variety called Murcott. The other varieties are easily peeled, they have soft skin and they do not transit in containers for two weeks. Once you break the rind by packing them side by side they break down and start to go rotten.

Senator FERRIS—What percentage of the fruit on your property now is available for export?

Mr Cordoma—Probably 30 per cent.

Senator MILNE—I imagine that you feel very angry that you were actively encouraged by the minister and the DPI to continue to grow on the assurance you would get into the domestic market, that you were reassured of that halfway down the track and that you then received a phone call to say: 'Sorry, we made a mistake. We didn't actually look at the legal work.' Have you got anything in writing from the minister or the DPI that shows that they did encourage you to make that investment in the domestic market?

Mr Cordoma—I have got documents stating that they would give me a 70 per cent assurance that we will be in the domestic market. I have not got it on me.

CHAIR—You can make it available.

Senator MILNE—Would you make it available to the committee to demonstrate that you were encouraged in that way. Subsequently, after the phone call to say, ‘Sorry, we can’t make that assurance. You can’t produce for two years et cetera,’ did either of those two people who had been happy to fly to your place in their jet ring you or fly to your place in their jet to explain why they had changed their minds?

Mr Cordoma—No.

Senator MILNE—So you have had no support subsequently from the DPI even though they are clearly in part responsible for the investment that you have made?

Mr Cordoma—No.

Senator McEWEN—Today we went to your property and had a look at the fruit on the trees. Thank you for allowing us to have that opportunity.

Mr Cordoma—You are welcome.

Senator McEWEN—What will happen to you now?

Mr Cordoma—I was talking to Senator McGauran yesterday. If we do not get any financial assistance within the next two weeks, I can start packing my bags. You saw all the new premises and all the plantation on the right-hand side and that is only two years old. There is a big investment there. A lot of money has been borrowed. I applied for an interest subsidy about 10 weeks ago. Last week my bank and my accountant got a bit worried and contacted Centrelink. They were talking to my accountant yesterday. Some money came through from Centrelink. I do not know what amount.

Senator McEWEN—At this stage your fruit is worthless?

Mr Cordoma—That fruit will stay there and rot. Before the deeming of the trees being affected, the Queensland government, or industry, had put up some amount of money. They were going to give us some amount of money for looking after the trees and maintaining them. But once they were deemed, that was knocked on the head. They were going to pay us some money to pick the fruit and bury it and that was also knocked on the head. I received \$34,000 earlier on in the season to maintain my lemon crop from pest and disease and to try to stop it spreading into other parts of the orchard.

Senator McGAURAN—I notice you had vines growing. What proportion are they of your business?

Mr Cordoma—About 60 per cent of our business is vines and about 40 per cent citrus. We are not planting any more vines. Our dream was to extend to citrus. The simple reason is that we probably grow the best mercotts in the world and it was our dream to expand our business to about 400 acres of citrus.

CHAIR—Thank you. We feel for you and all the other growers in the district. I have learnt from experience that courts are about the law, not necessarily about the truth. Every now and then the truth and the law intersect in court. It is not only in the interests of this district but in Australia’s interest that we get to the bottom of this matter. If possible, there may be prosecution and, if there is prosecution, civil proceedings could flow from that. We can only offer you and the whole district our keenest interest.

Mr Cordoma—Thank you.

Proceedings suspended from 4.13 pm to 4.31 pm

BENHAM, Mr Michael Gordon, Private capacity

CHAIR—Welcome, Mr Benham. If you want to make an opening statement you may, and then we might ask you a few questions.

Mr Benham—Thank you. I am formerly a citrus manager at Evergreen Farms. I do not know what else to say.

CHAIR—We are not interested in your role now, which as I understand it is with DPI. Is that correct?

Mr Benham—That is correct.

CHAIR—But you used to be a manager at Evergreen.

Mr Benham—That is right, from 5 June 2001.

CHAIR—So, you took over from Wayne Gillies.

Mr Benham—Yes. Wayne Gillies was there when I started my employ.

CHAIR—How long were you employed at Evergreen?

Mr Benham—From 5 June 2001 to 20 April 2004.

CHAIR—And you presently live in a rented house as an employee of DPI. That is your present status?

Mr Benham—I am staying with people in Emerald and paying board.

CHAIR—What was the general farm practice in relation to propagation techniques at Evergreen Farms? Did you deal with that?

Mr Benham—Yes. That was under my supervision. When I started there was a nursery supervisor there, and that was just normal T-budding and rootstock.

CHAIR—In other words they brought in bud wood and propagated it there.

Mr Benham—Yes, the trees were propagated at the nursery.

CHAIR—Were you ever privy to discussions or rumours that some bud wood may have come in, in not the usual manner?

Mr Benham—I heard rumours like everyone heard rumours, but nothing that I could substantiate.

CHAIR—Did you ever see the unusual bud wood?

Mr Benham—No, I never saw any unusual bud wood from when I was there in June; it was not a time when trees were being budded. For any budding that happened after that, all bud wood that was brought onto the place was not unusual.

CHAIR—While you were there, did you hear rumours or allegations of improper importation?

Mr Benham—I was there when AQIS came onto the property.

CHAIR—Where you there the morning they arrived?

Mr Benham—I was.

CHAIR—From your recollection of events, do you think that there was any prior knowledge that it was going to happen that day?

Mr Benham—No.

CHAIR—Where any people sent home who should normally have been there?

Mr Benham—Not that I am aware of, no.

CHAIR—Mr Ienco gave us evidence that he was sent home that morning and then came back after the so-called ‘raid’. He was instructed to do two things; one of those was to pull up some grape cuttings. Are you aware of that?

Mr Benham—No, I am not aware of that. That may be the case, but I am not aware of that.

CHAIR—You weren’t the manager at that stage though were you?

Mr Benham—I was the citrus manager.

CHAIR—He also told us that he was instructed to go, at three o'clock in the morning—which is a very unusual farm practice, I have to say—and spray these trees with Roundup. Were you aware of that?

Mr Benham—No.

Senator MILNE—Mr Benham, you have just said that you were the citrus manager. Mr Robin Price was the nursery supervisor. Was he answerable to you?

Mr Benham—Yes.

Senator MILNE—Did you talk to him regularly?

Mr Benham—I talked to him on most days, yes.

Senator MILNE—On most days?

