

Introduction

The Seafood Importers Association of Australasia (SIAA) represents importers of one of the major food group categories - seafood products with an annual value of AUD 1 billion at point of entry. SIAA welcomes the initiative of a Quarantine and Biosecurity Review and is pleased to provide this submission.

65% of all seafood consumed in Australia is imported. This reflects both the limited fish resource in Australian waters and the significant export of high value species such as rock lobster, wild catch prawns and abalone. Looking to the future, most fisheries are at their limits of sustainable catch which coupled with few viable aquaculture operations will result in Australians relying even more on imports for consumption of seafood. Many SIAA members are also involved in domestic seafood catching, processing and seafood export.

The SIAA has been very closely involved with both the Australian Quarantine and Inspection Service (AQIS) and Biosecurity Australia (BA) in regard to a number of quarantine assessments; most recently the IRA on Prawns and Prawn Products. We have worked with these agencies in developing testing protocols and procedures, and have acted in a liaison role with all sectors of industry. The latter includes local producers, distributors and major retail (supermarket) and foodservice operators, as well as import companies.

There is a great deal of information, based on our in-depth experience and dealings with overseas supplier nations, with the Australian Government and its quarantine agencies, and with related service providers, over many years, that we believe might lead to a more thorough and balanced review of current quarantine arrangements.

Our objective in doing this is, we believe, to enhance the effectiveness of Australia's risk analysis and quarantine system, and to provide streamlined and cost effective quarantine management that complies with Australia's international obligations and the expectations of our trading partners.

This submission follows the format of the Issues Paper but if asked to identify one immediate action to follow the Quarantine and Biosecurity review it would be greater coordination of action between Commonwealth and State/Territory agencies in pursuit of Biosecurity objectives.

In the current Prawn and Prawn products IRA (used extensively in the submission) only two possible disease transfer pathways were identified, namely either direct feeding of prawns to captive prawns/crustaceans or the indirect route via prawns used for fishing bait. Both possible pathways were identified over 6 years ago and both pathways could have been and should have been blocked through appropriate legislation.

The end result is that, in today's high inflation environment, Australian consumers are being denied access to affordable prawns through inexcusable government inaction.

10 points of extreme concern are summarised below and explained in detail throughout the rest of this document.

1. ALOP is a smoke screen and an effectively Zero Risk Policy is being adopted for the importation of raw prawns, yet no such application has been made to other higher risk pathways. As a result BA practices have been grossly biased towards stopping the import of raw prawns for human consumption v managing other higher risk pathways.
2. The Prawn IRA does not comply with the terms of the Sanitary and Phytosanitary Agreement of the World Trade Organization, or with the OIE Aquatic Animal Health Code due to analytical and data quality deficiencies.
3. There has been no transparency or scientific justification of the conclusions drawn regarding effectiveness or otherwise of possible management controls.
4. The fact that there is no time limit on completion of the IRA particularly given the hardship caused by the interim measures is grossly unfair to prawn importers and consumers both in cost and business disruption. With emphasis, the prawn IRA has been progressing for 10 years now and its time in progression is in stark contrast to the immediate interim measures introduced in September 2007.
5. The prawn IRA is terrestrial rather than aquatic based, a concern raised with the IRA panel and a point of disagreement.
6. The lack of Biosecurity controls in relation to Australian aquaculture operations when compared to the money and effort involved in preventing imports is staggering and disturbing despite the fact the Australian aquaculture prawns have tested positive for the same diseases, and despite the fact that BA are aware of the issues involved in Australian aquaculture operations. It is evident, there is no consistency in the application of government policy in this regard and moreover, a blind eye has been cast over more serious domestic issues and concerns.
7. Perceptions of bias, political interference and lack of independence are difficult to eliminate with the current arrangements.
8. The AQIS framework makes Australia unable to comply with our international WTO obligations.
9. BA tests for the prescribed diseases have not been more fully evaluated in relation to both sensitivity and specificity. As a result the use of a poorly specific test under the protocol proposed by BA will almost certainly produce substantial numbers of rejections of batches which are not in fact infected. This will result in economic loss to the importer and the overseas supplier.
10. BA did not seek any independent review of their findings before introducing changes to trade that have dramatic consequences.

