



Our ref: CORP F2023/000280
Receipt No: 17735472

CORPORATE SERVICES
Level 15
25 Grenfell Street
Adelaide SA 5000
GPO Box 1671
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DX 667
Tel 8429 0422
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31 May 2023

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* which was received by the Department of Primary Industries and Regions (PIRSA) on 5 May 2023, seeking access to the following:

"All briefings and minutes received by the Chief Executive regarding fruit fly fines between 1 December 2022 to 1 April 2023."

Accordingly, the following determination has been finalised.

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

Determination 1

I have determined that access to the following document is **granted in full**:

Doc No.	Description of document	No. of Pages
8	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 22/3/2023 re temporary closure of Bede Road quarantine bin site	5

Determination 2

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

Doc No.	Description of document	No. of Pages
1	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 13/12/2022 encl letter re zero-tolerance approach at Yamba Quarantine Station	4

2	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 13/12/2023 encl letter re fine resulting from attendance at Yamba Quarantine Station	4
3	Departmental Workflow Request dated 20/1/2023 and email thread re interstate quarantine measures on vulnerable people	4
4	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 3/3/2023 encl draft letter re experience at Yamba Quarantine Station	5
5	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 6/2/2023 encl letter re legality of Quarantine Stations and Random Roadblocks	5
6	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/2/2023 re fine for introducing fruit fly host material	5
7	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 7/3/2023 encl letter re experience at Yamba Quarantine Station	4
9	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 25/1/2023 re fine resulting from attendance at Yamba Quarantine Station	5

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 of members of the public, private email addresses, residential addresses, other identifying information and matters of private concern to an individual.

With respect to Document 3, the information removed also consists of the name and mobile telephone number of a staff member, and there would be an expectation that their personal information would not be released in this way.

It is considered that members of the public can correspond with a Minister or public sector agency 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 dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application#Review>, by completing the "FOI Application Form for Internal Review of a Determination" and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

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

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Michelle Griffiths

Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: A5787301



For	Noting and approval
Critical Date	Nil
Subject	To advise you of the temporary closure of the Bede Road quarantine bin site.

Synopsis

The Bede Road parking bay is the location of the quarantine bin site on the approach to the Yamba Quarantine Station. This site has been established to safely allow travellers the opportunity to legally dispose of all fruit fly host material prior to their arrival at the Yamba Quarantine Station.

The Department for Infrastructure and Transport has advised that it plans to upgrade the entry and exit slip lanes to this site in the 2023 calendar year.

Recommendations

That you:

1. Note the proposed upgrade to the Bede Road bin site and agree that the practice of issuing expiation notices to all travellers with fruit fly host material at the Yamba Quarantine Station is suspended until the works are complete.

NOTED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2023

*Noted by LJ. Discussed
with minister and included
in PBN.*

*Details of this report included
in current PBN. SIS.*

Ministerial Comments -

Background

- The Bede Road bin site, located on the Sturt Highway, is the last point where travellers can legally dispose of fruit fly host material prior to attending the Yamba Quarantine Station.
- All information relating to fruit fly host material entering South Australia from Victoria, via the Sturt Highway, directs travellers to dispose of host material at this site or risk the possibility of being fined.
- The Department for Infrastructure and Transport (DIT) has advised that it intends to upgrade the entrance and exit to the Bede Road parking bay sometime in the 2023 calendar year. As a result of this upgrade the bin site will be temporarily closed whilst the works are carried out.
- DIT is not able to advise when this work will commence, nor the length of time that the site will be closed.

Discussion

- The Bede Road parking bay is located on the Sturt Highway mid-way between the SA/Victoria border and the Yamba Quarantine Station (Yamba), at the intersection of the highway and Bede Road.
- PIRSA's fruit fly disposal bin is located at the Bede Road parking bay, strategically located between the border and Yamba. Signs between the border and the bins, alert travellers of the need to dispose of fruit fly host material prior to attending Yamba.
- The parking bay has a single entrance and single exit point and is located to the left of the highway when travelling towards Yamba from Victoria.
- DIT has advised that the entry and exit road to the parking bay will be upgraded to allow easier and safer entrance to and egress from the parking bay.
- The construction work will provide an extended slip lane for the entry and exiting of vehicles. This is a positive development for PIRSA, providing greater ability for travellers to identify the turn-off and safely exit the highway.
- DIT expects that this work will take place in the 2023 calendar year, but as yet no date or indicative duration of the work has been set.
- While the work is being undertaken, the entry and exit road to the parking bay will be closed. This will mean that travellers will not be able to access the fruit fly disposal bins at this location until the works are completed.
- Early discussions with DIT have revealed a tender process for the proposed works will be undertaken prior to the contract being awarded and following this, further information will be available relating to commencement and completion dates.
- As a result of the information provided by DIT it has been identified that, for the period of the works, the zero-tolerance program conducted at Yamba will require an adjustment to the operating procedures, as travellers will not have the opportunity to dispose of fruit, at Bede Road, prior to attending Yamba.
- Three possible options have been identified for managing the impact the temporary closure of the Bede Road site will have on the Zero Tolerance program. The Options are outlined below:

Option 1 – A temporary service road be constructed to allow access to the Bede Road fruit disposal bins.

This option was discussed with DIT and was not deemed viable. DIT has indicated a preliminary survey of the area has failed to identify a safe and suitable site for a temporary service road to be constructed. The amount and variety of traffic (cars, caravans, motorhomes and heavy vehicles) entering and leaving on a temporary service road would make this option unsafe for road users and/or the safe disposal of fruit at the bins.

Option 2 – A temporary relocation of the bins to another location/State border.