Mr Benham—Yes, as part of normal working practice.

Senator MILNE—In his evidence he said that he was aware of the strange bud wood and that he was instructed to go and get it from various places and so on. Are you saying that he never ever discussed it with you, and that you had no knowledge of the fact that your nursery manager had concerns about this bud wood? Most of what you were getting, I understand, was from the Citrus Improvement Program at the time, and then there was this other strange bud wood that was different—different lengths, different look, the whole lot. Are you saying that at no stage you had a conversation with Mr Price about that bud wood?

Mr Benham—You are referring to bud wood that allegedly came onto the place prior to me being there. I spoke to him on various things. He told me some things. I had heard rumours, but at that time there were a lot of rumours and I did not give much credence to rumours.

Senator MILNE—So he told you 'some things'. What did he tell you?

Mr Benham—It is going back a while.

Senator MILNE—Take your time. We have all the time in the world to hear this, because it is critical to what we need to know.

Mr Benham—He told me that he had been given bud wood by the owner of the property.

Senator MILNE—What did you say to him then?

Mr Benham—That all happened prior to me being there. I was only looking at what was there and what my job was. When I first got there, there were not any records for me to look at. So it was just a matter of trying to find out what was where and what was what.

CHAIR—Did Mr Price or anyone else say that they had used bud wood that had come from overseas as part of the program?

Mr Benham—No, they did not say that to me. But they told me that they had used bud wood that they had been given by the owner.

Senator MILNE—Going back to the day that AQIS came on to the property, it is clear from evidence we have heard that the people on the property knew they were coming. Did you know they were coming?

Mr Benham—No, I did not.

Senator MILNE—You had no idea at all?

Mr Benham—No.

Senator MILNE—You heard no discussion anywhere?

Mr Benham—No.

Senator MILNE—It is fairly clear that there were areas of the property where trees were removed and others were put in. You were the manager. The nursery manager and Mr Gillies knew where the trees that were removed were. Did you know that?

Mr Benham—No.

Senator MILNE—Why did you not know that?

CHAIR—The removal might have been of vine.

Senator MILNE—Okay.

CHAIR—But to continue on that line of questioning, the trees that were allegedly sprayed with Roundup were on block 182. Are you familiar with block 182?

Mr Benham—Yes, I am.

CHAIR—Can you recall what was planted in block 182?

Mr Benham—There were eight rows of Imperial 1As.

CHAIR—How do you know they were Imperial 1As?

Mr Benham—That is what was on the tag.

CHAIR—So that is the only reason you knew what they were?

Mr Benham—Like I said, when I first went there—

CHAIR—They were already there.

Mr Benham—There were no records at all that I could get hold of to find out what was where. I had to more or less go out and try to work out for myself what was what and where things were.

CHAIR—You were there on the day of the raid. Did you see them take samples?

Mr Benham—No. I was not with the people doing the raid.

CHAIR—You did not assist them?

Mr Benham—No, I did not. I was not requested to.

CHAIR—Were any instructions issued to you or anyone else on the day by the owners as to how to behave with AQIS on the day?

Mr Benham—No. From memory, I was asked to come up to the office. I did, and that is where I was for the day.

CHAIR—Block 182 was allegedly sprayed with Roundup. As the manager of farm, did you think, ‘Shit! What’s happened to those trees?’ Did they die?

Mr Benham—Yes.

CHAIR—Did you wonder why they died?

Mr Benham—Yes, I did. I reported that to the owner.

CHAIR—What did he say?

Mr Benham—He did not seem concerned about it and told me not to worry about it.

CHAIR—Would you think that that was a significant event? I have to say that I would, as a farmer. Obviously, it was, because you reported it.

Mr Benham—That is right, but remember too that, when I went there, close to half the trees on the farm were dead.

CHAIR—What was the day of the raid?

Mr Benham—I am not sure. It was something like late July or early August.

CHAIR—You started on 5 June; you started a month or so before the raid.

Mr Benham—Yes.

CHAIR—So the game was well and truly under way, I think.

Senator MILNE—Can I ask you a question about what actually happened in the nursery on the day of the raid. I understand that labels were deliberately removed and that stock was mixed up, which in some people’s minds could explain why canker eventually turned up all over the property. As the citrus manager, did you give any instructions to remove labels, or did someone give you instructions to remove labels? Who took it upon themselves to remove those labels?

Mr Benham—I am not aware of labels being removed from there. I did not give instructions for that to be done and I was not instructed to instruct anybody else to do that.

Senator MILNE—Where were you when—

Mr Benham—I was in my office.

Senator MILNE—And you stayed in your office the whole time that AQIS was on the property?

Mr Benham—That is correct.

Senator MILNE—At whose instruction did you stay in the office?

Mr Benham—At the owners' instructions.

Senator MILNE—What else did the owners instruct you to do, apart from stay in your office?

Mr Benham—Nothing else. They asked me to come up to the office and to stay there. I came up to the office, and that is where I stayed for the day.

Senator MILNE—Did they talk to you about whether to cooperate with AQIS, whether to answer any questions with AQIS, or to stay in your office and not engage?

Mr Benham—No, they did not instruct me not to cooperate.

CHAIR—Was Mr Gillies there that day?

Mr Benham—No. He was not employed.

CHAIR—He had been terminated by then?

Mr Benham—Yes. He was no longer working for them then, I think. From memory, Mr Gillies was there for something like a month or six weeks after I started before he left.

Senator MILNE—Did you sign any sort of agreement with the owners when you took employment on the property in relation to confidentiality about what went on on the property? Was there anything in writing at that time which would not have enabled you to discuss things openly?

Mr Benham—I do not believe there was anything that I signed that would not enable me to tell the truth or talk about anything other than their business enterprises to other businesses. I would only have signed the normal things that you would do in someone's employ. I do not recall signing anything to say that I was not able to speak about that.

Senator MILNE—Have you kept a copy of your employment contract with them?

Mr Benham—No, I have not. I believe they may still have a standard copy of a contract.

CHAIR—Why did you leave?

Mr Benham—I had been there for three years. I had been brought in to work on an orchard that had had a lot of problems. I had the experience and the ability to fix that up. After three years I had got it back into shape and I had done my job. The main reason for leaving was that I felt I had been there long enough and I wanted to move back to Brisbane to be closer to my family.

CHAIR—Fair enough. In the three years that you were there, did you hear rumours about this illegal importation?

