



Victorian Farmers Federation

2 May 2008

Quarantine and Biosecurity Review Secretariat
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601

Dear Secretariat

Submission

The Victorian Farmers Federation is Australia's largest state farmer organisation, and the only recognised, consistent voice on issues affecting rural Victoria.

The VFF represents 19,000 farmer members, representing 15,000 farm enterprises. The VFF consists of an elected Board of Directors, a member representative Policy Council to set policy and eight commodity groups representing dairy, grains, livestock, horticulture, chicken meat, pigs, flowers and egg industries.

Victorian farmers have a strong interest in the performance and operation of Australia's quarantine and Bio-security systems. The VFF appreciates the opportunity to put forward the views of Victorian farmers in the attached submission.

Yours sincerely

Simon Ramsay
President



Victorian Farmers Federation

Submission to

**Quarantine and Bio-security
Review**

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Farmers are elected by their peers to direct each of the commodity groups and are supported by Melbourne-based staff.

Each VFF member is represented locally by one of the 230 VFF branches across the state and through their commodity representatives at local, district, state and national levels. The VFF also represents farmers' views on hundreds of industry and government forums.



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Introduction

The Victorian Farmers Federation (VFF), like all organisations representing the interest of farmers has a strong interest in the performance and application of Australia's Quarantine and Bio-security measures. There are many views on the performance and impact of Australia's Bio-security arrangements. There is not one universal view even within the agricultural sector as agricultural industry sectors have different imperatives which influence and direct their own perspectives on the issues.

As a general comment Australia's largest agricultural industries export the majority of their production and therefore are more sensitive to the perception among some trading nations that Australia quarantine and bio-security arrangements are based on excessively conservative estimations of risk. On the other hand many of the smaller and more intensive agriculture sectors that are not subject to competition from imports due to high disease risks often argue the standards should be even more stringent.

There are many other potential political and market driven perspectives on the measures used to prevent disease and pest incursions and it would be impossible to reconcile all of them. This makes the process used to establish the various elements of the arrangements the focus. The process must be transparent, scientifically justifiable and allow for appropriate review.

WTO Obligations

The Australian government has international obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement. These obligations include the process of conducting risk assessments for quarantine purposes and the implementation of any necessary restrictions on imports and people and transport movements to Australia.

Australian agriculture exports two thirds of production and it is vital that trading nations do not respond to Australian quarantine decisions by making it more difficult for Australian industries to access their markets. The application of quarantine processes in Australia must be conducted in accordance with the WTO standards.

Funding

The disease incidents around the world in the past 10 to 15 years highlight the absolute necessity of having a quarantine and bio-security system that minimises risks to the Australian community. SARS, avian influenza, and foot and mouth outbreaks have all caused significant harm to economies, and in the case of SARS and H5N2 Avian Influenza human deaths. Preventing the introduction of these and other pest and disease incursions requires investment reflective of the potential impacts.

Effective quarantine must be delivered through a combination of border, pre-border and post-border activities and have the highest priority for Government services to the community and economy in this era of ever increasing international movements of people and goods.

The VFF recognises there will be a medium and long term need for new funding and resources from government to undertake the actions to address the quarantine issues under review. The benefits of quarantine and bio-security benefit all Australians through minimising the risks to the economy, the environment and the health of the Australian community. It is appropriate that these services are funded by the community through the allocation of general taxation revenue.

Those agricultural commodity member organisations that are signatories to cost-sharing deeds of agreement with the Commonwealth and State Governments must be considered as a special class of stakeholder for the purposes of consultation on quarantine issues. As these groups have legal and funding obligations to meet in the event of an incursion of an exotic pest or disease relevant to those particular industries they have more at stake if there is a failure of Australia's quarantine system. Agricultural industries which are too small to be included in the cost sharing deeds of agreement should be included in the consultation where appropriate to their industry.

Controlling borders with the level of trade and people movement of today is incredibly difficult. It is not feasible that all freight and all people entering the country to be screened for potential quarantine risks. Education and awareness campaigns are an important element of Australia's bio-security measures. Commitments to direct resources at targeted and effective awareness campaigns are valuable.

Quarantine Capacity

The effectiveness of a quarantine system requires more than the right legislative framework, operational processes and funding. A wide array of skills is necessary to assess the risks, implement policies and procedures and guard our borders. Ensuring that these skills are available and being utilised in an efficient and effective manner is as important as any other element in the quarantine system.

