

**WESTERN AUSTRALIA'S REGIONAL FREEDOM FROM PESTS AND DISEASES -
RECOGNITION BY COMMONWEALTH GOVERNMENT**

Motion, as Amended

Resumed from 12 April on the following motion, as amended, moved by Hon Adele Farina (Parliamentary Secretary) -

That this house requests the Australian government to recognise and formally acknowledge the prerogatives of Western Australia to determine regional freedom from pests and diseases on a scientific basis.

HON NIGEL HALLETT (South West) [2.05 pm]: When I last spoke on this motion I spoke about how Mr Delane from the Department of Agriculture and Food had advised the committee that this had been a very contentious area. I also mentioned that the Department of Agriculture and Food had had a great deal of input into the import risk assessment conducted by the commonwealth agency, Biosecurity Australia, and that the department often argues the case for the western region's difference in pest status and risk.

The standing committee that considered the Trans-Tasman Mutual Recognition (Western Australia) Bill noted that Western Australia's right to a regional perspective free from select committee intervention in quarantine matters is not formally recognised in the memorandum of understanding. However, it also notes that there has been correspondence between the state and commonwealth ministers with a view to a partnership statement addressing regional freedoms and differences. To date no statement has been agreed to and it seems that the motion is seeking to address this issue.

This motion is about the finalisation of a partnership statement that offers a mechanism through which WA's capacity to exercise effective quarantine safeguards can be protected. The Trans-Tasman Mutual Recognition (Western Australia) Bill was introduced into the state Parliament to adopt the Trans-Tasman Mutual Recognition Act 1997 of the commonwealth Parliament. The Trans-Tasman Recognition Agreement provides for the recognition within each state and territory of the commonwealth of regulatory standards adopted in New Zealand in relation to goods and occupations, so that, for example, the qualifications of a plumber in New Zealand would be recognised in Australia. The bill has not been passed by Parliament, as it dropped off the notice paper before the last election and has not been put back on, and the Trans-Tasman Mutual Recognition Act does not deal with the states' and territories' ability to implement their own quarantine measures in line with what they see as necessary to keep their areas pest and disease free.

I support the motion.

HON SALLY TALBOT (South West) [2.07 pm]: I feel obliged to make a small contribution to this debate, largely because the Minister for Agriculture and Food boasted in his speech that he would be able to bring me up to speed on the contents of the motion in five minutes, but when he was about 35 minutes into his contribution to the debate, he conceded he might need a little longer!

Several members interjected.

Hon SALLY TALBOT: I thought that were I to fail to get to my feet, his pedagogic skills might be left in some doubt.

The extent that I have been able to get across this issue, which of course is of crucial import to many of the electors in the South West Region, is due largely to Hon Kim Chance and the time he spent taking me through the argument. I must also thank the other contributors to this debate from both sides of the house, most especially Hon Adele Farina, who possesses an absolutely enviable skill in undertaking a forensic analysis of some of these issues. I really have learnt an enormous amount from watching her in the house and reading her contributions.

I will preface my remarks by giving my understanding of what is happening. Hon Paul Llewellyn said that this kind of quarantine arrangement in Western Australia is potentially an inevitable by-product of free trade and the global economy. That may be so. I guess it was in recognition of expanding markets that led Australia last century to sign up to the World Trade Organisation measures. The agreement of interest in this debate is the one on the application of sanitary and phytosanitary measures, which is referred to as the SPS agreement. I have had a careful look at that agreement and I concur with the leader and my teacher on this subject that the SPS agreement is a thorough document about which we do not need to have too many concerns. However, the concern that becomes very real for members on both sides of the house - I am impressed with the number of times that we band together on these issues with our constituents' interests foremost in our minds - is the memorandum of understanding to which the state government is a party with the federal government. It was the lack of clarity about the issue of regional freedom that I understand caused our minister to go back to his federal counterpart and seek additional measures to be implemented to clarify the terms of the MOU, which were a little

hazy. I understand that the side letter is now attached to the MOU, which is attached to the SPS agreement, which goes with the WTO agreement. I know all the acronyms now!