This option has also been discussed with DIT and was also deemed unsuitable. DIT has indicated the only site possible to relocate the bins was a site at the border, however the limited space available at the border makes this unsuitable. The volume and variety of traffic entering and leaving this site would make this site unsafe for road users and/or unsafe for travellers to dispose of fruit at this location.

Option 3 – Directing all traffic to the Yamba Quarantine Station on a temporary basis.

This is deemed to be the safest and most suitable option for travellers but would require a number of temporary changes to the current zero tolerance policy.

- Under this scenario, all travellers would arrive at Yamba Quarantine Station without the opportunity to dispose of host material after entering South Australia. While an offence has been committed as soon as the host material is brought across the border, PIRSA's current policy allows travellers to dispose of that material at Bede Road in a quarantine bin.
- As a strict liability offence, PIRSA understands that an expiation could still be issued at Yamba if the Bede Road bin was not available. However, there would be considerable reputational risk associated with this approach:
 - Travellers have learned that it is acceptable to dispose of host material at Bede Road, and removing that option might entrap repeat travellers.
 - Issuing expiations to travellers who become aware of the restrictions on host material through the signs on approach to Yamba would not have an opportunity to voluntarily comply. This would likely result in negative publicity.
- Under this option, PIRSA proposes to temporarily suspend issuing expiation notices for the period of the closure of Bede Road.
- All fruit fly host material would continue to be seized at Yamba. This proposal would not result in an increase in fruit fly host material entering the PFA beyond the Yamba Quarantine Station.
- The existing signage directing people to the Bede Road bins would be temporarily covered – DIT has indicated that this will be the responsibility of their contractor.

- Variable Message Signs (VMS) strategically placed between the border and the Bede Road parking bay would also direct all travellers to Yamba. The VMS would notify travellers that this was a temporary measure – this would also be the responsibility of the contractor.
- Travellers would continue to be advised via existing signs and upon presentation at Yamba, that it is an offence to introduce fruit fly host material into the State.
- Yamba staff would advise travellers the practice of declaring host material at Yamba is a temporary measure during the closure and would revert to the normal zero tolerance practice once the Bede Road work is completed.
- Printed information sheets would be provided to all vehicles attending Yamba advising the occupants of the zero tolerance approach to fruit fly host material and that this is a temporary measure and the procedure would return to normal at the completion of the works. The information sheet would also advise travellers that it remains an offence to enter the State with fruit fly host material.
- DIT has indicated that it would not approve either Option 1 or 2, due to safety concerns.
- Should Option 3 be supported, there would be no direct budget impacts to PIRSA.
 - Expiation revenue raised through the current zero tolerance policy is collected by the South Australian Police (SAPOL).
 - PIRSA would advise SAPOL of the intended temporary ceasing of issuing expiation notices at Yamba and the likely reduction in revenue collected as a result.
 - PIRSA currently issues approximately 35 expiation notices per day, which results in approximately \$430,000 per month in expiation revenue (including victims of crime levy).
- Once the construction work has been completed the zero-tolerance program will return to the normal procedure of travellers having the opportunity to dispose of fruit fly host material prior to attending Yamba and being expiated should they attend Yamba with host material. All covers would be removed from the signage and the VMS signs would be altered to alert travellers to the need to stop at the Bede Road bins and dispose of all fruit fly host material prior to attending Yamba.

Stakeholder / regional impacts, consultation and engagement

- At its meeting on 17 March 2023, the Riverland Fruit Fly Committee was briefed in relation to this matter and endorsed Option 3 as the preferred option.

Management of key risks

- There are risks associated with the preferred option to suspend the issue of expiations at Yamba. It could be seen as a suspension of the zero-tolerance approach despite having no impact on the amount of host produce entering the PFA beyond Yamba Quarantine Station.
- Although the Plant Health Act creates an offence to bring uncertified fruit fly host material into the State it may reflect poorly on the Department should offenders continue to be expiated during this period, without being provided the opportunity to dispose of the host material. The State Government and the Department may be subjected to adverse publicity in the media and from the public and the courts may deem the Department's actions to be a form of entrapment.
- All fruit fly host material will be seized at Yamba during this time.
- PIRSA will advise you when the dates of the proposed road works become known.

Legislative and/or financial implications

- None



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

22/3/2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376 450 and 8429 3135
Cleared by	Mark Delaney, A/Manager of Compliance



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198560

For	Signature
Critical Date	21 December 2022
Subject	Clause 6(1) [redacted] has written to the Minister for Tourism and Multicultural Affairs expressing his views relating to the zero-tolerance approach at the Yamba Quarantine Station.

Synopsis

Clause 6(1) [redacted] has written to the Hon. Zoe Bettison, the Minister for Tourism and Multicultural Affairs in relation to the zero-tolerance approach to fruit entering the state. The Minister has forwarded this matter to you in order that you may respond to the issues raised by Clause 6(1) [redacted]

Recommendations

That you:

1. Sign the attached response to Minister Bettison Clause 6(1) [redacted]
SIGNED / NOT SIGNED

..... C. M. Scriven

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**

Minister for Forest Industries

22 / 12 / 2022

Ministerial Comments -

Please also send a copy to Minister Bettison

Background

- Clause 6(1) has written to the Hon Zoe Bettison, Minister for Tourism and Multicultural Affairs, raising his concerns related to the zero-tolerance program arising from a previous offence.
- Clause 6(1) states that this program is an attempt by the state government to “fleece hundreds of dollars” from the public.
- The Hon Zoe Bettison, the Minister for Tourism and Multicultural Affairs has forwarded this matter to you in order for you to respond to Clause 6(1)

