

## **Quarantine and Biosecurity Review**

There are a number of aspects of your terms of Reference that I would like to comment upon based on my experience with AQIS, and more lately as a consultant, where I have over the past twelve years undertaken quarantine or food safety related projects in around fifty countries.

### **Quarantine Legislation**

The current legislation is in need of a complete rewrite but that is an enormous task and maybe selective amendments are a better option. Potential amendments that are suggested include:

- The Act would benefit from a broad statement relating to risk along the following lines

“Prohibition of importation of regulated articles – The Chief Executive Officer may by order, if of the opinion that there is an unacceptably high level of biosecurity risk in respect of goods and following receipt of appropriate scientific advice, prohibit the importation of goods, either generally or from any specified place and either absolutely or subject to such conditions or restrictions, as may be specified in the order.”

The terms “biosecurity” and “regulated articles” would require definition.

- Introduce the term “Authorized Officer” to the Quarantine Act paralleling its use in the Export Control Act 1982 as both Acts are administered by AQIS;
- Delete the word “any” from Section 52A(3) as it implies a no risk approach and as such appears inconsistent with our obligations under the WTO SPS Agreement;
- Introduce a similar section in the Quarantine Act to Section 22 in Export Control Act 1982 to protect Officers acting in good faith.

### **Operations at Airports and Seaports**

I have held the view for many years that too much attention is paid to screening at airports compared to seaports when in fact the greater risk of an exotic incursion is at the latter.

My views have only been reinforced by entering through Sydney International six times in the second half of 2008 and generally been subject to long delays which are partly attributable to the intensive quarantine screening carried out and partly to the fact that the physical area between the baggage carousels and the marshalling area is far too small. The latter is an issue for the Sydney Airports Corporation.

I have previously suggested that introducing a system whereby frequent travellers (and I class myself as one) who are prepared to sign an ongoing declaration that they will observe quarantine restrictions should be able to enter subject only to a random check every now and then to ensure that they are honouring their obligations. By all means introduce a higher penalty either on the spot or legal proceedings where a significant quarantine breach is identified by a random check and remove that person's ability to "speed enter" for a period. I am attracted to the "carrot and stick" approach and believe it can be extended to many areas of import quarantine and export inspection / certification.

A recent example involving my sister who entered Australia through Sydney on 7 February this year has only reinforced my views that airports are over serviced by AQIS. In her case she omitted to declare a packet of Marks and Spencer boiled lollies and was given a thorough dressing down by a female Quarantine Officer who also issued a formal warning notice for the transgression. While I broadly accept that lollies can be regarded as a food (although the definition of food is open to interpretation) it seems to me that this particular instance hardly warranted the time taken to conduct the dressing down and issue a formal warning notice. If there is time available to worry about this sort of thing then AQIS risk profiling at Sydney airport is not up to scratch.

## **Risk**

Australia generally has a good reputation for the processes it uses to evaluate risks as far as imports are concerned. However, we also are regarded poorly by many countries for the incredibly small risk we are prepared to tolerate with certain commodities such as apples, chicken meat, pork, bananas and salmon. I have no doubt the WTO dispute process will sort out all of these in the years ahead and the consistency of Australia's approach will be a key issue. On the one hand we apply an extraordinarily low risk to commodities such as those mentioned and on the other hand we have at times gaping gaps in other biosecurity arrangements. A good example of a gap would be our approach over the years to the importation of aquarium fish.

Essentially with "contentious" imports we have been defining our own risk tolerance through political mechanisms. Poultry imports is a classic example where in my opinion, the risk from migratory birds far exceeds any risk associated with the controlled importation of product produced in good facilities where the birds have been sourced from secure facilities.

In effect we are diminishing our scientific reputation in the field of biosecurity, when in reality if we wish to limit or exclude contentious products we should be looking to do that with economic trade restrictions.

It would be nice to think that more could be done to reduce the restrictive biosecurity conditions associated with what I regard as "political diseases". Bovine Spongiform Encephalopathy (BSE) would be a typical example where the risk to humans is minimal compared to many other diseases but the trade

risks are extraordinarily high and not warranted based on reasoned science. In not seeking a more reasoned approach to this issue Australia's cattle industry will always be at risk of a single isolated case causing serious trade dislocation.

In some cases, and bananas is a good example, sourcing product from developing countries in our region under appropriate conditions would prove far more valuable than any development assistance provided. There are concerns about the political stability of near neighbours and providing jobs and exports to countries like ours will enhance rather than detract from stability.

### **Economic Analysis**

It is time that a rigorous economic analysis process was applied to import risk analysis in terms of the costs and benefits not only to producers but also to consumers is concerned. I suspect that many, if not all, of the contentious products I would fail a test of rigorous economic analysis insofar as preventing their entry to Australia.

### **Shared Responsibility**

Previous reviews of quarantine have emphasised shared responsibilities, as there is no way that AQIS through its own efforts can maintain the level of biosecurity freedom that would be required.

The Equine Influenza incident is a good example of where sharing responsibilities did not work well. In my view the imported horse that introduced the disease should never have been imported in the first place, and clearly the exporter and importer have responsibilities here.

The introduction of babesiosis to New Caledonia in recent months (for the second time in 20 years) via live Australian cattle exports is another example, although this time involving AQIS export certification procedures

There is a case for legislatively placing legal liability provisions on importers (and exporters) who do not adhere to approved conditions.

### **Controlled Imports**

In the main controlled imports, that is those subject to biosecurity conditions, have rarely led to an exotic pest or disease incursion. Exceptions are rare although Equine Influenza clearly must be recognised as one.

Uncontrolled imports, eg smuggling, still pose the greatest biosecurity threat to Australia and we do need to examine whether a realistic approach is being taken to the issue of uncontrolled imports. The airport / seaport issue I have commented on above is integral to any consideration of this subject. While AQIS are now scanning close to 100% of passenger baggage the percentage of cargo screened to the same degree is nowhere near this figure. Even with

scanners, dogs and intuitive screening even with airport passengers there are ways available to deliberately transgress quarantine requirements for articles such as seeds and bud wood.

The key to having a balanced approach to controlled imports (and market access) is either having within AQIS / Biosecurity Australia the necessary scientific capacity or being able to access this expertise externally.

### **Cost Recovery**

In a submission to the Equine Influenza Inquiry I observed that costs at Eastern Creek Quarantine Station for live horse imports were \$10 a day. This is a ridiculously small cost even taking account of the specific labour and other inputs of the importer.

Wherever possible the cost of developing (and keeping under review) import conditions for genetic material should be factored into the cost of future imports.

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