

CHERRY GROWERS OF AUSTRALIA INC

6 Frederick Street
CAVAN SA 5094
Phone: (08) 8349 4556
Fax: (08) 8349 5316
Email: aplnpear@ozemail.com.au

ABN: 77 797 945 686
Reg. No. A003374IM

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

Dear Sir/Madam,

RE: Quarantine and Biosecurity Review.

The following submission is submitted by Cherry Growers of Australia, an organisation that has extensive but varied levels of involvement with Quarantine and Biosecurity over many years. On behalf of our constituent members we would offer the following broad comments to the inquiry:-

- 1) Overall we find the Quarantine and Biosecurity processes and systems very bureaucratic, cumbersome, lacking transparency and not industry/grower friendly. At times the processes are very slow to achieve useful commercial gains and when those gains are achieved the ongoing systems then fail to achieve the best commercial results. In all industry and growers are very frustrated with the overall process.
- 2) The cost in human and financial resources to fully participate in both the Import Risk Analysis and Market Access processes is very high. At times some industries find it impossible to resource the necessary activities.
Past and current involvement within the Market Access programme and processes relating to the export of cherries to countries like the USA, China, Taiwan, Korea, Japan, New Zealand and Thailand has cost the Cherry Growers of Australia Inc (CGA) and the individual members of the industry in excess of \$1,000,000.
In the past we have been very frustrated with the Market Access process but over the past few years CGA has been able to become more involved in the process by assisting DAFF, DFAT, AQIS and Biosecurity Australia in a number of areas.
Participation
 - (a) through the Horticultural Market Access Committee,
 - (b) in teleconferences before and after bilateral meetings,

- (c) with Government delegations to overseas countries,
- (d) in bilateral meetings in countries like the USA, China, Taiwan and Japan, and
- (e) in combined research projects,

have been integral components in achieving improved Market Access results.

This new sense of co-operation, sharing and communication has been refreshing.

Industry has been very appreciative of the new 'partnership' approach implemented through HMAc and the Government Agencies and the hard work and effort put in by the many individual members of the Agencies. Stephen Winter from HMAc has also been an important and integral part of the 'new' processes.

- 3) Industry is concerned that at times Biosecurity Australia has accepted and adopted protocols for the export of produce to another country that are commercially unviable. It is essential that before any new protocols are signed-off by BA that there has been full and frank discussion with Industry on the protocols. The recent involvement with BA through the bilateral processes has been very beneficial but must continue and expand in the future.
Input into both protocols and work plans at the development stages will assist in ensuring Australian producers remain competitive and able to trade within an ever increasing global market. In addition it is essential that protocols and work plans reflect acceptable reciprocal arrangements to ensure trade is on an equal footing. Working in true partnership with BA, DAFF, DFAT and AQIS, with open and transparent communication is essential in going forward. Any processes that assist in this needs to be implemented as part of the recommendations from this review.
- 4) The simple but basic message from industry is that Biosecurity and Quarantine must protect Australia from exotic pests and diseases that pose a risk to human health, agriculture, forestry, fisheries and the environment within the tightest possible regime. In doing so the Australian Government at all times must stand strong within the international community and defend our Biosecurity and Quarantine processes and systems.
- 5) We believe that Quarantine and Biosecurity both at the National and State levels are inadequately funded by the relevant Government's. Primary Production and the production of food supplies for both the domestic and international market needs to have the same basic status as health, education, terrorism, etc.
Food along with water is the basic building blocks in health and education.
The next world conflict could be about access to a food supply.
Australia must maintain and increase its status as a world food supplier.
To achieve this requires an increased level of resources, both financial and human.

The following points are raised in consideration of the more specific issues raised within the issues paper:-

- a) Industry would support the continued division of Quarantine and Biosecurity and their roles and responsibilities. We would even further encourage the division within each of the sectors to have the following sectional divisions
 - Biosecurity – Imports
 - Biosecurity – Exports
 - Quarantine – Imports

- Quarantine – Exports

The issues and requirements for Export activities and Import activities are at most times very different and we believe that at times there current cross-over causes unnecessary barriers for achieving a result in a particular area.