Discussion

- Clause 6(1) has written expressing his concerns in relation to the zero-tolerance approach to fruit fly host material entering the state.
- Clause 6(1) states that he has been entering the state for many years and disposing of the fruit at the Quarantine Station only to find that on his most recent visit the approach to tourists had changed and people are now being fined.
- Clause 6(1) states that he is aware of the restrictions when travelling to South Australia, and authorities do not have to educate him in relation to the threat of invasive species.
- Clause 6(1) states that he remains very upset by his treatment at the border and has vowed to spend as little time and money possible whilst crossing South Australia on his way to Western Australia.
- In 2019 a Clause 6(1) from Clause 6(1) was expiated for entering the state with fruit fly host material.
- The zero-tolerance approach to fruit at Yamba has been in place since January 2019.
- Numerous clearly worded signs have been erected, between the SA/Vic border and the disposal point, alerting travellers to the changes in relation to Yamba.
- The quarantine bins at Bede Road are clearly sign posted and well lit to ensure the safety of travellers. These bins are located within the state and well prior to the Yamba Quarantine Station.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.
- An offence under section 7 of the *Plant Health Act 2009* is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.
- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government

authority which sets these standards and installs road signage, the signage is clear and concise.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft Letter – Clause 6(1)



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

13/12/2022

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376450 / 84293135
Cleared by	Director or Manager



Government
of South Australia

The Hon Clare Scriven MLC

Clause 6(1)

Dear

Clause 6(1)

Thank you for your letter of 18 November 2022, to the Hon Zoe Bettison, Minister for Tourism and Multicultural Affairs, relating to your experience at the Yamba Quarantine Station and your ongoing concerns relating to the management of fruit fly in South Australia. As I am the Minister responsible for the Department of Primary Industries and Regions, Minister Bettison has forwarded your letter to me for a response.

South Australia's fruit fly freedom has been hard won and is of significant economic advantage to the state on international markets. The Riverland region is the state's major fruit growing area and must be protected.

Numerous clear and concise signs and quarantine bins are in place between the Victorian border and the Yamba Quarantine Station to alert travellers to the restrictions and to allow them the opportunity to dispose of fruit before reaching the quarantine station. The signage used is designed to ensure the message is delivered clearly whilst also allowing road users to stay safe.

The zero-tolerance approach was implemented in response to a major outbreak of Queensland fruit fly and the excessive quantities of fruit being seized at the Yamba Quarantine Station. The intention of this approach is to bring about a permanent change in the culture of travellers entering the South Australian Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

The Yamba Quarantine Station is part of the state's front-line defence in fighting fruit fly and other pests that may enter the state. The onus is on the travelling public to ensure that they are not carrying fruit fly host material when entering the state.

Once again, thank you for writing in relation to this important issue.

Yours sincerely

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

22/12 / 2022

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au





Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198509



For	Signature
Critical Date	24 December 2022
Subject	The Hon Michael Brown, the Member for Florey, has written to you on behalf of his constituent Clause 6(1) [REDACTED]

Synopsis

The Hon. Michael Brown, the Member for Florey, has written to you on behalf of his constituent, Clause 6(1) [REDACTED] who was fined as a result of his attendance at the Yamba Quarantine Station in possession of fruit fly host material.

Recommendations

That you:

1. Sign the attached letter.

SIGNED / NOT SIGNED

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**

Minister for Forest Industries

16 / 1 / 2023

Ministerial Comments -

Background

- The Hon Michael Brown has written to you on behalf of his constituent, Clause 6(1), who was fined as a result of being in possession of fruit fly host material when he attended the Yamba Quarantine Station.
- He asked that you investigate this matter so that he can respond to Clause 6(1).

Discussion

- Clause 6(1) attended the Yamba Quarantine Station on 19 August 2022 in possession of 2 apples and 1 pear, both of which are fruit fly host material.
- At interview Clause 6(1) acknowledged ownership of the items but stated that he was asleep when he crossed the border and therefore did not see the signs.
- Clause 6(1) went on to say that he had the items for a snack and again stated that he was not driving the vehicle as he was asleep at the time.
- The zero-tolerance approach to fruit at Yamba has been in place since January 2019.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.
- An offence under section 7 of the Plant Health Act 2009 is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.
- Numerous signs have been erected between the SA/Vic border alerting travellers to the changes in relation to Yamba.
- The quarantine bins at Bede Road are clearly sign posted and well lit to ensure the safety of travellers. These bins are located within the state and well prior to the Yamba Quarantine Station.
- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government authority which sets these standards and installs road signage, the signage is clear and concise.
- The Expiation Notice clearly sets out all options available to the recipient with regard to payment including entering into a payment plan or election to have the matter dealt with in a court of law.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft Letter – The Hon. Michael Brown



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

13/12/2022

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376450 / 84293135
Cleared by	Director or Manager



Government
of South Australia

The Hon Clare Scriven MLC

Mr Michael Brown MP
Member for Florey
1/3 Wilkinson Road
PARA HILLS SA 5096

Email: florey@parliament.sa.gov.au

Dear Mr Brown

Michael,

Thank you for your letter of 18 November 2022 on behalf of your constituent, Clause 6(1), in relation to his experience at the Yamba Quarantine Station and the subsequent expiation he received.

I am advised that on 19 August 2022 Clause 6(1) attended the Yamba Quarantine station in possession of fruit fly host material, 2 apples and 1 pear, and was subsequently interviewed and later fined. I am also advised that Clause 6(1) claims that he was not the driver of the vehicle and was asleep at the time he entered the state.

The Yamba Quarantine Station is part of the front-line defence in fighting fruit fly and other pests that may enter the state. The onus is on the travelling public to ensure that they are not carrying fruit fly host material when entering the state.