The capacity to respond to emergency bio-security events is also of critical importance. The foot and mouth outbreaks in England of 2002 showed how quickly the professions being called upon can be overwhelmed. The objective should be to have the capacity to manage incidents of this type with Australian resources. However, in some cases this scope of an incursion and the complexity of dealing with the problem may be beyond the domestic capacity. Establishing appropriate links which would include training of external expertise to manage in Australian conditions would be a valuable investment in managing risks.

In many cases the issues obtaining most of the attention of the community on quarantine issues are in regard to animals or animal based products. The threats from plant pests and diseases is of equal importance and pose potential risks of similar magnitude. Adequate capacity for the protection of Australia's plant based industries is equally important.

Appropriate Level of Protection

Much of the debate, and criticism from trading nations is in regard to Australia's appropriate level of protection (ALOP) for quarantine assessments. The current approach of aiming for very low level but not zero risk is supported by the VFF. While the precise level of the ALOP is not being considered in this review the VFF believes it is important to make some comment on its application and the rationale behind the level established.

The introduction of an exotic disease and or pest can have far reaching and unpredictable consequences. The deliberate introduction of species such as the cane toad, prickly pear, and rabbits has caused significant environmental damage and enormous economic cost. These decisions were rational at the time they were made and it was only after the introduction that full impacts became apparent.

The science and understanding of the risks associated with particular pest and diseases is certainly much greater now than in the past. However the extent of the potential impacts on the environment, an industry or the economy, from an exotic disease or pest cannot be predicted with certainty. These predictions are becoming more difficult with the human influence on the global climate.

A pest or disease not likely to pose a problem at the moment due to some constraint imposed by environmental conditions could very well become a significant problem if climate shifts are advantageous to the organism. The change in biological processes and interactions between organisms and the environment are not linearly predictable. Rather they are by nature systemic, making the outcomes very difficult to predict.

Pests and diseases once introduced can be extremely difficult to eradicate and control. The impacts of incursions on the environment, human health and the economy cannot be predicted with absolute accuracy. If future knowledge establishes that the risk is not as high as first assessed, then a decision can be changed. However, if the risk is higher than assessed leading to an incursion in many cases the outcome may well be irreversible. It is for these reasons that an approach that aims for very low

risk based on today's understanding of the risks should be the preferred option, and for Australia to maintain a high level capacity to thoroughly assess the level of risk from pests and diseases.

Import Risk Assessments

The import risk assessment (IRA) process is a keystone to industry confidence in the quarantine decisions and in ensuring the World Trade Organisation (WTO) and trading nations do not view the measures as de-facto protectionism measures.

The VFF is not uncomfortable with the IRA process although there have been decisions made on importation the VFF does not support. The length of time the IRA process can take has been subject to criticism and it would be preferable for the process to be conducted within a time frame that does not impose unnecessary costs or inconvenience on industries, companies or individuals awaiting an outcome. However, the completeness of the review process should not be jeopardised simply to meet some time pressures. This particularly applies to the quality of any new science needed for the review process. The science needs to be quality, peer reviewed research. At times, this may take some time to achieve.

As stated earlier the transparency of the process is vital. Including stakeholders in the IRA process by allowing input from the production sector along the whole time of the review process would add value. While the science is the most important factor in the IRA process, the practicalities, specifics of production systems are sometimes difficult to capture in the science, but can provide valuable insights into possible outcomes of an IRA decision.

One factor of equal importance to the transparency and legitimacy the IRA process is ensuring that quarantine process operate within an appropriate regulatory framework. This framework must include effective governance processes to ensure quarantine and IRA activities and outcomes are managed independently and with minimal political interference.

While the various processes must be conducted without political intervention, the importance of the quarantine system, and the need for a robust regulatory framework, requires accountability to a Minister and the Parliament. Quarantine decisions can have significant consequences on the health of Australia's environment, industries and people, and on the treatment of Australia in international trade. Given the magnitude of these potential impacts it is important that the Australian community are given the assurances and diligence of Ministerial and Parliamentary oversight.

One aspect of the IRA process that could be refined is the issue of area certification. This allows for regions of a country to be treated at a different risk level to the country as a whole. In cases where a disease or pest that would pose levels of risk that prevent importation of a particular product it is possible that a region be declared free of the relevant pest or disease and be treated at a lower level of risk.