Risk across the Quarantine and Biosecurity continuum.

SIAA supports sound scientific risk analysis, has assisted Biosecurity Australia (BA) in identifying possible risk (eg use of small imported human consumption prawns as bait), and helped identify practical border management controls.

Acceptable Level of Protection - ALOP

We support the concept of ALOP but sadly have come to the conclusion that in practice a zero rather than very low risk policy is actually applied.

Even the term very low risk is subject to change. In the 2000 Draft Prawn IRA BA state that to meet Australia's ALOP the probability of an event would need to be in the "Very Low" or lower category. The definition of the term "very low" in the 2000 IRA was "*The event would occur rarely*". In the subsequent 2006 Draft Prawn IRA "very low" is defined as "*The event would be very unlikely to occur*". This is a subtle, but important, difference.

The SIAA has been fortunate to meet with the Prawn IRA Panel members to discuss these issues but was frankly disappointed with the ultra conservative and unscientific 'if we can think of something happening we must guard against it' approach. Political comment has invariably been 'no risk is acceptable'

The 2000 IRA used a matrix (ref. Sarah Kahn) to determine whether unrestricted importation of prawns meets the ALOP. This compared probability of establishment with significance of consequence. The 2006 IRA uses the same principles but in a much more complex matrix. The same principles may apply, but both exposure and consequence have been applied to specific scenarios and BA has introduced concepts such as *Partial Likelihood of Exposure/Entry* and *Partial Likelihood of Establishment and Spread* to determine Overall Risk.

The consequence of these changes was to increase the range of prawn diseases and styles of prawns whose unrestricted import would not meet ALOP. The SIAA commissioned an independent scientific peer review of the risk analysis data from Professor Roger Morris and colleagues at Massey University. (*Peer Review of the Biosecurity Australia Revised Draft Generic Import Risk Analysis Report for Prawns and Prawn Products. R S Morris, N. Cogger, E J Peeler, L McIntyre - February 2007*)

Extracts from the Executive Summary state:

The IRA does not comply with the terms of the Sanitary and Phytosanitary Agreement of the World Trade Organization, or with the OIE Aquatic Animal Health Code. Deficiencies are identified and described which undermine the validity of the IRA as a basis for setting risk management measures which should be applied to imported prawns and prawn products. These deficiencies relate both to the use and interpretation of the scientific evidence and factual data, and to the analytical methods used.

In addition to these analytical and data quality deficiencies, the IRA has a major structural deficiency which renders the conclusions invalid. It considers all prawn products to have an unrestricted risk equivalent to whole uncooked prawns, which is inconsistent with the scientific evidence. The IRA also fails to take any meaningful account of the annual volume of trade either in total, or (as should have been done) by product categories, grouped according to their risk level. When each category of product is separately assessed, it is found that the only product which requires risk management measures is uncooked whole prawns (including headless shell-on prawns). All other prawn products achieve Australia's appropriate level of protection (ALOP) without the need for risk management measures.

Whilst the complex matrix appears to give scientific validity to the determination of which prawn product and prawn pathogen combinations do not meet ALOP, there is no attempt to scientifically justify the conclusions drawn regarding effectiveness or otherwise of possible management controls. Again the Peer Review comments:

The risk management strategies are not evaluated in an equivalent way within the same structure to determine whether their implementation would bring the risk below ALOP, or if this was done it is not reported and available for scrutiny. It appears to be simply assumed that the measures proposed are both necessary and sufficient to achieve ALOP.. The analysis should have included a pathogen-by-pathogen examination of the impact of potential risk management procedures on the overall risk and whether the managed risk fell below ALOP. It also appears that some risk management measures were discarded without proper evaluation, since when we evaluate them they are effective alone or in combination.

In summary, therefore, whilst SIAA supports ALOP it is not understood and applied in a consistent way and is most certainly more trade restrictive than required.

It is very difficult to believe the statement in the IRA handbook that: *The potential competitive economic impact of prospective imports on domestic industries is not within the scope of IRAs.*

In the prawn IRA the significant change between the years 2000 and 2006 was the increased availability of relatively cheap farmed 'vannamei' prawns. It appears that the positive impact for consumers was far outweighed by the negative impact on the Australian farmed and wild catch prawn industry and the subsequent pressure applied to tighten ALOP.

