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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE

Reference: Citrus canker outbreak

FRIDAY, 12 AUGUST 2005

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SENATE
RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE
Friday, 12 August 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, Fielding, Hogg, Hutchins, Lightfoot, Ludwig, Lundy, Sandy Macdonald, Mason, McLucas, Nettle, O'Brien, Payne, Robert Ray, Santoro, Stephens, Watson and Webber

Senators in attendance: Senators Ferris, Heffernan, McEwen, 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.

WITNESSES

ADRIAANSEN, Mr Christopher, General Manager, Plant Biosecurity, Queensland Department of Primary Industries and Fisheries	2
PRESSLER, Mr John Frederick, Director, 2PH Farms	23
TURNER, Mr Bruce, Executive Director, Strategic Policy, Queensland Department of Primary Industries and Fisheries.....	2

Committee met at 9.07 am

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 regarding a citrus canker outbreak. I welcome everyone here today. This is a public hearing and a *Hansard* transcript of 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 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 of the committee's proceedings. 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 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 the claims of commercial confidentiality. Under the resolution, a claim to withhold information on the basis that it is commercial in confidence can be made only 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.

It is the committee's intention to seek the facts relating to this inquiry and not to apportion blame. The committee has called for an additional witness today from the Cattle Council in a matter relating to the Brazilian episode. I am firmly of the view that there should be people sacked in several organisations over that episode and we will deal with that later in this hearing.

[9.09 am]

TURNER, Mr Bruce, Executive Director, Strategic Policy, Queensland Department of Primary Industries and Fisheries

ADRIAANSEN, Mr Christopher, General Manager, Plant Biosecurity, Queensland Department of Primary Industries and Fisheries

CHAIR—Welcome. Do you wish to give an opening statement?

Mr Turner—I thank the committee for allowing representatives of the Queensland government to appear before it today. I will make a brief introductory statement summarising the Queensland government's roles, responsibilities and actions in responding to an outbreak of citrus canker. I will also talk about some of the lessons learned and how we can enhance future responses to pest incursions. DPI&F sought in its submission to address each of the inquiry's terms of reference. We have not addressed events or actions taken beyond the knowledge of DPI&F. DPI&F's submission to this inquiry is based on documented evidence, which can be made available to the committee on request.

First, I will touch very briefly on the AQIS investigation of Evergreen Farms in 2001. As the committee has previously heard, investigations into alleged illegal imports of plant materials to Evergreen Farms were carried out under the auspices of the Quarantine Act 1908 and not under the provisions of any Queensland legislation. DPI&F's involvement in this investigation was therefore minimal and extended primarily to the provision of advice on local insect pest identification.

The Queensland government's role expanded considerably following a confirmation of citrus canker on Evergreen Farms near Emerald on 28 June 2004. Queensland, as the combat state, was responsible for implementing the components of the National Citrus Canker Eradication Program as part of the agreed national framework for the management of plant pest incursions. While all eradication and financial decisions were determined by national consensus through the national management group, the Queensland DPI&F was the agency responsible for implementation of the response, including surveillance, destruction and other program endorsed activities. DPI&F employed the provisions of the Plant Protection Act 1989 and its subordinate regulations to implement the program. The act and regulations provide for a response to a pest or disease incursion through the declaration of a quarantine area and support actions to be taken to control, eradicate and limit the spread and distribution of pests or disease of plants. Throughout the incursion response, DPI&F has complied with all national management group resolutions and, where necessary, has modified the provisions of its legislation to adopt national management group directives.

I will now take this opportunity to comment briefly on how the citrus canker incursion has highlighted ways in which government and industry can more ably prepare and respond to pest outbreaks. Future ratification of the Emergency Plant Pest Response Deed by all industry and government members of Plant Health Australia is likely to provide solutions to some of the critical issues faced during the citrus canker eradication program. Key among these issues is the provision for owner reimbursement payments, which has been the single biggest source of disagreement during the citrus canker response and has therefore hindered the efficacy of the emergency response eradication program. The principles of the deed are essential in encouraging growers to look for and report on potential new pests. There also needs to be greater recognition by the industry itself of those who do look, find and report. After all, these early detections will potentially save the rest of the industry millions of dollars in pest management costs and lost market opportunities.

There are also a number of communication issues that could be improved for future in incursions. For example, the way risk analysis is communicated can make a significant difference to the perceived level of risk and, therefore, to the acceptable level of risk adopted. Communication of risk in a readily understood way is the only way to minimise the fear factor, which no amount of scientific explanation will overcome. In addition, consideration must be given to the reasonable apportionment of the media management and response effort required throughout an incursion. Making the combat state responsible for all media dealings is not sustainable, as it adds considerable pressure to the agency that is already likely to be stretched in its efforts to implement the eradication program.

Above all, though, the prevention of high-risk imports has to remain the first line of defence against exotic plant pest incursions. It is acknowledged, however, that even the most stringent quarantine measures will not always prevent pest incursions. Early detection, therefore, is essential in maximising the chances of successful eradication while minimising the impacts of an incursion. While government agencies have specific roles in

relation to surveillance, the greatest capacity for surveillance exists within the group that is constantly in contact with crops and, therefore, most likely to make the earliest possible detection—the growers themselves.

I will finish by assuring the committee that DPI&F is keen to see a beneficial outcome to this inquiry and will cooperate in whatever way necessary to expedite this outcome. Just before closing, I would acknowledge the fact that, while the hard copy of this report has a number of small errors, the actual copy that has been posted on your site has been updated.

CHAIR—Thank you very much. I express the committee's gratitude for the cooperation of the Queensland government and DPI&F in appearing today. This committee is anxious to hear, Mr Adriaansen, of other issues that the department may have in another context. You mention fumigation with the importation of timber et cetera. We would be only too happy to assist you in those matters. When did you first hear about the alleged illegal import into Evergreen Farms?

Mr Adriaansen—The Department of Primary Industries and Fisheries was contacted on 24 July 2001 by AQIS seeking specific assistance in their work on Evergreen Farms. That was two days prior to AQIS executing the search warrant on 26 July. Our assistance was sought to be able to differentiate between the local widespread insect pests and those which might be of quarantine concern. We had one entomologist who accompanied the AQIS team in their execution of the search warrant on 26 July, so that was the first approach that had been made to us.

CHAIR—That was two days before they turned up?

Mr Adriaansen—That is correct.

CHAIR—We have received evidence that suggested that they may have been on notice and they were able to get rid of some grape cuttings et cetera.

Mr Adriaansen—By 'they' do you mean Evergreen Farms?

CHAIR—Yes.

Mr Adriaansen—I have no knowledge of that because we did not know of any allegations of illegal importation until 24 July 2001.

CHAIR—It will be interesting for the committee to try and establish—and we probably will not be able to do it—how the hell they were put on notice that things were about to happen. Why was your department's role limited to establishing insect pests?

Mr Adriaansen—AQIS had a pathology expert, from whom the committee has already heard testimony, and required an entomologist, an insect expert, which they did not have immediate access to, so they approached the department to provide that entomology expertise. Given that all of the actions that were being taken in July 2001 were under the Quarantine Act, which is a Commonwealth act, there was no further requirement for involvement of the Queensland department other than assisting AQIS in their work.

CHAIR—So after the initial finding, what was the science, as you are aware, behind the rejection of what they call the Pressler plan?

Mr Adriaansen—The widespread destruction plan that was proposed initially by Mr John Pressler to the department on 7 October 2004, and which was then repropoed by the Queensland citrus growers later that month in 2004, was analysed by a group within the Department of Primary Industries and Fisheries acting under the direction of the national Consultative Committee on Emergency Plant Pests. That evaluation was undertaken on the basis of whether or not there was scientific justification for undertaking that widespread destruction proposal at that time.

The evaluation determined that there was not sufficient scientific justification, and one of the other factors that had to be taken into account was the fact that, at that stage, it was not known very clearly whether citrus canker existed outside of the Emerald Pest Quarantine Area. The final recommendation that was endorsed by the national management group on 23 November 2004 was that, in the absence of further scientific evidence and until such time as the extent of citrus canker, possibly in other areas of Queensland or Australia, was known then the widespread destruction proposal was not supportable.

Senator FERRIS—We have just had a photograph taken in here. We have not resolved as a committee, and with the witnesses' approval, to have photographs taken or filming done. We need to do that.

CHAIR—We have resolved to have the photos, haven't we?

Senator FERRIS—We need to have a resolution for that.

CHAIR—Has anyone got any objection to a bit of sound, colour and movement? There is no objection. Thanks very much. There you go, that is sorted. Mr Turner and Mr Adriaansen, I have to tell you that we are very appreciative, and everyone on this committee is very pleased, because we really need to get to the bottom of what I would describe as a bloody disgrace. I actually have a lot of detailed questions which I will put on notice to you. I would love your cooperation to get them back as quick as you can, to save time for the committee.

Mr Turner—That will be fine.

Mr Adriaansen—Certainly.

CHAIR—One of the things that was evident when we arrived in Emerald and we took a run out along a road to a property was, it seems to me, that we need in the future to take a more military type approach to the determination and security of a quarantine zone. There was a sign, I admit, as we talked about, at the airport, but we drove onto a bloke's farm there and I could have had a one-tonne ute or a two-tonne truck and loaded it up and there would not have been any identification that the place was under any sort of quarantine.

Senator FERRIS—The oranges were right on the road.

CHAIR—Isn't that sort of a basic problem?

Mr Adriaansen—The individual properties that you went to were not properties where citrus canker has been found, so therefore the level of risk was extremely low. Similarly, according to the pest risk analysis that we completed and submitted for national consideration in April 2005, the risk of transmitting citrus canker through fruit movement is also extremely low. The risk containment measures that were put in place were agreed to through the national consultative committee and national management group, and they were consistent with the level of risk that was identified. Unlike some of the comments that have been made about the roadblocks that had been put in place for papaya fruit fly, where there is an extreme risk of transmitting the pest with the fruit, with citrus canker, that risk is much, much less.

