



The Hon Nicola Centofanti MLC  
Member of the Legislative Council  
Parliament House  
ADELAIDE SA 5000

Dear Ms Centofanti

**Determination under the *Freedom of Information Act 1991***

I refer to your application made under the *Freedom of Information Act 1991* received by the Office of the Minister for Primary Industries and Regional Development, Minister for Forest Industries on 22 November 2023 requesting access to the following:

*“A copy of all complaints sent to the Minister for Primary Industries and Regions South Australia regarding Fruit Fly between 22/05/2023 and 22/11/2023.”*

Accordingly, the following determination has been finalised.

I have located seven documents that are captured within the scope of your request.

**Determination 1**

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
1	Email to Minister for Primary Industries and Regional Development dated 26/05/2023 re Fruit Fly Expiation Notice	1
2	Email to Minister for Primary Industries and Regional Development dated 23/06/2023 re Fruit Fly Fine in Renmark	2
3	Email to Minister for Primary Industries and Regional Development dated 24/08/2023 re Fruit Fly Expiation Notice	2
3a	Email to Minister for Primary Industries and Regional Development dated 24/08/2023 re Fruit Fly Expiation Notice	2
4	Email to Minister for Primary Industries and Regional Development dated 07/09/2023 re PIRSA Complaint for Fruit Fly Expiation	2
5	Email to Minister for Primary Industries and Regional Development encl letter dated 14/11/2023 re Fruit Fly Expiation Notice	2

6	Email to Minister for Primary Industries and Regional Development dated 20/11/2023 re Fruit Fly Expiation Notice	2
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The information removed from the above documents is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act which states:

***“6 - Documents affecting personal affairs***

*(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”*

The information removed consists of the names, home addresses, private email addresses, expiation identifications and an offence report number relating to the complainants concerned.

It is considered that members of the public can correspond with a Minister without fear that their identities are released.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this determination.

For more information about seeking a review or appeal, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA's disclosure log. A copy of PC045 can be found at [http://dpc.sa.gov.au/data/assets/pdf\\_file/0019/20818/PC045-Disclosure-Log-Policy.pdf](http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf). If you disagree with publication, please advise the undersigned in writing within fourteen days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Rachael Colegate on 8226 2931 or email: [Minister.Scriven@sa.gov.au](mailto:Minister.Scriven@sa.gov.au).

Yours sincerely



Hon Clare Scriven MLC  
**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT**  
**MINISTER FOR FOREST INDUSTRIES**

22 / 12 / 2023

**Gonos, Anthea (PIRSA)**

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**From:** Clause 6(1)  
**Sent:** Friday, 26 May 2023 2:09 PM  
**To:** PIRSA:Minister Scriven  
**Subject:** Expiation Notice Clause 6(1)

**Categories:** Corro - General

You don't often get email from Clause 6(1) [Learn why this is important](#)

Dear Minister Scriven

I apologise in advance for maybe a waste of your time but I am disappointed having received a PIRSA Biosecurity Expiation Notice today.

I visited your state back on 7/2/23 which is over 3 months ago and made an error of judgement by taking 4 tomatoes and an apple into your state. I believed at the time (and told the officer at the time) that by purchasing the items in a Coles supermarket they would not be any biosecurity threat. I had the sale docket with me and was not hiding the items mentioned as they were sitting on top of our luggage. If I had purchased them from a road stall or had grown them myself I could understand the security risk and would have disposed of them as requested before reaching the border check point.

I also am astounded at the \$409. Having watched international travellers come to Australia with undeclared produce and they get a very insignificant fine of around \$200.

Thank you for listening to my concerns.

Sincerely

Clause 6(1)

**Gonos, Anthea (PIRSA)**

**From:** Clause 6(1)  
**Sent:** Friday, 23 June 2023 2:18 PM  
**To:** PIRSA:Minister Scriven  
**Subject:** Fwd: Fine Renmark

**Categories:** Corro - General

You don't often get email from Clause 6(1) [Learn why this is important](#)

Dear Clare

Hope you can change the current situation at these shocking and degrading checkpoints?

Also mist signs say Fruit Fly not Fruit and Vegetable Fly : new messaging and education might help?

The following is my letter as this was the only email available I could find for contact?

