



Apple & Pear Australia Ltd

Public Submission to the Quarantine & Biosecurity Review

Apple & Pear Australia Limited

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Contents

Executive Summary	5
1. Introduction	7
1.1 Australian Apple & Pear Industry	7
1.2 General Position	7
1.3 Approach to This Review	8
1.4 Timing of Biosecurity and Quarantine Activities	9
RESPONSE TO THE ISSUES PAPER	10
2. CURRENT ARRANGEMENTS TO ACHIEVE AUSTRALIA'S APPROPRIATE LEVEL OF PROTECTION	10
2.1 Australia's ALOP	10
2.2 Trade Versus Quarantine	10
2.3 The Climate of Changing Risk	10
2.4 The Level of Risk and Transference of Risk	11
3. IRAs – PUBLIC COMMUNICATION, CONSULTATION AND RESEARCH & REVIEW PROCESS	12
3.1 Communication Issues	12
3.2 Sufficiency of Science	12
3.3 The Social and Economic Costs	13
3.4 The Three Areas of Risk	13
3.5 Appeals	13
3.6 Consultation on Environmental Issues	13
3.7 Consultation with States	13
3.8 Internal Inconsistency	14
3.9 Eminent Scientists Group (ESG)	14
3.10 The Risk Matrix	15
3.11 Industry Expertise is an Untapped Resource	15
3.12 Political Pressure From Stakeholders	16
4. RESOURCING LEVELS AND THEIR ALIGNMENT WITH RISK IN DELIVERING REQUISITE SERVICES	17
4.1 Resources	17
4.2 Stakeholders Need to Be Included	17
4.3 Contingency Plans	17
4.4 Diagnostic Protocols	17
4.5 Human Resources	18
5. GOVERNANCE AND INSTITUTIONAL ARRANGEMENTS TO DELIVER BIOSECURITY, QUARANTINE AND EXPORT CERTIFICATION SERVICES	19
5.1 Surveillance	19
5.2 Separation of BA and AQIS	19
5.3 Quarantine Borders	19
6. CONCLUSION	20

Executive Summary

Apple & Pear Australia Limited is the peak industry body representing all apple and pear growers in Australia. APAL is an active member of Plant Health Australia and was the first industry body to sign the Emergency Plant Pest Response Deed (EPPRD).

Much of this submission arises from APAL's experience of dealing with AQIS and BA over the period of more than 20 years that the New Zealand apple import activity has been underway.

APAL is a member of the Horticulture Australia Council and as such supports the submission made by that body. This submission presents information from the point of view of the apple and pear industry in reinforcement and embellishment of the HAC submission.

APAL is of the opinion that a closer focus on industry and the role that industry plays in biosecurity and quarantine matters would be of great benefit. This review needs to look in some detail at the expected and required contribution of industries and industry peak industry bodies (PIBs) in the case of an incursion, the problematic ability of industries to provide the resources required and methods to ensure that the readiness level within industries can be established and maintained.

It would seem to be appropriate that all pending and recently announced IRAs should be suspended or not commenced until such time as this review has been completed and its recommendations considered.

In relation to the ALOP, the apple and pear industry's concern is that the ALOP is difficult to understand and express, and the industry needs a better explanation of the concept expressed in practical terms.

The need for IRAs to focus on the "least trade restrictive" criterion can lead to taking softer phytosanitary options than would otherwise be considered wise. Focusing on the science of the situation and decisions regarding what is best for Australia and what will meet the ALOP would be more likely to deliver decisions in which growers could have confidence..

When fire blight outbreaks occurred in Australia (in 1997) it was clearly demonstrated that the risk of importing the disease was already unacceptably high even before commercial imports even commence. Despite this demonstration of unacceptable risk levels the IRA for New Zealand apples did not change.

It is respectfully suggested that this review needs to consider ways in which farmers and communities can be assured of assistance to recover from the financial and economic aftermath of an outbreak of a major plant pest or disease.

PIBs require significant resources and time to provide meaningful responses to IRAs and yet, under the current arrangements the whole document needed to be researched, compiled and completed in 60 days. Adequate communication between BA and stakeholders would allow appropriate expertise to be prepared prior to the release of the final document.

Speeding up the IRA process and improving that international reputation must be about good science produced more quickly and absolutely cannot be about cutting the time that stakeholders have to respond to the material produced by BA.

BA seems to want to produce a final IRA and protocols even when the science of the situation being considered is vague or in a state of rapid change.

The appeals process following the publication of a final IRA needs to be thoroughly reviewed and made independent of DAFF personnel.

The native Australian environment is unique and too precious to risk by engaging a less than thorough and transparent process of assessing risks in any IRA.

The state departments of primary industry would normally only respond to an IRA if they have a need to put a contrary view and yet their efforts appear to have little impact on BA..