CHAIR—According to evidence that we can reasonably believe, the outbreak may have been there—despite other evidence in Emerald the other day that a month before the quarantine there was no disease on the farm—for 18 months. Isn't there a risk that on some of those farms it is not evident yet, but it could be there, and they should be just as quarantined as places where it is evident?

Mr Adriaansen—The area is under a full pest quarantine—

CHAIR—What would be wrong with having, on every entrance gate, 'This is a quarantine area'?

Mr Adriaansen—There are signs on known infested properties, because those properties are under quarantine.

CHAIR—But are the non-known infested properties under quarantine as well?

Mr Adriaansen—The whole area is under quarantine—

CHAIR—So why haven't you got signs on their gates as well? Is there a legal reason?

Mr Adriaansen—No. The signs are on the highest risk properties, which are the known infested properties.

CHAIR—Wouldn't you err on the side of caution? Is there a shortage of signs?

Mr Adriaansen—No, there is no issue there, but the risk analysis that has been done through the national framework has identified that the movement control process that is currently in place is appropriate for the level of risk.

Senator FERRIS—With all the fruit that is ripe on those trees—which is just an open invitation to people to stop along the road and pick a bag—when you determine that it is a low risk, there is still obviously some risk; so is consideration given to removing the fruit from the trees nearest the road, based on a contingent risk of passing traffic, or to do a complete harvest of that fruit as soon as it is ripe? The owner of the property who took us around showed us that a lot of that fruit was ripe and he was not able to say that people had not stolen it as they had been driving past. The contingent risk might be a very low risk on the property, but what about on the road where people are taking it interstate or home to New South Wales or wherever they go? How do you know what happens there, and how do you build that into your contingent risk planning? It is not an isolated property; it is on a road.

Mr Adriaansen—The level of risk that was identified through the draft contingency plan and the level of risk that was applied in terms of the mitigation measures were all considered through the national framework through the consultative committee.

Senator FERRIS—Are you able to give us the minutes of the meetings where that was discussed so that we can see how that conclusion was drawn?

Mr Adriaansen—I will approach the chair of the consultative committee with regard to the release of those minutes.

Senator FERRIS—Who is that person?

Mr Adriaansen—The chair of the consultative committee is the Commonwealth Chief Plant Protection Officer.

CHAIR—The OIE thing is a disgrace. In your very good report, you talk about discovering fruit with canker on it in the Brisbane markets, which was subsequently quarantined. That was one week. What do you reckon about the week before?

Mr Adriaansen—All the fruit that we traced through, and we have traced every piece of fruit that we have been able to access the records for from the first infested property, Evergreen Farms, going back to 2002—

CHAIR—As I understand it, Evergreen flew a man in from the United States before they went into quarantine to establish—

Mr Adriaansen—No, it was after, actually.

CHAIR—after—to establish the thing. Wouldn't it be fair to say there would be a reasonable chance that the consignment of fruit previous to the fruit that you discovered would have been in the same condition?

Mr Adriaansen—The highest risk fruit was the Cara Cara navel oranges, because that block on Evergreen Farms was heavily infested. You need to get very heavy infestation on the trees before you end up with a level of infestation on the fruit. The other areas on the property were not so heavily infested, so the Cara Cara navel oranges obviously represented the greatest risk.

CHAIR—Was the place under quarantine? Was this before or after the discovery?

Mr Adriaansen—The fruit moved four days before the quarantine was applied to the property and four days before we actually had any suspicion of citrus canker.

CHAIR—So what was the previous movement of fruit off the property before that movement?

Mr Adriaansen—The previous movement of fruit, particularly those Cara Cara navel oranges, was around 23 June 2004. We traced that fruit. Most of those cartons had in fact gone to Sydney and to the Brisbane markets. There were 301 cartons of fruit. All of that was traced. All but 11 cartons of that were recovered and destroyed.

CHAIR—That is excellent work, but it is a hell of a worry that the—

Mr Adriaansen—But again, Senator, I go to the risk factor. The risk factor quite clearly says that fruit is a very poor transmission mechanism for the disease.

Senator FERRIS—Nevertheless, there clearly is a transmission, otherwise you would not have been seizing it.

Mr Adriaansen—Under a whole raft of individual steps, there are probably about 15 conditions that need to be met before a piece of infected fruit can result in an infection within a tree.

CHAIR—The packing shed that packed that fruit would have packed other fruit which would have gone to anywhere.

Mr Adriaansen—As I said, all of the fruit that was produced from Evergreen Farms, starting in 2002 with their first harvest, has been traced and we have followed through with that fruit to be able to identify if there is any additional risk. With those Cara Cara navel oranges, particularly the consignment of 161 cases sent to the Brisbane markets, all of that fruit was traced. There were a number of cases of fruit that were sent to various locations in Queensland and northern New South Wales. Additional surveillance has been mounted to determine if there is any apparent risk in those vicinities where cartons were not able to be recovered and destroyed.

CHAIR—Given that this may have been all there for 18 months before the discovery, there would be some low to moderate risk that this could be anywhere in Australia, it just has not put its head up yet.

Mr Adriaansen—There is always a risk associated with any pest or disease. There is always a background risk associated with general freight and people movement.

CHAIR—Is it your job or that of AQIS to determine the variety of fruit that was there? It is the job of AQIS, is it, to determine whether there was any Emperor on the farm?

Mr Adriaansen—In terms of the variety that was imported and was the subject of allegations of illegal plant movement, that comes under the Quarantine Act. Illegal importation of plant material is covered by the Commonwealth Quarantine Act.

Senator STERLE—Could you take the committee through the role your department has played in the detection, management and eradication of the citrus canker outbreak?

Mr Adriaansen—Certainly. The role of the states in terms of plant biosecurity complements that of the Commonwealth, where the Commonwealth obviously has a role in terms of border protection and immediate postborder protection. The states then have a role in terms of any response activity where there is an incursion, where something does by various means manage to escape that border and postborder protection. So the states have the role in terms of mounting the eradication response program. In the case of this citrus canker outbreak, that role of combat state has fallen to Queensland. That is what we have undertaken there.

The Commonwealth and the states also collaborate very closely on surveillance work to determine if there are any other risks that have not been identified through those quarantine and postquarantine measures. We are currently developing, for example, an additional program of hazard site analysis cofunded by the Commonwealth and us to pick up on any additional risk there. In terms of this particular response, as I said, the Queensland Department of Primary Industries and Fisheries undertook the role of combat state. It was our responsibility to implement the decisions that were made through the national framework. All of the plans that we prepared were submitted to and ticked off by the consultative committee and the national management group. The actions that we undertook were submitted to and ticked off by the national management group and the consultative committee. It was those two groups that authorised the use of the draft citrus canker contingency plan which was prepared by the Commonwealth Chief Plant Protection Officer and the citrus industry. The last revision to that draft had been done in May 2004, some two months before we had this detection of citrus canker.

Mr Turner—I would like to make a comment. It is important for the committee to know that, while the animal industries are very sophisticated in their responses to disease incursions, the plant industry has not got its act together yet.

CHAIR—We made those comments in Emerald. If we were apportioning blame, the industry would get some of it. It seems to me that the managing committee, or whatever you call them, determined to use the Florida protocol. Were you a part of that?

Mr Adriaansen—No. What you refer to as the ‘Florida protocol’ actually requires the destruction of an area of trees around a known positive infestation and then all the levels of surveillance and every other activity which goes with that. Those elements were incorporated into the draft citrus canker contingency plan, which was last revised in May 2004. That was prepared under the auspices of the Commonwealth Chief Plant Protection Officer and the citrus industry. At the start of the incursion response to citrus canker in June or July 2004 it was agreed through the Consultative Committee on Exotic Plant Pests and Diseases and the national management group that the provisions of that contingency plan would be applied. So the so-called Florida protocol formed part of the contingency plan and then the contingency plan was adopted in terms of the response mechanism. Our role was to take on board the contingency plan.

CHAIR—It is just that it seems to me that the Florida plan does not work.

Mr Adriaansen—I just want to make a comment in terms of whether the Florida protocol works and some of the comments that have been made by individuals about failures in the eradication program. We need to make sure that we are all clear on some of the particular dates and issues. The first detection of citrus canker in Emerald was in samples submitted on 28 June 2004. There were a series of individual detections on the first infested property, Evergreen Farms. Then we had a detection or suspicion on 5 October 2004, on the second infested property at 2PH Selma Road. On 24 May the third infestation was detected. All of those infestations have been determined from epidemiology.

While the epidemiology indicates that the infestation on the first infested property may have been there for 18 months, or possibly longer, prior to our detection, from the detection on both of the subsequent infested properties those incursions appear to have occurred in January to April 2004. So the disease had already spread

before we undertook any destruction activity. Therefore claims that the destruction process, the Florida protocol or the cookie cutter approach—or whatever you want to call it—has failed are based on false information.

CHAIR—I have to say, with great respect, that I was talking more about Florida rather than here.

Senator STERLE—Could you tell us how many departmental staff were involved in the search of Evergreen Farms on 27 and 26 July 2001?

Mr Adriaansen—There was one staff member of the Department of Primary Industries and Fisheries—a senior entomologist, Mr Dan Smith, who has unfortunately since passed away. Mr Smith was the officer requested to provide the specific entomological advice. The reason given by AQIS for that request was that they did not have entomological expertise in citrus available to them and they wanted to be able to clarify immediately whether any insect pests identified were extensive local pests or pests of emergency concern. So we had one officer there for that two-day period.

Senator STERLE—I understand the department's key role during the searches was to provide an entomologist to identify established insect pests to eliminate them from investigations of possible exotic insect species?

Mr Adriaansen—That is absolutely correct. That was our only involvement in that 2001 search, particularly in terms of execution of the search warrant.

Senator STERLE—Did the officer from the department who was present during the 26 and 27 July searches provide a written record of the results?