Regards

Clause 6(1)

Sent from my iPhone

Begin forwarded message:

**From:** Clause 6(1)  
**Date:** 23 June 2023 at 2:36:55 pm AEST  
**To:** PIRSA.compliance.biosecuritysa@sa.gov.au  
**Subject:** Fwd: Fine Renmark

Attention: Letter regarding Biosecurity Checkpoint

Dr. Bertie Hennecke  
 Clare Scriven  
 Andrew Hall  
 Nathan Rhodes

Sent from my iPhone

Begin forwarded message:

Clause 6(1)  
**Date:** 23 June 2023 at 1:57:50 pm AEST  
**To:** PIRSA.compliance.biosecuritysa@sa.gov.au  
**Subject:** Fine Renmark

Attention:

Dear Andrew

We are absolutely appalled at the treatment we received at your fruit check point in Renmark.

I have never felt so victimised and like a criminal in all my 67 years of life.

We were stopped abruptly ... no hello how are you going .. or explanation as to what is going on .... We were on a grey nomad journey just setting out and next minute ... our privacy was breached and we were searched like we we carrying drugs. Absolutely humiliating to say the least.

As we were coming down the hwy we saw a fruit fly sign and my husband said to me ... oh do you have any fruit ... as we had just left Mildura our first stop from castlemaine on our little holiday over to the Eyre peninsula ..., I said yeah I have

some bananas ... and then I said look there's where you must leave the fruit .. so we pulled up ... I got rid of fruit and we drove off .... Next minute we were pulled up at your security area : if you can call it that : searched and then I was marched into a room where I was interrogated : by a man saying that every thing I say is recorded : just not on?

I am an every day good person and it is not my intention to disobey any laws:

As we were interrogated outside, the man whilst searching our personal belongings said : do you have any other fruit ... I said oh I think I have a couple of blueberries : then he said vegetables ? I thought ok : didn't it say fruit fly ?

Any way we were not in anyway prepared for this type of treatment on our holiday especially in this country.

I said oh I think I have some tomatoes I grew in castlemaine in the consol of the car, which is refrigerated : well then off to the interrogation room I went : I had flashes of a German concentration camp : it was Not Nice : and I am still recovering. Not far from me was also another elderly gentleman being stripped of his dignity over 2 small strips of capsicum in a plastic container : he was nearly in tears.

I do now understand that you haven't got the fruit fly situation under control in SA anyway. What the!

For us to pull up and hand over the fruit or veggies would be fine : and for someone to explain the situation before hand : it was like a insect ( us) going into a spiders web with no way out or no voice. I am still trying to get over it.

For a start the search : which the person showed no warrant to go through our personal things ( who was he anyway) and secondly the way in which I was treated in that room : I felt as if I was going into cell block if my answers weren't correct. I was going to contact the ombudsman and cc her in on this email : now that my husband has paid this fine and if I don't get a satisfactory apology : I will send her a copy of this email and the reply.

I am not at all happy and I think your department needs to take a good long look at itself and this process and think of the human feelings of people.

At the pull up area to discard fruit : think of installing a proper board with information and toilets and seats perhaps with a recording of what's to be put in the bin : not a deplorable area like where my husband and I were belittled and treated like criminals.

Also the men in uniform had and did not show any form of identification what's so ever.

Absolutely disgusted...

We know your cause but do not wish to ever be treated again like we were by your organisation.

We do not wish a letter sent in reply to waffle on about bio security : wave our fee and an apology might be the right thing for you to do to show some kind of respect!

Clause 6(1)



Sent from my iPhone



**Gonos, Anthea (PIRSA)**

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**From:** Clause 6(1)  
**Sent:** Thursday, 24 August 2023 2:11 PM  
**To:** compliance biosecurity sa  
**Cc:** PIRSA:Minister Scriven  
**Subject:** RE: Outcome of Review of Expiation Notice Clause 6(1)  
**Attachments:** bio security letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Corro - General

I refer to the attached letter and find it difficult to understand and do not agree with your outcome, there was absolutely no confiscation of fruit it was openly declared and handed to the officer as we had passed the drop bin, there was NO intent to hide these items, we know the rules and are age pensioners that clearly understand what our obligations were, there were 2 of us in the vehicle and both of us witnessed the aggressive actions and heavy handed approach of the officer and the way she treated us, even though we declared and handed the items to the officer.

We lived in Victoria and had decided to relocate to Adelaide, we first came to Adelaide in 2022 during covid and had a border pass, at that time we were asked for fruit by the fruit inspectors at the beginning of the process by border control as we had a permit to enter SA.

With this in mind the next time we came to SA was November 2022 and we were under the understanding it would be the same, there would be a fruit fly inspection point for us to hand in our fruit that we remembered when we passed the signs. We understood these stations were in place on a permanent basis and it was acceptable practice like in other states. I am asking you to re consider your decision and to take into account we came over the border and went through border control but separately fruit control and expected this would be the same as in the past. We are age pensioners im 77 and my wife 74 we are like most Australians struggling financially otherwise I would elect to go to court and present our case however we just cant afford any court costs. It's a sad state of affairs if you cant afford to defend yourself in our courts, the only solution is to advise we would pay \$2.00 per month for as long as it takes.