Mr Benham—Yes. I had not heard any rumours prior to the AQIS raid; no-one had said anything to me about that. After the AQIS raid there were a lot of rumours.

CHAIR—Did you ever have a discussion with your employers about the AQIS quarantine? You were there for that?

Mr Benham—Yes, I was there.

CHAIR—Did they ever discuss that with you?

Mr Benham—Yes. It was something that affected the whole farm. I had questions as well.

CHAIR—Why do you think that there was a confidential memorandum of understanding and instead of a full quarantine imposition there was this arrangement of an 18-month period of surveillance? What was that all about?

Mr Benham—That was between the owners and AQIS, obviously. I was aware that the owners were talking with AQIS. I can only tell you what I think the reason is.

CHAIR—That is why you are here today.

Mr Benham—I do not have any special information. AQIS had done the raid. From what I understood the reason for that raid was that they thought there was illegal plant material being brought onto the property. They had taken samples and tests and they had placed the property under quarantine. Because those tests seemed like they were going to go on—they had not found anything—they were keeping the property under quarantine. I assumed that the owners were wanting to find out how long that would be for, and why. If they

had been accused of something and then had not been found guilty or anything, they would be wondering when it would come off. That is why.

CHAIR—In the period of the 18 months of surveillance, were you there on the days that the lady came on for the surveillance? She has said to us in earlier evidence that it was actually mission impossible. Were you there? Did you meet her at the gate?

Mr Benham—Yes.

CHAIR—What happened on the days of the inspections?

Mr Benham—I went with her. I drove around with her to assist her in any way I could.

CHAIR—Take us through. There were only three of these inspections, so we are instructed, and there was a final inspection at three months from the end of the 18-month period. We are fairly certain that there probably was citrus canker on the property during that period, judging by the maturity of the canker when it was discovered. Tell us what happened: she would rock up in the morning and roll up to the office? What would happen?

Mr Benham—At Evergreen there is—

CHAIR—Did she have someone with her?

Mr Benham—I remember at one time that I went there were two officers from AQIS there. I cannot recall their names. There was a gentleman with her one time. I more or less chauffeured them around to where they wanted to go, to different blocks—the block you spoke about earlier and also other blocks.

CHAIR—What happened to block 182? It died, and then what happened?

Mr Benham—Trees were removed under AQIS supervision and burnt on the property in a pit that was dug. A pit was dug and the trees were removed, dropped into the pit and burnt and then the pit was closed over.

CHAIR—How long after the raid was that? We were told that he sprayed it two or three times to make sure he got them. Were you aware that he had sprayed it two or three times?

Mr Benham—No. I only kept going with normal practices. We sprayed herbicide underneath the trees but, as you can imagine, a lot of the equipment and stuff that was there was pretty substandard for a start. I think that was a cause of a lot of the dead trees throughout the whole orchard. Those trees were, like I said, pulled out under AQIS supervision and buried under—

CHAIR—Getting back to when this lady arrived, did she have a map? Did she say, ‘I’d like to go here, here and here’ or did she say, ‘Where do you think we should go’?

Mr Benham—I do not recall her having a map, but I know that she did have a GPS unit.

CHAIR—Did you think that she had a plan of inspection or did you think it was fairly random—going through the motions?

Mr Benham—I did not really have an opinion on it; I was just there to watch her and make sure that—

CHAIR—Did you drive her?

Mr Benham—Yes, I drove her to the blocks. We got out and walked around the block then came back to the vehicle and drove to other blocks.

CHAIR—So when you walked around, what happened? Did you say, ‘Look at that’?

Mr Benham—No, she had a GPS unit and she would go to trees that had been tagged.

CHAIR—Did you watch what she did?

Mr Benham—I do not really remember what she did. I was mainly watching to report back to the owners whether she had taken a sample or removed a tree.

CHAIR—And what did she do?

Mr Benham—She did take samples at one stage, I can remember—the first time.

CHAIR—I think there were a couple of lots of samples taken and one lot failed.

Senator MILNE—Can you tell us what your qualifications are? You are obviously the citrus manager. What qualifications do you have?

Mr Benham—I am a fourth-generation citrus grower from the Central Burnett. I have represented the state on various committees. I have been chairman of the citrus improvement committee. I have also been on the hybridisation committee in Bundaberg. I have also been involved with the Queensland rootstock scheme.

Senator MILNE—So if there were citrus canker on the property, could we assume, given your experience that you have just set out, that you would find it?

Mr Benham—I believe so.

Senator MILNE—When you left Evergreen Farms, did you go straight to work for DPI?

Mr Benham—No, I did not.

Senator MILNE—What is your current position at DPI?

Mr Benham—My current position is surveillance coordinator.

Senator MILNE—What do you coordinate in the district?

Mr Benham—I coordinate the three teams surveillance.

Senator MILNE—Does that include surveillance of Evergreen Farms?

Mr Benham—Yes. At the moment it includes surveillance of native citrus in a 600-metre buffer zone around IP1, which is Evergreen Farms, and other infested premises; and also around the township.

Senator MILNE—So you were the citrus manager between 5 June 2001 and 20 April 2004.

Mr Benham—That is correct.

Senator MILNE—And the citrus canker was clearly established at Evergreen Farms in January/February—

Mr Benham—That is what you say. I do not believe that.

Senator MILNE—It is not just me saying that. Let me just explore this with you further. The evidence we have before us is that it was established there then and it probably had been there for some time. You were the citrus manager. Are you saying that there was no evidence of citrus canker in any shape or form before what we are saying is when it was clearly established to be on that farm?

Senator FERRIS—By DPIF. They established that it was on the farm. Not us.

Mr Benham—In my time there I never saw any citrus canker on that property.

Senator MILNE—It is a matter of grave concern to me that you are now conducting the surveillance operations in this whole district for citrus canker if you were in charge of that farm, did not see it on the farm, dispute that it was there—DPI say it was there—and now are coordinating the operations. Do you think you have a conflict of interest in this regard?

Mr Benham—No, I do not. In saying that, I gave four weeks notice when I was leaving. In that time independent agronomists and also field extension officers from the DPI came out and inspected the property all over. They also gave it a clean bill of health and never saw anything untoward.

Senator MILNE—Were any of those people who came to do that people who had previously worked at Evergreen Farms in any capacity?