Mr Adriaansen—Yes, he did. He provided a report of his observations to our department and also to the Commonwealth. His observations were very clear that, at that stage, he could not determine any evidence of the presence of any exotic insect pest. It was really only in terms of insect pests that his expertise was sought.

Senator STERLE—It was not any broader than that?

Mr Adriaansen—No.

Senator STERLE—Did the officer make any general comments on the conduct of the search or on the role played by AQIS and its officers?

Mr Adriaansen—No.

Senator STERLE—If a report was prepared at the time, could a copy be provided for the committee?

Mr Adriaansen—Yes. It forms part of the background documentation that we have built our submission on. As requested, that will be provided.

Senator STERLE—Thank you.

Senator McEWEN—Your submission says that samples tested in 2001 tested positive for CTV?

Mr Adriaansen—Yes; citrus tristeza virus and citrus tatter leaf virus.

Senator McEWEN—And the CTV was possibly a new strain to Australia?

Mr Adriaansen—There was some concern that the typing of that strain of CTV was not previously identified within Australia, but we did not know whether it was an exotic strain or just a strain that had not yet been identified in Australia.

Senator McEWEN—And, regardless of whether it was new or not, what was the opinion of the department as to the likely impact on the citrus industry in Australia?

Mr Adriaansen—Those two diseases exist within Australia in various strains and forms and they have been, largely, managed through the provision of clean bud wood through the national citrus improvement scheme. Those viruses are gradually being eliminated through the use of clean bud wood. Those diseases do affect different varieties in different ways. As a result, there are some varieties which do not perform as well in certain areas of Australia.

Senator McEWEN—In your submission, you say:

In 2001 there were insufficient grounds to use the existing powers of entry/surveillance under the Plant Protection Act 1989.

Can you take as through your reasons for deciding that?

Mr Adriaansen—Certainly. The diagnosis that was done in terms of the suspected exotic strain of the citrus tristeza virus—CTV—was not conclusive and, in fact, the final report that came back from the diagnosticians indicated that it could have been either a strain that had not yet been characterised in Australia but had been present for some time, or it could have been a natural mutation of one of the existing strains.

Under the Queensland Plant Protection Act, powers of entry and surveillance are really only afforded, in the same way as quarantine application, where there are reasonable grounds to suspect that there is a breach of the act in terms of the presence of an exotic pest. With no such evidence of an exotic pest, there was absolutely no clarity in terms of whether or not that citrus tristeza virus was, indeed, exotic. We did not have those powers of entry. Without those powers of entry, we were reliant upon land-holder agreement to access the properties for their planned surveillance program in 2002. That land-holder agreement was not forthcoming.

Senator McEWEN—Has that situation changed since 2001? Has the act changed at all to enable—

Mr Adriaansen—Yes. Based on that experience—and obviously trying to make sure that we did not have a situation, with our investigations on citrus canker, that we could be excluded from property—we now have a provision under our act which allows for enforced entry for surveillance purposes, once we have a declared surveillance program. Declared surveillance programs are related to the highest priority pests and diseases—citrus canker is obviously one of those. So our legislation now provides for enforced entry where we have a serious pest and a need to be able to establish the presence or absence of that serious pest.

Senator McEWEN—I take it that you also looked at using the Quarantine Act in 2001 to pursue the outbreak. Why did you not use that act?

Mr Adriaansen—There were some discussions between the Queensland department and the Commonwealth Chief Plant Protection Officer about the possible use of the Quarantine Act to be able to further the surveillance program that was planned for the Emerald citrus area. Those discussions revealed that, because there was existing action being taken at Evergreen Farms by the Commonwealth under the Quarantine Act, and because that had some restrictions in terms of movement of plant material et cetera, there was no further provision that was logically applicable in this situation in 2002.

Senator McEWEN—Not having the ability under either of those acts to go in and do what you needed to do, you had to rely on the goodwill of the growers?

Mr Adriaansen—We had to gain land-holder agreement to be able to undertake that surveillance program and, as I indicated, that land-holder agreement was not forthcoming for the largest citrus grower in Emerald.

Senator McEWEN—Do you believe that the situation has changed to such an extent that you are now able to enter properties?

Mr Adriaansen—Yes. We have applied those provisions of the amended legislation throughout the citrus canker surveillance program, not only in Emerald but in other parts of Queensland where we have had to do surveillance to prove the pest free area status of those other parts of Queensland.

Senator McEWEN—Have you done it for any other pests?

Mr Adriaansen—At this stage, no. It has only come into application since we have had the citrus canker situation.

Senator FERRIS—How many staff do you have in Emerald at any one time and, in particular, how many staff did you have around 2001?

Mr Adriaansen—Permanent staff in Emerald in 2001? I am not sure of the entire number of the department at that stage—

Senator FERRIS—Just roughly—four or five?

Mr Adriaansen—No. Possibly it would have been between 20 and 40, but I do not have accurate figures.

Mr Turner—Covering all areas of the department's activities.

Mr Adriaansen—That is correct.

Senator FERRIS—So there is a sizeable office.

Mr Turner—We have a large office.

Senator FERRIS—Unfortunately, in our one-day trip we did not get a chance to have a look at that.

Mr Turner—They are very good facilities. It is one of our better ones.

Senator FERRIS—We had evidence from Mr Cordoma that suggested that informal discussion was widespread in the town about citrus canker being established on Evergreen Farms long before it was found. Mr Cordoma gave evidence in Emerald to that extent. Given that you have 20 or 40 people and that they are involved in a wide range of community and sporting activities, I imagine, was there nobody who raised at an official level any of the informal stories around the town that suggested that citrus canker was on Evergreen Farms?

Mr Adriaansen—Not to my knowledge, Senator, no. If there was rumour going around, I am unaware of any information that had been passed on to any of our departmental officers or by any of our departmental officers.

Senator FERRIS—You have given evidence this morning that the first you knew of any official basis of the likely difficulty was six weeks after the Redline phone call to Canberra, to AQIS.

Mr Adriaansen—Between 24 July 2001—

Senator FERRIS—Yes, and 12 June.

Mr Adriaansen—I am unsure of those dates.

Senator FERRIS—We have that date from AQIS. It was 12 June when Mr Gillies made a phone call to AQIS Redline. It was six weeks. Would you have a view about that length of time?

Mr Adriaansen—I would assume that AQIS and the Commonwealth agencies were working through their process, and that is something that you need to inquire of them.

Senator FERRIS—I have inquired of them. I am interested to know, given your comment earlier, Mr Turner, that the plant side of the agricultural industries is less organised in terms of incursions than the animal side—something that we will be exploring later today in relation to meat—why it would take six weeks after a phone call like that, and it was clearly a genuine phone call, for the state government to be alerted to it. An office that has 40 people at that time gets a phone call, yet you get a phone call two days before the search warrant is executed. I am wondering how that fits in. For example, that Redline phone call might have been about foot and mouth and, in the same set of circumstances, six weeks went by before the state government was alerted to it. I am wondering whether the state government has expressed any concern—or are you concerned—about six weeks passing. Very clearly, if it were an infected animal outbreak it would be a long way from Evergreen Farms by the time you got to hear about it, yet you are responsible for a large part of the program that deals with it.

Mr Adriaansen—Obviously one of the things that we continually work to improve is the organisation and relationship between the various agencies. One of the activities that we have been recently working through the national plant health committee is the reporting arrangements for any pest incursions. Improvements have been made in the time that I have been involved in this role.

Senator FERRIS—I assume from that that you were concerned about that length of time?

Mr Adriaansen—Any delay obviously is potentially some cause for concern, but the reasons for that I cannot elucidate on. You will need to discuss that with the Commonwealth authorities.

Senator FERRIS—I certainly will. There are many delays in that regard.

Mr Turner—The whole capacity of preparedness here is very important. With any of these sorts of diseases there is a need to be quite clear that, in fact, that disease is there; that it is a positive. In particular with all these diseases, it means that invariably we have to have three sorts of tests at different laboratories. Our learning from this is to ensure that those laboratories are constantly on standby.

CHAIR—It has been clearly established that this was on the farm for at least 18 months.

Mr Adriaansen—It appears that way, yes.

CHAIR—Yet we were given evidence by an agronomist at the hearing last week that the manager, who now works for you fellas—

Mr Adriaansen—Mr Benham works as a surveillance coordinator for us.

CHAIR—left the farm just a month before it was quarantined, as I understand it.

Mr Adriaansen—Two months.

CHAIR—This agronomist went out there and said, ‘This farm is as clean as a whistle.’ Who is pulling whose leg?

Mr Adriaansen—The evidence from our epidemiological studies indicates that the disease is likely to have been present on that property for 18 months, possibly longer. Whether the disease was evident for any time beforehand is another matter. Citrus canker is one of those diseases that can be basically subclinical; it can be subevident for a period of time and then, given the right conditions, it can rapidly express and develop.

CHAIR—How long does it take to get onto the fruit?

Mr Adriaansen—Once the tree is heavily infested is when the infestation can occur.

CHAIR—The fruit was in the market. That means it was a fairly mature outbreak.

Mr Adriaansen—There was a level of infestation.

CHAIR—Why would that agronomist, working on behalf of Evergreen, give evidence to this committee that as far as he was concerned the place was clean? Was that because he did not know what he was looking for? Was he a cotton agronomist instead of a citrus agronomist? I would not like to think he was lying to the committee. As I understand it, the present day management of the place had no idea what this thing looked like until he looked at one of your pamphlets, which are very good pamphlets, that he had pulled out from the seat of a plane and he thought, ‘God help us, there it is.’ Is one problem that people did not know what to look for?

Mr Adriaansen—It is always one of the issues. In discussing this issue with a number of different people—some very experienced citrus pathologists such as the citrus pathologist that currently works for the Australian Citrus Growers—as with any diagnostician, be it medical, plant or animal, when you see symptoms, when you hear hoof beats, you think horses not zebras. Therefore, you immediately look for all of the common existing problems and narrow it down from there. You do not immediately spring to the conclusion that this could be an exotic disease.