In January 2019 a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. This was in response to a major outbreak of Queensland fruit fly and the excessive quantities of fruit being seized at the Yamba Quarantine Station. The intention of this approach is to bring about a permanent change in the culture of travellers entering the South Australian Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

I am advised that the Expiation Notice issued to Clause 6(1) sets out numerous options available to him relating to payment, including entering into a payment plan or electing to be prosecuted should he choose.

Once again, thank you for writing to me on behalf of your constituent.

Yours sincerely

Clare Scriven

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

16/1/2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



Hon Clare Scriven MLC
Minister for Primary Industries and Regional Development
Minister for Forest Industries



Government of
South Australia

DEPARTMENTAL WORKFLOW REQUEST

Department of Primary Industries and Regions (PIRSA)

Objective reference	eA198715
Title	Clause 6(1) - Interstate quarantine measures on vulnerable people inc those with mental illness
Due to Minister's Office	20 January 2023
Date requested	30 January 2023

Rationale

The Minister has received correspondence from Clause 6(1) regarding Interstate quarantine measures on vulnerable people inc those with mental illness

Please refer to attached correspondence for additional information.

Action Required

Could you please provide the following:

- Briefing for the Minister's consideration
- Draft letter of reply for the Minister's signature

Thank you kindly.

Contact

Danny Mihalopoulos	8226 3379
--------------------	-----------

From: [PIRSA:Minister Scriven](#)
To: [Health:Minister for Health](#)
Subject: RE: impact of draconian interstate quarantine measures on vulnerable people inc those with mental illness
Date: Monday, 16 January 2023 10:52:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

OFFICIAL

Good morning Clause 6(1)

Please be advised that our office is happy to accept this referral

Could you please advise Clause 6(1) that our office will be providing him a response?

Thank you!

Kind regards
Katherine

Office of the Hon Clare Scriven MLC

Minister for Primary Industries and Regional Development

Minister for Forest Industries

Government of South Australia | 1 King William Street, Adelaide

GPO Box 1671 Adelaide SA 5001

T: +61 8226 2931 | **E:** Minister.Scriven@sa.gov.au

pir.sa.gov.au



The Department of Primary Industries and Regions respects Aboriginal people as the state's first people and nations. We recognise Aboriginal people as traditional owners and occupants of South Australian land and waters. We pay our respects to Aboriginal cultures and to Elders past, present and emerging.

Disclaimer: The information in this email may be confidential and/or legally privileged. Use or disclosure of the information by anyone other than the intended recipient is prohibited and may be unlawful.

From: Health:Minister for Health <ministerforhealth@sa.gov.au>

Sent: Monday, 16 January 2023 8:01 AM

To: PIRSA:Minister Scriven <Minister.Scriven@sa.gov.au>

Subject: FW: impact of draconian interstate quarantine measures on vulnerable people inc those

with mental illness

OFFICIAL

Good morning

Our office has received the below correspondence and upon review understand that this falls within your Minister's portfolio responsibilities.

Can you please advise if you are happy to accept this referral request?

Kind regards

Clause 6(1)

Office Manager

Office of Hon Chris Picton MP
Minister for Health and Wellbeing

Level 9, Citi Centre Building, 11 Hindmarsh Square | GPO Box 2555 Adelaide SA 5001

T: (08) 846 36287 | M: Clause 6(1) | E: Clause 6(1) | W: www.sahealth.sa.gov.au



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From: Clause 6(1)

Sent: Thursday, 12 January 2023 3:36 PM

To: Health:Minister for Health <ministerforhealth@sa.gov.au>

Subject: impact of draconian interstate quarantine measures on vulnerable people inc those with mental illness

You don't often get email from scottmwyatt@yahoo.co.nz. [Learn why this is important](#)

Composed 4 January

Clause 6(1)

Clause 6(1)

Dear Minister

This episode has been enormously stressful, so I feel compelled to explain the circumstances and also, why those implementing this policy or considering any revisions to it should be made aware of the impacts on vulnerable people.

I had driven from Canberra, overnight bush camping near Narrandera. I was on my way to the remote Gluepot Reserve in the Mallee in SA to camp – having never passed this way before. I obtained a few supplies in nearby Mildura (which seemed only a modest distance down the road to the quarantine station in my view). Items included some broccoli, and a few bananas and apples.

Indeed I noticed the biosecurity signs, but wanted to clarify at the actual quarantine checkpoint with officers whether the fruit I purchased in nearby Mildura was acceptable. (This point might be obvious to you, or perhaps residents of the Mallee etc., but was not obvious at all to me.) To be clear, I immediately disclosed to the quarantine officer on arrival at the station after the signs, that I had some apples and bananas.

I have travelled internationally a moderate amount, of course, this includes in and out of Australia and NZ – where I grew up. Despite passing, in international airports, many 'amnesty'-type bins after arrival gates and before customs, my understanding is that so long as passengers tick the correct box and are truthful with quarantine officers, there is no problem with waiting until that point to discuss any possible prohibited items. Many travelers through your quarantine checkpoints, unfamiliar with SA procedures specifically, may be making the same assumption.

Mentally exhausted and tired from a very long drive, I was then expecting to have to dispense with the recently acquired fruit and be on my way. I was highly distressed at what happened next. I write this now having returned from work, strained after having a desperately-needed Xmas break spoilt.

Clause 6(1)



ps it's now 12 January and I passed through the quarantine station around 14 December (give or take a day) i.e. it's now been nearly a month and i still haven't heard anything i.e. i still don't know if I'm to receive a warning, fine or worse. I so want to put this and the Xmas period behind me. Anything you or the bureaucracy can do is appreciated.