Hon Murray Criddle: I do not understand what you are saying.

Hon SALLY TALBOT: I will give the member a code breaker later!

Hon Murray Criddle: I need code.

Hon SALLY TALBOT: Unfortunately, when lack of clarity exists about measures such as the SPS agreement, it is not very much consolation to us in this state Parliament to be told that the federal government will have the interests of Western Australia at heart.

Hon Ken Travers: It would be a first.

Hon SALLY TALBOT: As my colleague Hon Ken Travers said, it would indeed be a first, particularly in these times. I will refer to only one issue, although I could talk about industrial relations or employment conditions for teachers in TAFE. However, I am very keen to keep my comments directly relevant to the motion. The issue that is most relevant to this motion is the federal government's total failure to act on the issue of illegal fishing. I am raising this partly to pay tribute to the outstanding job that our Minister for Fisheries, Hon Jon Ford, has done to bring these issues to the attention of the public to the extent that even the local newspaper is running informed articles on the issue, which is in the interests of our constituents in Western Australia. Members will understand the particular relevance of this example. One of the big problems with the extent of illegal fishing, of which we have become aware largely through the efforts of our state minister, is that our shores are far from secure when it comes to matters of quarantine. The ramifications of illegal fishing not only affect the wellbeing of our fish stocks and our marine environment but also cause our fruit growers to have sleepless nights in light of the potential for pests and infections to permeate our shores. Today's *The West Australian* gives these issues some coverage. As at Thursday 6 April, just under a month ago, 23 boats had been stopped within only two weeks, and a total of 189 illegal foreign fishermen and eight children - that is particularly disgraceful - had been apprehended at the top of our northern shores. As the minister has pointed out eloquently many times, these issues go far beyond the quarantine issue. The cruelty associated with taking shark fins is unbelievably awful. As I say, this issue is particularly relevant to this motion.

I raise this issue because if the commonwealth's intentions lack clarity concerning any matter surrounding the protection of this state's borders from any sort of permeation by diseases, infections, funguses etc, I for one am not willing to say that the commonwealth will probably get it right. The commonwealth is getting things gravely wrong on a number of different fronts. If we are not prepared to trust the feds, where do we go for some sort of resolution of these issues that are keeping our fruit growers - certainly the ones in my electorate - awake at night? The fruit growers have enough to worry about.

In preparing for this debate I found a rather light-hearted article by the Apple and Pear Association that had come to my attention a couple of months ago. The article was in the *Donnybrook-Bridgetown Mail* and is headed "Growers' Goss", and it refers to a study that found that eating fruit was unhealthy.

Hon Ken Travers: Fermenting it can be interesting.

Hon SALLY TALBOT: That is true; fermenting it can make it more interesting. I think the article refers to unfermented fresh fruit. The problem with the report is that Food Standards Australia New Zealand, which drafted the rules, had grouped the sugar content from fruit and had not distinguished between "good and bad sugars" - the shorthand way of explaining it. As a result, the poor fruit growers were faced with a draft report that indicated that eating fruit was unhealthy. They had to go in to bat to get that recommendation changed. I am pleased to say that apparently it was changed. As I said, that was a fairly light-hearted observation. There are, of course, much more serious issues facing fruit growers all over the state, not only in the south west, which may have been the point my colleague across the chamber referred to a moment ago. Many members will have seen the report a couple of weeks ago about pear growers having to dump enormous quantities of pear concentrate because the market has been effectively skewed by imports. This is all heartbreaking news. On top of that, the new draft import risk analysis released at the end of last year by Biosecurity Australia on the importation of New Zealand apples has everybody extremely concerned. As we know, New Zealand has been trying for 15 years or so to get import restrictions lifted. I dare say it will continue to do that for another few years yet. This particular example gives a clear indication of the problem. The concern is that the importation of New Zealand apples could expose all Australian crops to diseases that do not occur here. An article that appeared in the January edition of the *Countryman* states -

Of particular concern to WA growers is the potentially devastating disease, fire blight.