CHAIR—Mr Benham gave evidence that, as far as he was concerned, the place was free when it was not.

Mr Adriaansen—He indicated to your hearings in Emerald, and he has indicated to me personally on several occasions, that he had no information or no direct evidence of what he saw on the property to give him the impression that citrus canker was evident at the time that he was on the property.

CHAIR—I actually do not believe him.

Senator FERRIS—I am sorry that we have jumped about during your evidence. I am interested to pursue the question of duty of care to this industry and the delays that took place. I very much appreciate the answers that you have given. I have pursued this in the past: there was a two-week delay, a four-week delay later on, another two-week delay later on and then a further delay of three weeks later on. I think the industry is entitled to wonder why those delays occurred. When I get the minutes that we talked about earlier that might assist me with this issue.

One of the other aspects of this that I am interested in pursuing is the difficulty that AQIS had in interviewing people after they got the Redline call. We have here a public document that came from AQIS, in response to a question from me, that indicates all of the people who were interviewed, for how long and what they said. It is clear that at least two of those people perjured themselves when they spoke to AQIS because the documentation here says they denied any knowledge of it back in 2001, which is completely the opposite of the evidence they have given to this committee subsequently. This leads me to ask the question about protection for whistleblowers. I would be very interested in any comments you would like to make in relation to that, because I think Mr Gillies has had a pretty hard time since he quite courageously made that first phone call in 2001. His life has changed dramatically.

Secondly, I would like to explore whether you believe that the initial inquiry, which you were also part of, would have been assisted if an individual who had coercive powers—that is, the power to force people to answer detailed questions; perhaps a member of the federal or the Queensland police—had been included in your interview team. It concerns me greatly that those people—for whatever reason, and the reason is now irrelevant to the facts—chose to deny what Mr Gillies had said and could arguably have slowed down this process very significantly. Do you have some comments to make on those two issues—the whistleblower issue and the coercive powers issue? They seem to me to be fundamental to future planning for these things.

Mr Turner—The whistleblower issue is well outside our scope. Nonetheless, the issue that you raise about coercive powers and having some capacity to interrogate people in a formal sense is one of the things we have all learned from this experience. This does not just applied to the plant LV area; it applies to all areas. This is one of the first really big outbreaks of the disease we have had. We have had these sorts of issues and all agencies like our own will be reviewing those.

Senator FERRIS—Do you know whether the Queensland government has legislation to protect whistleblowers? If so, if it is within the state legislation, would it apply to people who are covered within this area?

Mr Adriaansen—I believe it applies to those who are making statements, allegations et cetera in relation to state legislation or legislative provisions. In this particular case I understand Mr Gillies was making allegations in relation to Commonwealth legislative provisions.

Senator FERRIS—Would you like to take that question on notice and perhaps when you have had an opportunity to look at it you could get back to me? I would have thought there would be some piece of state legislation in relation to plant protection or something that would have perhaps been covered by whistleblower protection. As I say, this man has been pretty courageous and his life has been changed significantly. I noted that you said at the beginning that there were some small errors in your published hardcover submission. Could you tell me what those errors were?

Mr Adriaansen—They were basically spelling and grammatical errors.

Senator FERRIS—So nothing fundamental?

Mr Adriaansen—No.

Senator FERRIS—At the top of page 11 of your submission I am interested in where you talk about the surveillance program that you put together to commence in May 2002. In particular, you go on to talk about that not taking place because Mr Pressler and the 2PH properties refused to cooperate because they made demands that related to federal issues that you were not able to satisfy. I accept that, but at the end of the day, on the evidence that we took at Emerald, Mr Pressler denied that he refused to cooperate. In fact, he said he was prepared to cooperate.

Mr Adriaansen—Yes. I am aware of his evidence. I was there.

Senator FERRIS—Okay, I will not read it to you again. If this surveillance had occurred, beginning in May 2002, it is reasonable to expect that somebody might have found something long before they did, so can you please explain to me how it was that, at the end of the day, you decided not to run that program? In hindsight, would you like to see amendments to legislation that prevent property owners from cooperating in the future?

Mr Adriaansen—In response to the last part of your question, the Queensland legislation has now been amended to enable forced entry for surveillance purposes. That did not exist at that stage. Under the provisions of the Queensland Plant Protection Act, there was the opportunity to gain entry only with land-holder consent or where we had reasonable grounds to believe that an emergency plant pest or disease was present on the property. Neither of those two situations existed in that 2002 situation. As we have indicated very clearly in our submission, the legal letters we had received from the lawyers for 2PH indicated that their client reserved the right to refuse access to the property unless we could provide a level of disclosure, which it was not within the Queensland department's power to do.

Senator FERRIS—I accept that. At page 12 of your submission you say:

Despite extensive negotiations, permission was not provided by growers for DPI&F inspectors to enter properties.

There was no provision for an entry permit to be granted under your legislation?

Mr Adriaansen—At that stage, under our legislation, without sound reason to believe that there was an emergency plant pest present, there was no provision for an entry permit to be granted. Remember also that the final diagnostic outcomes on those viruses were indicative that the virus had possibly been in Australia for some time and had just not been characterised, or that it could have been a natural mutation of an existing strain of the virus, or that it could have been a possible exotic strain of the virus. Without that conclusive evidence, we had no grounds on which to use the powers that existed under our legislation at that time.

Senator FERRIS—You say there were 'extensive' negotiations. For how long did those negotiations go on?

Mr Adriaansen—They went from November 2001 until June 2002.

Senator FERRIS—Eight months.

Mr Adriaansen—They were discussions between us, the Commonwealth and the citrus growers in Emerald.

Senator FERRIS—At the end of the day, there were no circumstances under which you were able to gain entry?

Mr Adriaansen—That is correct.

Senator FERRIS—Were minutes taken of any meetings?

Mr Adriaansen—There are minutes of a consultative committee meeting held on 14 November 2001 which was attended by, amongst other people, the chief plant protection officer, my predecessor in this role; Mr John Pressler; and Mr Craig Pressler. From my recollection, a lawyer representing Evergreen Farms was part of that teleconference as well.

Senator FERRIS—What about at the end of the negotiating process in June? Is there anything to indicate how and why negotiations broke down? I guess they started in good faith, but they ended tragically.

Mr Adriaansen—Yes. Obviously, there were the discussions held between us and the Commonwealth, in particular, and communications from the Commonwealth to the lawyers for 2PH and other parties. That was all part of the background information that we have used in preparing this submission.

Senator FERRIS—With the wonderful view from hindsight, it clearly would have been quite useful if that program had started in May 2002. A lot of work would have been done earlier and a lot of pain would have been avoided.

Mr Adriaansen—Maybe. That is one of the things we also have to be aware of. That was a very limited program, and you would recall, as presented in our information, that only 23 samples were going to be taken from plants on the Evergreen property. That would have meant we would have been sampling and looking at a very small proportion of the 150,000 citrus trees that were eventually on that property. If citrus canker were present in 2002 it potentially could have been there at a very low level, and therefore even this sampling program may not have detected citrus canker on the property.

Senator FERRIS—That is something we will never know.

Mr Adriaansen—That is correct.

CHAIR—Why did they bring that bloke out from America?

Mr Adriaansen—Evergreen Farms took Supreme Court action against the Queensland department when we got the confirmatory diagnosis of citrus canker on their property in July 2004. On 9 July Evergreen Farms sought a Supreme Court injunction to stop the department actually taking the destruction action on that property. They then subsequently amended that injunction, seeking that the department be directed to operate under a different section of our legislation which actually provided for the payment of compensation for the destruction of healthy trees. The Supreme Court judge ruled that, no, in fact we were using the right section of our act because those trees were legally defined as infested trees. As part of that consideration, Evergreen Farms decided to bring an international expert in to have a look at the property, to be able to be there as an independent expert per se for any diagnostic samples that we took and resolved. When that expert, Professor Dean Gabriel, arrived, he was taken onto the property and he was introduced to a number of our key scientific staff. My understanding is that he actually departed the property within a matter of hours.

CHAIR—It would be fair to say that he was brought in to try to defend the indefensible, he thought the place was rotten from one end to the other with canker, got on the plane and went back to America. That would be a reasonable description. Yet we had evidence in Emerald from another agronomist that the place was as clean as a whistle and from the manager: ‘Yes, she was hunky-dory, mate’. Anyway we are smart enough to figure that out.

Senator FERRIS—I have one question which I forgot to ask, and I see you have covered it in your statement about compensation. It concerns the removal of backyard trees. When we were in Emerald that was still an issue. Has it been resolved?

Mr Turner—I do not think it has been resolved yet but we are hoping that recent announcements by ministers will certainly help us in that process. I think you will see in the announcement by ministers that we will be replacing all trees, whether they be native trees, when we are allowed to replant with citrus trees.

Senator FERRIS—But is it a fact that if people refuse to take their trees out they still have a right to keep them? Is that right?

Mr Adriaansen—No. Under the legislative amendments that we now have in place, all trees within the Emerald pest quarantine area that can be hosts of citrus canker will be destroyed. In fact, it will be an offence

under that legislation to hold or maintain any host plant of citrus canker up until—and at this stage the legislation says this—1 January 2008.

Mr Turner—Again, this highlights one of the difficulties we have with this issue. It is a lot like looking at beef animals. The analogy would be actually having to destroy all pets too.

Senator FERRIS—Thank goodness that did not happen.

Senator MILNE—Before I move on to what I want to ask, I refer to that American expert who was brought here. Whilst he was obviously brought here by the owners of Evergreen Farms, he was in discussion with your staff—is that correct?

Mr Adriaansen—When he first arrived, yes, but there was no discussion with our staff prior to his departure.

Senator MILNE—So you are unaware of any report that he may have made as it would be private to the people who brought him here?

Mr Adriaansen—Yes.