The internal quarantine procedures within Australia are much stricter than the procedures being considered by BA in terms of imports.

There is an inconsistency between the way Australian states treat each other in quarantine matters and the way Australia as a whole treats them. For example, New Zealand was a state of Australia then apple from that state would not be permitted entry into any other state.

The ESG needs to be given the responsibility to review all available science in order to assure the Australian government and people that full range of science that could impact on the outcome of an IRA has been taken into account. To do this it should also be given freedom to delve into the science independently to decide if anything of significance has been overlooked by BA or the industry. The ESG should also have a significant say in whether or not the available science is an appropriate base upon which to make any decision to permit importation and, if it is not, to make recommendations on further research that needs to be carried out to achieve an appropriate level of scientific confidence.

The risk matrix needs to be revised to take into account "hot spots" of pest activity. At the moment it only considers "average" levels of risk.

Any activity suggested as a protocol for importing product is decided by a predominately office-based person but needs to be trialled in the field and industry assistance is available to do this, but industry is never approached to provide this assistance.

In all import situations the final decision and the responsibility for the decision must ultimately rest with the Minister and with the government of which s/he is a member.

It is respectfully suggested that this review should recommend an assessment of the circumstances surrounding each recent major incursion to discover the gaps and shortfalls in the system with the intent of allocating further resources or reallocating existing resources.

This submission respectfully suggests that the review committee requests the Minister to give a public report every six months on the progress made towards implementing the final recommendations of this review.

There is a need to establish contingency plans for incursions of economically significant or particularly virulent pests. The need for such plans is that, in the event of an incursion, action must be taken quickly and must not be bogged down in industry politics or responsibility shifting where major decisions must be made.

Identification criteria, pictorial examples and diagnosis protocols for emergency plant pests are vital tools. Although the establishment of these tools is not easy because, by definition, they are not available in Australia, this is a vital area of activity and investment for the Biosecurity and Quarantine sector.

There is a need to address the current shortage of Australian scientific expertise in the areas of exotic pests and diseases.

The Australian apple and pear industry respectfully requests this review to recommend that the mechanisms for crop surveillance regimes be set up by governments in a uniform manner and at the earliest possible date. This action will provide industries with the confidence they need to undertake their part in the surveillance activity.

There is a strong need to keep BA and AQIS as separate entities.

State borders are rarely the appropriate demarcation for any quarantine activity required within Australia.

1. Introduction

1.1 Australian Apple & Pear Industry

Apple & Pear Australia Limited is the peak industry body representing all apple and pear growers in Australia. APAL is an active member of Plant Health Australia and was the first industry body to sign the Emergency Plant Pest Response Deed (EPPRD).

For a long time APAL and its members have been involved in working to prevent the importation of apples from New Zealand. The Australian apple and pear industry opposes the move to bring New Zealand apples to Australia because it has a view that such imports pose an unacceptable risk. In this case the risk is that the devastating disease "fire blight" (*Erwinia amylovora*) will be imported with the apples.

Much of this submission arises from APAL's experience of dealing with AQIS and BA over the period of more than 20 years that the New Zealand apple import activity has been underway.

APAL is a member of the Horticulture Australia Council and as such supports the submission made by that body. This submission presents information from the point of view of the apple and pear industry in reinforcement and embellishment of the HAC submission.

Australia produces about 275,000 tonnes of apples and about 160,000 tonnes of pears (source ABS 2006, ABS 2007). There are apple and/or pear growing regions in all six states. The total annual value of the industry at farm gate is between \$530 million and \$680 million. (source "Apple & Pear Growing in Australia" published by IBIS World December 2007)

1.2 General Position

APAL supports the HAC position on the provision of a Quarantine and Biosecurity system for Australia. The major points of that position are that an Australian quarantine regime should:

- Involve consultation with the horticulture industry on all critical aspects of biosecurity management which impact on industry.
- Take all reasonable steps to identify quarantine risks (whether from imports, or domestic movement of produce between jurisdictions).
- Take a conservative approach to managing quarantine risks based on an Australian appropriate level of protection (ALOP) which sets a low level of risk.
- Communicate the ALOP to the horticulture industry to secure the industry's understanding of the measures in hand or recommended.
- Pursue a risk analysis process which is based on high quality science supported by scientific review and contestability as appropriate.
- Pursue a risk analysis process which is transparent to industry with opportunity for formal and informal discussion and input at multiple stages.
- Pursue a risk analysis approach which is timely through minimizing delays and alleviating international and domestic pressures on the system.