Inevitably the SIAA conclude that ALOP is used as an industry protection mechanism. There is no better example than the continued ban by the Tasmanian government on the import of salmonid products to the State in defiance of WTO rulings.

Risk Assessment Process.

Are they sufficiently timely – certainly not!

The prawn IRA has been progressing for 10 years. The gap between the 2000 draft IRA and the 2006 revised draft prawn IRA is not acceptable by any interested party. The 2006 revised draft proposed severe import controls that effectively ban all prawn imports other than cooked prawns. If such measures were warranted for Biosecurity they should have been introduced years ago. The peer review comments:

The draft IRA indicates that it is proposed to modify current interim risk management measures following the closing of the period for submissions on the draft IRA. Such precipitate action can only be taken under the SPS Agreement if there are urgent circumstances which require such action. This report shows that no such circumstances exist, and that the deficiencies in the IRA are so severe that such action is completely unjustified. The modifications proposed to the present interim import standard for prawns and prawn products are clearly inconsistent with Annex B Clause 2 of the WTO SPS Agreement, and fail to comply with the provisions of Article 5 of the SPS Agreement because of major deficiencies in the IRA.

There are no grounds for making immediate changes to the current interim risk management measures which have been in force since 5 February 2001, and any such changes should await completion of the entire IRA process. In addition, Animal Biosecurity Policy Memorandum 2001 stated that post-border measures would be implemented to complement the pre-border and border measures imposed on importers. Six years later, these post-border measures are not yet fully in place, demonstrating that there is no justification for urgently imposing additional onerous requirements on importers and trading partner countries in Asia, when commitments made by the Australian government to tighten post-border measures have still not been met.

Despite the peer review BA/AQIS have introduced the tougher controls at high cost to importers and consumers. Unusually in the IRA process the prawn IRA considers the risk from product that has continued to be imported for many years without any disease impact on domestic crustaceans.

Since the Eminent Scientists Group do not have an opportunity to comment until after the IRA is finalised and as we have no indication as to when the IRA will be finalised no comment can be made about their role.

The fact that there is no time limit on completion of the IRA particularly given the hardship caused by the interim measures is grossly unfair to prawn importers. The cost to consumers is totally ignored!

Environmental Biosecurity

The prawn IRA is terrestrial rather than aquatic based, a concern raised with the IRA panel and a point of disagreement. It usefully illustrates the 'farm mentality' and lack of appreciation of marine issues. The risks from biofouling and ballast water have been documented but not acted upon. The risk of prawn diseases from ballast water were not sufficiently considered in the prawn IRA nor was there sufficient consideration of the risks from natural oceanic migration of species with their inherent diseases.

There appears to be a simplistic and myopic view that we should concentrate on controlling the easy targets and ignore the more difficult issues. We can control what enters Australia in a container but not what migrates here or is discharged as ballast. The failure to adequately consider these issues and their likely impact on the effectiveness of any management controls is damning to the IRA process. In the prawn IRA this is particularly disturbing given the comments below in a paper co-authored by a member of the IRA panel:

Australia has been considered to be relatively disease free due to its geographical seclusion and strict quarantine policies. However, the marine environment and fauna are part of the Indo-Pacific region and as a consequence analogous pathogens will be expected to occur there as well. The natural geographic range of IHHNV is within the region of Southeast Asia and Penaeus monodon is its main host species.

This factor and the evidence provided in this and previous studies suggest that the strain of IHHNV found in penaeid prawn in Australia is endemic and it has been present over a long geological timeframe.

Kjersti Krabsetsve, Bradford R. Cullen, Leigh Owens. Dis Aquat Org 61: 153–158, 2004

The lack of Biosecurity controls in relation to Australian aquaculture operations when compared to the money and effort involved in preventing imports is staggering and disturbing. Despite the importation of many thousands of tonnes of prawns annually there has been no transfer of disease. However the prawn disease GAV now prevalent in wild catch *P. monodon* was almost certainly introduced via prawn farms and the IRA admits that the most likely way of establishing disease in wild populations is via prawn farms yet nothing is done to tighten Biosecurity at farms.