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198715

For	Signature
Critical Date	17 March 2023
Subject	Clause 6(1) has written to you in relation to his experience at the Yamba Quarantine Station.

Synopsis

Clause 6(1) has written to you in relation to his experience at the Yamba Quarantine Station.

Clause 6(1) states that he is writing on his own behalf and that of many other “vulnerable people inc those with mental illness”.

Clause 6(1) attended Yamba in possession of fruit fly host material.

Recommendations

That you:

1. Sign the attached letter

SIGNED / NOT SIGNED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2023

Ministerial Comments -

Background

- **Clause 6(1)** attended the Yamba Quarantine Station on 14 December 2022 in possession of fruit fly host material (3 apples and 4 bananas).
- **Clause 6(1)** stated that he wanted to clarify if the fruit he was carrying was permitted to enter the State and this was the reason why he was in possession of these items.
- **Clause 6(1)** stated that he is writing to bring your attention to the issues the process at Yamba causes people with mental health issues.

Discussion

- **Clause 6(1)** attended Yamba on 14 December 2022 in possession of fruit fly host material and at this point in time he has not been expiated.
- In his letter **Clause 6(1)** states that he is a person with a mental health issue and found this interaction very stressful and he “implores State government officials to consider how this policy and the approach in general affects vulnerable people”.
- **Clause 6(1)** states that the airports across the world give the traveller the chance to dispose of items in “amnesty type bins” and he believes people may make the same assumptions at Yamba.
- The Bede Road bins are set up to allow travellers the opportunity to dispose of items prior to attending the Yamba Quarantine Station. These bins are the equivalent amnesty bins **Clause 6(1)** refers to and a number of clear and concise signs alert travellers to the need to use these bins.
- **Clause 6(1)** claims to be suffering as a result of a number of distressful experiences over the course of his life, and claims to have a **Clause 6(1)**
- Staff at the Yamba Quarantine Station are well trained and professional in their interaction with the public. It is not standard practice to enquire of travellers if they have any health issues at the time.
- The zero-tolerance approach to fruit at Yamba has been in place since January 2019.
- Numerous signs have been erected between the SA/Vic border alerting travellers to the changes in relation to Yamba.
- The Bede Road bin site also has ample signage warning travellers as to what items cannot be brought into the state.
- The quarantine bins at Bede Road are clearly sign posted and well-lit to ensure the safety of travellers. These bins are located within the State and well prior to the Yamba Quarantine Station.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.
- An offence under section 7 of the Plant Health Act 2009 is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.

- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government authority which sets these standards and installs road signage, the signage is clear and concise.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft letter – Clause 6(1)



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

3/3/2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376 450/8429 3135
Cleared by	Director



Clause 6(1)

Clause 6(1)

Clause 6(1)

Thank you for your email of 4 January 2023 in relation to your interaction with staff at the Yamba Quarantine Station on 14 December 2022. I am advised that, at the time, you were in possession of fruit fly host material.

I note your concerns in relation to staff dealing with a person with a disability and I am advised that all staff are professional and polite in their dealings with the public. Whilst I acknowledge the personal issues raised in your email, I am also aware that often a disability is not readily identifiable. Staff would have to rely on a person with whom they interact to advise them of any issues that may cause concern during the interaction.

I also note your comments about the amnesty bins at the airport. The quarantine disposal bins located well prior to the Quarantine Station are the equivalent to the airport amnesty bins, and give travellers a final opportunity to comply with the quarantine requirements. Numerous signs are in place for many kilometres prior to the bins alerting travellers to the need to dispose of fruit fly host material in the bins before they attend the Quarantine Station.

South Australia's fruit fly freedom has been hard won and is of significant economic advantage to the State on the international market. In January 2019 a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. The intention of this approach is to bring about a permanent change in the culture of travellers entering the South Australian Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

The onus is on the travelling public to ensure that they are not carrying fruit fly host material when entering the State.

Once again, thank you for writing to me and raising this important issue.

Yours sincerely

Hon Clare Scriven MLC

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

/ / 2023



Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

MINISTER'S
OFFICE

07 FEB 2023

RECEIVED

Ref: eA198696

For	Signature
Critical Date	Routine
Subject	Clause 6(1) has written to you questioning the legality of the Quarantine Stations and Random Roadblocks.

Synopsis

Clause 6(1) has written an expansive letter to you questioning the legalities of the Yamba Quarantine Station and the random roadblocks.

Clause 6(1) requests answers to a number of questions posed in his letter.

Recommendations

That you:

1. Sign the attached letter.

SIGNED / NOT SIGNED

Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries

22 / 2 / 2023

Ministerial Comments -

Background

- **Clause 6(1)** has written an expansive letter to you questioning the legalities of the Yamba Quarantine Station and the random roadblocks.
- **Clause 6(1)** poses a number of questions in his letter relating to the Quarantine Stations and the random roadblocks and the authority that Inspectors have to conduct their duties.
- **Clause 6(1)** states that he has travelled extensively and visited a number of Quarantine Stations and has also been required to stop his vehicle at roadblocks and states staff do not identify themselves.