- Include an economic consequence analysis concurrent with the risk analysis to the extent appropriate, including the economic consequences which may result from a disease or pest incursion.
- Involve industry in the process of receiving and prioritizing import requests which is part of the government agency approach.
- Maintain a quarantine operational process which does not allow for the incursion of pests and diseases through regulated pathways – including a transparent process for incursion responses and preparedness.
- Require that government agency inspection performance is to a consistently high standard and is supported by work plans which are clear and unambiguous.
- Require that government agency quarantine inspectors are effectively trained and make decisions on the basis of experience and that such decisions are consistent between locations of same quarantine status.
- Strengthen and maintain a close integration between quarantine policy and operational functions.
- To ensure transparency and generate confidence by industry, maintain the best possible communications processes between the government agency and the horticulture industry on quarantine policy and operational matters.

The Australian apple and pear industry welcomes the opportunity to provide a response to the Issues Paper released by the Quarantine and Biosecurity Review Panel on 14 March 2008 on the appropriateness, effectiveness and efficiency of:

- Current arrangements to achieve Australia's appropriate level of protection;
- Public communication, consultation and research and review processes;
- Resourcing levels and systems and their alignment with risk in delivering requisite services; and
- Governance and institutional arrangements to deliver biosecurity, quarantine and export certification services.

1.3 Approach to This Review

This review and the issues paper that has been released as part of the process focuses almost exclusively on government – government processes, government structure and government actions. APAL is of the opinion that a closer focus on industry and the role that industry plays in biosecurity and quarantine matters would be of great benefit. Since the inception of PHA and the negotiations surrounding the EPPRD, there has been general recognition that the plant-based industries are in partnership with government and those industries will need to provide both human and financial resources in the case of any incursion response. This contribution will be made additionally to the financial pressures placed on industries and industry bodies and the emotional pressures that will be experienced by individual industry participants during such a response. The EPPRD and the support for PHA recognises that industry participation is an integral and equal part of the process and yet, in its initial stages, this review will not deal with industry participation and the ability of industry to participate in the quarantine and biosecurity activities that take place in Australia.

Should there be an outbreak of a significant apple and/or pear disease, the resources of even a well-resourced industry like apples and pears, will be very thinly stretched. It is difficult, if not impossible for small primary industry groups (like APAL) to keep the required staff and industry personnel trained and ready for any incursion.

A significant incursion event will also stretch the financial resources of both APAL and the industry as a whole.

This review needs to look in some detail at the expected and required contribution of industries and industry peak industry bodies (PIBs) in the case of an incursion, the problematic ability of industries to provide the resources required and methods to ensure that the readiness level within industries can be established and maintained.

1.4 Timing of Biosecurity and Quarantine Activities

Recently the apple and pear industry has been notified that requests to export apples to Australia from both China and the USA have entered the Import Risk Analysis (IRA) process and will be dealt with within a time frame of 30 months. Several other IRAs have also been announced recently.

The Australian apple and pear industry is curious to know why IRAs should be commenced just prior to this major review of Quarantine and Biosecurity. Would it not be better to await the outcomes of the review, especially given that the review is to take place over such a short time frame?

The announcement regarding new IRAs gives the appearance that BA is keen to deal with the requests under the current regime and rules and is unsure and unwilling to undertake the activity under any new set of rules or recommendations that may arise from the inquiry.

It would seem to be appropriate that all pending and recently announced IRAs should be suspended or not commenced until such time as this review has been completed and its recommendations considered. The current actions give every appearance of unseemly haste on the part of BA and possibly reflects BA's inability to act in a changing environment.

RESPONSE TO THE ISSUES PAPER

2. CURRENT ARRANGEMENTS TO ACHIEVE AUSTRALIA'S APPROPRIATE LEVEL OF PROTECTION

2.1 Australia's ALOP

As a result of the potential for threat to the apple and pear industry, it has strong views about Appropriate Level of protection (ALOP) and managing risk. The apple and pear industry believes that the quarantine system should be one that takes all reasonable steps to identify and manage risks. Australia currently takes, and should continue to take, a conservative approach to managing quarantine risk – the industry appreciates that a zero risk approach is not practicable. The quarantine system must be effective, balanced and scientifically based; and it must also be reasonable and fair.

In relation to the ALOP, the apple and pear industry's concern is that the ALOP is difficult to understand and express, and the industry needs a better explanation of the concept expressed in practical terms.

There is a view within the industry that the ALOP varies according to the individual assessment and needs to be specifically defined in each case.