Senator MILNE—I would like to pursue the issue of the infestation of the navel oranges. I would like to pursue it in the context of how you establish, when you go onto a property, where the original outbreak of canker was likely to have occurred. I understand that you can judge that to an extent from the lesions on the tree. I would like to know if there was any assessment of where on Evergreen Farms the department concluded the canker spread from.

Mr Adriaansen—The earliest indication of infestation on that property, as I indicated, took us back at least 18 months prior to the detection in June 2004. The way in which citrus canker, or an infestation like citrus canker, is aged is to look at where the lesions occur in relation to the growth stages of the plant. Once the growth on a citrus tree is more than 18 months old it becomes far more difficult to determine the cut-off point between one growth cycle and another, so it has become more difficult to go back and age before 18 months. I have to say that the disease study that was conducted on the first infested property was reasonably limited—

Senator MILNE—I am going to come back to that in a minute. If you can just finish on the ageing of it.

Mr Adriaansen—In terms of that ageing, the oldest lesions we have found on material on the property appeared to have been there 18 months, possibly longer. The location of those lesions on the tree would indicate that there has been quite early infestation of a number of those plants and then subsequent operational practices on the farm have promulgated it further.

Senator MILNE—The earliest is likely to be those blood oranges—is that correct?

Mr Adriaansen—The Cara Cara navel oranges were certainly very heavily infested, and I will have to take that particular issue on notice so that I can go back and refresh my mind with the epidemiology report.

Senator MILNE—The reason I am very keen on this epidemiology report is to establish where those citrus orange plants were sourced from.

Mr Adriaansen—The tracings report that we have done on infested premises 1, or Evergreen Farms, covers all of the risk material inputs and outputs and it is in that area that we have also covered off on the fruit issue. But, with all of the plant material, all of the records that we could obtain through our interview and questioning of the managers of Evergreen Farms provided us with the background in terms of the source material for those plants and in fact all of the citrus plants that we were aware of on the property. So we had trace-back information that we used.

We went back to the source of that planting material in each case—and planting material onto the farm came from a number of different sources across Australia. In the case of those particular Cara Cara navel oranges, they were traced back to an importation that was made by Professor Graeme Richards from the University of Western Sydney, and that was a legal importation of material brought into the country. Those Cara Cara navel oranges were subsequently propagated and further grafted onto rootstock by a Queensland nursery that then supplied that material to Evergreen Farms.

Senator MILNE—Have you looked closely at the procedures that the Queensland nursery undertook? Isn't it possible that in the propagation of that onto other rootstock that is where the source this problem might lie?

Mr Adriaansen—Certainly propagation is one of the most effective ways of spreading citrus canker through infected propagating material and through infective propagating processes. In terms of the particular nursery that did that propagation of the Cara Cara navel oranges, that nursery no longer exists. They went out

business as a result of a legal dispute between themselves and the owners of the first infested premises. All of the information that we obtained was through questioning of the former proprietor and former workers of that nursery.

Senator MILNE—Does he have to have some evidence of where that rootstock that he propagated this other material onto came from?

Mr Adriaansen—The rootstock itself is not the particular issue; it is the variety of Cara Cara navel oranges that was grafted onto the stock. Virtually all of the rootstock that is used—certainly in Queensland citrus nurseries—comes from the Queensland Citrus Improvement Scheme, which supplies seed of rootstock material which is then germinated by the nurseries.

Senator MILNE—So the long and the short of what you are saying is that you are satisfied that the canker could not have come to Evergreen Farms via the navel oranges brought in from that nursery?

Mr Adriaansen—We have no evidence to support any claim that that might have been the source. Other material from that same nursery of that same variety has been extensively checked in the other locations where it has been sent and there is no evidence of citrus canker on that material.

Senator MILNE—Thank you. I want to move on to the epidemiological studies. The greatest weakness, I think, in this whole investigation was that a decision was made early not to focus on epidemiology but instead to focus on containment and eradication. As a result, we are here years later still trying to establish how this disease got here et cetera. In terms of those epidemiological studies, there was a critical decision taken by someone to focus not on epidemiology but on containment. Who made that decision?

Mr Adriaansen—That decision was actually made in the national consultative committee in early July 2004 when we had received the suspect material from Evergreen Farms and we had received one of the two obligatory diagnostic outcomes to indicate citrus canker. Due to the nature of the disease and in line with the contingency plan, the national consultative committee took the decision that our first priority had to be containment and eradication and that we should not devote a significant amount of time, effort and resources to gaining a further understanding of the disease through disease study or epidemiology. That decision was taken through the national consultative committee in early July 2004.

Senator MILNE—Who is the chair of that committee?

Mr Adriaansen—The national consultative committee is chaired by the Commonwealth Chief Plant Protection Officer.

Senator MILNE—The minutes of that meeting, presumably, would be available through the Commonwealth. Chair, maybe we could ask for the minutes of that meeting. So the Chief Plant Protection Officer essentially on behalf of the committee made that decision—

Mr Adriaansen—No, the committee made that decision.

Senator MILNE—The other key decision that was made at that time was the one on CTV and also the one on going into a deed of agreement instead of pursuing other channels at that particular time.

Mr Adriaansen—They were very different times. We are talking three years prior for the issues with regard to CTV and—

Senator MILNE—I understand, but we are talking about the same people, aren't we?

Mr Adriaansen—No, in fact it was different people in the same role. In 2001 the Commonwealth Chief Plant Protection Officer was Dr Bill Roberts. He was also chair of the consultative committee. In 2004 the consultative committee was chaired by Dr Graham Hamilton, the Chief Plant Protection Officer.

Senator MILNE—What I am getting at here is that it was the Chief Plant Protection Officer in both cases who made the decision to go with the deed of agreement and who made the decision some years later to not prioritise epidemiology in this particular instance.

Mr Adriaansen—In terms of the first point you raise about the deed of agreement between the Commonwealth and Evergreen Farms, my understanding is that that was an arrangement that was made by AQIS, not by the Chief Plant Protection Officer. But I would ask you to clarify that issue with the relevant Commonwealth authorities. In terms of the second decision that you referred to, about the concentration on disease containment and eradication and not epidemiological study, again I would reinforce that that was the decision of the consultative committee, which is chaired by the Commonwealth Chief Plant Protection Officer. It was not necessarily the Commonwealth Chief Plant Protection Officer's decision; it was the committee's

decision. That committee was chaired by the Commonwealth officer and made up of the chief plant health managers of all states and territories, such as me.

Senator MILNE—Given what has happened since, has there been a change of culture in that committee recognising that epidemiology is actually critical to these decisions so that, in future, we will have a focus on epidemiology as well as containment and eradication?

Mr Adriaansen—In fact, we already have. As a result of the detection on the second infested property—the 2PH Selma Road property—it was recognised right at the start that there were a number of unanswered questions that resulted from the limited concentration on epidemiological study on the first infested property. As a consequence, it was agreed through the consultative committee that we would undertake full epidemiological investigation on the second infested property, which we did.

Senator MILNE—I will leave that matter for the moment. In terms of the issue of conflict of interest—and this is to do with human relations and DPI Queensland—as the chair referred to earlier, the person who was the manager on the farm said that there was no canker on the farm and clearly was shown to be wrong—

Mr Adriaansen—We do not know if he was wrong. His statement was to that effect. We are indicating that the canker may have been present but subevident, in terms of whether he saw citrus canker on that property while he was there.

CHAIR—A week or two later it was in oranges down in the market.

Mr Adriaansen—There were citrus canker symptoms on the oranges.

Senator MILNE—If I could just go with that, the point that I think this committee is quite astounded by is that this person was then put in charge of the whole surveillance operation in the district. Why would you think that any of the other property owners in the district would have any confidence whatsoever in the DPI's management of this situation when you have the very person who was there just before it happened running the show? Obviously, whether it was subevident or whether it was not—and I take the point the chair is making that it could not have been subevident if the fruit is already in the market—

Mr Adriaansen—The fruit was not in the market for 2½ months after Mr Benham finished his work.

Senator FERRIS—The American found it within weeks.

Senator MILNE—The point I am making here is in terms of human relations and the management of this issue by DPI Queensland. You obviously were aware of the heightened tensions in the community. That was evidenced by the reaction of the growers to the confidentiality clauses and the reasons they were taking position. Don't you think that to put that person into that position and to allow them to share a house with somebody who continued to work on the farm was provocative and, in fact, ill-considered?

Mr Adriaansen—We need to get a few very clear facts on the table here. Mr Michael Benham commenced employment with the national Citrus Canker Eradication Program in Emerald in March 2005. All of the citrus trees were removed from Evergreen Farms by September 2004. Therefore, in terms of any purported conflict of interest, Evergreen Farms would have had nothing to gain from any previous or existing relationship with Mr Benham because they had no citrus trees.

CHAIR—That, of course, is not the issue.

Mr Adriaansen—Issues have been raised in terms of Mr Benham and in terms of the apparent conflict of interest there, so I am just trying to address those. When you combine that fact with the fact that Mr Benham's role is as coordinator of the surveillance teams, he is in a very low-level position. He has no decision-making responsibility. Basically he is there as the team leader of the surveillance staff. He came in in March 2005, by which time we had already had seven other detections on the second infested property. Therefore, the action had already been almost well and truly over by the time Mr Benham started his employment there. In terms of conflict of interest, again there is nothing there to indicate that. The other thing that we need to take into account is that within the Emerald area it is extremely difficult to gain appropriately skilled people as employees. With the fact that Mr Benham is a fourth generation citrus grower, he had skills that the national program required. It is important to also note that we have been very vigilant with regard to any conflict of interest.

In fact, that brought us into conflict with the growers right at the very start. In the second week of our citrus canker operations in July 2004, Mr Craig Pressler wanted us to employ a number of his staff for the surveillance work that we were doing at that stage. That surveillance work was to determine whether or not any disease was evident on their properties so that that surveillance work could result in those properties being

free to trade their export fruit. Mr Pressler wanted those employees of his to be used in the surveillance program. However, he insisted that they remain his employees, reporting to him. He also insisted that they remain only doing surveillance on his properties.