Mr Benham—An extension officer from the DPI was not.

Senator MILNE—The other one?

Mr Benham—The other one was a person who had been employed, because they were a consultant—they had been onto the property previously and done consulting work there.

CHAIR—So you say this happened when you gave notice.

Mr Benham—Yes.

CHAIR—Why did it happen? Are you try to make sure you had your arse covered?

Mr Benham—No, I think it would be more my employers, because they said I was going, trying to find a reason. I felt they were checking up on me. They at no time invited me to be with those people. They brought them on without telling me. I noticed that they were there.

Senator MILNE—So they basically were demonstrating a lack of confidence in you as their citrus manager by doing that?

Mr Benham—Once I gave my notice, they were not very trusting of me, not that they were overly trusting of me while I was there for the three years, but they are that sort of people. They from time to time would bring people in to look at different stuff without telling me why or whatever. That is just what they did. They did that throughout the three years that I was there.

Senator MILNE—Do you maintain any relationship with that family—any members of that family, any friends or associates in relation to that family—that you think would compromise your position? First of all, do you? Second, does that compromise your position?

Mr Benham—No, I do not.

Senator MILNE—You have no relationship with any of them?

Mr Benham—No, other than past employees.

CHAIR—Do you share a house with one of them?

Mr Benham—I beg your pardon.

CHAIR—Do you live in a house with one of them?

Mr Benham—With the owners? No, I do not.

CHAIR—No, with the employees.

Mr Benham—I share a house with an employee that is at Evergreen at the moment, yes.

CHAIR—Do you have some system of chinese walls, if you know what a chinese wall is? Do you compare notes when you go home and have a beer?

Mr Benham—No.

Senator FERRIS—Does that strike you as somewhat putting you in a compromising position? You are coordinating the surveillance of all these properties and you are sharing a house—on a commercial arrangement; I do not deny you have said that. Does it not worry you that you could be compromised by the fact that you are both sharing the same house, when he is an employee of one of the farms on which you are conducting surveillance?

Mr Benham—There are many people, even on the surveillance team, that have worked for properties all around the district.

Senator FERRIS—I am asking you, though, as a DPI employee.

Mr Benham—No, I do not.

Senator FERRIS—You do not believe that compromises you or potentially compromises you?

Mr Benham—No, I do not. This is not a person that is a—

CHAIR—That is fair enough. We are very grateful that you have volunteered to come here today. You say these people were pretty untrusting. I have no idea, but you always want to think like the enemy, as it were. If I knew that you supervised a program of surveillance in the district and I wanted to know the next time you were going to turn up and what the plan was and I had someone who worked for me who lived with you, I would not have to be half smart to somehow get hold of the paperwork that I presume you take home with you.

Mr Benham—No, I do not take paperwork home.

CHAIR—Is there someone else who lives in the house?

Mr Benham—My wife is there.

CHAIR—Is there anyone else on the farm?

Mr Benham—Yes, I stay with a couple.

CHAIR—Is there another person living in the house who is an employee of DPI and involved in the surveillance arrangement?

Mr Benham—Yes.

Senator MILNE—Can I take you back to when you first started at the farm and you met Wayne Gillies. Shortly after that, Wayne Gillies made his phone call to the hotline. Before AQIS came on the property, it was clear that Wayne Gillies's house had been entered and that the owners knew what the Quarantine people were going to be looking for. Did Wayne Gillies mention to you or to anyone else that he had rung the hotline?

More particularly, when his house had been entered, what was the scuttlebutt? Did you have any discussion with him about who might have been responsible and how that could have occurred?

Mr Benham—I was not aware that his house had been entered. In the month or so that Wayne Gillies was there when I was there, he spoke to me on four occasions. He lied to me on three. He told me that I was a laughing hyena and that they would screw me over. That was what he said in his last conversation with me before he left.

CHAIR—But you had a useful working relationship with Mr Gillies.

Mr Benham—You have to remember that I was brought in to replace Mr Gillies. The first week or fortnight that I was in their employ, none of the employees were told what my position was. I did not really have a position as citrus manager for the first week.

CHAIR—Did you know what your position was?

Mr Benham—I knew what my position was, but I was told that I would be an in-house agronomist for a week—

CHAIR—An unqualified in-house agronomist.

Mr Benham—It depends what you mean by qualified.

CHAIR—Qualified by life's experience, which is all I am too, I might say.

Mr Benham—I did not speak to Mr Gillies on very many occasions, only to inquire about things that I needed to know to do my job—what the irrigation set-up was, were there any planting records and questions like that. I just got thrown in at the deep end and I had to try to work out what was there to be fixed up.

Senator FERRIS—As a third generation citrus grower—

Mr Benham—Fourth generation.

Senator FERRIS—Fourth, I am sorry. Were you aware of all the gossip and chatter around the district in 2000, a good year before Mr Gillies made his statement, of rumours of illegal imports onto that farm?

Mr Benham—No, I was not. Prior to coming up here, I had already left the family farm and all my involvement with that. There was probably a four- to six-month gap in between. I sought advice from a consultant within the industry, who gave me some free advice, and that was to ask for twice as much as I thought I should get and not to sell my house. That is all he told me.

Senator FERRIS—Did it turn out to be wise advice?

Mr Benham—I gave my house away and I did not get twice as much as I wanted, but there you go.

Senator FERRIS—The reason I ask the question is that this afternoon, before you arrived, Mr Selwyn Johnston gave some evidence that suggested that back in March of 2001 there had been a public meeting at which there had been open discussion of these rumours. A couple of hundred people had attended the meeting. It was near Gatton. As somebody who had many generations of interest in the industry—

Mr Benham—I did but, as I said before, I had left all my interests in the family orchard in October of the year preceding that. I was living in Mundubbera at the time and I was not aware of that.

Senator FERRIS—After Mr Gillies made his statement and the AQIS raid took place and then subsequent events have unfolded, this committee has had evidence now from Mr Ienco, Mr Price and yesterday from two other witnesses, Mr Greg Richards and Mr Gerard Millers, who were budders on the property.

Mr Benham—I am aware of Greg Richards but I cannot recall Millers.