Please re consider this case yours faithfully Clause 6(1) now resident of SA

-----Original Message-----

**From:** compliance biosecurity sa <PIRSA.compliance.biosecuritysa@sa.gov.au>  
**Sent:** Friday, August 18, 2023 3:30 PM  
**To:** Clause 6(1)  
**Subject:** Outcome of Review of Expiation Notice Clause 6(1)

OFFICIAL: Sensitive

Dear Clause 6(1)

Outcome of Review of Expiation Notice Clause 6(1)

Attached is a Review Outcome letter from the Chief Inspector enforcing your PIRSA Biosecurity SA Expiation Notice, and a SAPOL Expiation Notice Branch Payment Advice.

Please note that the Payment Advice may not be activated until tomorrow in order to request payment plans with Fines SA or to make payment.

Yours faithfully

Andrew Hall | Expiation Officer  
Biosecurity SA Compliance | Department of Primary Industries and Regions  
| Government of South Australia

E: [PIRSA.compliance.biosecuritysa@sa.gov.au](mailto:PIRSA.compliance.biosecuritysa@sa.gov.au) | W:

[https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fruitfly.sa.gov.au%2Fabout-fruit-](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fruitfly.sa.gov.au%2Fabout-fruit-fly%2Fpreventing-fruit-)

[fly&data=05%7C01%7Cminister.scriven%40sa.gov.au%7C3767dfd9a7e3489e6db008dba45c5436%7Cbda528f7fca9432fbc98bd7e90d40906%7C1%7C0%7C638284489404899705%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=x1ULFluQc9%2BdgQ5Jm0Jgab0mkY62vpKXMTfBDjsbEb4%3D&reserved=0](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fruitfly.sa.gov.au%2Fabout-fruit-fly%2Fpreventing-fruit-fly&data=05%7C01%7Cminister.scriven%40sa.gov.au%7C3767dfd9a7e3489e6db008dba45c5436%7Cbda528f7fca9432fbc98bd7e90d40906%7C1%7C0%7C638284489404899705%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=x1ULFluQc9%2BdgQ5Jm0Jgab0mkY62vpKXMTfBDjsbEb4%3D&reserved=0)

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**Gonos, Anthea (PIRSA)**

**From:** Clause 6(1)  
**Sent:** Thursday, 24 August 2023 2:30 PM  
**To:** PIRSA:Minister Scriven  
**Cc:** compliance biosecurity sa  
**Subject:** FW: Outcome of Review of Expiation Notice Clause 6(1)  
**Attachments:** Clause 6(1)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[Some people who received this message don't often get email from Clause 6(1) Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Minister, I ask for your intervention in this matter, here are the facts,

1/ We entered SA during the covid border control period where there were both biosecurity station and border control points.

2/ We were relocating to Adelaide in November 2022 and remembered we had some fruit when we saw the signs but also recalled the previous time there was a border fruit check point and assumed we would just hand our fruit in at that check point

3/ We did that exactly as advised and handed over our small amount of material, but this time unlike previous we had a very assertive officer that treated us like criminals

4/ when the fine arrived I asked for a review and explained what happened, however this was unacceptable, and I truly believe we are being treated unfairly and with little discretion Minister I believe we have a very credible case if we went to court but we are unable to afford the costs involved in doing this, my wife and I are age pensioners on the pension we just can't afford the fine particularly when we firmly believe we have not committed an offence, any help or assistance you can provide would be appreciated, yours sincerely Clause 6(1)

-----Original Message-----

**From:** compliance biosecurity sa <PIRSA.compliance.biosecuritysa@sa.gov.au>  
**Sent:** Friday, August 18, 2023 3:30 PM  
**To:** Clause 6(1)  
**Subject:** Outcome of Review of Expiation Notice Clause 6(1)

OFFICIAL: Sensitive

Dear Clause 6(1)

Outcome of Review of Expiation Notice Clause 6(1)

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Yours faithfully



Andrew Hall | Expiation Officer  
Biosecurity SA Compliance | Department of Primary Industries and Regions  
| Government of South Australia

E: PIRSA.compliance.biosecuritysa@sa.gov.au | W:

<https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fruitfly.sa.gov.au%2Fabout-fruit-fly%2Fpreventing-fruit->