The conditions proposed by BA in its IRA include mandatory pre-clearance arrangements before fruit is exported.

It also requires that Australian Quarantine and Inspection Service officers be involved in all risk management procedures in New Zealand and AQIS auditing of NZ systems and processes to certify exports.

Some concern remains despite those safeguards being put in place. I refer now to a much more recent article from *Farm Weekly*, published on 27 April. It states -

The industry is concerned the apples may bring disease such as fire blight, European canker, apple leaf curling midge and apple scab to Australia.

The reading I have done and the briefings I have had suggest that the measures contained in the SPS agreement could be called upon to protect the Western Australian fruit industry even if Australia does agree to import New Zealand apples. Hon Barry House, my colleague on the other side of the house, drew members' attention to article 6 of the SPS agreement. From my reading and from my colleague's reading, it appears to suggest that there is an option for a degree of regionalisation of risk management. The clause to which I refer is called "Adaptation to Regional Conditions, Including Pest - or Disease - Free Areas and Areas of Low Pest or Disease Prevalence" and states -

Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area - whether all of a country, -

This is the key -

part of a country, or all or parts of several countries - from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, *inter alia*, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.

Part of the problem is that a one-size-fits-all approach will not protect all the interests of the West Australian industry. The reality is that the SPS agreement does not propose a one-size-fits-all approach. We have two choices under the SPS agreement. The first is to declare that an area needs no risk assessment; that is, to impose international standards that effectively impose no risk assessment. The second choice is to look at appropriate local conditions. In that case, the standard must be based on a scientific risk analysis. Western Australia and Tasmania are free of many of the diseases to which I have referred. Citrus canker is currently confined to Queensland and, I understand, is likely to be eradicated in the foreseeable future. When we want to put in place appropriate local conditions, we must defer to the scientific risk analysis. Some people are nervous because Biosecurity Australia has a double brief. It must consider the scientific risk analysis and make appropriate recommendations based on its reading of that analysis. However, it is charged also with ensuring that countries and regions are not using quarantine issues as a non-tariff barrier. This is what is fundamentally leading to people's nervousness about the fuzzy nature of the national implementation of the SPS agreement. It would be very good to have that fuzziness removed, which is why Hon Adele Farina moved this motion and why Hon Kim Chance spoke so eloquently to it. We want that fuzziness removed.

I will conclude by drawing members' attention to a matter that occurred the last time this motion was debated. I refer to Hon Paul Llewellyn's amendment, which was passed by this house, to delete the references in the motion to the World Trade Organisation. I understand where Hon Paul Llewellyn's uneasiness comes from. However, I do have a concern. My understanding of the situation is that although the WTO and the SPS agreement are in place as the basis upon which our laws and regulations are grounded, and although the Western Australian Quarantine and Inspection Service provides an excellent service, we are likely to be faced with an immediate problem such as that proposed in the draft IRA regarding New Zealand apples. If that safety net were removed, we would have a very serious problem. I said earlier that I respect, and to some extent defer to, Hon Paul Llewellyn's views on many of these issues, but there is food for thought on this matter. Perhaps we will examine it again when we consider the Trans-Tasman Mutual Recognition (Western Australia) Bill. There is food for thought about how we might best shore up our options in the absence of a commitment by the commonwealth government to satisfy our concerns on this issue. I suggest that might be done by keeping in place all references to the SPS agreement and the WTO.

I thank the house for its time. I hope I have been able to contribute to this debate and I look forward to addressing similar issues later in the year when the Trans-Tasman Mutual Recognition (Western Australia) Bill is debated.