A simple hierarchal flow chart could be developed which details

- (1) the relevant organisations,
- (2) their linkages with each other,
- (3) their linkages with other Agencies,
- (4) their linkages with Industry and the Community, and
- (5) the specific roles and responsibilities.

The maintenance of Quarantine and Biosecurity within the Department of Agriculture, Fisheries and Forestry appears to be logical to ensure there are linkages and co-ordination with other aspects of Agriculture, Fisheries and Forestry. In supporting that it is important that the processes, particularly in the area of appeals, the Eminent Scientist Group and the final decision making, are appropriately independent, transparent and have outcomes consistent with the information presented.

Processes must be put in place to ensure those making crucial decisions along the chain are totally independent and removed from unacceptable peer pressure.

- b) While there has been a rapid growth in international trade and travel it is essential that Australia maintains and even expands the high levels of Quarantine and Biosecurity at all international points of entry.
We would believe that the majority of risk pathways (entry by air or sea, illegal entries) are already well defined and it is now about ensuring the processes and systems are operating 24/7 all year round and are adequately and appropriately resourced.
The current problems being seen across the world in relation to insufficient food supplies makes it more important than ever that Australia retains its ability to grow high quality and nutritional produce utilising our pest/disease free status to be able to satisfy to the requirements of the international demands. We can continue and expand our role as a major food producing nation but only if our cost of production is kept in check. One of our current advantages is that we do not have many of the exotic pests like European canker, Cherry Fruit Fly, BSE or ‘mad cow disease’.
- c) We would believe that the natural pathways like migratory animals/birds, wind movement and sea currents have not been adequately considered.
Industry believes that new and consistent Research and Development must be undertaken in this area particularly in relation to those pests/diseases already highlighted as being of major concern to industry and the environment eg., those plant pest already categorised within the Plant Health Emergency Response process.
In addition, new and increased surveillance must be undertaken in those regions of Australia highlighted as being places where these natural pathways may reach the coastline eg where migratory birds might land, wind patterns and sea currents, to check that pests/diseases are know not to exist within those areas.
- d) The issue of Australia’s Appropriate Level of Protection is one of the most contentious issues in relation to Quarantine and Biosecurity. While the inquiry might not wish to consider the particular level of very low versus zero, we believe the

inquiry must consider what the ALOP of 'very low' actually means. Currently there is a statistical model being used by the Australian Government, through Biosecurity Australia, to determine the level at which the risk might be for a particular pest and/or disease. From the industry point of view we believe that this model has major flaws and does not adequately quantify or qualify what 'very low' risk or any other category of risk therefore making it very difficult to work with particularly in dealing with the IRA process.

Industry would believe that the current ALOP is not a 'conservative approach to manage Quarantine and Biosecurity' and we would not believe it reflects the current community expectations. In fact we believe it fails both industry and community expectations.

While it is necessary to have some definition and we accept in life there is no such thing as zero risk we should work as hard as possible to achieve zero risk.

- e) Industry would believe that the ALOP is there to protect the industry, community and/or the environment from the introduction of exotic pests and/or diseases. The issue of 'least trade restrictive' should not be a consideration at least until the assessment is complete, the appropriate protocols detailed and the work plan designed.
- f) The wider implications of social, environmental and economic aspects must always be considered and given high prominence in relation to developing Quarantine and Biosecurity arrangements. An incorrect decision by the Government and/or Government Agencies can have a significant impact at the enterprise, industry and community level. If we continue to not consider these implications the primary producer will be driven from commercial production and Australia will eventually become a net importer of horticultural produce.
- g) We would believe that the **community does not understand or accept** why the Australian Government would allow a product to be exported to Australia when it is grown in a country that has an exotic pest/disease that if it were to enter Australia could devastate an industry, a community and/or the environment. For instance why import cherries from the USA when they can carry Powdery Mildew or Cherry Fruit Fly.
While imported Cherries from the USA are currently counter seasonal and do not compete in the market place it is still imperative that any imported fruit does not in any way introduce a new exotic pest/disease.
Past Australian Government's have failed to explain and/or convince the community of the policies that they have operated under in relation to importation of horticultural products.
From an industry perspective, we understand that any consideration of an application to import produce must be considered under the International arrangements and must not be an 'industry protection mechanism'.
What industry cannot accept is when
 - (1) decisions relating to an import application fail to be made purely and totally on scientific grounds, and/or
 - (2) applications to export product to other countries are not considered in the same manner as Australia considers import applications.Australia consistently fails to achieve acceptable reciprocal rights for the export/import of like products. For instance USA cherries can enter Australia when