Senator FERRIS—All of those people have now talked about bud wood which was unusual in colour: it was smaller, it looked different and, most interestingly, it smelled very strongly of tea leaves. There were some tea leaves on some of the bud wood and, overall, the bud wood smelled very strongly of tea. That evidence has been given on the public record now over the past six weeks from those people. It seems very unusual to me that all of those people who worked at the farm in the context of the time you were there—not perhaps exactly but in the context of the time you were there—gave that evidence, particularly the stuff about how much smaller the bud wood was, how it was a different colour and how it smelled of tea. You were in charge of the citrus orchard. Did any of those things—the size, the shape, the colour, and particularly the smell—ever come across your plate?

Mr Benham—Not while I was there at all. I went there in June 2005—that was winter—so no budding had happened. Any late autumn budding would have been probably around the end of March then and, although I

went there in June, budding and nursery work did not start up again until around spring, until September. You are talking about stuff that happened prior to me being there. But from when I was there, no—that never occurred at any time.

Senator FERRIS—And no-one was even talking about it?

Mr Benham—After the AQIS raid there was a lot of talk, but there was a lot of talk all the time and I am not one to listen to rumour and innuendo unless I believe that there is proof there.

Senator FERGUSON—I fully understand that, but as a fourth generation citrus grower with a very strong family commitment to the industry, if you were working on a property where illegal activities in relation to AQIS and importation was going on, I would have thought your antenna would be right up.

Mr Benham—There was nothing there that I could not give a reasonable reason for.

CHAIR—So what was the reason you figured in your own head that those trees died that were sprayed, as it turned out, with Roundup?

Mr Benham—I had instructed staff to herbicide those blocks—not the trees, of course, just the blocks—and I thought, ‘Someone has bugged up there.’ I reported it straight away. I tried to check it out with my staff, and I had no-one admitting to doing that.

CHAIR—As the manager, did you ever bother to ask what became of the samples that were taken away and propagated, what they turned into?

Mr Benham—I was told that they would keep a certain amount of that material—

CHAIR—Eastern Creek or somewhere wanted to keep—

Mr Benham—and they would be growing it out so that they could viral test it. I believe Pat Barclay was in charge of that.

CHAIR—But you did not follow it up.

Mr Benham—Only through inquiring with AQIS, when they came onto the place, about what would happen and what had happened.

CHAIR—And what did they say?

Mr Benham—They said that they were continuing to grow it out and continuing to test it.

CHAIR—Let me tell you what happened in our first hearing. It was two or three years ago that the bud wood was sent away.

Mr Benham—They took whole plants too, I believe.

CHAIR—Yes. Much to my dismay, they had not even bothered to find out what the hell they grew into. We said to them in our hearing, ‘Why don’t you slip out there this afternoon and have a look?’ As it turned out, they slipped out the next morning to have a look, after we put it to them that it was a reasonable thing to find out what had happened. They now know. This is a very Dad and Dave sort of a show.

Mr Benham—Can I ask a question?

CHAIR—No.

Senator FERRIS—Yes, you can. Go on.

Mr Benham—Was there any sign of canker on them?

CHAIR—We do not know the answer to that.

Senator MILNE—They were not Imperial.

Mr Benham—No, I know they were not Imperials. I asked the nursery manager what they were. He said they were Philip’s. I asked the owner, when I eventually met him—up until the AQIS raid, I had never met him. I know what they were not; I cannot tell you what they were. I never saw any fruit on them; I was only working off the leaf. I could tell you that they were a mandarin.

CHAIR—Where is this at? Is this the stuff that is down in Eastern Creek in Sydney?

Mr Benham—It is the stuff that was in the eight rows that was labelled 1A.

CHAIR—No, I am talking about the stuff that is down in Sydney. They took samples away and grew them.

Mr Benham—They were from 1A.

Senator MILNE—Yes, that is right.

Mr Benham—That is what they were, I believe.

Senator FERRIS—Are there any other citrus orchards in this area that have an armed guard on the gate?

Mr Benham—I do not know of any orchards in the district that have an armed guard on the gate.

Senator FERRIS—We had some evidence earlier this afternoon—I apologise, you were not here—from Mr Johnston. He gave evidence that he tried to enter the farm and found there was an armed guard on the gate, which struck me as being odd for an Australian farm.

Mr Benham—I have never seen a guard on any of the orchards, Evergreen included, that was armed with anything other than a clipboard and pencil.

CHAIR—Going back to the leaf: what was it? You said you knew what it was.

Mr Benham—I knew what it was not. I knew it was a mandarin; it had a mandarin leaf on it.

Senator FERRIS—Can I ask you a question a bit out of left field, I am not sure if you will be able to answer it, which concerns some bins of lemons that were sent from the farm down to Mundubbera? Are you able to answer a question about that?

Mr Benham—Yes.

Senator FERRIS—My understanding is that 30 bins of lemons were to go from the farm to Mundubbera in 2002-03 to be packed. I am wondering if you know whether 30 bins went or, in fact, whether only 10 bins were packed.

Mr Benham—I believe it was 33 bins. They were processed at a facility in that area. I am not sure, but eight to 10 bins of the 33 bins were then processed at the juice factory at Mundubbera. It was the reject fruit from what was packed.

Senator FERRIS—Do you know why it was rejected?

Mr Benham—It would have been rejected on blemish, on grading. When they pack it out, they pack first grade and then second grade. They were obviously the third-grade fruit that were not marketable.

Senator FERRIS—So it is not unusual to oversupply an order like that? And it is not unusual to have a percentage of it rejected?

Mr Benham—It was not an order. The 33 bins were sent there to be packed because, at the time, there were no packing facilities on Evergreen Farms. So they had to contract them out. That was the entire lemon crop at that stage.

Senator FERRIS—Thank you for answering that. I want to go back to the evidence that we have received from Mr Price, Mr Ienco and Mr Miller. Now that that evidence has been put onto the public record in relation to unusual activities at this particular property, and given that you had gone to work there—albeit afterwards—how do you feel, as a fourth-generation citrus grower, about that evidence? It is sworn evidence, so we have to accept that it is truthful evidence.

Mr Benham—I do not know whether it is true or not.

Senator FERRIS—It is sworn evidence.

Mr Benham—That might be the case, but I do not know whether it is true or not.

Senator FERRIS—Assuming that it is true, how do you feel as a fourth generation citrus grower?

Mr Benham—That is not something that I would be happy with and if I had the evidence to prove that I would bring it forward, for sure.

Senator FERRIS—Thanks.