The viral ganglio-neuritis decimating Victorian abalone is believed to be an endemic virus that became concentrated in abalone farms and introduced back into the wild via farm effluent. Wherever we look world wide the close contact in farm environments has been the major contributor to establishment of disease.

The lack of effective control on prawn farm operations is of particular concern to SIAA members also involved in wild catch prawn operations.

There is an emergency response Aquavetplan for White spot virus but as far as we are aware none of the other diseases of concern to BA from the prawn IRA is of sufficient concern to the Chief Veterinary Officer.

It is also incredible to note that the feeding of prawns to prawns has not been banned.

The 2006 Revised Draft IRA states:

“In 2000, imported prawns were fed to broodstock in a Northern Territory crustacean hatchery, resulting in a national emergency animal disease response to the suspected establishment of WSSV in Australia. In that instance, the prawns, imported for human consumption, were considered to be of poor quality (based on smell), and were subsequently repackaged, unlabelled and diverted into the bait market – after which the prawns were purchased and used to feed hatchery broodstock. Although the volume of imported prawns used in this way would be very small, conditioning of hatchery broodstock with imported prawns represents a direct and potentially significant pathway by which hatchery crustaceans could become exposed to a pathogenic agent of concern.

There is also potential for whole prawns imported for human consumption to be used as feed for large adult prawns held in farm grow-out ponds until maturation. Such practices represent a significant pathway for the potential exposure of farmed prawns.”

It is important to note therefore that the 2006 draft assumes incompetence at the Australian prawn farm level. This has a direct effect on the management controls, thus cost to importers and consumers.

How is it possible that in the interim 6 years BA failed to investigate the use of prawns as feed, and failed to consider the possibility of legislation to prevent what is clearly a dangerous practice?

When did BA realise that prawns were commonly used in aquaculture feed. What action did they take? How is it that, suddenly, the situation is serious enough to warrant a ban on all whole prawn imports?

The Legislative Framework

SIAA members have no detailed knowledge of the legislative framework and can only comment on the situation seen in our daily business.

As previously commented the continued ban on imports of salmonid products into Tasmania is a clear example where cooperation in lieu of legislation has failed. The action taken by Tasmania is not necessarily opposed by all SIAA members. It could be seen as a pragmatic answer to the uncertainties in risk estimates given the importance of salmonid farming to Tasmania. The market for imported salmon in Tasmania is small and not worth an expensive challenge to the decision.

What should have happened, however, is for a subsequent risk analysis to have then taken this into consideration in determining whether the analysis and subsequent management controls remain valid for the rest of Australia. Should this have allowed imports of any form of salmon into Western Australia or Queensland where salmon farming is not an option?

Conversely in the prawn situation, this would lead to no restrictions on the imports of prawns to Tasmania and probably Victoria.

Whilst accepting the difficulties in maintaining border controls in mainland Australia, the Australian public is denied access to affordable seafood based on protection of small isolated aquaculture operations. In many cases the 'using a sledgehammer to crack a nut analogy' is appropriate. There should be a simpler and more pragmatic way of ensuring risk is minimised at the local level without disadvantaging the whole of Australia.

We commend the review team to encourage dialogue between States, Territories and the Commonwealth to identify the mechanisms for improved internal border protection. Zero risk could be applied in localised areas where nationally trade is not impacted.

Note from the IRA handbook: The objective of the Australian biosecurity policies referred to in this handbook is the prevention or control of the entry, establishment or spread of pests and diseases that will or could cause significant damage to human beings, animals, plants, other aspects of the environment, or economic activities.

This requires consideration of establishment and spread yet makes no demands on 'authorities' to act in that regard. Unfortunately there is no true independence as State

authorities are more inclined to protect their local industries than act in the national interest

Whilst transfer of endemic diseases is outside the terms of reference we are aware of concern about the risk of transfer of existing endemic prawn diseases from Queensland to Western Australia by members of the Prawn IRA panel. Improved internal border protection would benefit all.

Jurisdictional and Institutional Arrangements

Perceptions of bias, political interference and lack of independence are difficult to eliminate with the current arrangements.

