

Submission Quarantine and Biosecurity Review

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Supporters of the National Civic Council have been concerned at the state of Australia's quarantine standards. These people have been concerned at a constant theme encountered in their correspondence and conversations with politicians, including ministers, policy advisors and quarantine officials on quarantine matters.¹ The repeated theme goes as follows:

Australia cannot have zero risk on trade. That is impossible because Australia receives millions of incoming travellers annually. It is impossible to stop every possible incursion of an exotic disease or pest when dealing with so many people. Therefore, we can only have managed risk at a low level. We are a trading nation and as such we cannot use quarantine as a trade measure to exclude imports ... After all, we are a trading nation, so we have to be prepared to accept other countries exports if we expect them to take our exports. Australia could be taken to the WTO for using quarantine as a trade barrier.

This repeated mantra is a fatally flawed statement, which appears to underpin what has become a disastrously lax attitude to quarantine security, as evidenced in particular by the equine influenza inquiry.

1. Trade in tourism vs trade in bulk food imports.

The above statement clearly infers that because Australia can only have "very low risk" of the entry of a exotic diseases/pests from Australia's trade in tourism, consequently Australia has to accept the same "very low risk" of trade in bulk imports of food products that could also bring in those same exotic diseases/pests.

This is a false equation. There can be a far greater risk of importing diseases though bulk product imports than from trade in tourism. The possibility that a small number of visitors from New Zealand may bring into Australia apples contaminated with the disease fire blight cannot be equated with a trade decision to allow into Australia say 12 million apples from NZ. Consequently, while we may only be able to achieve "very low risk" on trade in tourism, we can achieve "zero risk" on trade in bulk food imports by refusing entry of those products.

In fact, there is one area where Australia does insist on zero risk on bulk imports. Australia has a complete ban on imports of unprocessed beef from all countries with mad cow disease and food and mouth disease. Australia does not accept very low risk on imported unprocessed beef; rather it insists on zero risk on bulk trade in such products.

This begs the question, if this can apply to the beef industry, why can't it apply to other industries at risk from diseases imported through bulk imports; diseases that can equally devastate other industries?

2. We are at risk of being taken to the WTO for using quarantine as trade barrier

So what? So long as Australia can demonstrate sound scientific reasons that there is a risk of importing a significantly dangerous pest/diseases from a bulk imported product, then Australia is entitled to set its quarantine bar as high or as low as it chooses. So long as this process is diligently pursued, then Australia has a perfectly defensible position.

If the science on a particular issue is unclear and the risk of damage to an industry is great, then Australia is entitled to use the quarantine precautionary principle to exclude such products until the science does become clear.

3. We are a trading nation, so we have to accept other nation's exports

(a) This statement is turning quarantine into a trade issue, when under WTO rules and the international sanitary and phytosanitary rules, quarantine is not a trade issue. Our members have received such statements even from federal ministers, who ought to know that quarantine is not to be confused with trade issues.

Australia is not obliged to accept imported products that could threaten its clean industries and its environment.

(b) This statement implies that Australia could be punished by other nations refusing to purchase our product, in retaliation for the legitimate application of our quarantine rules.

Have there been any such past cases? If any trading partners do retaliate against our quarantine standards, it would be illegal under WTO rules. Surely Australia's redress would be to take the case to a WTO disputes committee, rather than to relax our legitimate quarantine measures in the face of threats. It is a futile exercise to give in to threats in any negotiation.

(c) The statement also implies that this risk of retaliation means that our high quarantine bar is a potential trade disadvantage, because it could cost us export markets. To the contrary, our quarantine rules give us a huge, **legitimate**, competitive advantage. Many trading partners buy from us precisely because of the purity of our products. If we allow Australia to be the captive of trade threats and our produce to be downgraded by exotic diseases, we actually allow ourselves to become party to the destruction of an important trade advantage based upon clean product differentiation. And that is the most important advantage any trading country can enjoy.

Why this confusion between quarantine and trade issues?

Quarantine is not a trade issue, it is a security issue requiring skills in the science of exotic diseases and pests, veterinary skills, skills in the preventions of transmission of diseases and pests, and enforcement skills. Unfortunately, it has become confused with trade issues being under the department of agriculture, which has a focus on marketing and exports. It has come under the undue influence of international trade issues.

This confusion has involved politicians, advisors and even quarantine officials becoming confused about the role of quarantine. Hence the following recommendations:

Recommendations

1. The Australian Quarantine and Inspection Service and Biosecurity Australia should operate as a single statutory body, such as Quarantine Australia, as recommended by the Australian Quarantine Review Committee in 1996.

2. Senior officers in the statutory quarantine authority (CEO and Deputy CEOs) must have appropriate scientific qualifications in quarantine management and direct experience with exotic diseases, or law enforcement.

3. To separate quarantine from trade issues, the statutory quarantine authority should be responsible to the Federal Attorney-General or Minister for Home Affairs (as are the Customs Service and the Australian Federal Police), not the Minister for Agriculture.
4. To ensure transparency in the conduct of Import risk analyses which potentially affect the economic future of primary industries, these should be conducted by a properly established judicial body, headed by a Federal Court judge.
5. There needs to be a proper education of politicians, advisors and other significant quarantine stakeholders as Australia's quarantine rights and of the separation of quarantine from trade issues.

Endnote

1. One such letter from a leading Federal minister in recent years, stated in part:

“Australia must maintain its conservative approach to quarantine” and that “Australia is entitled to set high quarantine standards...”

The letter continued:

- (b) That Australia's policy is “the management of risk to an acceptably low level”; that it is “impractical to have a zero risk approach to quarantine” because there is always some risks associated with tourism, international travel and trade, which involve some movement of people, animals and plants into Australia.
- (c) “Quarantine policies are developed using the latest available scientific information ...”
- (d) “... we cannot expect trading partners to take our produce if we are not prepared to apply the same rules to their products, nor could we be optimistic about new markets opening up.”