Senator STERLE—I just want to clarify something in your opening statement. You said something about getting to Evergreen Farms and finding that half the trees on the farm were dead. Is that correct?

Mr Benham—That is correct.

Senator STERLE—How many is ‘half the trees on the farm’?

Mr Benham—Fifty per cent.

Senator STERLE—I might have been a truck driver, but I worked that out before I got here. How many actual trees would 50 per cent be—1,000 trees, 100 trees?

Mr Benham—Approximately 20,000 to 30,000.

Senator STERLE—Is that normal for a citrus farm?

Mr Benham—No, that is not normal for a citrus farm.

Senator STERLE—Was any reason given to you as to why they were dead? Did they recruit you to bring them all back to life?

Mr Benham—That was why I was there. There were a lot of issues which I had to identify and fix up.

CHAIR—Do you know what killed the trees? Did the watering system not work?

Mr Benham—The watering system was not real good at all. Maintenance had not been done on it; blocks were not being watered that they thought were being watered; trees were planted in areas that were unsuitable for citrus; phytophthora had been brought in, which is a root disease that affects the trees and creates havoc especially in heavy soils; like I said before, there were issues with the machinery and the herbicide equipment that was used; and there were issues, more or less, with the cultural practices and the way the orchard was set up, which I believe is the main reason why all the trouble was there.

Senator STERLE—So three years later, when you handed in your notice and resigned, you said that you had got it all back into shape.

Mr Benham—Yes.

Senator STERLE—So every tree was alive, except for a couple that had died not long after the AQIS inspection?

Mr Benham—Of the 152,000 trees that were there when I left, I would imagine that less than 0.1 per cent was not alive.

Senator STERLE—At any stage, did the owner of the business ask you to dispose of some trees by cutting them off below the bud?

Mr Benham—No.

Senator STERLE—Not at all?

Mr Benham—No.

Senator STERLE—Okay. At any stage, were you aware of 18 trees that had been put into another part of the nursery and found after AQIS came in and did the inspection?

Mr Benham—When I spoke to the nursery supervisor he told me that he had shifted trees in the nursery that were labelled 1A trees. First of all, I quizzed him about where all the 1A trees were that were in the nursery—they were not there when I went there—and he told me that the owner had instructed him to get rid of them. That was when he told me that he had put some trees aside. I asked him whether he could show me then. That was not straightaway; there was a gap in between. He said that he had got rid of them all, but he did not tell me straightaway that he had kept some.

Senator STERLE—Had not quite got rid of them?

Mr Benham—No. He told the owner that he had got rid of them all. When I quizzed him and he told me that he had kept some, I asked him where they were. He went to show me where they were and he maintained that one of the other nursery staff must have shifted them. At the time, we were planting out trees and the only thing that he could think of was that they had been planted out.

CHAIR—Were they the ones that he had taken the tags off? Tags were removed.

Mr Benham—Some trees had tags, some trees did not and some trees were tagged wrongly. The tagging system was not to be—

CHAIR—You say there were no records.

Mr Benham—There were no planting records when I was there and the nursery records had started only when I tried to do an inventory of what was there at the time.

Senator MILNE—So what you are saying is that if the trees that were put aside, then mixed up and presumably planted out were of the bud wood that we are talking about—transplanted and went onto those—that could explain why the canker was spread all over the property.

Mr Benham—Yes, but I do not believe that is the case. I was told that, so I subsequently went to all the blocks where any of those trees could possibly have been planted and I personally checked every tree to try to discover where those trees might be, if they were there. I could not find them. I did that on more than one occasion and, had they been there, I would have seen them, I am sure. I found other trees that had been mixed up, but not any of those trees.

CHAIR—But there was no canker there when you were there.

Mr Benham—There was no canker there and those trees that the nursery supervisor said he had put aside must have become mixed up and gone out—I do not believe the number was 18. I checked because I was concerned that that might be the case.

CHAIR—After you gave notice and the boss said, ‘We’re going to check you out, son’—it sounds as though you have done a pretty good job of it to save about 150,000 trees—he brought along some people to inspect the orchard. Could you provide us with the names of those people?

Mr Benham—I can do that now. They were Roger Lindeman and Gary Fullelove, the DPI extension officer from Rockhampton.

Senator FERRIS—What was their job specifically?

Mr Benham—I was not told what their job was. I have spoken to both of those people since and they led me to believe that they were asked to come out and check on everything.

Senator FERRIS—When you say ‘everything’, do you mean everything that you were responsible for or the condition of the trees?

Mr Benham—To check on the citrus orchard.

CHAIR—They were allowed to go anywhere they wanted to.

Mr Benham—That is correct.

Senator STERLE—Mr Benham, what is a ponkan?

Mr Benham—Ponkan is a very old variety of mandarin.

Senator STERLE—And what is a research block?

Mr Benham—In regard to Evergreen?

Senator STERLE—Yes.

Mr Benham—In regard to it was the block called F2—that would be its code. That was a block where I instigated a trial planting different varieties on different rootstocks to see how they would perform in the Emerald area. In that trial, I also got a collection of different varieties that were available grown on different rootstocks.

Senator STERLE—With the 18 pieces of bud wood that went missing and could have been planted somewhere else—

Mr Benham—I was not told there were 18; I was told there were three or four trees, something like that.

Senator STERLE—Take it from us, we have been told that there were 18 that went missing—sorry, that were kept aside and then discovered later in the nursery. Could they have ended up in the research block?

Mr Benham—No.

Senator STERLE—You went through that thoroughly and made sure?

Mr Benham—Yes. When I was there, I had plans. No, they could not have. I know exactly what was there and they were not in the research block.

Senator STERLE—So the research block was a mixture of different citrus plants?

Mr Benham—The bottom two rows was a collection of varieties and the other rows was a collection of known commercial varieties grown on different rootstock to see how they would perform. They were not necessarily varieties that were being grown commercially on that property at the time. They were new releases of bud wood from the scheme—the new lemon that was released by the national scheme and a few mandarins that they have not released.

Senator McEWEN—Mr Benham, you said that in your time at Evergreen, in your view, there was no citrus canker there.

Mr Benham—That is correct.

Senator McEWEN—So where do you believe the citrus canker infestation in Emerald started from? How did citrus canker come to be in this area?