As a result of the very evident potential conflict of interest, we were not prepared to take those staff on. So we are very aware of conflict of interest, and it is an issue that has been dealt with with regard to Mr Benham. We have the utmost confidence in his skills. He has skills that, regardless of his previous employment, we need to have within this eradication program. In the same way that we do not want to see Mr Gillies persecuted for his previous relationship with other property growers, we do not want to have Mr Benham or anybody else similarly persecuted.

CHAIR—That is fair enough. What are those skills?

Mr Adriaansen—Those skills are a very strong knowledge of the growth of citrus trees and some level of knowledge in terms of pests and diseases.

CHAIR—He is not too good on citrus canker detection.

Mr Adriaansen—In terms of his knowledge of citrus trees, that is the area in which we have used him most extensively.

Senator FERRIS—Is it scientifically based knowledge?

Mr Adriaansen—No, it is a practical based experience by virtue of, as I said before, four generations of involvement in the citrus industry.

Senator MILNE—I am concerned that the DPI seem to be missing the point completely.

Mr Adriaansen—I do not believe we are.

Senator MILNE—I would put to you that this is about confidence in the DPI in the district and that there is no confidence because of the previous history. If you want to get cooperation from farmers anywhere, the very first thing to establish is trust and confidence. Anyway, we are not going to get any further with this. That is a view that I have about it. One last thing I would like to establish in relation to Mr Benham is whether he currently shares a house with people employed at Evergreen Farms.

Mr Adriaansen—That is something that I am not aware of or clear on. Obviously Mr Benham has provided us with assurances that there is no conflict there.

CHAIR—But he does live there?

Mr Adriaansen—I am unsure of that.

Senator FERRIS—He gave evidence to confirm that.

Mr Turner—But it is not the department's business to be concerned with who—

CHAIR—We appreciate that—

Senator FERRIS—Excuse me, but I think it is when an industry has been destroyed and the manager on the farm where the problem started said a short time before he left that there was no problem. Whether he is at a low level or a high level, he is now one of the public faces of your department in a very small town suffering the effects of the total destruction of their industry. He confirmed that he is sharing a house—as recorded in *Hansard*—with a member of staff from the very first infected property. I am sure you are aware that there is enormous animosity towards that property. It is a professional matter for the department when that person is the public face—

Mr Adriaansen—No, he is not the public face.

Senator FERRIS—He is the public face.

Mr Adriaansen—He is not the public face.

CHAIR—Order!

Mr Turner—The public face of the disease is Chris Adriaansen.

Senator FERRIS—Do you live in Emerald?

Mr Adriaansen—No, I do not.

CHAIR—Order! Senator, I think you have made your point.

Senator MILNE—An allegation was put to me, not in public evidence but in private discussions, that workers come and go at Evergreen Farms straight from properties in the Philippines owned by the proprietors of Evergreen Farms. I need to ask about a technical issue: would soil be a way of transferring the disease?

Mr Adriaansen—No, soil is not, but if fresh leaf material or something like that were trapped within the soil then potentially there is the opportunity for it to move.

Senator MILNE—Did the department follow up on whether a work force is fairly transient and itinerant and is brought from one property in the Philippines to work on this property and then going out? If that is the case, did anyone check the customs declarations to see whether they ticked a box about having been on a property and that sort of stuff? I understand it is a federal issue, which I will get back to.

Mr Adriaansen—Yes, exactly. That is the answer.

Senator MILNE—Given that the department has 40 people working in the district, have you had any feedback and can you confirm whether groups of workers come and go according to the needs of the season and the work force?

Mr Adriaansen—There are indeed, and there is a significant number of international backpackers who follow what is colloquially known as the ‘fruit trail’ that goes right around Australia with seasonal harvesting of the various commodities. Evergreen Farms have an extensive dormitory complex on their farm for those itinerant workers, particularly the backpackers, to come through. In terms of whether those people had worked previously on properties overseas and what measures were applied to them when they arrived in Australia, again they are quarantine issues that you need to take up with the relevant federal authorities.

CHAIR—I appreciate the robust discussion about the house that everyone lives in, but there is a Filipino lady who lives there who used to work on Evergreen—

Mr Adriaansen—I am unclear on that.

CHAIR—Well, I have had a discussion with the present-day manager. She now works for you fellows in the surveillance team.

Mr Adriaansen—There are a number of—

CHAIR—If it is fair enough for you to say that anyone who worked at Pressler’s cannot do the—

Mr Adriaansen—No, that is not what I said. What I said was that if any staff from any of those growers worked as part of our program then they had to be employees of our program—

CHAIR—I heard that.

Mr Adriaansen—and they had to be used at our direction. In fact, last year, when we undertook further surveillance within the Emerald Pest Quarantine Area, we did employ some 12 to 14 staff who were recommended to us by Mr Craig Pressler. They were staff who had worked on his property. Those staff were employed for at least one round of the surveillance. A number of those staff have subsequently returned to Mr Pressler’s employ, armed with the knowledge and experience that they gained from working for us. So clearly our ability to engage quality staff with an experience level—many of those have had experience on a number of citrus properties, not just in the Emerald area but elsewhere in Queensland or Australia.

CHAIR—And I appreciate the comments you made about Mr Benham knowing something about citrus, because most of them know plenty about cotton, including the present manager. He is a cotton bloke and the agronomist was a cotton bloke. I think the agronomist bloke was pulling our legs big time—I could feel the tug all the time he was talking!

Senator STERLE—Mr Adriaansen, could I just visit the epidemiological study. In your submission, you state that the epidemiology study of the citrus canker outbreak was limited by virtue of the national decision to concentrate almost exclusively on the containment and eradication of the outbreak on Evergreen Farms and not to divert effort at that time to the disease study. Are you saying that insufficient resources were made available by the Commonwealth, the state or both to enable a proper epidemiology study?

Mr Adriaansen—No, I am saying that at that stage the priority in terms of resources—and ‘resources’ includes time—was to make sure that we got the disease contained and eradicated as quickly as possible.

Senator STERLE—Is it your view that the limited nature of this study made it difficult to link the 2004 outbreak of citrus canker with the events of 2001 on Evergreen Farms?

Mr Adriaansen—It certainly has not provided us with information that may have provided some further background to any possible link between those two. It has also meant that, in completing our trace back of the potential source of the disease, some of those time issues et cetera have obviously not been able to be determined very clearly as a result of the limited study that was done.

Senator STERLE—In some ways this outbreak could be seen as a test for PLANTPLAN. Have you any view as to how well PLANTPLAN worked in this situation?

Mr Adriaansen—PLANTPLAN forms part of the national Emergency Plant Pest Response Deed, which is in the process of being ratified by government and industry members across Australia. PLANTPLAN provides the framework—in the same way as AUSVETPLAN does—for an emergency response to an emergency pest outbreak. Through our implementation of PLANTPLAN we have identified a number of critical areas that we believe can be improved, and we have provided that information to those who were responsible for PLANTPLAN. In fact, we had a four-hour session with those people on Monday where we looked at exactly those issues.

One of the key issues from our perspective is being able to sufficiently and adequately resource and skill the response process. We clearly need to be able to tap into a significant amount of skills from around Australia to be able to effectively mount an emergency response. It is something that we need to develop further.

One of the other critical areas that we have in relation to PLANTPLAN is the communication strategy. As Mr Turner indicated in his opening address, one of the areas that we clearly need to resolve—and I have been faced with this situation myself as the State Pest Control Headquarters director during the emergency response phase and as the principal officer accountable for the citrus canker program over the last 14 months—is obviously the communication and media load. On 16 July last year, for example, I received 64 media calls from newspapers, radio and television stations. While you are trying to address an emergency response, dealing with the media is the last thing you really want to be doing. However, you recognise that communications are paramount in this. So communications and media are an area that needs to be shared more equitably and thoroughly between the various parties involved—the Commonwealth, state agencies and industry.

Senator STERLE—As a result of the experience of the citrus canker outbreak, is it proposed to review the operation of the plant plan in any way?

Mr Adriaansen—Yes. As I indicated, we are in that process. There has been a national operational review established, based on the citrus canker incursion, and that is under way at the moment. Our team in Brisbane spent four hours with that review group on Monday. They travelled to Emerald on Tuesday and spent time with our operational team up in Emerald. I believe they then spent some time on Wednesday with the industry to talk about how we do need to revise some elements of PLANTPLAN based on the learnings from this particular response. So it is very unfortunate and very difficult when you are in the midst of it, but one of the things that you always take away from any such incursion response is the opportunity to improve the systems that underpin that response.

CHAIR—Before we started this inquiry I did flag it a bit and it drew a fair bit of interest. One of the things that were flagged was that we should have a look at 2004-05 but not go back to 2001. We were given evidence from a lady who was part of the surveillance period inspections during the 18-month surveillance.

Mr Adriaansen—Dr Vanessa Brake.

CHAIR—She described that as mission impossible, because obviously during the time she was inspecting the place to the best of our scientific knowledge the disease was there. We were also told by the chief compliance person that he was very unhappy and embarrassed with the brief he had to hand up, given that there was nothing in it. Did anyone ever express concern to you about the inadequacy of those early investigations?

Mr Adriaansen—In discussions between us and the Commonwealth we have obviously looked back at those issues, as we have looked back at every issue that we have had to face as a result of this incursion. Quite obviously, Dr Brake was faced with a very difficult challenge in undertaking an appropriate level of surveillance in the limited time that she had access to the property. As a bit of background, in our surveillance process that we applied both at the Evergreen property and in all of the subsequent surveillance that we have done, each of our surveillance staff members completes between 100 and 120 citrus trees per day. That allows for eight person minutes per tree. Evergreen Farms had 150,000 citrus trees, so based on that it would have taken one individual a number of years to get around once.