The Prawn IRA panel that prepared the revised draft included a scientist holding an acknowledged consultancy with an Australian prawn farm, a scientist employed by the Western Australian Fisheries Department, and a senior DAFF bureaucrat involved in negotiating access for Australian fisheries produce.

The attempted influence by politicians is recorded by Hansard and the review panel is encouraged to read transcripts of the Senate Rural Estimates Committee hearings dated the 14th February 2007 and 18th February 2008.

A flavour of the 2008 discussion can be judged from the following extracts:

“Senator SCULLION—When will you be moving to simply ban the importation of any uncooked prawns given the results that you have just had in the 100 per cent testing?”

Mr Cahill—..... Biosecurity Australia is still working to finalise the IRA, and of course the experience that you have talked about will be a relevant consideration in finalising the IRA.

Senator HEFFERNAN—Why were they bellyaching the way they were? It was going to be the end of Chinese tucker and all the rest of it about the ban on imported green prawns, when in fact they are not banned.

Senator BOSWELL—I have a question on prawns. The reason that you were approached to take this action was that there was a concern that these prawns that were coming in from various places were cheap and that they presented a risk for being used as bait. That was the reason that it was presented to you. These prawns were coming in cheaper than Australian bait and you could use them as bait and they would end up presenting a risk to our wild catch. They can still be used as bait if they are coming in as shelled prawns. They still are cheap and they still represent a risk of being used as bait. A peeled prawn is just as an attractive a bait as a prawn with shell on it.”

There is also the perception that BA and AQIS are separate departments in name only and that BA recommendations are automatically adopted by the Secretary of the Department.

In the prawn IRA the onus of proof to show SPS measures are required certainly has not been discharged by AQIS and these should have been checked prior to any introduction of border control measures and exposing Australia to WTO action. For example, the

lack of challenge tests for the pathogens of concern PRIOR to the IRA release and the introduction of border controls is a very curious result. How can AQIS assert a pathway that has not been actually demonstrated (injection of pathogen is not the same as ingestion). Furthermore, where is the evidence that commercial prawn farmers are using prawns as feed?. If AQIS is separate from BA we see no evidence of independent enquiry.

SIAA believe that a statutory authority responsible for Quarantine and Biosecurity would achieve two important objectives. Firstly it would remove the perception of government interference and secondly remove the perception of bias from the hard working members of BA who themselves must find the current arrangements unsatisfactory.

As indicated in the introduction the single biggest problem appears to be the lack of appropriate interaction between BA and relevant Commonwealth, State and Territory Government Agencies. The identification of reckless feeding practices in an NT research establishment and the lack of action to ban such practices has already been referred to, but in the context of jurisdictions and cooperation note the following extract from the Biosecurity Australia Policy Memorandum 2007/16 advising further restrictions on prawn imports:

“Biosecurity Australia will re-assess the quarantine risk if legislation were to be introduced and enforced in all States and Territories to prevent the practice of feeding prawns to crustaceans in hatcheries, farms, research institutions and public aquaria.”

Clearly BA do not/did not consider it to be their responsibility to bring the relevant parties together to action this simple piece of legislation.

Going further back in time; in response to the technical issues paper released in 1998, the RAP (1999/20) agreed to consider *“State legislation controlling the movement of prawns and prawn products”*.

If the RAP considered the issue we were never advised.

In another critical example from the prawn IRA, BA promised action in relation to bait use but (again) nothing happened. Animal Biosecurity Policy Memorandum 2001/06 introduced tighter import controls supported by SIAA in part because of the commitment to the:

- *development of an education campaign together with States and Territories for bait wholesalers, recreational fishermen and restaurants*
- *development of codes of practice with industry for importers and domestic producers of prawns in the handling of waste*
- *working with States and Territories towards imposing post-entry controls to prevent diversion of imported prawns for bait*

The impact of this inaction on prawn importers has been nothing short of catastrophic as virtually no raw prawns are being imported. Whilst this is a bonus for Australian farmed

and wild catch prawn suppliers it is to the detriment of Australian consumers forced to pay 25% more for prawns now than they did 12 months ago

The Role of AQIS

SIAA members generally enjoy a positive working relationship with AQIS and the SIAA is an active member of the Imported Foods Consultative Committee.