Discussion

- **Clause 6(1)** questions the legality of the Quarantine Stations and the random roadblocks and the powers of the people wearing the "orange safety vests" who do not identify themselves.
- He states that after he has been asked if he is carrying fruit fly host material the people in the vests then proceed to search his car, basically calling him a liar.
- Staff at the Quarantine Stations and at the random roadblocks are clearly identified by their uniforms and carry identification, which is made available to the public on request.
- Staff are authorised under the Plant Health Act to stop and search vehicles to administer and enforce the Act.
- **Clause 6(1)** states that Police Officers identify themselves by name and rank whenever they interact with the public.
- Police Officers will identify themselves to a member of the public upon request, this is a similar process to a Plant Health Inspector.
- **Clause 6(1)** states that the signs leading into the random roadblocks display the words "roadworks" when in fact roadworks are not taking place. He believes that he is being stopped under "false pretences".
- The Department of Primary Industries and Regions utilises the services of a traffic management company to carry out the traffic control work at roadblocks. The signage used by this company is as required and approved by the Department for Infrastructure and Transport and the word "roadworks" alerts motorists to the fact that people are on the road and working.
- **Clause 6(1)** questions why everyone entering the State is stopped and an inspection is conducted and suggests that you "think carefully, as under the Australian Constitution Australian people are granted freedom of movement".
- An offence under section 7 of the *Plant Health Act 2009* is one of strict liability and therefore there is no requirement to prove intent to commit the offence.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft Letter – Clause 6(1)


.....**FOR CHIEF EXECUTIVE**

Department of Primary Industries and Regions

6 / 2 / 2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376 450/84293135
Cleared by	Director



Government
of South Australia

The Hon Clare Scriven MLC

Clause 6(1)

Clause 6(1)

Dear Clause 6(1)

Thank you for your letter of 11 January 2023 regarding Quarantine Stations and the random roadblock program.

South Australia's four Quarantine Stations are operated by the Department of Primary Industries and Regions (PIRSA), as is the random roadblock program.

One of the main purposes of this operation is to ensure the integrity of the State's fruit fly freedom status. South Australia's fruit fly freedom has been hard won and is an immense economic advantage to the state on the international market. In January 2019 a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. The intention of this approach is to bring about a permanent change in the culture of travellers entering South Australia and in particular the Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

Staff at the Quarantine Station and those working at the random roadblocks are Authorised Inspectors under the *Plant Health Act 2009* (the Act). PIRSA Inspectors are authorised under the Act and are readily identifiable by the insignia on their clothing and the plant health inspector identification cards that they carry. Staff are required to produce their identification when requested and this is similar to the requirements of a Police Officer.

Section 43 of the Act provides broad powers to an Inspector, including the authority to stop and search a vehicle and ask questions of the occupants of that vehicle. This section also enables the Inspector to seize items that contravene the Act. Section 48 of the Act sets out offences related to hindering or obstructing an Inspector or refusing or failing to comply with a direction given by an Inspector, under the Act.

Even if a traveller advises an officer that they are not carrying any prohibited material, the officer will search the vehicle to verify that claim. I am advised that often travellers forget what they are carrying and the inspection is part of the requirements to keep the State free of fruit fly and other pests or diseases that may impact the State's economy.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



The onus is on the travelling public to ensure they are not carrying fruit fly host material when entering the State and I thank you for the efforts you make to ensure you are not carrying same.

I also note your comments relating to "roadworks" and I am advised the road signage is the responsibility of the Department for Infrastructure and Transport (DIT) and the licenced traffic management company used by PIRSA. I am also advised that the "road work" signage relates directly to people working on the roads and does not apply only to roads under construction.

Once again, thank you for writing to me in relation to this matter.

Yours sincerely



Hon Clare Scriven MLC

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

22 / 2 / 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198792



For	Signature
Critical Date	13 February 2023
Subject	Clause 6(1) was fined for introducing fruit fly host material into the State. She wished to voice her disappointment to the negative response she received to her review application.

Synopsis

Clause 6(1) has written to you in relation to her recent attendance at the Yamba Quarantine Station and the expiation she received.

Clause 6(1) received a negative response to her application for a review of her expiation and felt the need to write to you to "express her disappointment".

Recommendations

That you:

1. Sign the attached letter.
SIGNED / NOT SIGNED


.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
2 / 3 / 2023

Ministerial Comments -

Background

- **Clause 6(1)** has written to express her concerns related to the Department of Primary Industries and Regions zero tolerance program.
- **Clause 6(1)** was recently expiated as a result of attending the Yamba Quarantine Station in possession of fruit fly host material.
- **Clause 6(1)** has paid the fine but has written to you to explain her concerns.

Discussion

- **Clause 6(1)** attended the Yamba Quarantine Station on 12 June 2022 in possession of 12 small chillies, 2 capsicum and 1 sweet pepper and was interviewed and later expiated.
- **Clause 6(1)** applied for a review in relation to the expiation and it was determined that there was no evidence to warrant reversing the decision.
- **Clause 6(1)** was advised, by letter, of the outcome of the review.
- **Clause 6(1)** has paid the expiation but felt the need to write and express her concerns in relation to this matter.
- In her letter of 20 January 2023 **Clause 6(1)** states that she has driven the Sturt Highway on many occasions over many years and "has always declared any fruit and vegetables at the Quarantine Station".
- She states that she adopted this practice after unnecessarily throwing away items in the past and by attending the station the Inspector could advise her of what she could and could not bring into South Australia.
- **Clause 6(1)** stated that she did the same on this occasion and was fined as a result.
- The zero-tolerance approach to fruit at Yamba has been in place since January 2019.
- Numerous signs have been erected between the SA/Vic border and Yamba Quarantine Station alerting travellers to the changes in relation to Yamba.
- The quarantine bins at Bede Road are clearly sign posted and well lit to ensure the safety of travellers. These bins are located within the state and well prior to the Yamba Quarantine Station.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.
- An offence under section 7 of the *Plant Health Act 2009* is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.
- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government authority which sets these standards and installs road signage, the signage is clear and concise.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

- A. Draft letter – Clause 6(1)



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

9/2/2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376450 / 84293135
Cleared by	Director or Manager



Clause 6(1)

Dear Clause 6(1)

Thank you for your letter date the 20 January 2023 regarding your experience at the Yamba Quarantine Station and the subsequent expiation you received.