CHAIR—Plenty of room for human error. So do you think there is any conflict between your department's legislation and AQIS legislation in relation to quarantine issues? Are there demarcation issues?

Mr Adriaansen—It is not so much the legislation. Sometimes we have some issues in terms of the interpretation of responsibilities, and that is one of the areas that we need to work further on. That is a significant policy issue for organisation within both the Commonwealth and state frameworks through the Primary Industry Standing Committee and ministerial councils, so I would like to leave that issue with them.

CHAIR—One of the great curiosities for this committee is why in the original quarantine—there was agreement and the court supported the quarantine—there was a signed memorandum of understanding entered into which was obviously flawed. It seems to me that Jenny Gordon, the lady who recommended three years, got it right, even though she did not get what she wanted. Why do you think that all got turned on its head? Was there pressure? Were there whispers?

Mr Adriaansen—Honestly, I could not even begin to assume to know why that happened. All of that occurred between the Commonwealth agencies and Evergreen Farms or Pacific Century Production.

CHAIR—Did you think it was a bit funny?

Mr Adriaansen—I do not have any great level of knowledge of that agreement. You will recall that that agreement was released to the public domain by Minister Truss in July 2004. From memory, I think that was day 12 of the citrus canker incursion. When I was in the midst of trying to fight a war against citrus canker, the very last thing I was particularly interested in was the detail of a legal agreement between the Commonwealth and a third party—

CHAIR—We appreciate that.

Mr Adriaansen—so my own knowledge of that background is extremely limited.

Senator McEWEN—Do you think that the existence of the agreement impeded investigations into the outbreak on Evergreen Farms?

Mr Adriaansen—I think one of the things that agreement did was set a bit of a tone in dealings with the owners of that property, and that may have been part of the background to further actions that ensued, even in 2004. Obviously the establishment of such an agreement, and the position taken by the owners of that property in establishing that agreement, clearly had some impact somewhere down the line.

Mr Turner—It certainly caused a large element of mistrust on all sides within the community, which did not help in the process.

Mr Adriaansen—That is correct.

Senator McEWEN—I have a few questions about the quarantine measures that were put in place in June 2004 and about the responsibility for securing the property and regulating the movement of equipment and materials into and out of the affected properties. Did that become your responsibility rather than that of AQIS?

Mr Adriaansen—That is correct.

Senator McEWEN—Can you give us a brief outline of the measures that you put in place?

Mr Adriaansen—The property was immediately placed under full quarantine, and we had the property entirely locked down in terms of all movement of equipment, staff, materials et cetera. Recognising that this was a quarantine put in place for citrus canker, the issue therefore was any personnel, equipment, materials, machinery et cetera that had been in contact with any host material for citrus canker, so it really was the citrus material. We had a 24-hour lock-down on that property, using both our own departmental regulatory staff and a private security firm. That 24-hour lock-down proceeded through until we had completed the majority of the destruction on that property. We pulled that back to the boundary of the citrus area, and until the destruction was fully completed on 4 September 2004 we had a full-time presence at the boundary of the citrus area. Originally, the lock-down was on the entire property to make sure that any staff who might have had contact with the citrus area were not coming off that property without being decontaminated and checked. During that process, we confiscated a number of pieces of fruit.

Senator McEWEN—How many staff were involved in the lock-down?

Mr Adriaansen—In the emergency response phase we had 315 staff working, and that obviously included the surveillance and the regulatory staff there. During the main period of the regulatory control of quarantine, we had an average of 10 people in place on that property purely for quarantine and movement control, not for

any of the other activities. Those 10 people were there, and we had a 24-hour presence for that initial emergency response period.

Senator McEWEN—Were they departmental staff?

Mr Adriaansen—There was a mixture. Of those 10, at least six were departmental regulatory officers. We also utilised a private security firm to assist in that process, particularly with night patrols.

Senator McEWEN—Have you done a formal evaluation of the effectiveness of the lock-down?

Mr Adriaansen—As part of our debrief, as we do with any such occurrences, we worked through it. We believe that the level of movement control we put in place was appropriate for the level of risk. The level of control that was put in place on the two subsequently infested properties also reflected the level of risk that existed on those properties, given that the level of disease on those properties was much lower than on the first infested property.

CHAIR—On the day of the raid, so well flagged—

Mr Adriaansen—Execution of the search warrant, Senator.

CHAIR—That is it: the execution of the search warrant—when people were told to go home early, how many of your people were there?

Mr Adriaansen—One.

CHAIR—Bugger! Do you think it is an extraordinary strategy to spray trees with Roundup?

Mr Adriaansen—I have heard the evidence in terms of what is reported to have been done at various times of the day and night. You really only spray plants with Roundup if you want to kill them, quite obviously. One thing, of which I am sure you are aware, is that Roundup or glyphosate is a systemic herbicide and in fact works very slowly. I am sure that as a farmer you are aware of that.

CHAIR—If you wanted to do it quicker you would chuck a bit extra in.

Mr Adriaansen—You would put some gramoxone or something else like that in, but those symptoms are immediately evident, as you are aware.

CHAIR—They are, aren't they. That is very critical evidence.

Senator MILNE—I want to go back to the CTV issue. To me this decision about whether or not there was sufficient evidence of the presence of an exotic disease to support going onto that property is fairly critical. Your evidence says that you got a report back that said it could have been one of three options: it could have been a mutation, it could have been an exotic import or it could have already been here. But the decision was based on the other two options. In terms of a hierarchy of options, did that report put the presence of an exotic strain as the third most likely, or were the options seen as relatively equivalently likely? Does it say that it has to be conclusive that there is an exotic strain? That decision to say that there was not conclusive evidence led to them then going into this deed of agreement—that is how it happened, as I understand it. Because they had no basis, they argued to be able to take it further. So that decision on CTV turned out to be an incredibly significant decision. So, did it say that it had to be conclusive that it was an exotic disease, or if there was a probability or a possibility—

Senator FERRIS—A reasonable suspicion.

Senator MILNE—or a reasonable suspicion, why couldn't the quarantine have been maintained on that part of the property while the grapes went off? It was essentially to facilitate the grape harvest that they went into the deed of agreement, because they were arguing that the Federal Court would in fact not uphold their refusal to go into some sort of arrangement about the grapes. As a result, they argued that they needed to do this. I need to know: what was the hierarchy of evidence in relation to those three options and were they equivalent; and did it have to be conclusive under your legislation?

Mr Adriaansen—You have raised a number of things there. I do not know what the rationale or justification for entering into the deed of agreement was. That is something that only the relevant Commonwealth agencies can—

Senator MILNE—Yes, we will get to them in a minute.

Mr Adriaansen—deal with. As for whether or not this particular diagnostic outcome on the suspect strain of CTV had any impact, and what level of impact, on the arrangements they made with Evergreen Farms, I cannot answer that; only they can answer that. In terms of whether or not there was a probability hierarchy,

again, not having been in this role at that time and not having been the recipient of that actual report or the discussions that went with it, I cannot give you a conclusive answer. The information that we have got that is on paper is outlined specifically on page 10 of our report. That is a direct extract from the report that was provided.

Senator MILNE—Can we have a copy of the actual report that gives that determination?

Mr Adriaansen—The information that we have, yes, we can provide that without any problem.

Senator MILNE—Who was in the job, making that decision, at the time?

Mr Adriaansen—That would have again been through the national consultative committee.

Senator MILNE—So once again it is the chief plant officer?

Mr Adriaansen—Chaired by the Commonwealth—

Senator MILNE—Chaired by the principal plant officer?

Mr Adriaansen—Yes, in terms of any activity under our particular act. Remember that the quarantine measures that were in place were under the Commonwealth Quarantine Act, so what impact this particular diagnostic outcome had on their ability to apply their act is something that they need to answer. The only issue for our particular legislation was our ability to go in and undertake surveillance on those properties. We had three potential outcomes presented to us.

Senator MILNE—Why did you choose the other two and not the possibility—

Mr Adriaansen—It was not a case of choosing the other two. It was a case of identifying whether there were reasonable grounds on which we could suspect that there was a breach of our legislation in the presence of an emergency plant pest. Two out of three of those options said that this was not going to be the case. One out of three said that it could possibly be an emergency plant pest. So reasonable grounds and the test for reasonable grounds had not been met.

Senator MILNE—That issue of saying there were three possibilities and one of them could have been exotic—

Mr Adriaansen—If you put a probability onto each one of them—and I do not understand if there was a probability put into each one of them—then obviously you add up the probabilities to determine whether you have got reasonable grounds.

Senator MILNE—But if you applied the precautionary principle, if one of the options is the presence of an exotic disease, then surely that should have been enough. Does the precautionary principle apply to Queensland legislation?

Mr Adriaansen—As I said, the legislation says that we had to have reasonable grounds to suspect.

Senator MILNE—One of three options that it could be exotic disease is not a reasonable ground. Who made the decision that it is not a reasonable ground?

Mr Adriaansen—Again I go back to the consultative committee determinations that said that, on the basis of the final report that came through, there was no—

Senator MILNE—So it was not a Queensland decision?

Mr Adriaansen—Queensland obviously decides when, where and how to apply Queensland legislation. But we also obviously take into account the discussion and determination that we work through on a national basis.

Senator MILNE—I am just trying to cut to the chase about who actually made the decision.

Senator FERRIS—There might be some minutes of a meeting—

Senator MILNE—I did ask before if there were minutes of a meeting here, because—

Mr Adriaansen—We will take that on notice.

Mr Turner—I think there are also some practical things associated with this too. Our whole experience in Emerald has not been an easy one. There have been a number of occasions when we have been denied entry, and people have actually threatened not to allow us onto their property.

Senator MILNE—I understand that. On this issue of getting a report to you, was it to the Queensland DPI&F or was it to the—

Mr Adriaansen—It was to the consultative committee.