The ALOP is defined as the level of protection deemed appropriate by a country establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory (according to Annex A of the SPS Agreement) – also known as the acceptable level of risk. (IRA Handbook 2007)

Like many other countries, Australia expresses its ALOP in qualitative terms. Our ALOP, which reflects community expectations through Australian Government policy, is currently expressed as providing a high level of sanitary and phytosanitary protection, aimed at reducing risk to a very low level, but not to zero. (IRA Handbook 2007)

2.2 Trade Versus Quarantine

In any IRA process the personnel from BA are regularly warning that the activity is about quarantine and the science and not about trade issues. Industry certainly accepts that position and restricts its responses and its comments appropriately, but does the same really apply to BA? Simply the fact that they start with the mantra that whatever is proposed must be the "least trade restrictive" immediately puts the focus on trade rather than science. The questions that they should considering are;

- What will work?
- What protocols will reduce the risk to a level acceptable in terms of the ALOP?
- What is required to keep the risk to Australian industry at appropriate levels?"

The need to work to decide what will be the least trade restrictive is an immediate intimidation to the requirements of good science and ALOP considerations. Creating conditions that are least trade restrictive is likely to lead to compromise. The least trade restrictive consideration leads to threats of WTO action. It is APAL's contention that BA has been intimidated into taking softer options by the constant focus on least trade restrictive requirements and possible WTO action when they should be focusing on the science of the situation and decisions regarding what is best for Australia and what will meet the ALOP.

2.3 The Climate of Changing Risk

There are many exotic pests and diseases which cause apple and pear growers to feel uneasy but the one that really creates a high level of anxiety is fire blight. Growers consider that the risk of introducing fire blight into Australia is very high and BA has opined that the risk can be controlled with a range of protocols. The interesting

thing about the BA risk analysis is that it changed little from the time before there was an outbreak of fire blight in Australia to the time after the outbreak had been eradicated. How can this be? Such an outbreak clearly demonstrates that the risk level is already unacceptably high before commercial imports even commence. If all the vigilance that is exercised at ports of entry for cargo and passengers did not manage to keep agents of infection out of the country, how much greater must the risk be when products that are acknowledged to carry the causal bacteria are able to enter the country in commercial volumes? Despite the clear logic of this situation, the risk analysis for fire blight entering Australia did not change. How can the general public have confidence in an organisation that seems to be incapable of changing in a changing environment? How can confidence levels remain high in the face of such implacable inflexibility?

2.4 The Level of Risk and Transference of Risk

In any outbreak of an emergency plant pest or disease, the cost of eradication will be, under the EPPRD, shared between governments and industry but the risks are far greater than the direct costs of eradication.

For example, the pear industry in the Goulburn Valley is, arguably, the sector of the apple and pear industry most susceptible to an outbreak of fire blight. A group of bureaucrats in BA have decided that the risk of importing apples from a country with endemic fire blight is acceptable and so they have made a judgement that the disappearance of the pear industry in the Goulburn Valley is acceptable.

Should there be such an outbreak, the EPPCC (Emergency Plant Pest Consultative Committee) will decide whether or not the disease is eradicable and if they decide in the positive then the costs of the eradication will be shared under the EPPRD. But what is the decision in the negative? Apple and pear growers face having their entire livelihood wiped out as a result of the decisions made by bureaucrats who work on the "every care but no responsibility" principle.

Farmers are used to taking risks and often do so on the basis of their own judgement. The risk of fire blight (and many other pests) is a risk that is incurred based on the judgement of government employees. Growers need to have access to a means of recouping costs that are not covered by the EPPRD and communities need an opportunity to adjust to the loss of significant plant-based industries.

It is respectfully suggested that this review needs to consider ways in which farmers and communities can be assured of assistance to recover from the financial and economic aftermath of an outbreak of a major plant pest or disease.

3. IRAs – PUBLIC COMMUNICATION, CONSULTATION AND RESEARCH & REVIEW PROCESS

3.1 Communication Issues

The experiences of the apple and pear industry in relation to IRAs have been quite extensive. One characteristic of all of that experience has been the lack of communication between BA (and its predecessor AQIS) and APAL during the IRA preparation. There are many needs and advantages surrounding good communication during an IRA.

PIBs, such as APAL, have a responsibility to respond to all IRAs to ensure that the interests of their members – significant, contributing partners to the biosecurity process – are represented. An IRA is a complex and lengthy document requiring much specialty input and up to 2 years to prepare. To respond to such a document may take a full team of experts. The last IRA response compiled by APAL required policy specialists, plant pathologists, bacteriologists, mycologists, entomologists, mathematicians and legal experts. Under the current arrangements the whole document needed to be researched, compiled and completed in 60 days. It is in BA's interests to have the best quality and most rigorous response to their work and this would be achieved better and with far less difficulty if BA would communicate progress towards the IRA to the industry and other stakeholders. Such communication would allow appropriate expertise to be prepared prior to the release of the final document.

Secondly, the communication of BA's progress and direction would allow them to tap into the wealth of experience and practical knowledge contained within the industry. There is plenty that could be gained by accepting that fruit growers have special expertise that can add value to the process of preparing IRAs.