<fly&data=05%7C01%7Cminister.scriven%40sa.gov.au%7C919c84acbc7e424873fc08dba45ef32f%7Cbda528f7fca9432fbc98bd7e90d40906%7C1%7C0%7C638284500100353601%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=04y8xEfV%2FSbn5rh73Ug0X79%2BRtbxSmNx1%2FIQ2L4fp4k%3D&reserved=0>

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**Gonos, Anthea (PIRSA)**

**From:** Clause 6(1)  
**Sent:** Thursday, 7 September 2023 11:39 AM  
**To:** PIRSA:Minister Scriven  
**Subject:** PIRSA complaint re fine Clause 6(1) the 2 tomato offence

**Categories:** Corro - General

You don't often get email from Clause 6(1) [Learn why this is important](#)

Dear Minister Scriven

Please find attached details of an interaction I have had with PIRSA and Police Fines. I would request that this is reviewed and it is acknowledged that PIRSA has a level of culpability in the issuance of this fine and that you request PIRSA to refund the fine amount paid and issue an official warning in its place.

1. In early 2022, when returning from the NSW Mid-North Coast I drove through the SA Riverland Border control.
2. I had no phone reception prior to the border. This can be verified in a phone call to a real estate agent which had to be terminated due to poor reception. I was therefore unable to phone SA Agriculture to confirm if a tomato which was due to be consumed in the car for lunch was permitted.
3. At the SA Riverland Border control I volunteered that I had 2 tomatoes (for lunch) and requested advice as to whether I was allowed to bring it across the border.
4. I was subsequently photographed, my tomatoes photographed and a statement taken on camera as to why I was bringing fruit into SA. My 2 tomatoes were confiscated.
5. I was informed that the report would be forwarded to PIRSA who would review the case.
6. I did not have any contact with PIRSA until 7/9/23. I assumed that I had had a verbal warning and no fine was issued.
7. On 6/9/2023 I noticed that my driver's licence had expired and I attempted to renew it online.
8. My driver's licence had been suspended as a fine had been issued for the tomatoes but had been sent to the wrong address Clause 6(1) and subsequently not paid. I was informed by Police Fines that reminders had also been sent to this incorrect address. This was not the address displayed on my driver's licence nor the address shown in the photo PIRSA took on the date of the tomato offence.
9. The fine total on 7/9/2023 stood at \$949.00 as there were late payment penalties.
10. Due to non-payment of the fine my driver's licence was suspended.
11. At no time was I contacted by post to my correct address Clause 6(1) text, phone or email that a fine was outstanding and that my driver's licence had been suspended.
12. On speaking with Police Fines the address was corrected and the fine reduced to \$474.00.
13. I was informed by the Police Fines that I had 28 days to object to the fine, while PIRSA informed me on 7/9/23 I had 6 months. As I am due to be in Perth to help with grandchildren next week for 4 weeks (16 Sep to 24 Oct), I paid the fine but now find that I am unable to challenge the decision which I would have done if I had known I had 6 months.
14. **Issue 1: Warning Notice v Fine implications**  
 The same fine applies to all carriers of illegal fruit and vegetable who cross the border, regardless of whether it is declared for the inspectors.  
 This creates an environment where the public may be tempted to not declare as the fine for not declaring and self-declaring is the same. The relevant law/policy sets out the penalty for any contravention and does not have the ability to issue a warning notice if it is a first offence and if the fruit/vegetable has been self-declared.
15. **Issue 2: Fine notice sent to wrong address implications**  
 The unpaid fine resulted in my driver's licence being suspended without my knowledge which could have

had serious implications as if I had been involved in an accident (whether or not it was my fault) as I would not have been covered by insurance as I would have been driving on a suspended licence.

16. **Issue 3: Liability of PIRSA**

- a. PIRSA on 7/9/23 admitted they had sent the fine had been sent to an incorrect address
- b. PIRSA on 7/9/23 admitted that there were potential implications for myself re having my driver's licence suspended without notice.
- c. PIRSA on 7/9/23 admitted that no attempt had been made to ensure that the fine was being sent to the correct address, or attempt another means of contact with myself.
- d. PIRSA refuses to accept any liability for the potential an incorrect fine notification process may place on an individual, such as the implications of a suspended licence if I had been involved in a car accident.