Senator MILNE—consultative committee, which Queensland had a look at? We have got two sets of legislation: Queensland and Commonwealth. Under that legislation, the report was there to say that one of the three probabilities in relation to CTV was that it was an exotic disease—

Mr Adriaansen—An exotic strain of that disease.

Senator MILNE—So this is a core issue, because somebody decided that the other two probabilities—that it was an existing strain or a mutation of an existing strain—were much more likely than the third. What I am trying to get at here is: who drew that conclusion from that report? You are saying that essentially it was made by the national consultative committee. So we need to get the minutes of the meeting at which that decision was made.

Senator FERRIS—And any technical reports that were presented to it.

Mr Adriaansen—That is fine. We will take that on notice.

Mr Turner—I understand that there is going to be quite a detailed list of questions and issues that you want from us. We will try to pull it all together.

Senator MILNE—Thank you.

CHAIR—I sincerely thank you for your evidence today. As you know, this committee prides itself on not being overly political. In fact, I try to be apolitical. We are really grateful for your evidence today. I think that, out of all this process, there may be fault found at all levels, including the farmers. Hopefully, we will be better prepared the next time.

Mr Turner—Exactly. That is what this issue is really about.

[10.49 am]

PRESSLER, Mr John Frederick, Director, 2PH Farms

CHAIR—Welcome. Would you like to make any opening comments?

Mr Pressler—There is obviously some contention about the role of 2PH and, primarily, me in the permission to do surveillance, which was a survey, as I understand it, to check for CTV in Emerald in the period previously mentioned. I would like to point out to the senators today that throughout the inquiry there has been a lot of reference to canker, but it has been taken as a given that they were looking for canker. They were not looking for canker; they were looking for exotics, because canker had not yet arisen. There was also reference to these tests to be taken, which had a limited scope; however, the previous witness said there were 23 sites on Evergreen. My recall was that there were to be substantially more on the other farms—primarily ours, because ours was the largest holding. Initially, when they requested to come and do them, we said, ‘No, we do not wish you to do them unless you release the information of the secret agreement,’—

Senator FERRIS—Which they did not have.

Mr Pressler—because, as has been said, there was great distrust and a lot of angst in the growing community and the community in general after being duped by the AQIS tactics. That was obviously not going to happen because—

Senator FERRIS—But they say in their document that they did not have the confidential agreement, so they could not supply it.

Senator McEWEN—DPI did not have it.

Senator FERRIS—DPI Queensland did not have it.

Mr Pressler—This was via AQIS, through the consultative committee. Certainly DPI did not have it, but that was in place. I do not believe we were doing negotiations with DPI. As farmers we were dealing with AQIS. I do believe that, call it biosecurity or whatever you will, the DPI are only the lead agency for that parent body. That is what our negotiation began as.

Senator FERRIS—I want to get the dates right. Did you first start in the November that Mr Adriaansen referred to? Were you part of the November 2001 negotiations?

Mr Pressler—I do not recall the date.

Senator FERRIS—It might be useful if you supply it to us later.

Mr Pressler—If I can find any evidence of it, I certainly will. I recall that it was Gary Fullelove, who was attached to the DPI, who initially made the approach to us. To go on further than that, that was refused. It was said that that was not a negotiable position and that they could not do that. We then said, ‘Okay, we require the information from those tests,’ which would have included tests which we believed would have been excluded from the secret agreement, because this was something new that was going to happen, from Evergreen, from us and from the other growers on the CTV test results. We believed that that was going to show that this exotic strain of CTV was present on Evergreen and not present on our place. That would have gone further towards proving that they had an exotic strain there. Remember that they were not looking for canker, because canker did not exist at that point.

We had a phone hook-up, which Mr Adriaansen referred to, with a group chaired by Dr Bill Roberts. I put it to him and the whole committee that we welcomed the testing taking place, but it had to be made public to the industry. From my recall, his words were, ‘I have never done that before and I don’t intend to do it now, so it won’t go on.’ That had nothing to do with the deed of confidentiality. All we wanted was the information to be released to industry so that we could have the thing out in the open and not covered up, because we did not know where any of that was going.

Senator FERRIS—Did you accept that when the deed was agreed to there could have been a confidentiality clause within it that prevented either party disclosing any of it without it then being a breach of the agreement?

Mr Pressler—I am sorry, I do not quite understand.

Senator FERRIS—It seems as if the basis on which the agreement was drawn up was that it was confidential to the two parties. So, in a sense, the hands of the two parties were tied in relation to releasing any

of the details within it, otherwise the agreement ceased to be an agreement and in fact would have been a breach of the agreement.

Mr Pressler—To me, this was a separate issue. This was something new that was going to happen. It was not an agreement; it was external to the agreement between those two parties because it involved all these other parties. We believed that that would have been external—without seeking legal advice or anything. This was our simple way of thinking—that this would give us information. Back to the point, I believe it was rejected because of the stubbornness of Dr Roberts and/or his committee. He had these farmers trying to tell him what had to take place. I do not know how they could possibly come to that conclusion.

They had an exotic strain of CTV not known to be in existence in Australia before and they could have had a great opportunity to prove that it was an exotic strain and may exist on our property. Who knows what the source of any of this infected material really was, because Evergreen had denied it. I believe they had every power in the world to come onto our property anyhow. Craig and I and our family discussed how, at the end of the day, they were just going to march in and that we would not hold them back, but that we should broker the best possible deal. But, at that point in time, negotiations stopped. Certainly, our solicitor wrote them a letter. That was a bit of a threat and bluff to try and get some strength in the operation. But what we really wanted was those tests to go ahead and the knowledge to come out. I believe that they had every power in the world to come in and do those tests.

Senator FERRIS—Were you surprised when they did not exercise that power?

Mr Pressler—Yes, I was surprised. It just stopped. There were no negotiations. Nothing happened after that. The previous witness has said that there were extensive negotiations between the Commonwealth and the state and the land-holders. There was not a lot between the land-holders, to my recall.

Senator FERRIS—When negotiations finally broke down, was it by confirmation with a letter? How did you know that whoever it was had decided to walk away and was doing that?

Mr Pressler—From my recall it was from Bill Roberts's statement at the telephone hook-up.

Senator FERRIS—Did anyone take minutes of that hook-up?

Mr Pressler—I have not got them. I do not believe I will have them.

Senator FERRIS—We can seek those. Reflecting on it now, are you disappointed at the way that concluded?

Mr Pressler—Yes.

Senator FERRIS—Do you think it would have made any difference?

Mr Pressler—I think it would have proved that the exotic strain was on Evergreen and not on the other properties. But we were suspicious of whether that information was ever going to come out.

Senator FERRIS—Have you investigated a legal duty of care against the decision that was made not to proceed?

Mr Pressler—We will look at all options.

Senator MILNE—So you are saying that Dr Bill Roberts virtually made the decision not to pursue the possible presence of an exotic strain of CTV. Did he do it individually or in his role as chair of that national committee?

Mr Pressler—He made the statement during that phone hook-up.

Senator MILNE—And at the time he was the chief plant officer. Is that right?

Senator McEWEN—He made a decision not to release the information. He did not make a decision not to proceed with an investigation.

Mr Pressler—My recollection is that he said that they had never done it before and he was not going to do it then.

Senator MILNE—In terms of pursuing that exotic strain, should they have been able to trace back the samples that they had taken?

Mr Pressler—Sorry?

Senator MILNE—They had already sent away samples and established that CTV of some kind was there. Should they have then been able to trace back anyway, without going on and doing further surveillance? Why could they not trace back where that disease had come from on the samples they had taken on Evergreen?

Mr Pressler—The could have gone and taken more samples on Evergreen, is that what you are saying?

Senator MILNE—No, I am saying they took the samples originally that established it. Why could they not trace back to source the plants from which they took those first samples?

Mr Pressler—Where the CTV might have come from?

Senator MILNE—Yes.

Mr Pressler—There are probably 100 strains of CTV, and Australia has got a number of them.

Senator MILNE—Yes, I understand that.

Mr Pressler—But overseas there are a lot of worse ones. There is actually a strain—and this is what worries a lot of people—that affects oranges. It will affect the root stock if you use sweet orange with mandarins. In terms of the mandarin industry, tristeza is a fairly docile pathogen. The question in everybody's mind when they found this exotic strain was, 'What one is it?' because there is one in Asia that attacks mandarins violently.

Senator MILNE—What I am trying to get at is: can you just remind me what plant they tested to establish that there was this strain?

Mr Pressler—As I understand it, it was the Imperial 1A.

Senator MILNE—So what I am asking you now is: given that they could establish that there was a possibility it was an exotic strain and it came from what the farm alleged was Imperial 1A, why could they not have traced back where that Imperial 1A plant came from—or, indeed, if it was Imperial 1A?

Mr Pressler—I cannot quite understand how I am going to answer.

Senator MILNE—Where did they get it from? Where did the Imperial 1A plant that they took the sample from come from? Why could they not trace that back?

Mr Pressler—I do not know.

Senator MILNE—Should they have been able to? Is there a process whereby they should have been able to?

Mr Pressler—Only if they went overseas and took material there to find the tristeza virus strain there.

CHAIR—To assist the committee: we have received evidence from Mr Benham that the bloody joint was in chaos, there were no real records, half the trees were dead and God knows what else. Have you got some concluding remarks?

Mr Pressler—I will finish with that subject, unless there are more questions. I want to comment on the skilled workers that 2PH offered to the DPI. They were skilled at scouting for pest and disease, and the DPI did not have those skilled people. We offered them in good faith. We offered them for their use to check our property, but we wanted to continue to employ them because they are very important employees of ours. When the DPI refused, it fell down. It was only to expedite it, because at that point in time we believed we did not have any problems on our property and we wanted to get the thing done. I just wanted to explain that. It was not a trick; it was not something we were trying to get a conflict going on.

CHAIR—I thank you very much for your cooperation.

Proceedings suspended from 11.04 am to 11.31 am

Evidence was then taken in camera—

Committee adjourned at 12.09 pm