I am advised that on 12 June 2022 you attended the Yamba Quarantine Station in possession of a fruit fly host material and that you were interviewed and later fined.

I am advised that, at interview, you accepted ownership of the items and that you also admitted seeing the signs. I am further advised that, at the time, you believed you could hand items in at the Quarantine Station, as you had in the past.

In January 2019, a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. This change meant that it is no longer acceptable to declare prohibited material at the Yamba Quarantine Station. This was in response to a major outbreak of Queensland fruit fly and the excessive quantities of fruit being seized at the Yamba Quarantine Station. The intention of this approach is to bring about a permanent change in the culture of travellers entering the South Australian Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

The Yamba Quarantine Station is part of South Australia's front-line defence in fighting fruit fly and other pests that may enter the State.

Numerous clear and concise signs and quarantine bins are in place between the Victorian border and the Yamba Quarantine Station to alert travellers and allow them the opportunity to dispose of fruit before reaching the quarantine station. The signage used is designed to ensure the message is delivered clearly whilst also allowing road users to stay safe. This signage is approved and installed by the Department for Infrastructure and Transport, the government authority which sets the required standards.

The onus is on the travelling public to ensure that they are not carrying fruit fly host material when entering the State. South Australia's fruit fly freedom has been hard won and is an immense economic advantage on the international market.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



Once again, thank you for writing to me in relation to this important issue.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. M. Scriven', with a small upward-pointing arrow above the 'i'.

Hon Clare Scriven MLC

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

2 / 3 / 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198911

For	Signature
Critical Date	14 March 2023
Subject	Clause 6(1) [redacted] has written to you in relation to the "unlawful treatment" he experienced at the Yamba Quarantine Station.

Synopsis

Clause 6(1) [redacted] has written to you in relation to his recent attendance at the Yamba Quarantine Station and the "unlawful treatment" he experienced.

Clause 6(1) [redacted] states that a number of items were taken from him despite the fact that there is no indication on the signage that the specific items were restricted.

Recommendations

That you:

1. Sign the attached letter

SIGNED / NOT SIGNED

31/3 Signed
CWS

27/3 - Edits

..... *Clare Scriven*

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**

Minister for Forest Industries

27/3 / 2023

Ministerial Comments -

Background

- **Clause 6(1)** has written to express his concerns related to what he describes as “unlawful treatment” at the Yamba Quarantine Station.
- **Clause 6(1)** stated that he had items taken from his possession at Yamba, despite there being no indication on the signage that these items were prohibited.
- **Clause 6(1)** also states that none of the staff at the Quarantine Station had any interest in the explanation he gave with regard to the fruit fly host material in his possession.

Discussion

- **Clause 6(1)** attended the Yamba Quarantine Station on 18 February 2023 in possession of fruit fly host material – avocados, raspberries, blackberries and blueberries.
- **Clause 6(1)** stated that he stopped at the quarantine bins and read the signs and then proceeded to dispose of all host material in his possession, as indicated on the signs.
- **Clause 6(1)** then proceeded to the Yamba Quarantine Station where he was reported for being in possession of fruit fly host material.
- **Clause 6(1)** states that he attempted to explain to the Inspector that he had disposed of all restricted items as indicated on the signage, however the Inspector was not interested in listening to his explanation.
- **Clause 6(1)** states that he was “treated with contempt” by the staff at Yamba.
- To date **Clause 6(1)** has not been expiated in relation to this matter.
- The signage leading into the State is clear and precise in relation to fruit fly host material and the items that are prohibited entry into South Australia.
- The fact that “fresh fruit” is prohibited entry into the State is listed on a number of signs between the border and the Bede Road bins.
- A number of large information signs located on and adjacent to the Bede Road bins clearly advise travellers that avocados and all of the berries in **Clause 6(1)** possession are prohibited. **Clause 6(1)** claims that berries are not a fruit are irrelevant as they are explicitly prohibited in the information signs at the Bede Road bin.
- The zero tolerance approach to fruit at Yamba has been in place since January 2019.
- Numerous signs have been erected between the SA/Vic border and the bins alerting travellers to the changes in relation to Yamba.
- The quarantine bins at Bede Road are clearly sign posted and well lit to ensure the safety of travellers. These bins are located within the State and well prior to the Yamba Quarantine Station.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.

- An offence under section 7 of the *Plant Health Act 2009* is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.
- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government authority which sets these standards and installs road signage, the signage is clear and concise.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

- A. eA198911 – Draft Letter – Request to Department – **Clause 6(1)** – Quarantine Facility – Unlawful treatment at Renmark facility.



for
CHIEF EXECUTIVE
 Department of Primary Industries and Regions

7/3/2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376450/ 84293135
Cleared by	Mark Delaney, A/Manager of Compliance



Government
of South Australia

The Hon Clare Scriven MLC

Clause 6(1)

Dear Clause 6(1)

Thank you for your email of 20 February 2023 in relation to your experience at the Yamba Quarantine Station.

I note you attended the Yamba Quarantine Station on 18 February 2023 in possession of avocados, blueberries, blackberries and raspberries. I also note your statement that you stopped at the Bede Road quarantine bins, prior to attending Yamba, and disposed of all prohibited items, as per the signage.

I am advised numerous signs between the State border and the Bede Road quarantine bins clearly state that "fresh fruit" is restricted and cannot enter the State. I am further advised signage at the bins is clear and specifically lists avocados and berries on the large information signs located adjacent to the bins and also on the front of the bins.

The items in your possession at the time are fruit fly host material and are therefore prohibited from entry into the State.

