

**PLANT HEALTH BILL
(Serial 15)**

Continued from 30 October 2008.

Ms PURICK (Goyder): Madam Speaker, the bill replaces the *Plant Diseases Control Act 1979* and it is timely that it is reviewed and replaced, to ensure that the legislation is contemporary and in step with modern practices, given that it first came in over 25 years ago. It has been a long time in the making and I know that many hours have been spent on drafting this piece of legislation so it protects and promotes our plants and other industries, not dissimilar to the Livestock Bill with the livestock industries.

However, I have a few queries. It will impact on the large nurseries plus many small operators, and while some of the operators may be small scale, they are servicing an important part of the market, whether it be cut flowers, exotic fruits, tropical orchards or plant hire for offices in Darwin. Again, the legislation needs to have balance in the interests of both the high and low ends of the industry - the large operators and the small operators.

The most important aspect of new legislation is it must be workable, and that means across all sectors of the industry it will impact upon. It must be transparent and not cause any detrimental impact on people or businesses with regard to the size of their operation. In clause 6(1) it says, 'a pest is an organism whether or not taxonomically classified'. My comment is: if a pest is classified, taxonomically or not, do you know exactly what the pest is, or if it is a pest at all? How do you know that if it is not classified as a pest?

Subclause (5) references an indigenous organism. My question is: what exactly is this, and how does it differ from a native organism? I guess it is the difference in definition of the two words - indigenous and native - because they are very different.

Clause 8A: Host plant. It says, 'A host plant for a pest is a plant that is susceptible to, uses or harbours the pest'. If a pest is hosted by a plant, then it would be a symbiosis; and if the host plant benefits, then it would not be a pest to the host plant, it would actually be a benefit, not a pest. So, I have a query about that.

Clause 11(2): Affected by pest. It states: 'Subsection (1) applies whether or not the pest has any apparent effect on the thing'. If the pest has no effect on the thing, then why is it considered to be a pest?

Clause 14: Prevention of spreading. It says, in subclause (2):

A person who is leaving a place that is affected by a declared pest must take reasonable measures to prevent the pest from spreading from the place.

My question is: how is this going to work in the situation of rental properties, where the person may not physically own the property or the plant material on it which becomes infected? If they are going to be responsible, then perhaps that needs to be more clearly articulated in the legislation.

Clause 25: Requirement to give information. Subclause (d) refers to an inspector obtaining any other information. It seems a little extreme to me and it appears to give the inspector *carte blanche* to obtain anything from the owner of the said plant. The section already gives inspectors the right to obtain the person's name, address and details about the said plant. What else would the inspector need? I am just seeking clarification as to what kind of further information the inspector might need if he already has a name and address and information about the plant in question?

One final comment is in regard to clauses 30 to 35, which are very encompassing and deal with plant health management plans. My only query is - and I understand the intent of it, the details in regard to: preparation, drafting of the plans, notification, gazettal, changing the plans, reviewing the plans, etcetera - but it is not clear to me exactly what the legal status of the plans would be. I am seeking clarification in that regard.

Other than that, it has been a long time coming and I hope the legislation is effective and achieves the outcomes; I also hope it is not onerous upon the industry, particularly the smaller end of the industry, which is predominantly in my electorate and the rural area.

Mr WESTRA van HOLTHE (Katherine):

Madam Speaker, I apologise for not leaping to my feet earlier, I think I misheard what was occurring - better late than never.

I am in support of this bill. Once again, I thank the minister for the time he allowed staff to spend with me in the briefing. I do commend them for their receptive response to the queries I raised.

And, as with the livestock bill, my attitude is in no way designed to be adversarial but rather in a cooperative manner, to make sure it is the best legislation which can be put in place and the most workable. For the same reasons as the previous bill was debated, the issues I raise are for the purposes of having them in *Hansard* so the minister has the opportunity to respond and have his intent recorded there as well, so there is a way for people to come back at a later time and look at the intent of the legislation.