treated with Methyl Bromide at low temperatures eg. 6°C, while the USA protocol for Australian cherries is at 21°C. There is no International 'level playing field' and the WTO and the SPS agreements have consistently failed to achieve consistency of protocols for world trade.

- h) The risk assessment process has in the past failed the Australian Industry and Community.

The Import Risk Analysis process has suffered from poorly defined rules and processes. In addition there have been changes in the rules part way through an IRA process. Government and Government Agencies have moved the 'goal posts' when placed under scrutiny by industry and/or the community. This highlights to industry that those developing the processes and rules have failed to get them right in the beginning. We would believe that the Government Bureaucracy have consistently failed to adequately consult with the industry and/or community and have failed to take notice of the practical advice offered. At times the Bureaucracy has been extremely and blatantly arrogant and dictatorial in their decisions.

While the level of communication and involvement of industry has improved there is still a way to go. For instance industry has virtually no input into the establishment of work plans relating to new imports into Australia. Given the experience industry has in operating an orchard and/or packing facility and/or their knowledge of how pests/diseases act and react within the orchard environment, industry would believe that such knowledge/experience would be invaluable to AQIS in advising on a particular protocol.

Again Industry is most concerned that AQIS in particular has consistently failed to involve Industry in the development and implementation of import work plans. Their lack of transparency in this process has left Industry feeling that AQIS

- (1) is 'trying to hide' something, and/or
- (2) don't trust/respect Australian industry or growers, and/or
- (2) is working in the best interests of the exporting country.

As a result at times there is a lack of trust in AQIS and the process they have developed and are implementing.

Notwithstanding these comments we believe that the process has changed significantly in the past few years and the level of communication and trust has improved **BUT** there is still a long way to go.

In relation to Market Access, Industry believes that this process has improved over the past few years. Again we would believe this has only occurred as a result of Industry and the community raising a range of concerns. Some of the issues and resultant actions that have been instrumental in making improvements include:

- (1) The concern of industry that trade decisions were interfering in scientifically based import and export assessments resulted in the establishment of Biosecurity Australia. This we believe was an important step forward.
- (2) Market failure and the close of the Taiwan market in December 2005. The action by the then Minister for Agriculture, Peter McGauran, in making available Government funds to assist in the research on Fruit Fly was important and much appreciated by Industry. The momentum generated in Fruit Fly R&D must be maintained by the current and future Governments, in

partnership with industry, to ensure successful re-entry and entry into important overseas markets.

Industry would believe that the work undertaken by the Horticultural Market Access Committee through Horticulture Australia Limited has been instrumental in raising issues relating to Market Access.

The most concerning issue for Industry is that there is still a lack of resources – both financial and human – being made available to Market Access.

- i) While the role of the Eminent Scientist Group was an important step forward in the IRA process, the Cherry Industry has had no recent involvement with this Group.

While we have not had any experience with the Eminent Scientist Group since their role has been changed we believe the following aspects need to be implemented:-

- (1) the Panel be completely Independent from Biosecurity Australia and DAFF,
- (2) they report directly to the Minister,
- (3) there is representation on the Panel from a wider base of Scientists and not just from Government Agencies,
- (4) there are practicing Scientists involved on the panel
- (5) the terms of reference are in no way restricted by Government policies or Agency pressures.