HON MURRAY CRIDDLE (Agricultural) [2.28 pm]: The issues raised by Hon Adele Farina are very important to Western Australia. That is one of the reasons that the Trans-Tasman Mutual Recognition (Western Australia) Bill has not progressed through the Parliament. I have objected to some of the issues relating to it and I have been in contact with the federal minister regarding some of those issues. I have not been satisfied with the

rules and regulations that have been put in place for fire blight, for example. I will not go through some of the acronyms that have been referred to; I will put it in plain language. The basis of the Sanitary and Phytosanitary Agreement relies heavily on science. From my observations and discussions with people in the Department of Agriculture and Food as late as today, I believe that the producers and consumers of Western Australia will be satisfied only when it is transparent that our products are protected from diseases and pests entering this state. That is the paramount issue. We can say all sorts of things and put in place all sorts of rules, and I think that is what the federal government has been doing to some extent, because it is saying that if science says it is okay, that is fine. However, I want the evidence that shows that we can be satisfied with the stringencies that have been put in place to protect our interests in Western Australia. This state is very fortunate in that it has a clean, green image. I have recently travelled, and I will be travelling again next week, just so that everyone knows. I am sure the issue that will be raised about the fishing industry will be our clean, green image. That has also been recognised by the lobster fishery with regard to the certification of the industry and how good it is that it has a clean, green image.

Hon Jon Ford: The MSC.

Hon MURRAY CRIDDLE: Yes, the marine stewardship certification. The minister has picked that up already as well. That goes right across the board.

On our property we have put in place a quality assurance arrangement, and our grain production is inspected every year; it goes right through our production chain. Just the other day we got a bonus for having put in place quality assurance on our property, and that was good to see.

I understand that when it is suggested that certain products should come into this state, a risk assessment is provided to the people who will be making the decisions about those products. That risk assessment must pass a scientific test based on objectivity and transparency. That is absolutely essential. Biosecurity Australia is the main mechanism that is used in this area. The previous speaker outlined some concerns about the World Trade Organisation and tariffs. Those things concern me also, because it is all very well to have open borders, but we must ensure that does not put us at risk from pests and diseases. It is essential that we maintain our position on this matter and do not back down, and I am pretty sure the minister is of that view as well -

Hon Kim Chance: Absolutely.

Hon MURRAY CRIDDLE: I support the sentiment of the motion. It is very interesting that Hon Adele Farina has raised this matter. I am sure other members from the south west are also very interested in this matter, because our fruit industry will be one of the first industries that will be affected if diseases do manage to get into this state.

Hon Kim Chance: Our table grape industry is very much in the same position.

Hon MURRAY CRIDDLE: I am sure the wine producers in the south west are too.

Hon Kim Chance: I am talking about the Swan Valley table grape growers. This is very much an issue there.

Hon MURRAY CRIDDLE: And also in Carnarvon. These issues are paramount. Farmers need to maximise their returns from their properties. Many of the citrus trees have already been removed, for various reasons. We do not want pests and diseases to have an impact on production and producers, whether of apples or anything else. I am very cognisant of the risks to which farmers may be exposed. Things like caltrop and double-gees, which came in years ago, are placing enormous pressure on production. Those are the sorts of things we need to keep out of this state, along with many other diseases.

HON SIMON O'BRIEN (South Metropolitan) [2.33 pm]: I am sure all members recognise that the sentiments expressed in the motion are extremely important, because the motion has achieved a broad degree of support. Therefore, there is no need for me to tease out the debate from the point of view of creating any controversy. However, I want to make a brief contribution to this debate, based on my previous exposure to international trade and quarantine measures. Before I came into this place I had 16 years with the Australian Customs Service and its predecessor, the Australian Bureau of Customs. I am sure members will recall vividly that as part of my maiden speech I referred to the importance of quarantine measures to protect Australia's agricultural industries in particular from the incursion of diseases from which Australia is currently isolated. At that time I pledged my long-term interest in this matter. I assure members that my interest in this matter has not waned, because anyone who has had to deal with the front-line situation develops a particular affinity with the subject and a real understanding of what it is like to try to implement measures that well-meaning Parliaments may want to introduce. Hon Ken Travers has some experience in these matters as well, so he would know exactly what I am talking about. It is very easy to descend into the realm of rhetoric when we are looking at what is quaintly referred to as sanitary and phytosanitary measures and to not understand the reality of what we are talking about and the concerns that exist in the community. Hon Murray Criddle managed to avoid that just

now in his contribution, because he displayed a hands-on, real-world understanding of what we are talking about when he spoke about the problems on the farm with double-gees and a range of introduced species that our quarantine services are partly involved in protecting us from.