Mr Benham—I believe it has to have been brought in. I do not believe it was brought in with any alleged bud wood or material prior to my getting there, because I kept a close check on everything that I could see there. I believe that that must have been brought in at some stage after I had left.

Senator McEWEN—Brought into Evergreen?

Mr Benham—That is where it was found—on Evergreen. Whether someone did it unwittingly, I do not know. I am only speculating. Like everyone else, I do not know.

CHAIR—Fair enough. I guess, in fairness to all, we are not the fount of all information, but you did not realise that those trees that died had actually been sprayed with Roundup either, so things happen.

Mr Benham—I looked at them and reported that they were dead. I could not prove anything.

Senator FERRIS—Was it a fulfilling job? When you left, did you reflect that you had enjoyed the time you spent there?

Mr Benham—It was definitely an experience!

Senator FERRIS—I do not think that is an answer! Was it a fulfilling job?

Mr Benham—I enjoyed the job, because that is the job that I enjoy. I cannot say that I enjoyed working with the owners.

Senator McEWEN—Where was the bud wood that was stored on Evergreen stored? We have heard evidence that there was a concrete vault built on the property that had bud wood in it.

Mr Benham—When I was on there, bud wood was stored in a refrigerator at the nursery so that the bud wood could be used in the nursery.

Senator McEWEN—At the nursery?

Mr Benham—At the nursery—in the lunch room at the nursery.

Senator McEWEN—Was there ever an occasion when you went and got bud wood from a refrigerator in the house?

Mr Benham—No, never.

Senator MILNE—When you went there on 5 June 2001, were there any systems in place that would enable you to trace back where the bud wood had come from prior to that time? You just said that the rest of the records were in a shambles.

Mr Benham—No.

Senator MILNE—So there were no records to trace that.

Mr Benham—No. There were incomplete records and there were some records from Auscitrus.

Senator MILNE—Is it a requirement that citrus growers be able to produce for AQIS a reliable list?

Mr Benham—Pardon?

Senator MILNE—Is it a requirement for citrus growers to be able to do that—to be able to demonstrate where they got their bud wood from?

Mr Benham—I believe it is in their best interest to be able to do that.

Senator MILNE—Do you know if it is a legislative requirement?

Mr Benham—I know that spraying records and the like are, but as far as inventory of that or where that comes from I do not know.

CHAIR—Thanks very much for that. We may be in touch further. By the way, I have a final question. Have AQIS been in touch with you in recent times?

Mr Benham—No, AQIS have never interviewed me.

CHAIR—Do you think that it is a bit peculiar—if they were trying to find out what the hell was going on, that they would not interview the manager?

Mr Benham—I just took the line that they obviously knew what they were looking for and what they were doing and realised, because I had just started employment there, that anything I could tell them was only—

CHAIR—But you were actually there in the lead-up to the citrus canker outbreak?

Senator STERLE—You left just before it.

Mr Benham—I left on 20 April.

Senator FERRIS—This is what DPI say in their submission. They say that it could have been there as long before as 2003.

CHAIR—With great respect, I am chairing this and you are not. You were actually there—

Senator FERRIS—If I had a chance to ask the question, I would.

CHAIR—Thank you very much. You are not going to get the chance.

Senator FERRIS—You are a disgrace!

CHAIR—I know. Mr Benham, you were there during some vital times. You arrived on or about the time of the raid and you were there for three or four years.

Mr Benham—Just under three years.

CHAIR—Wouldn't you think it was peculiar that you would not have been at least asked to give a formal statement of what your version of life at the farm was all about? You do not have to answer that. I think it is very strange. It is all part of the *Dad and Dave* theme.

Mr Benham—I cannot say why. I never at any time refused to do so and if I had been asked I would have. But I was not.

CHAIR—Do you think I should entice Senator Ferris to ask the last question?

Mr Benham—I think it would be a good idea.

Senator FERRIS—The point I want to make here is that on page 12 of the DPI submission it says that a limited study that they did:

... indicated that citrus canker was likely to have been present on Evergreen for at least 18 months prior to its detection in June 2004, although it could possibly have existed at very low levels at that time. This timeframe indicates that the disease may have been present on the property since January 2003—

which is the time when you were there.

Mr Benham—Yes, and they are saying 'likely', 'could have' and 'may'.

Senator FERRIS—All I wanted to do was to establish whether you had ever seen it.

Mr Benham—No, I had not. With my present job at the DPI now I have been in a position where I have been able to see citrus canker, which is good for me personally because I was sure then and now I am positive.

CHAIR—God bless you and thanks very much.

Senator FERRIS—I am only quoting what they say.

Mr Benham—Yes.

Senator FERRIS—You might want to have a look at it.

Mr Benham—Yes.

CHAIR—We are very grateful. Thank you. We will now move to five-minute statements from the floor.

[5.32 pm]

BELONOGOFIE, Dr Michael, Private capacity

CROZIER, Mr Ronald James, Private capacity

EDMONSTON, Mr Craig William, President, Emerald Chamber of Commerce

FRIMAN, Mr Terence John, Private capacity

LINDEMAN, Mr Roger K, Managing Director, Lindeman and Associates Pty Ltd

PETERSEN, Mrs Kelli-Anne Maree, Private capacity

WEDGWOOD, Ms Margaret Patricia, Private capacity

CHAIR—Thank you. There will be no questions; just give us your statement.

Mr Crozier—I am a local resident. Having been a resident of Emerald permanently from 1966 to the present day I have witnessed great developments in agriculture, mining and business pursuits, all of which were made possible by the availability of water following the construction and commissioning of the Fairburn Dam. In latter years the growing of citrus fruits has made a major contribution to our rural community, which in very recent years has been included in the harvest trail, thus ensuring a more assured itinerant work force during the harvesting periods.

Some years ago I had occasion to visit Far North Queensland, travelling by way of the Bruce Highway and experiencing manned checkpoints which were, I believe, part of the overall strategy to contain the spread of papaya fruit fly. However, the Emerald pest quarantine area was not afforded the same luxury, being designated by road signs only. In my opinion, the reported machinations since the discovery of the exotic citrus canker disease in our area and the methods of detection and surveillance applied appear indecisive, piecemeal, amateurish and not particularly commensurate with a view to containment or eradication of a potentially high risk bacterial infection as stated on the Queensland DPI citrus canker brochure. I have had citrus trees bearing fruit in my backyard for over 20 years and the very thought of their wanton destruction is most distressing to my family, who have enjoyed their annual fruits.