- j) Industry would believe that the Quarantine and Biosecurity Framework does not adequately analyse and manage the risk to the Environment. In the case of a disease like Cherry Fruit Fly, Industry would believe there is a complete lack of knowledge and understanding of how this insect might affect the Australian Landscape and Environment. We would believe there should be, at a minimum, a modelling process undertaken of the likely impact of any exotic pest/disease before any decision to import a new product is approved by the Secretary of DAFF and ultimately the Australian Government.

Industry does not believe that there is sufficient expertise/knowledge within Biosecurity Australia to assess the affects of specific exotic pests/diseases on the unique Australian Landscape and Environment. Similarly we do not believe there is expertise/knowledge within Environment Australia to make such assessments. Overall we would believe this is a major gap within the whole Import Risk Assessment process and needs to be addressed in the process going forward.

- k) Industry does not believe the appropriate feedback loops exist within the whole Quarantine and Biosecurity process.

There is a lack of

- (1) true partnership between the Government Agencies and Industry particularly at the ‘grass roots’ grower level, and
- (2) trust in the process and systems resulting a ‘them and us’ mentality, and
- (3) transparency right throughout the process, and
- (4) appropriate information being made available to industry.

We would believe that the sharing of pest and disease information, particularly relating to those pests/diseases being detected at pre-border, border and post-border, with industry has been extremely poor. With the establishment of Plant Health Australia and Industry Biosecurity Plans we believe the sharing of information may

improve. AQIS appears to be the agency most negative in supplying appropriate pest/disease information.

- l) Up until recent times Industry would have said that, in most cases, emergency response plans were inadequate to manage an outbreak of an exotic pest/disease. The development of Industry Biosecurity Plans and appropriate pest/disease contingency plans have been a major step forward in improving Australia's ability to respond to an outbreak.

While we now have a Cherry Industry Biosecurity plan and Industry is developing the other appropriate 'tools' we are not convinced that Industry and individual growers are sufficiently and well resourced to manage and survive a major exotic pest/disease outbreak. Also, we do not believe Governments' at National, State and/or Local levels have adequate resources – financial and human – to manage a major exotic incursion. More importantly the Agencies involved with the Environment, Natural Resources and Human/Social Health are not capable of dealing with any major incursion.

- m) Industry would believe that the current cost-sharing arrangements between Commonwealth, State and territory Governments, any affected industries and any affected communities still has a long way to go. While the arrangements that have been developed through Plant Health Australia and the EPPR Deed has set a good foundation and is continually being modified we know the system, structure and process has not been truly tested with a major exotic incursion. All we can do is be ever vigilant, endeavour to put the best possible systems and programmes in place and ensure that we learn from any incursion no matter how small. We would believe that appropriate exotic weeds with major affect on a particular commodity should be ultimately included with the relevant industry plans.

Industry does not believe that incursions that have principally environmental impacts are well considered and prepared for within the current plans and/or structures.

- n) Industry believes that legislation and regulations should regularly be reviewed and updated. The system should be such that the legislation sets the broad framework in which all parties can operate but the processes allow for simple and effective modifications, when required, to be undertaken in an efficient and timely manner. So often we see legislation taking years to change and as a result substantial social and economic damage occurs.
- o) Industry would believe that at times the Commonwealth and State/Territory legislation does not operate effectively and/or in a complimentary manner. Much more effort must be made to have consistent legislation and regulations across Australia. As industry and growers operate in a number of State jurisdictions it is essential to remove those burdens and additional cost relating to inconsistent legislation/regulation. For industry to continue to compete in an ever increasing competitive global market Government's must work even harder to reduce/minimise the burden of inconsistent legislation/regulation and Government 'red tape'.

To assist in Market Access applications for Australian Cherries it is essential that Australian legislation and/or regulations are consistent across State boundaries. If not then it makes it difficult to convince the authorities in the importing countries that Australia is serious about the particular protocols being discussed. For instance the new cold treatments for Queensland Fruit Fly that have been presented to Taiwan, USA and China for acceptance must be implemented as agreed treatments for the movement of fruit across State boundaries.

Specific legislation relating to ‘minimising State, Territory or Local Government action which would have an effect of frustrating a Commonwealth decision or its actions to implement an SPS agreement would be overridden’ is not supported by Industry.