During my time in the Australian Customs Service I experienced a few things that many people may not get a chance to experience. I was looking at the incursions onto our north coast by foreign fishing vessels long before it became fashionable and newsworthy to do that. One of the concerns that we could see at the customs-officer level was that monkeys might be taken as pets onto fishing boats, or onto boats that were carrying out low-level illegal immigrant operations, and if those monkeys were to carry some disease in their bloodstream and bite another animal, they could pass on rabies or some other form of exotic disease that could find its way into the pastoral stock of this state or even - heaven forbid - the food chain. Therefore, a minor thing such as carrying a monkey on an Indonesian fishing boat as a pet could have colossal ramifications for Western Australia's interests if that monkey were to contaminate a wild or even a domesticated animal onshore. It was routine in my former occupation to come across people who were deliberately trying to introduce into the community goods that are subject to quarantine. People are doing that now every day of the week. In fact, every hour of every day there is a dill somewhere who thinks it is all right to bring in a sample of meat that he wants to consume. He might even understand he is not meant to do it; he might understand, further, the consequences that might accrue from imported meat or meat products somehow entering the food chain in Western Australia and causing problems if they are contaminated or diseased. However, that does not stop such people from trying to bring in their own tin of meat or some other product containing eggs, milk or honey; an artefact with feathers, rawhide or egg albumen attached to it; or straw products or wooden artefacts. Quite often it will be really cheap, nasty, touristy things - the local equivalent of the proverbial little plastic bull that is sometimes seen on British comedy shows - being brought back from Spain. In that example, it is a clichéd little joke about the tacky things that tourists bring back from holidays, that asks why they bother. We have tacky things that tourists bring back from holidays on local sun-drenched islands, but the trouble begins when they come, say, from Bali or perhaps from Thailand. I do not have anything against those sectors, but untreated products, such as straw goods and wooden carvings with perhaps some other attachments, all present the possibility of some form of quarantine risk being visited upon Western Australia, whether it be borer beetles, weevils or whatever it may be.

This particularly applies to fresh fruit. Something as apparently innocuous as an apple can pose a real threat in Western Australia. This is not perceived as a remote threat; it has actually happened. We have the damage bill and the heartbreak in people's memories to show for it. I remind members of the outbreak of codling moth in this state's apple industry not so many years ago. I forget the year; the Minister for Agriculture and Food may know. Was it the early 1990s?

Hon Kim Chance: Ernie Bridge was the minister then, but I think it may have been 1990-91. There has been another one since then.

Hon SIMON O'BRIEN: Yes; the exact date escapes me, but I recall that around 1992 I became the office manager at Perth International Airport. I was not working shifts at that stage, I was in charge of the office. I was handling complaints from members of Parliament with disgruntled constituents, and parliamentary questions from Canberra that had to be answered five minutes ago. All this sort of nonsense took place when there were over 108 officers working on various day or night shifts or having days off, and reports were needed from all of them before these other matters could be dealt with. Nevertheless, these are the jobs that 101 other office managers deal with every day.