Queensland DPI have stated that they will cut down the trees to ground level and apply hazardous chemicals to kill the rootstock. I am totally opposed to any hazardous chemicals being used on my property and I am of the firm belief that the old-fashioned pick and shovel is the best and safest option for domestic and organic growers. I believe that should any future exotic disease outbreak occur in Australia, whether in urban, regional or rural areas, consultation with residents and other stakeholders should be established at the beginning, rather than 12 months down the track as in the Emerald citrus case. In conclusion, the overall effect on the residents of Emerald, the citrus growers and those employed either directly or indirectly in the industry could not be calculated in terms of monetary value or the effects on the local economy.

Mr Edmonston—As of eight o'clock last night, I am the President of the Emerald Chamber of Commerce. I would like to draw the committee's attention to the effects that we see that this problem has on our 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 now have 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. The effect has been masked somewhat by the massive development in coal mining around the area at this point in time. We know the effects are going to last for several years. I guess you do not really need me to tell you, when you hear that 75 per cent of Mr Pressler's 500 employees are not here for most of the year, that there must be a fairly significant loss of spending in the local community. My wife rang the hairdresser the other day and got an appointment just like that. That is an absolutely unbelievable situation in Emerald, so there are some signs that are showing up straightaway. That is all I have to say. I think the point is that it has a much bigger effect than just on the farmers themselves; the effect is on the whole community.

Mr Lindeman—I am a consulting agronomist in the Central Queensland region. As mentioned before, I was on Evergreen Farms just prior to Mr Benham leaving there. I was also on Evergreen Farms just prior to Wayne Gillies leaving. I am also the person who found the outbreak and sent it off to DPI for identification. The question I have to ask is: after how this has been managed, why would anybody report an outbreak of an exotic disease on their farm? What benefit, other than a warm feeling in the tummy, is going to pass to the growers if they are not going to be supported by government? In relation to how things went at Evergreen, when I found the citrus canker outbreak there I notified DPI and I notified the management. The management said, 'If that is what you think it is, you had better let DPI know about it.' There was no attempt to hide it.

CHAIR—Thanks very much.

Mr Friman—I am a fruit-picker. I have picked citrus on and off for most of my life, probably for around 30 years. I come from the Riverland in South Australia. I came to Emerald about 13 years ago. I love the town. I have worked for every farm in the town here. I can remember that, a few years ago in South Australia, we had an outbreak of fruit fly, which is unheard of in South Australia. Because of that, every farmer had to take their fruit and get it buried, but they got compensated. That is not happening here. The South Australian government did it. I can remember that very clearly. That is all I have to say.

CHAIR—Do you eat fruit?

Mr Friman—I love it. I am a fruit bat.

Ms Wedgwood—I own a small business in Emerald. I would like to bring to the attention of the committee the impact that citrus canker is having on small business in this town. The loss of a number of people from the district, whether seasonal or permanent, has definitely caused a downturn in income. People say: 'It is just for farms. It does not affect everything. We have coalmines. We have this; we have that.' Because of the distances involved, many coalminers live on the coast, do their four days on/four days off and then go back to the coast, so the money does not stay within the district. We do not benefit from that side of it. It is going to have a long-term effect. Small business is going to feel it for many years to come, possibly in six to seven years time. A compensation package will not benefit us in many ways, but it will give the guys that are involved some dignity back. They are suffering financially and emotionally, and we just hope that the recommendations that come from your committee will find a very quick resolution for them.

Dr Belonogoff—I have been a GP in the Emerald area since 1981. The reason I come before the committee is to air my concerns about the eradication that has been proposed for some of the citrus plants. I would like to preface my statement by saying that our community has been through concerns regarding the leukaemia scare from aerial spraying back in 1983, which was a large thing. The inquiry was chaired by Dr Ken Donald, the Deputy Director-General of Queensland Health at the time. He did not identify any specific chemical concerns, but the community was markedly divided by the concerns. Some families left Emerald because of it and adverse publicity kept a lot of families from coming to Emerald.

I am aware that a lot of people in our community are sensitive about the use of chemicals and will react very passionately if noxious chemicals are used to eradicate the citrus trees, especially if a non-chemical approach is available—even though the non-chemical one is a bit more expensive, I believe. From my experience with the chemical spraying and the leukaemia scare that was here, a lot of people with children came to me and talked about the anxiety that they had about living in Emerald. I had to do a lot of counselling to varying degrees. Some needed a lot; some were satisfied with shorter-term counselling. My request to the committee is that, if this is implemented and the trees are going to be removed completely by using chemicals, appropriate resources need to be allocated to the community for their education, the anxiety that it creates and, frankly, the depression that occurs.

Mrs Petersen—I have two small children and I am happily married.

CHAIR—Happy wife, happy life, they say!

Mrs Petersen—Absolutely. I would like to present a lot of emails and letters that I have received in support of the citrus growers of Emerald. I hope that they get some compensation to replant, because we are really worried what will happen to our town. When we moved here four years ago, I was hoping that we would stay here for 10 or 15 years and see our children through primary school, high school and hopefully university. Without the growers, we will not have a chance. That is a major concern for me. Coalminers come, they go and they live on the coast.

Another concern I have is about the DPI. An inspector came around to my home. I had been living there for only one month. I am not sure what trees were in the yard. I said, 'Please come in, please check the yard.' He

told me, 'You have a citrus tree in the yard.' I said, 'Good.' He said, 'It hasn't got canker.' I said, 'Can you tell me what it is?' He said, 'No, I can't tell you.' Still to this day I do not know what it was and it really does not matter to me, but who has records of that? Who has records of what I have in my yard? I do not know; they did not know. Where am I in this? We are fighting for the growers and hoping that they get compensated, but what is happening to me? What is happening to my trees?

Going back to the transport issue, I went over to Springsure. We have family in Springsure. I stopped there, grabbed some fruit and vegetables and thought, 'This is getting really expensive.' They said, 'There's no back loading from our growers anymore. We have to pay full cost.' It is starting to have a devastating effect on Emerald and our surrounding areas.

CHAIR—Thank you. I was hoping someone might have been able to tell us what they thought about the enforcement of the quarantine and whether they had seen people helping themselves, despite the quarantine.

Committee adjourned at 5.47 pm