17. **Outcome requested: that PIRSA reimburse me the amount paid** as:

- a. I self-reported the tomatoes and this was a first-time offence
- b. The quantity (2 tomatoes) could be deemed to backup the assertion that they would be used for immediate consumption.
- c. PIRSA holds responsibility for the following:
  - i. Sent fines to an incorrect address
  - ii. Did not attempt to verify of address details were correct
  - iii. Did not attempt to contact me via an alternative method e.g. text, email, phone
  - iv. Potentially put me at insurance risk if I had been involved in an accident
  - v. Potentially put me at risk if I had been stopped by Police (say at a breath test station) as it would have been determined that my licence was suspended

Thank you for taking the time to review this statement. I sincerely hope that the public is acknowledged when they try to take a correct course of action (such as seeking advice from an expert at the border stop).

Yours sincerely

Clause 6(1)



Sent from [Mail](#) for Windows

**Gonos, Anthea (PIRSA)**

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**From:** Clause 6(1)  
**Sent:** Tuesday, 14 November 2023 1:43 PM  
**To:** PIRSA:Minister Scriven; compliance biosecurity sa  
**Subject:** Expiation Notice  
**Attachments:** Expiation Letter to Minister.docx  
  
**Categories:** Corro - General

Dear Minister,

Please find enclosed a letter regarding an Expiation Notice.

Yours sincerely,

Clause 6(1)

Clause 6(1)

14 November, 2023

The Hon Clare Scriven MLC,  
Department of Primary Industries and Regions  
GPO Box 1671  
ADELAIDE SA 5001

Dear Minister,

I write regarding Expiation Notice **Clause 6(1)** which was issued to me at Yamba Quarantine Station on 4<sup>th</sup> March, 2023.

I travel between NSW/VIC and SA quite often, but up till that date, had never crossed at Yamba – usually I cross at Pinaroo (and occasionally further south where there are no quarantine stations checks at all).

I tow a caravan - when stopping at Pinaroo Quarantine Station, I can declare and dispose of any prohibited items, which you can do without penalty, as you're no doubt aware.

When crossing where there is no quarantine station – I ensure I have no prohibited items, despite not being checked.

When crossing at Yamba, I undertook to declare and dispose of my few prohibited items at the station, but was issued a fine. I had no intention of carrying any prohibited items into SA.

I did appeal the fine, but was advised by the Expiation Officer, Andrew Hall, that the fine would remain in force.

My question to you is – how can this lack of consistency in the process and procedures surrounding the disposal of prohibited items and fines be allowed, depending on where you cross the border into South Australia?

I have now paid the fine but feel this whole experience to be unfair.

Yours sincerely,

Clause 6(1)

Cc Andrew Hall,  
Expiation Officer  
Department of Primary Industries and Regions

**Gonos, Anthea (PIRSA)**

**From:** Clause 6(1)  
**Sent:** Monday, 20 November 2023 4:58 PM  
**To:** PIRSA:Minister Scriven  
**Subject:** Complaint

**Categories:** Corro - General

You don't often get email from Clause 6(1) [Learn why this is important](#)

Clause 6(1)

17 November 2023

Open letter

Department of primary industries & regions  
 Clare Scriven MLC

Offence report No, YAM 08-23-73

On the 4<sup>th</sup> August 2023, my partner and I were returning by car, from a trip to the Gold Coast. Please note, I have not gone through Mildura for a long time maybe 10 year plus. In Mildura at a unmanned roadside stall we purchased some oranges and mandarins. Not knowing the restrictions and the speed through that region, I believe is 110 KPH. I do not read advertising billboards (I prefer to look out for roos and emus) plus my partner and I were deep in conversation. As I overtook a caravan on the open road, I saw a deposit for fruit sign, too late to pull over, I said to Simone we would hand it in at the station as I had done maybe ten years earlier.

With no intention of deceiving the young lady officer at the station I declared the fruit and handed all over including what was in the back that could not be seen. Not aware of your procedures, I was asked to pull forward to a parking bay and come into the office. I was guided to a interview booth. At this point I am very confused and concerned. She then starts questioning me, weighing the fruit and asking why I did not see or obey the signs. As I said to her, "I only saw one and it was too late to pull over, and I assumed it was still OK to deposit them at the station".

Treated like a criminal. Nothing short of this. This is the sort of behaviour I have seen on the show "Boarder force". I don't even remember my last speeding fine. I was horrified at the procedural process of this department. This is an unacceptable way to treat law abiding, tax paying, Australians that made an honest mistake. On top of that I receive a fine for not knowing your rules.

I would like to know how you expect us to treat Officials, Officers and even Police Officers with respect if we are treated without justification like criminals. I will not be distracted on the roads by advertising billboards. This is a completely unacceptable behaviour on the part of Department of Primary Industries.

Without Prejudice  
 Clause 6(1)

Kind regards,



Clause 6(1)

Clause 6(1)