I also note your comments in relation to staff and the information brochure you were given when you attended Yamba. I have an expectation that all staff at Yamba act professionally when dealing with the public, and that information provided to the public be accurate.

In January 2019, a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. This was in response to a major outbreak of Queensland fruit fly and the excessive quantities of fruit being seized at the Yamba Quarantine Station. The intention of this approach is to bring about a permanent change in the culture of travellers entering the South Australian Riverland to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

The onus is on the travelling public to ensure that they are not carrying fruit fly host material when entering the State. South Australia's fruit fly freedom has been hard won and is of significant economic advantage on the international market.

Thank you for your support of efforts to keep South Australia fruit-fly free, and for writing to me in relation to this important issue.

Yours sincerely

Hon Clare Scriven MLC

**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES**

31 / 3 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au





Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198666



For	Signature
Critical Date	18 January 2023
Subject	Clause 6(1) has written to you in relation to a fine she received when she attended the Yamba Quarantine Station with fruit fly host material.

Synopsis

Clause 6(1) has written to you in relation to the "confusion" the Biosecurity website caused her when she checked to ascertain what items she could bring into the state when travelling from Victoria by road.

Clause 6(1) was exiated in relation her attendance at the Yamba Quarantine Station with fruit fly host material.

Clause 6(1) has requested that her fine be waived as she believes she followed the requirements on the Biosecurity website in relation to what she could bring into the state.

Recommendations

That you:

1. Sign the attached letter
SIGNED / NOT SIGNED

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries

22 / 2 / 2023

Ministerial Comments -

Background

- **Clause 6(1)** [redacted] attended Yamba on 8 July 2022 in possession of fruit fly host material (1½ capsicum, 2½ avocado and 1 punnet of cherry tomatoes) and was subsequently expiated.
- **Clause 6(1)** [redacted] stated that she visited the Biosecurity website prior to attending Yamba and “froze lemons and disposed of onions and apples” as a result of the information provided on the website.
- **Clause 6(1)** [redacted] stated that on attending Yamba she was fined for having half a “deseeded” capsicum and a “small punnet of tomatoes” that had “slipped down the back of the fridge”.

Discussion

- **Clause 6(1)** [redacted] stated in her letter that the Biosecurity website confused her as to what she could and could not bring into the state.
- The website clearly sets out that avocado, capsicum and cherry tomato are all fruit fly host material and cannot be brought into the state.
- **Clause 6(1)** [redacted] states that as a result of checking the website she disposed of apples, onions and honey and froze “some lemons”. The website clearly sets out that onions are not restricted entry into the state.
- The Biosecurity website is clear and concise in relation to what can be brought into the state and the website clearly sets out information to travellers that they will be fined at Yamba and the random roadblocks if they carry host material into an exclusion zone.
- The Bede Road bin site also has ample signage warning travellers as to what items cannot be brought into the state.
- The zero-tolerance approach to fruit at Yamba has been in place since January 2019.
- Numerous signs have been erected between the SA/Vic border alerting travellers to the changes in relation to Yamba.
- The quarantine bins at Bede Road are clearly sign posted and well lit to ensure the safety of travellers. These bins are located within the state and well prior to the Yamba Quarantine Station.
- The onus is on the travelling public to ensure they check for and dispose of prohibited matter prior to attending the Quarantine Station.
- An offence under section 7 of the *Plant Health Act 2009* is one of strict liability and therefore there is no requirement to prove intent to commit the offence. The letter which accompanies the expiation clearly states the offender either produced the prohibited material or it was detected. This wording allows for different circumstances of how the fruit is identified at Yamba.

- The signage along the Sturt Highway indicating that fines are enforced at Yamba Quarantine Station is of the standard required for the speed and conditions along that stretch of road. The Dept for Infrastructure and Transport is the government authority which sets these standards and installs road signage, the signage is clear and concise.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft letter – Clause 6(1)



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

25/1/2023

CONTACT	Nathan Rhodes
POSITION	Executive Director
DIVISION	Biosecurity
MOBILE and LANDLINE	0412 376450 / 84293135
Cleared by	Director or Manager



Clause 6(1)

Clause 6(1)

Dear Clause 6(1)

Thank you for your email in relation to the expiation notice you received as a result of attending the Yamba Quarantine Station on 8 July 2022 in possession of fruit fly host material.

I note your concerns in relation to this matter and the information available on the Department's website. In addition to the restrictions you observed in relation to lemons, apples and honey as a result of consulting the website, I am advised that the website clearly states that avocados, capsicums and tomatoes are listed as fruit fly host material and are therefore not permitted entry into the state. Onions, however, are not a fruit fly host and are permitted.

I am advised that on 8 July 2022 you attended Yamba in possession of 1½ capsicums, 2½ avocados and 1 punnet of cherry tomatoes and that you were interviewed and subsequently fined.

I also note your comment that approximately 5 years ago you travelled to South Australia and on that occasion you were able to dispose of your fruit fly host material at the Yamba Quarantine Station. In January 2019 this process changed and a zero-tolerance approach was adopted in relation to fruit fly host material entering the State. The intention of this approach is to bring about a permanent change in the culture of travellers entering South Australia, and in particular the Riverland, to ensure that fruit fly host material is left at home or disposed of before entering South Australia.

South Australia's fruit fly freedom has been hard won and is of significant economic advantage to the state on the international market. Numerous signs and quarantine bins are in place between the Victorian border and the Yamba Quarantine Station to alert travellers and allow them the opportunity to dispose of fruit before reaching the Quarantine Station.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



Thank you for writing to me on this important issue.

Yours sincerely



Hon Clare Scriven MLC

**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES**

22 / 2 / 2023