



## Queensland Citrus Growers Inc

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Ms Maureen Weeks  
Committee Secretary  
Senate Committee on Rural and  
Regional Affairs and Transport  
Parliament House  
CANBERRA AC 2600

Dear Ms Weeks

### **RE: CITRUS CANKER INQUIRY**

Attached is the first stage of the Queensland Citrus Growers Inc (QCG) submission into the Senate Committee's inquiry into the citrus canker outbreak in Queensland.

This paper provides a chronology of events and issues of concern to the Queensland citrus industry, in relation to the allegations of illegal importation of citrus budwood in 2001, and the AQIS investigation into this matter – to the extent that QCG is aware of what occurred.

The unresolved concerns that QCG has in relation to this matter are as follows:

- The AQIS investigation did not appear to be carried out with the resolve, force, or determination that QCG would have expected for a criminal investigation (and as the police would have done), and as a result answers were never found as to whether or not the plants in question were in fact illegally imported, and whether or not Australia's quarantine laws were deliberately broken.
- There appeared to be obvious lines of investigation which were not followed. For example, Varietal identification together with a trace-back of nursery purchase records, should have established whether or not the plants were of foreign origin – however the identity of the varieties is still unknown. Why is this so?
- The main focus of the investigation quickly turned to whether or not the plants carried any disease, rather than where they came from. If they were found to be free of disease, the owners may have been allowed to keep the plants (if they hadn't voluntarily surrendered them). We believe there have been instances in the past where growers who illegally imported the grape variety Superior/Menindee Seedless were ultimately able to keep their plants because they were found to be disease free. This would have been a very unsatisfactory outcome as those with contempt for Australia's quarantine laws would have benefited, whilst good industry citizens who follow the correct processes would have been disadvantaged yet again.

- The Deed of Arrangement which was made confidential gave the appearance to the rest of the industry that AQIS was going soft on the alleged offenders, and this aroused suspicions as to why this might be so.
- The outcome for the “whistle-blower” has been disastrous, and he should have been better protected. This is a serious disincentive for anyone to report similar concerns to AQIS in the future.
- The refusal of AQIS, after the 2004 citrus canker outbreak, to consider that it may have been related to the 2001 allegations, and re-open their investigations, did not seem to be a logical response. To our knowledge there has been no investigation into the cause of the 2004 outbreak – but there should have. The citrus canker had to come from somewhere, and the 2001 allegations would have seemed an obvious starting point for such an investigation.
- QCG questions whether AQIS’s lack of interest in re-opening their investigation, might have been because they did not want to inherit the funding responsibility for the 2004 outbreak, or maybe they did not want to be embarrassed by revealing any shortcomings in the 2001 investigation/response.
- The fact that all of the information from the 2001 investigation has been kept confidential to AQIS (it has never been presented as evidence in any court), and has not been available to industry or anyone else to scrutinize, does not give confidence that justice has been done – justice needs to be seen to be done.

Queensland Citrus Growers Inc looks forward to the opportunity to be able to speak further on these matters at the Inquiry.

Yours sincerely

Nick Ulcoq  
**President**

### **Allegations of Illegal Importation of Citrus Material – Evergreen Farms – June 2001**

- Wayne Gillies, Evergreen Production Manager, reported the propagation of material he suspected of being illegally imported, to the AQIS Redline (12 June 2001)
- The allegations of illegal importation related to citrus, grapes, and lychee cuttings, and papaw and watermelon seeds.
- The citrus in question was reported to be the Chinese variety – Ponkan mandarin, which were said to be smuggled in containers of tea.
- Citrus material from China has the potential to be infected with a number of quarantinable diseases – including citrus greening, citrus canker, Satsuma dwarf virus, strains of citrus tristeza virus not present in Australia, and Pierces disease (court judgement page 5)
- AQIS took some time to respond to the report made by Wayne Gillies (leaving him in an untenable position for an extended period of time)
- AQIS eventually conducted a search of the property on 26 July 2001 (under a warrant issued on 23 July 2001).
- It was suspected that Evergreen had been tipped-off, as there were areas of disturbed ground where plants appear to have been removed prior to the AQIS search
- There were reports at the time of a number of unsatisfactory aspects of the AQIS search – with samples being handled poorly with some of them dying, becoming damaged, or being lost in transit (industry was concerned about valuable evidence being lost).
- Samples of plant material were sent to various facilities for different tests.
  - AQIS Post Entry Quarantine facility at Eastern Creek (Sydney) to test for diseases.
  - CSIRO Merbein (Vic) for varietal identification
- The disease tests eventually found a strain of citrus tristeza virus not previously known to exist in Australia (but not citrus canker). No action was taken in relation to this – to our knowledge.
- The varieties in question are still unknown, indicating that this part of the investigation was never completed.
- Commencing with the AQIS search on 26 July 2001, the Evergreen property was placed in quarantine. The quarantine orders were in place for a period of 6 weeks only.
- Evergreen Farms applied to the Federal Court of Australia to have the quarantine order lifted, on the grounds that the allegations were false, and also claiming some procedural fairness issues.
- This was heard in the Federal Court in Brisbane on 13 & 14 August 2001, and the court dismissed their application.
- Evergreen appealed the judgement, but before the appeal was finalised, AQIS entered into a Deed of Arrangement with Evergreen, and lifted the quarantine order.
- The terms of the Deed were made confidential, and this was the cause of considerable dissatisfaction within industry – certain growers suspected that Evergreen had entered into a cosy arrangement with AQIS which shielded them from further action, and protected AQIS from embarrassment over the deficiencies in the property search and subsequent investigation
- After citrus tristeza virus was found in the Evergreen samples, AQIS wanted to conduct surveillance on other farms in the Emerald district. AQIS would not confirm whether the same surveillance regime would apply to Evergreen (and growers suspected it would not), and the growers therefore agreed to participate on the proviso that all of the results (including the Evergreen results) would be made available to industry. AQIS would not agree, the growers did not co-operate, and to our knowledge the surveillance did not take place (because government was not prepared to exercise their legislation to enforce their right to inspect)

- Evergreen made counterclaims against the other large citrus enterprise in the district, 2PH Farms, accusing them of also illegally importing citrus varieties (an apparently vexatious claim, denied by 2PH, and QCG understands that 2PH has demonstratively proven that it was not true)
- However, the “mud stuck” in relation to 2PH, and the Minister for Agriculture now appears to have a propensity to dismiss the issue as a dispute between two large citrus enterprises with opposing interests
- There has been an unsatisfactory outcome for the whistle blower, Wayne Gillies. This matter has ruined his career in the citrus industry, ruined his health, and has almost sent him bankrupt.
- Mr Gillies has been characterised as a disgruntled former employee by Evergreen, as a means to discredit his claims
- As background – there is deep seated ill-feeling between Evergreen and the other large citrus enterprise in the Emerald district, 2PH Farms. The reasons relate to how Evergreen came into the district and acquired commercial information and intellectual property from 2PH, and also poached their key staff.
- The Federal Minister has refused to acknowledge any link between the 2004 citrus canker outbreak on Evergreen Farms and the 2001 allegations of illegal importation, and AQIS have therefore not (until now) re-opened their investigation into this matter.
- Industry has been concerned that the 2001 allegations were not investigated as thoroughly as they should have been.

The lack of resolve to prove the case would have enabled the perpetrators of the act (if the allegations were in fact true), to escape without penalty – and this would once again have rewarded those who are prepared to flout Australia’s quarantine laws.