The role of facilitator and regulator can be difficult but whilst the quarantine regulations impacting on seafood may be AQIS legislation it is recognised that the advice was provided by other agencies such as BA.

The AQIS framework makes Australia unable to comply with our international WTO obligations. Australia is bound to take the most cost effective measure but AQIS does not have the power to do so. AQIS needs power to enforce post border controls. This requires a complete revamp of AQIS powers or Australia will continue to suffer WTO disputes as the AQIS framework is incompatible with our international obligations.

Similarly in the imported Foods Program the standards and risk categorisation have been set by FSANZ. Importers merely note that the level of control and testing of imports far exceeds any requirements for domestic producers.

A single agency, such as AQIS, handling quarantine and food safety for importers is considered a benefit. The SIAA has no strong views as to whether a conflict arises between AQIS role in export facilitation and import regulation. In principle AQIS involvement with Australia's trading partners for export should also assist with imports from those same partners. Having staff familiar with both import and export issues is probably useful.

It should be emphasised that SIAA supports the role of quarantine in Australia. However, like other public concerns, quarantine must be moderated against Australia's agreed international WTO obligations, WTO rules and be enforced in a manner that supports other public priorities such as consumer confidence and fair competition.

Culture, efficiency and resourcing

SIAA members are committed to providing Australian consumers with quality imported seafood. We are alarmed by media reports where disallowed or contaminated products are found in the market place.

There is a difference between having a regulation and ensuring that is appropriately managed or policed. Take customs tariff codes as an example. In the early days of the prawn IRA the SIAA pointed out to BA that their import statistics for different styles of prawns were woefully inaccurate. The cause was customs tariff codes that failed, for

example, to distinguish between whole raw prawns and peeled raw prawns, items with very different disease risk profiles.

The SIAA recommended changes to the code systems to clearly identify the produce of concern but only some of these were subsequently adopted. Thus recently the SIAA has had to provide BA with further statistics to correct errors with their figures.

If we are unsure what is being imported how can this be managed? There have also been occasions where IRA panel members have shown no understanding of the processes in importing countries. Where there is lack of knowledge this should be filled by co-opting people, perhaps the importers themselves, to assist.

Lack of enforcement by AQIS encourages rogue behaviour amongst importers who take advantage of AQIS' inaction. Failing to check actual contents of containers encourages rogue importers to smuggle items. Laws that require arbitrary percentages of marinade undermine the ability for trade weight legislation to be enforced. Lack of visual inspections of new format marinades has allowed questionable products to be imported.

There needs to be a complete review of the cost/effectiveness of pre-border, border and post border strategies. There is a naive assumption that factories in Thailand and Vietnam are not as 'foodsafety' as Australian equivalents. Usually the converse is true where the standards and application/certification of food safety practices far exceeds those in Australia. There is a reluctance to accept government to government certification and little use of third party documentation.

The SIAA also recognises that AQIS have been charged with extra responsibilities in relation to quarantine without additional resources and facilities. Once more using the prawn IRA example the recent imposition of interim measures that involve testing all shipments for 3 different prawn viruses has led to chaos. The situation is not helped by introducing tests that only a couple of laboratories in Australia can perform and for which performance criteria and checks to avoid false positive results are sadly lacking.

Professor Morris' Peer Review notes:

Since BA plans to require imported prawns to be tested for WSSV, YHV and IHHNV, it is a surprising omission that the tests have not been more fully evaluated in relation to both sensitivity and specificity, since use of a poorly specific test under the protocol proposed by BA will almost certainly produce substantial numbers of rejections of batches which are not in fact infected. Under the SPS agreement, Australia is obliged to identify the least trade restrictive sanitary measures which will reduce the assessed risk to an acceptable level. The use of tests with poor specificity will result in consignments being incorrectly identified as infected, with consequent loss of trade

Communication and Consultation

Comments on ALOP were made earlier in the submission. In the context of communication the best that can be offered is that the concept of ALOP seems to be poorly understood by those who are using the term in their 'scientific' risk assessments.