Internationally, Australia has the reputation of being slow to respond to WTO and import requests. Speeding up the process and improving that international reputation must be about good science produced more quickly and absolutely cannot be about cutting the time that stakeholders have to respond to the material produced by BA.

3.2 Sufficiency of Science

In its IRA activity BA demonstrates extreme reluctance to invoke the provisions of section 5.7 of the SPS agreements (http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm#Article5). This provision allows a country to implement restrictions or continue existing restrictions if there is uncertainty surrounding the science, with the restrictions remaining until such time as the required research has been done and the uncertainty removed. It seems that BA policy makers feel that they must find an answer and take a position even in the face of significant uncertainty. When they take a stance of this nature and continue to press ahead they do not take a conservative position and they do not honour the spirit or the requirement of Australia's ALOP.

A significant example of this can once again be found with the disease fire blight and the New Zealand application to export apples to Australia. During the time of the last IRA, new science involving the *Erwinia amylovora* bacteria's ability to enter into a "viable but non-culturable" state was published. This new science immediately threw into doubt much of the previous research into the disease and the earlier findings, especially the conclusions that mature healthy apple fruit could not be a vector for the disease. The breaking research on VBNC invites a whole new range of research and inquiry, indeed from Australia's point of view, VBNC demands new research in order to retain the integrity of the ALOP. Despite this, and rather than taking the internationally acceptable path of maintaining current restrictions and commissioning further research, BA has pushed ahead with a final IRA and a set of protocols.

In the area of VBNC new research being carried out in Spain appears to be on the verge of demonstrating that fire blight can indeed be transmitted on mature, healthy fruit. The research is also likely to show that one of the significant protocols required by BA will have no real impact on risk, an indication that the IRA and the protocols are now well behind current science.

3.3 The Social and Economic Costs

The Australian apple and pear industry provides income for up to 3000 full time employees and is a contributor to the economic well-being of many more. As part of any IRA, the social and economic impact of an incursion is considered, however the industry considers that the weight placed on this aspect is not sufficient, nor is the work updated to reflect the changing face of the industry. In a relatively short time the varietal mix of the Australian apple industry has moved to the point that Cripps Pink apples (sold in Australia as Pink Lady™) has become the second biggest variety by volume. Cripps Pink trees are highly susceptible to fire blight and, as the apples achieve a premium in the market and are the mainstay of the Australian apple export program, the potential impact of an incursion of fire blight has changed significantly in recent years.

Furthermore, modern, intensive apple orchards need to be planted on M9 rootstocks to maintain appropriate tree size and productivity. Unfortunately, M9 rootstocks are also highly susceptible to fire blight. The varietal mix and the development of intensive orchards planted on M9 rootstocks has increased the risk of fire blight to the Australian industry and has increased the potential economic impact of such an outbreak. The Australian apple and pear industry is not convinced that this situation is given sufficient weight or consideration by BA.

3.4 The Three Areas of Risk

The Australian apple and pear industry considers that there are three main components to risk management. They are the science, the industry and the regulatory environment. These three areas of consideration need to be investigated separately and the impacts and outcomes combined to decide risk. As noted above, the new biosecurity environment has made industry a partner in biosecurity management and it is important that the partner status is recognised and industry input is part of the overall process. Despite the government push to make industry full financial partners there seems to be not even lip service to that partnership in IRA matters.

3.5 Appeals

The current IRA system allows for no independent review of the decision outcomes of an IRA. The Australian apple and pear industry lodged an appeal against the final IRA for New Zealand apples. The appeal was managed according to the published process but the process allows the appeal to be decided internally through DAFF. It takes very little thought to come to the conclusion that such an appeal process is a denial of natural justice. The Secretary of DAFF is not in a position to allow any appeal because such a decision is a public declaration of a lack of confidence in a significant sector of DAFF itself and also likely to destroy confidence in the processes. It is time that the appeal process was made truly independent and a real judgement is made as to whether or not BA has followed its own processes and met the requirements of its own policies.

3.6 Consultation on Environmental Issues

When there is consideration of the impacts of an exotic species on the Australian environment, there is no positive way of knowing the full effect. As part of the IRA process, BA is required to consult with a wide range of organisations but the issue is dealt with in only the most cursory level in the IRA document. The process of consultation must be made transparent. The IRA documents do not indicate the extent of consultation, the parties with whom consultation has taken place, the outcomes of the consultations and the conclusions drawn from the consultations. All of the information regarding the possible or probable impacts of a pest on the environment must be openly published and available for public comment. The native Australian environment is unique and too precious to risk by engaging a less than thorough and transparent process.

3.7 Consultation with States

As part of the IRA process BA is required to consult with the other partner in Biosecurity issues, the state governments. It is this process that highlights the nature of the consultations that take place in the IRA process.

