

**FRUIT AND PLANT PROTECTION  
(ENFORCEMENT) AMENDMENT BILL**

Received from the House of Assembly and read a first time.

**The Hon. K. T. GRIFFIN (Attorney-General):** 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 prime objects of this short Bill are twofold.

Firstly it will amend the principal Act by providing that every member of the police force is an inspector under the Act. Secondly, it will permit the establishment by regulations, of a scale of expiation fees for illicit introductions of produce into South Australia. In that regard the Bill also recasts section 13 of the principal Act to give clearer Ministerial powers concerning prohibitions and restrictions on the entry of produce into the State.

The *Fruit and Plant Protection Act* came into effect in 1992 and was based on legislation reflecting a century of experience in this area. The legislation has had considerable practical worth and in concert with a good deal of Government effort, has seen South Australia remain free of permanent populations of fruit flies. Freedom from this economically significant pest has given the State easier access to interstate and overseas markets and thus has enhanced the significance of its horticultural industry.

A feature of this scenario is the Government funded campaigns to eradicate fruit flies in urban areas. Expert advice is that these outbreaks result from residents bringing infested 'backyard' fruit from interstate rather than from commercial shipments of fruit. The latter are accompanied by certificates of freedom from, or treatment against fruit flies and considered to be a low risk. Considerable penalties apply to infringements by commercial operators.

The long term average number of outbreaks in South Australia is five per year with eradication cost of about \$120 000 each. More to the point urban outbreaks can jeopardise an export market simply because some of our overseas trading partners make no distinction between the State's urban and horticultural areas. As a result, certain markets are retained only with much difficulty and potential expense. For example, the loss of say the citrus market to USA and New Zealand would amount to \$22m annually (with potential for growth to \$50m) to South Australia.

In light of the above, the Department of Primary Industries is to tighten its approach to offences by issuing Expiation Notices to travellers found with illicit fruit in their possession. This more rigorous application of the *Fruit and Plant Protection Act 1992* will apply both to fresh produce that constitutes a fruit fly host and grapes as a host of phylloxera. A flat expiation fee already is provided by section 13 of the Act. The Bill refines this provision by facilitating regulations that set a scale of expiation fees tied to the quantity of illicit produce.

The Police and the Highway Patrol in particular, have opportunities in the course of their other duties to detect offences. It is proposed to amend the Act to provide that every member of the Police force is *ex officio*, an inspector under the Act. This is far preferable administratively than the current provision which would require the Minister to individually appoint Police officers as inspectors.

Finally, the Bill updates the monetary values of the penalties under the principal Act.

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Amendment of s. 3—Interpretation*

The definition of 'inspector' is altered to reflect the amendments deeming police officers to be inspectors without specific appointment.

*Clause 4: Amendment of s. 6—Inspectors*

Section 6 of the Act is amended to provide for police officers to be inspectors and to update the provisions relating to inspector's identity cards.

*Clause 5: Amendment of s. 13—Prohibition on introducing fruit, plants, etc. affected by disease*

The power of the Minister set out in section 13(2) to prohibit fruit etc from coming into the state is recast to make it clear that the Minister may issue a prohibition for the purpose of preventing the introduction into, or spread of disease in, the State (rather than a prohibition being conditional on a reasonable suspicion that the fruit is or might be affected by disease).

Section 13(7) makes it an offence to breach a prohibition issued by the Minister or the general prohibition against bringing into the State disease affected things. Currently if the offence is constituted of a prescribed offence it is an expiable offence or, if prosecuted, subject to a maximum penalty of a division 7 fine (\$2 500). In any other case the maximum penalty is a division 4 fine (\$15 000).

A prescribed offence is currently defined as an offence that consists of introducing or importing into the State—

- not more than 1 kg of fruit, or 5 plants, for the person's own consumption or enjoyment; or
- any soil, packaging or thing (other than fruit or plants) not intended for sale or use for commercial purposes.

The clause alters this definition so that an offence will be a prescribed offence if the purpose of introducing or importing the thing into the State is for domestic use, consumption or enjoyment (no matter the quantity or the nature of the thing introduced or imported).

The clause updates the penalties and allows the regulations to impose a scale of expiation fees for prescribed offences.

**SCHEDULE**

*Amendments to Penalty Provisions in Principal Act*

The schedule updates the penalties throughout the Act.

**The Hon. R.R. ROBERTS** secured the adjournment of the debate.