The SIAA was grateful to the IRA panel for taking the time to meet and discuss the current prawn IRA. If the aim however was to “increase the transparency and rigour” of the risk analysis then this was not achieved. We did though learn that great importance was being given to the feeding of prawns in aquaria, an issue barely mentioned, if at all, in the IRA documents!

The revised prawn IRA was to include responses to the submissions from the original draft IRA but none were provided. No deadline has been set for completion of the Prawn IRA despite the process having been ongoing for nearly 10 years.

The SIAA is a member of and strongly supports the Imported Foods Consultative Committee. The committee provides an opportunity to discuss the best ways of achieving the necessary assurance of safety and wholesomeness for imported food in the least disruptive way for importers and has made much progress.

As QEAC was set up following the Nairn review but after completion of the salmonid IRA we have yet to judge their involvement in the IRA process. We are unsure of their terms of reference for the IRA process and therefore what value QEAC may or may not add to ensuring the outcomes are fair and valid.

With regard to education and awareness campaigns unfortunately SIAA members are paying the price of the failure of BA to comply with their promised “*development of an education campaign together with States and Territories for bait wholesalers, recreational fishermen and restaurants.*”

Research

In support of the salmonid and prawn IRA process BA commissioned research in a number of areas and as far as we are able to judge that research was soundly completed and provided valuable input.

Whilst there will always be budgetary constraints, SIAA believes that in the case of the prawn IRA the failure to commission research into the susceptibility of Australian crustaceans to so called ‘exotic’ IHNV virus was a major failing of the IRA.

A further criticism was the interpretation by BA of research findings noting particularly the weighting given by BA to the finding of any use of peeled prawns for bait in the Kewagama bait research.

The prawn IRA contained numerous references to ‘personal communications’ and ‘anecdotal evidence’ that severely limit the scientific credibility of the report. If the issues are important to the conclusions they must be fully researched.

There should be communication between R&D Corporations and AQIS/BA to develop complementary research priorities with the aim of establishing the true health status of Australian produce in comparison with imports.

For seafood, given the oceans cannot be quarantined and given the risks with ballast water and hull fouling, disease incursion is more a question of 'when' rather than 'if'. Rather than spending time and money on extreme and possibly ineffective preventive quarantine strategies perhaps the money could be better spent developing vaccines or selectively breeding strains resistant to the threats.

Review

The fundamental problem currently faced by the SIAA members importing prawns is that their business is being destroyed before the review process can be activated.

The majority of IRAs relate to the import of produce currently restricted entry to Australia. In the prawn IRA existing long term trade in prawns for human consumption has been stopped by the interim measures introduced during 2007. Repeating some of the comments from the peer review of the revised draft:

There are no grounds for making immediate changes to the current interim risk management measures which have been in force since 5 February 2001, and any such changes should await completion of the entire IRA process. In addition, Animal Biosecurity Policy Memorandum 2001 stated that post-border measures would be implemented to complement the pre-border and border measures imposed on importers. Six years later, these post-border measures are not yet fully in place, demonstrating that there is no justification for urgently imposing additional onerous requirements on importers and trading partner countries in Asia, when commitments made by the Australian government to tighten post-border measures have still not been met.

In summary, the draft IRA fails to provide a sound basis for protecting Australia's biosecurity status, yet proposes the implementation of measures which are not validly based on scientific evidence and would clearly be in breach of Australia's obligation under the WTO Agreement and the SPS Agreement not to apply sanitary measures in a manner which would constitute a disguised restriction on international trade.

BA did not seek any independent review of their findings before introducing changes to trade that have dramatic consequences and may be difficult if not impossible to reverse once the review process is complete. It is an indictment of the Australian IRA process that so many result in a final review as a WTO challenge particularly noting the number of occasions where the WTO backs the challenge.

We understand the Eminent Scientists Group is only concerned with the application of scientific principles and not the conclusions drawn. There is an Import Risk Analysis Appeals Panel but again it is not clear what scientific analysis rather than process they would consider for appeal.

The SIAA believes that only an independent and international scientific peer review of Import Risk Analyses will provide the confidence in the conduct of the analysis and the conclusions derived.