Consultation takes place, but no apparent communication. That is, no messages appear to get through to BA. The state departments of primary industry often put significant resources into preparing submissions to IRAs. They would normally only do so if they have a contrary view in one or more aspects of an IRA. The Australian apple and pear industry's experience and observation would be that these submissions have no impact on IRAs. This is a surprise. BA can hardly argue that their state-based colleagues are less objective, less skilled or less knowledgeable than the staff employed at BA. Is it possible that BA is always right and everyone else is always wrong? This comprehensive indication of lack of confidence in the state departments must be, at the very least, frustrating and disappointing and, at the most, insulting to their skills and objectivity. It must also undermine their own confidence in their abilities as well as the confidence of those industries that depend upon state departments of primary industry to offer advice and assistance. How can industry participants have confidence in the abilities of the state departments when it is clear that BA has none?

3.8 Internal Inconsistency

The case of the outbreak of fire blight in the Melbourne and Adelaide botanical gardens provided an interesting insight into the management of an incursion and the view that Australia takes to important disease outbreaks. It strikes the apple and pear industry as strange that with Australia an outbreak of fire blight immediately invokes state border quarantine restrictions preventing any (healthy mature) fruit moving from a state within which an outbreak has occurred and into another. Despite this internal reaction to such an outbreak, Australia is considering importing apples from a country where the same disease is endemic. The internal quarantine procedures within Australia are much stricter than the procedures being considered by BA in terms of imports. It is quite ironic that if New Zealand was a state of Australia, their apples would not be permitted to move into any of the other states, but because New Zealand is another country, the rules governing the movement of product must be different – not stricter as one might expect, but more relaxed.

3.9 Eminent Scientists Group (ESG)

When the announcement regarding the establishment of the ESG was made the Australian apple and pear industry was pleased and relieved. For the many years that it had been fighting the importation of apples from New Zealand, no presentation of contrary science had had an impact on the outcome of the IRA. In the last IRA a brief analysis of the bibliography of the IRA and the bibliography of the industry response showed very little intersection of the two sets. The industry was pleased that at last there would be an independent group of skilled people who would be able to look at the whole picture of scientific information, the contradictions in the available science and the potential impact of emerging science. The industry was confident that the outcome would be that new and emerging science had cast enough doubt to delay the process and seek further research. The reality turned out to be that the ESG's terms of reference were so narrow that they could have no appreciable impact on the process. They were not permitted to delve into the science of the situation and were only permitted to ensure that all submissions made in response to the draft IRA had been considered by BA. Without the ability to review the full picture of the available science, what is the point of the ESG? The Australian apple and pear industry was not permitted to make a submission to the ESG and was not permitted to point to the emerging science that had been all but ignored by BA.

In September 2007, too late for the New Zealand apple IRA, the terms of reference for ESG were changed and their functions expanded.

“The key purpose of the ESG is to review the drafts of IRA reports, as revised by Biosecurity Australia after consideration of stakeholder comments, that have been through the expanded IRA process, prior to their release. In particular, the ESG has the following functions:

Review the revised draft IRA report prepared by Biosecurity Australia. This will take account of any relevant new information brought to the ESG's attention, including assessing conflicting scientific views provided to it, to ensure that:

all technical submissions received from stakeholders in response to the draft IRA report have been properly considered and

the conclusions of the revised draft IRA report are scientifically reasonable based on the material presented." (http://www.daff.gov.au/biosecuritycoordination/eminient_scientists_group/esg_terms_of_reference)

Unfortunately, this revision was too late to have a positive impact on the New Zealand apple IRA and has left the Australian apple and pear industry with feelings of frustration and anger. The new Terms of Reference appear to be all that the industry hoped in the first place but, with the burden of long experience, the industry will be interested to see in whether or not the ESG operates to its full potential and the impact that suggestions for change emanating from the ESG will have of BA.

3.10 The Risk Matrix

The matrix used by BA to make decisions on the level of risk is problematic. The major issue from the point of view of the Australian apple and pear industry is that the matrix uses averages rather than developing a number of matrices to cover the range of risk scenarios. A disease like fire blight does not appear as a uniform occurrence across the whole of New Zealand so using average risk data does not take into account the situation where a volume of fruit is harvested from a high-risk area. Once a specific area has had an outbreak of fire blight the risk that so-called healthy mature apples from that region will harbour bacteria increases dramatically. All of the apples from that place will be harvested, stored, packed and shipped together creating a "hot spot" of risk that will be much higher than the average and yet the existing matrix has no mechanism for taking that risk scenario into account. The same situation exists for fungal diseases like European canker and for insect infestations. An illustration of the situation being described here is the case of the risk that an overseas tourist will be killed by a crocodile. If the risk is spread over all visitors entering Australia then the risk is very low but if the risk is calculated for all visitors who swim in remote northern waterways then the risk is much higher. The risk matrix is a major tool used by BA that does not serve the purpose of ensuring importations meet Australia's ALOP.

