**PLANT HEALTH BILL 2008**

**Legislative Assembly, 29 October 2008**

Second Reading

**The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard*without my reading it.

Leave granted.

The Plant Health Bill will help to protect South Australia’s $1.5 billion fresh fruit, vegetable, grape and field crop industries from the introduction of pests and diseases of quarantine concern. Pests and disease risks are increasing due to increasing international and domestic trade, the movement of people and climate variability.

Securing the favourable plant health status of primary industries and the natural environment is of prime importance to South Australia. It is vital for the maintenance of the State’s market access advantage for our plant produce and in the preservation of our unique natural environment and plant biodiversity for future generations. Mitigating the risks of introduction or establishment of pests and diseases is the most effective form of Biosecurity.

The Bill provides for an upgraded level of protection of plants from pests within South Australia, the regulation of the movement of plants into, within and out of the State, and the control, destruction and suppression of pests. Further, it provides for the repeal of the *Fruit and Plant Protection Act 1992* and the *Noxious Insects Act 1934*.

The Bill updates existing legislation to:

* allow for the establishment of an import verification compliance system,
* ensure compliance with national emergency plant pest response requirements,
* recognise national arrangements for interstate plant produce exports, and
* ensure that South Australia is well positioned to respond to future incursions of both pests and diseases of quarantine concern, and noxious insects (locusts and plague grasshoppers).

The Bill will strengthen the processes for clearance of commercial imported plant produce to minimise the potential for introduction of pests and diseases of quarantine concern. This will involve the registration of commercial importers, the notification of imports to Primary Industries and Resources South Australia (PIRSA) via the provision of manifests by transport companies, and an improved system of produce clearance through an import verification system. The latter will require importers either to be accredited under an import verification compliance arrangement (IVCA) or to present consignments to a government inspector for clearance. The IVCA is designed to allow accredited businesses to undertake verification checks of imported produce and to provide for a flexible and cost effective alternative to government inspection.

Although the *Fruit and Plant Protection Act 1992* has served this State well since its introduction, there have been a series of developments at the national level that require modification of the legislation.

South Australia is a member of Plant Health Australia Limited and a signatory to the national Emergency Plant Pest Response Deed. There are obligations in relation to the Deed that require legislative changes to ensure that the State can respond appropriately to future incursions of emergency plant pests (and diseases). These include a rapid reporting mechanism in the event of a suspect emergency plant pest, an ability to respond efficiently and effectively to such detections, and an ability to pay agreed owner reimbursement costs to an affected business in the event of an agreed national response plan.

Nationally there has also been the development of an Interstate Certification Assurance (ICA) system that allows accredited businesses to undertake a flexible and cost effective certification process for the export of plant produce to interstate markets. This system has been working well in South Australia over a number of years and PIRSA staff accredit businesses under the scheme and undertake the required audit function. This Bill will provide the legislative underpinning of the ICA in South Australia.

In comparison to the current legislation, the proposed Bill will:

* Enable the Chief Inspector to specify a broader range of actions for orders to prevent the potential outbreak or spread of a declared pest.
* Expand the current reporting requirement for pests to include any experienced observer who knows or suspects that a pest or disease of quarantine concern is affecting fruit or plants, recognising that more trained observers are regularly visiting crops during their growth. There is an existing requirement for growers to report if they know or suspect the presence of a pest or disease of quarantine concern in their orchard or nursery. This measure will utilise the existing skills and knowledge of trained crop consultants and pest monitors to foster earlier reporting of new pest incursions so essential for successful pest eradication.
* Regulate wholesale labelling requirements for packaging containing both imported and local horticultural produce or prescribed plants for sale within the State. This will provide traceability in the event of an outbreak of a declared pest and provide consistency with the State’s trade measurement legislation.
* Require transport manifests for consignments of horticultural produce or plants for sale to be provided to the Chief Inspector prior to entry into South Australia. A similar requirement will exist for produce to be transported or transhipped through the State.
* Require importers of commercial produce to be registered.
* Allow businesses to become accredited to issue assurance certificates for the movement of plant and plant produce to interstate markets and/or to verify that imports meet South Australia’s import requirements.
* Permit an import verification system to provide regular importers of plants and plant produce with a more flexible and cost-effective system for clearance of their imports under a compliance arrangement with PIRSA.
* Clarify the general powers of inspectors concerning entry, and to provide greater protection for the occupier of premises through requirements for notification.
* Allow an inspector to undertake emergency actions to control, to prevent spread or to eradicate a declared pest. (Stringent guidelines will apply for assessment and approval eg clearance by the Chief Inspector.)
* Establish a legislative basis for the issuing of Plant Health Certificates by inspectors.

In accordance with Emergency Plant Pest Response Deed, enable nationally agreed owner reimbursement costs to be paid to businesses or persons directly impacted by a national response against an emergency plant pest.

Increase maximum penalties for high and medium risk offences, and expand the number of expiable offences to deter plant biosecurity breaches.

Allow the Minister to establish fees for services provided by PIRSA to produce importers and exporters. (A Horticulture Industry Charges Panel is being established to provide recommendations to the Minister on the future level of fees).

Repeal the *Noxious Insects Act 1934* and allow future responses to be covered by a Code under the Bill. The Code will establish operational procedures for future responses.

Extensive stakeholder consultation was undertaken in late 2007, including the widespread distribution of a consultation package comprising the draft Bill, an Explanation of Clauses document and a discussion paper. Eleven individually tailored information leaflets were written to explain the proposed changes likely to affect specific stakeholders groups, including growers, produce importers, transporters, the nursery industry, home gardeners and local government. A series of stakeholder meetings was organised for both special interest groups and the general public.

Submissions were received from 26 stakeholders representing individuals, various industry groups, other State government departments, interstate jurisdictions, the Commonwealth, and Plant Health Australia Ltd.

Analysis of the submissions revealed a high level of support from stakeholders for the proposed improvements to the existing legislation. This included support for proposed arrangements for noxious insect response from the Locust Community Reference Group representing landholders, the community and local government in the northern areas of the State.

Stakeholders also forwarded their own proposals, including the establishment of a register of importers, which has been strongly supported by the Horticulture Plant Health Consultative Committee, representing key South Australian horticulture industry groups and the Adelaide Produce Market Ltd. This proposal and a number of other minor proposed changes have been incorporated into the Bill.

The Plant Health Bill represents a significant step forward in improving the State’s ability to prevent, detect and respond swiftly and effectively to incursions of pests and disease of quarantine concern.

I commend the Bill to Members.