Following the AI outbreaks through Asia where it became apparent that the transparency in regards to the diseases presence and severity was less than ideal the concerns around area certification have grown within the farm community. Not all countries, including ones desiring access to Australian markets have the bio-security capability, or Government processes to identify diseases and alert the international community in a timely manner.

It would appear that area certification adds another level of risk into the process. While in limited circumstance it may be a useful tool in facilitating trade, certification must be treated with extreme caution and utmost rigour with continual surveillance.

There have at times been calls to relax the IRA process in response to shortages of particular products. The loss of a substantial portion of Australia's banana production as a result of cyclone Larry is an example when sectors of the community sought imports of the products without the processes to ensure appropriate quarantine standards being applied.

Circumventing established IRA processes due to community pressure to overcome a short term shortage of a particular product should not occur. Firstly, rushed processes lead to mistakes and in the matter of quarantine a mistake will most likely lead to long term consequences far greater than the short problem being addressed. Secondly, it would send a signal to other trading nations that Australia's strong focus on quarantine is an issue of convenience rather than substance.

IRA Appeals

An independent appeals process should be available as recourse to dissenting views to an IRA decision. The grounds for appeal should be on basis of a failure of process rather than simply due to a disagreement with the science or outcome. This principle is established in areas of law where the process on which a judgement is based is challengeable rather than the judgement itself.

The 30 day limit to lodge an appeal must be carefully considered. In many cases the IRA reports are very large and quite complex documents that require expert review. Small industry organisations or individuals may not have the capacity to conduct a full and adequate review of such a report within the 30 day period. On the other hand unnecessary delays in implementing an IRA decision should also be avoided.

However, a precautionary principle should apply and adequate time frames for report reviews must be allowed. The 30 days appeals period should be either extended to 60 days or implement provision to seek an extension beyond the 30 days. This should be a relatively simple procedure and not require extensive written grounds for the extension.

Market Access Protocols

Once again, the transparency of the process is very important. Currently, stakeholders are included in the process by allowing input from the production sector via industry committees. These committees need to be consulted throughout the whole process. As part of market access protocols, thought needs to be given to how the protocols are framed.

An example is that in the past, protocols have been framed to include only a particular variety of a product. When the variety is no longer commercially available, producers have been refused approval by AQIS inspectors – even though they are still growing the same species of plant.

VFF understands broadening the protocols is not always easy – especially with some countries – but it should be possible to use the same protocol for most varieties of a particular plant where the risk factors are the same.

It is also accepted that in some circumstances it may not be appropriate to treat all varieties of a plant in the same way. Particular traits are bred into plant varieties that may make one particular variety at a significant difference in risk compared to another variety of the same plant. These differences may become more pronounced with the introduction of advanced plant breeding techniques such as genetic modification.

Food Import Standards

Once products have been given approval for importation effective monitoring of the standards applied to that food on import should be equivalent to Australian standards. There have been recent incidents of imported products being contaminated through poor production methods.

Allowing imports produced without the equivalent standards applied to domestic firms for human health and environmental impacts places domestic producers at a disadvantage as well as creating a threat to people and the environment. Foodstuffs being imported must be subject to the testing and quality regimes applied to domestically produced foodstuffs.

Performance Review

Quarantine risks are not static and regular reviews of the quarantine and bio-security management systems should occur. Establishing a culture of constant assessment and performance improvement with the organisations responsible for managing quarantine is essential.

There should also be a regular independent review of the entire system, including the regulatory framework, to assess and identify areas of improvement, the appropriate allocation of resources and the capacity to manage emerging threats.

The audit of both private and government run quarantine stations should also be examined regularly. Preferably independent audit of the processes and systems used in these stations to maintain bio-security would be conducted regularly. The current system whereby AQIS is the auditing body for its own quarantine facilities is less than desirable.

Conclusion

Australia has been served well by its geographic isolation in protecting our industries and native environment, despite some mistakes with unintended consequences. The world, however, has shrunk considerably and the volume and speed of trade and people movements has increased dramatically. Changes to the environment and climate systems may bring new threats to our border; and the potential for deliberate introduction through bio-terrorism must not be discounted.

Protecting our communities, industries and environment from the potentially devastating consequences of a failure of quarantine should be of the highest priority. While trade implication must be considered in the decisions and processes taken, the primary duty of the system should remain in minimising risk as far as practicable.