3.11 Industry Expertise is an Untapped Resource

People working in the Australian apple and pear industry have an intimate knowledge and wide experience of working in orchards including pest and disease control, all aspects of orchard management and detailed orchard surveillance. This is the largest and most experienced source of orcharding expertise available in Australia and yet there is a resistance to using that expertise in any of the official stages of the import process. When an office based person suggests that orchard inspections will be the most appropriate way to decide whether or not an orchard is free of fire blight, why would they not go to an orchard and work with an orchardist to discover how effective in practice an orchard inspection can be? Any activity decided by a predominately office-based person needs to be trialled in the field and industry assistance is available to do this, but industry is never approached to provide this assistance. This situation has never been clearer than in the situation of preparing a work plan to implement the protocols proposed by BA to allow the importation of apples from New Zealand. At no time has industry assistance been sought and at no time, to the industry's knowledge, has any protocol implementation methodology be trialled in an orchard. The Australian apple and pear industry is more than willing and certainly able to provide such advice and assistance and the level of industry confidence in the implementation of the protocols would be significantly enhanced if it were invited to be part of the process of developing the work plan.

The situation at the moment is that the work plan for New Zealand apples has been developed in New Zealand by the appropriate authorities there and the expertise of the New Zealand growers has been used to assist in the process. The resulting document has then been sent to AQIS in Australia as a confidential Government-to-

Government paper so that AQIS is not able to request or include any Australian grower input into the document and Australian growers have not seen the document at all. This is clearly absurd! All the involved parties have seen the paper except for Australian apple growers or their representatives. It is a situation that needs to be remedied in this and all other similar cases.

3.12 Political Pressure From Stakeholders

There have been many attempts to remove the entire quarantine decision-making process from politicians and place it entirely in the hands of bureaucrats. The rationale for this shift of responsibility is to remove the decision process from attempts to exert political pressure. There is no doubt that the Quarantine Act is the responsibility of the parliament. Politicians, and especially ministers, are responsible for the Act and the administration of the Act and they need to stand up and take responsibility for the decisions being made under the Act. It is unreasonable to expect that stakeholders and concerned citizens should not work to make their opinions heard on any issue that concerns them. For a politician to respond that the decisions are no longer theirs to make (because the decision-making process has been handed to public servants) is an abrogation of responsibility. Such a position also assumes that public servants will always take an objective and disinterested approach to making such decisions. It is clear that when the decision is a product of the work of public servants, those same people and their managers immediately acquire a subjective position in the need to defend the quality and integrity of the work that they have produced (see "Appeals" above). The decision making and the responsibility for the decisions must ultimately rest with the Minister and with the government of which s/he is a member.

4. RESOURCING LEVELS AND THEIR ALIGNMENT WITH RISK IN DELIVERING REQUISITE SERVICES

4.1 Resources

The resource allocation to the Australian quarantine and biosecurity effort needs to be seriously assessed and the use to which resources are put needs also be considered in terms of its efficiency and effectiveness.

40 recent major incursions of pests clearly indicate that those responsible for protecting Australia's borders from exotic pests are under-resourced. It is respectfully suggested that this review should recommend an assessment of the circumstances surrounding each major incursion to discover the gaps and shortfalls in the system with the intent of allocating further resources or reallocating existing resources. There seems to be little logic in expending significant resources on IRA documents and implementing protocols for imports only to find that pests are entering Australia through unprotected pathways that are left open due to insufficient resource allocation or inefficient resource allocation.

4.2 Stakeholders Need to Be Included

The Biosecurity and Quarantine systems in Australia seem to be under review on a regular basis. Whether the reviews are minor or major, outward appearances indicate to stakeholders that nothing much changes and their views are still not taken into account. This submission respectfully suggests that the review committee requests the Minister to give a public report every six months on the progress made towards implementing the final recommendations of this review.

4.3 Contingency Plans

One significant activity to which the quarantine authorities need to direct resources is the establishment of contingency plans for incursions of economically significant or particularly virulent pests. The need for such plans is that, in the event of an incursion, action must be taken quickly and must not be bogged down in industry politics or responsibility shifting where major decisions must be made. A contingency plan allows industries to make clear and logical decisions in a climate of calm whereas a lack of contingency planning forces industries and governments to make difficult and high-impact decisions in a climate of high pressure, political considerations and with the personal involvement of growers who face the immediate and direct consequences of the decisions. Far better to have a pre-devised plan that sets out a logical course of action and has been made without the personal and political involvement of a known outbreak, in a specific jurisdiction and on a particular property.