However, the thing that annoyed me was the matter of the codling moth. I think the minister is right in his recollection; it was about 1991-92. This was in the very near wake of the codling moth outbreak to which I refer. I quite often had to deal with what happened overnight when all the planes arrived. Draft prosecution briefs were plonked on my desk for my recommendation. Sometimes matters proceeded to prosecution; at other times another recommendation was made. These were quite often about potentially serious matters, but which might be seen by some as trivial or minor. Everyone knows that if drugs or guns are being carried in the false bottom of a suitcase, they are very serious matters that require further investigation. However, some times people think it is all right to try to bring in an apple or some vine cuttings from the old country, wrapped around their waist under their shirt, because they know they are not meant to have them, and that they will be in trouble if they are caught. Their attitude is that it is "just this once" and "it'll be all right". It is not all right. I am sure that the vine growers of our state would agree that it is not all right, in the same way that the orchardists of our state would not like apples to be imported that might be contaminated. A decision has to be made about what to do with someone who has been detected attempting to import an undeclared apple. In such cases people have breached the Customs Act because they have failed to declare food; they have breached the Quarantine Act because without permission to import it, the item becomes a prohibited item. What is to be done? What particular book is there to throw at them, and what size book is appropriate, having regard to the culpability of the individual? Sometimes it is very difficult to decide how far to go with something like that, because it

involves people of all ages and there might be, perhaps, language problems. The fact remains that officers are working jolly hard at all hours of the day and night, sometimes in airports, on the coast, on ships, on the wharves, at the central mail exchange, in a number of locations around this state, and in the case of the Australian Customs Service, all over the nation. These officers are working their butts off to intercept such - what some might call trivial - items as pieces of fresh fruit. All those officers know that it is not trivial; it is blooming serious, but some people do not realise how serious it is.

It is an interesting subject, and clearly something that interests me. I could stand here and tell war stories till the cows come home. However, its relevance to the motion before us is that it reflects the street level importance of the subject we are talking about, but not the entirety of it; there is a heck of a lot more to this. We just had a farmer stand up. The minister is a farmer. Farmers have other understandings. Orchardists and a whole range of people rely, literally, on the health of our primary industries, animals, plants and the biosphere we inhabit.

We also live in a time of rapid globalisation. That word has not been heard much this year; perhaps it has gone out of fashion. However, the globalisation of the world is proceeding at a very fast rate and is becoming all-pervading. When it comes to matters of international trade, the continent of Australia is suddenly not as far away or as hard to get to as it has been in the past. We are confronted ever more frequently with the challenges surrounding the legal or illegal importation of items under quarantine. This motion particularly contemplates legal imports rather than the illegal imports that I have been talking about; the wholesale importation of goods not specified in the motion, but implicit in the motion - goods that could be vectors for pests and diseases. Just to mention two examples, it could include one apple with a codling moth larva in it or it could include, as Hon Murray Criddle indicated, a commercial consignment of New Zealand apples contaminated by fire blight. The stakes are pretty high. Successive governments have wrestled with trans-Tasman agreements and so on without resolving this matter. This house is yet to have an opportunity to determine its final stance on this whole matter.

I refer to a couple of articles from the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures, which has been referred to by previous speakers. The opening paragraph reads -

Members,

Reaffirming that no Member -

Meaning member state -

should be prevented from adopting or enforcing measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Members where the same conditions prevail or a disguised restriction on international trade;

That is the key rub. The WTO agreement is often seen as a licence to engage in wholesale commercialisation and free exchange of otherwise quarantinable articles without having regard for the quarantine function; that is, to promote that sort of trade for the dollar without regard for the quarantine aspect. I was reading on the WTO web site a 1998 version of some explanatory notes to the agreement. Members might want to look at it; I cannot describe it better than that. It is a discussion about just that matter. It considers the question: how does one ensure that one's country's consumers are being supplied with food that is safe to eat by the standards considered appropriate? I might extend that question to ask: how do we make sure that produce being brought into our state will not adversely affect our agricultural operations, but at the same time ensure that strict health and safety regulations are not being used as an excuse for protecting domestic producers? That is the rub. That is why we need world trade agreements. At the same time, it is the natural antagonist of our very strong quarantine stance; a quarantine stance which I first raised in this place in May 1997 and which I have raised again this afternoon as a personal standard. Discussion of these questions occurs within this article. Members might like to have a look at it. It is quite large. In particular, I noted these comments about the agreement -

It allows countries to set their own standards. But it also says regulations must be based on science. They should be applied only to the extent necessary to protect human, animal or plant life or health. And they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

It goes on to state -

All countries maintain measures to ensure that food is safe for consumers, and to prevent the spread of pests or diseases among animals and plants. These sanitary and phytosanitary measures can take many forms, such as requiring products to come from a disease-free area, inspection of products, specific treatment or processing of products, setting of allowable maximum levels of pesticide residues or permitted use of only certain additives in food. Sanitary (human and animal health) and phytosanitary

(plant health) measures apply to domestically produced food or local animal and plant diseases, as well as to products coming from other countries.