The apple and pear industry was a leader in the creation of contingency plans with the original Fire Blight Contingency Plan having been written in 1998. That plan has been revised once since its original formulation and is in the process of being revised once more. The need of any such plan is to be prescriptive and include virtually step-by-step instructions for various levels of decision-makers for use in the heat of a major incursion. Contingency plans also need to be fully aligned with Plantplan and be able to cover all aspects of the Emergency Plant Pest Response Deed.

The alerts here are that most existing plans are not prescriptive in nature that plans do not yet exist for many major potential pests and that alerting systems for conditions conducive to outbreaks do not exist.

4.4 Diagnostic Protocols

In the plant industries, diagnostic protocols now exist for about 20 different pests across a range of crops. As prompt diagnosis is vital for any response to be undertaken – especially if the response requires strong action – the need to expand the number of available diagnostic protocols is vital. The list of what is required can be made up from Industry Biosecurity Plans. Identification criteria, pictorial examples and diagnosis protocols are vital

tools. Although the establishment of these tools is not easy because, by definition, they are not available in Australia, this is a vital area of activity and investment for the Biosecurity and Quarantine sector.

4.5 Human Resources

As investment in the biosecurity and plant sciences has decreased, especially at state government level, the number of mature, senior scientists has declined significantly. Maturity and experience are necessary ingredients when major judgement calls must be made especially in the highly charged environment of a major pest outbreak.

In Australia all the available science resources are directed towards work on endemic pests. These resources are then redirected when there is an incursion. This means that Australian scientists who have experience with major exotic pests are difficult to find even when they are desperately needed. Scientists and the departments that employ them are not sufficiently resourced to allow the development of any depth or breadth of experience in dealing with exotic pests.

5. GOVERNANCE AND INSTITUTIONAL ARRANGEMENTS TO DELIVER BIOSECURITY, QUARANTINE AND EXPORT CERTIFICATION SERVICES

5.1 Surveillance

One of the major changes in international accountability and establishing pest freedom has been the need to show that a pest is “known not to exist” in an area or a country. This level of confidence requires ongoing surveillance and the recording of negative data (“I looked for that pest but did not find it”). The apple and pear industry has been prepared and has budgeted to undertake a scoping study of how such surveillance can be carried out within the industry for a cost that will be acceptable as an on-going industry expense in much the same way that the National Residue Survey is an on-going industry expense. Despite working closely with PHA, the project has not been commenced. The main reason that the apple and pear industry has been discouraged from undertaking such a project is that there is currently no mechanism in Australia for recording the negative data or for analysis of the data once it has been recorded. Governments at state and federal level appear to be reluctant to make any commitment to this process.

Surveillance and recording of all data including negative data is vital if Australia is to have a credible and internationally recognised freedom from some of the most devastating of plant pests. The Australian apple and pear industry respectfully requests this review to recommend that the mechanisms for the required surveillance regimes be set up by governments in a uniform manner and at the earliest possible date. This action will provide industries with the confidence they need to undertake their part in the entire surveillance activity.

5.2 Separation of BA and AQIS

The separation of BA and AQIS is vital to the structure of quarantine and biosecurity services in Australia. The apple and pear industry has been presenting strong views in the public arena regarding the importation of New Zealand apples. Such views will inevitably include criticism of the body that is preparing an IRA. At the same time, the industry needs to express confidence in the ability of the organisation that is overseeing all aspects of importation procedures. If these two organisations are one and the same the conflict arising is obvious. The criticisms made in the public arena can be used by the authorities and industries in other countries to indicate a lack of confidence that, in fact, does not exist. By keeping BA and AQIS separate this situation does not become an issue. Indeed, the Australian apple and pear industry is of the opinion that the two sections are still too close to each other and the separation needs to be made more complete.

This submission makes no comment on the need for and efficiency of communications between BA and AQIS. Should the communication pathways be found to be inefficient or ineffective then the issue needs to be addressed in some manner other than by recombining the two functions into a single entity.

5.3 Quarantine Borders

At times of incursions the Australian state governments respond by immediately closing their borders to movements of the affected products. This knee-jerk reaction is perhaps understandable in the first instance but the closure of borders persists even when it can be clearly demonstrated that state borders are arbitrary and irrelevant to the issue at hand. When the area that requires quarantine is smaller than a state (or even bigger than a single state) the use of areas or regions would be more sensible and practical than closing whole states. This situation was clearly demonstrated in outbreaks of fire blight, equine influenza and citrus canker.

States are unlikely to act unilaterally on this issue and resolution must be found at Ministerial (PIMIC) level

6. CONCLUSION

Representatives of the Australian apple and pear industry are willing to discuss with the review team the points made in this submission. Contact can be made through APAL at 39 O'Connell St North Melbourne 3051, by telephone on 03 9329 3511 or by email to gm@apal.org.au. APAL's website can be found at www.apal.org.au.