Indeed it does that, and we have all seen the Western Australian quarantine officers at our borders inspecting vehicles and luggage for fruit from the eastern states.

It is the second part of my former occupation that brings me into this debate, because I have also seen the evolution of trade barriers put up by Australia since 1981 through to the present time. I have seen tariff barriers come and go, separate article directions, antidumping measures and a variety of licensing mechanisms, excises, goods and services tax, sales tax, import duties and so on. I have applied them and I have given instructions on how to apply them. That was before we were all student centred and outcomes-based education centred; when we used to call it giving lectures to trainees. I have also seen the mechanism of prohibiting the importation of goods from another place, specifically if they originate in another place. Although they have gone now, I can recall prohibited import regulations that banned all goods from places like North Vietnam and certain other countries. I do not think any of those are applied at the moment. I believe the Yanks still do not allow the importation of cigars from Cuba. However, there are plenty of examples of non-tariff barriers being used as a protected mechanism. One thing that can be done is that the quarantine card can be employed to introduce a non-tariff barrier to the importation of goods as a mechanism for protection. Sometimes it is very hard to ascertain when a quarantine proposal is a genuine phytosanitary consideration or when it is being used disingenuously as a means to protect local suppliers and producers. I am not saying that there is anything necessarily wrong with protecting local growers and producers, but that is what this agreement contemplates when it says that phytosanitary measures should not be used as a means to introduce a disguised restriction on international trade.

Probably a lot more could be said about this subject on other occasions. Some of those have already passed, but I am sure we will see some more. I am very interested in this matter. I thank Hon Adele Farina for moving this motion, because it is an interesting subject for the sort of exercise that we have all just engaged in. I hope I have contributed something of interest for the sake of members. It does not get us to our final resolution of the matters that are contemplated, but I hope it helps members to understand that these things are not necessarily straightforward. They are important, but they are not necessarily as people sometimes make them out to be. That brings me right back to where I started: now the members in this place have to behave as members of a Parliament and must consider these complex matters while at the same time taking on board the considerations of those people in the field who must make real use of the results of our deliberations reflected in legislation that is passed by this place. I support the motion, as do other members on this side of the house.

HON ADELE FARINA (South West - Parliamentary Secretary) [3.00 pm]: I thank members for their contribution to this debate and for their support of the motion. The matter is of great importance to Western Australia. It is great to see bipartisan support for the motion and this particular issue. In summary, the Agreement on the Application of Sanitary and Phytosanitary Measures provides for and recognises regional differences. However, it does not provide an exhaustive guideline for implementing regional differences or what even constitutes regional differences. The recognition of this fact led the federal and state ministers to enter into the memorandum of understanding and also the exchange of letters that occurred subsequent to the MOU.

We need to recognise and be grateful to the Minister for Agriculture and Food, Hon Kim Chance, for his diligence in ensuring that important issues that needed to be addressed to adequately deal with this issue in the main were addressed in that exchange of letters. Regrettably, not all the issues that Hon Kim Chance raised were accepted by the federal minister. In moving this motion, I felt it was important to put on the record for the federal government that the Western Australian government does take this issue very seriously. If over time we find that the MOU and the exchange of letters are not comprehensive or inadequate enough in addressing regional differences at a level that ensures protection for Western Australian farmers and growers, the Western Australian government will be pursuing changes and further amendments to that MOU and through the exchange of letters to ensure that that protection is in place. I thank members for their support of the motion and commend the motion to the house.

Question put and passed.