More importantly it is essential that the Commonwealth Government and Government Agencies ensure that their decisions and actions are relevant to all Australians and protect the individual/industry/community no matter where they might undertake their business. If all decisions are truly based on scientific information and take into account the specific issues of the appropriate regions throughout Australia then legislation is not required. Unfortunately many of the past IRA’s and other programmes undertaken by AQIS and/or Biosecurity Australia have failed to adequately consider regional and local issues within their processes and final decision.

Given the changing nature of the WTO rules and the development of new SPS Agreements it is essential that the process within Australia changes and is maintained current. If regional, property and/or block freedom is to be a major part of the process then appropriate controls and protection must be developed and implemented. If the import permit is the most appropriate tool then it should be considered. If another ‘tool’ can be used and/or implemented then it should be developed.

The Fruit Fly Zone within the Riverland is a major advantage for those industries able to export overseas. The Fruit Fly programme implemented by the South Australian Government through Primary Industries and Resources SA, and supported by the horticultural industries, is essential in maintaining that area freedom and the associated export opportunities. Any action to dilute this system would be strenuously fought by Industry and the Community. Any action by Government(s) to strengthen these ‘tools’/processes/systems to maximise the advantages for these specific regions/properties/blocks would be strongly and pro-actively supported by Industry.

- p) Industry believes that the division of roles and responsibilities between Government (Federal, State, and Local), Government Agencies, Industry and individuals are not at all well defined, understood or implemented. Quarantine and Biosecurity at times lacks cooperation and shared responsibilities. As discussed above areas like development of import work plans is not a shared responsibility which is of major concern to Industry.

While there may be appropriate interaction between the relevant Agencies at Commonwealth and State/Territory level the linkage between those Agencies and Industry and the Community is extremely poor.

There needs to be a greater development of partnership between the Agencies and the relevant and appropriate industry groups and/or individuals. In addition there needs to be improved trust, transparency and communication between all parties.

As far as the 'grass roots' grower is concerned they see themselves completely disenfranchised from the process and the final results. We would believe the community also feels the same.

A lot more work needs to be undertaken to develop a seem-less system that all within the chain are comfortable with.

Given that the community (through their taxes) and industry (through their statutory levies and general taxes) pay for the process and are also the ones financially and socially affected by an incursion it is essential that they be seen and treated as true partners in the process.

Plant Health Australia could be seen as an improved model in which Commonwealth and State Governments and Industry are co-operating in a true partnership.

- q) Given the complex nature of the process it is important that the right checks and balances are in place to ensure the integrity and transparency of the process and final decisions.
- The Director of Animal and Plant Quarantine is the overall manager of the roles, responsibilities, processes and decisions of the Quarantine and Biosecurity sections under their control. We do not believe that they should be responsible for making the final decision(s) in relation to the acceptance of the recommendations of their Section. The decision should be the responsibility of a higher authority.
- If the Director of Animal and Plant Quarantine was also to be the Secretary of the Department of Agriculture, Fisheries and Forestry then we would believe they would not be the appropriate person to make the final decision as they would not be a higher authority.
- As the Australian Government establishes the country's Appropriate Level Of Protection, signs off on SPS Agreements and introduces associated legislation it should be their responsibility to sign-off on any decisions made under these systems and processes. Government has a responsibility to ensure that the right decisions are made that not only consider Australia's international obligations but also gives due consideration to all aspects including the social, economic and environmental issues and community and industry interests. Government cannot continue to 'pass the buck' back to the bureaucracy on decisions that are squarely their responsibility.
- r) Industry believes that AQIS has a conflict of roles and responsibilities in their dual role of facilitation and regulation. This conflict causes practical problems for the growers involved in export/import at the very basic levels.
- We believe that the two roles and responsibilities should be separated to ensure transparency in the process.
- s) Industry believes that the cost-recovery process is a negative and limiting factor for the development of good Quarantine and Biosecurity. The export of produce has a positive benefit not only to the individual undertaking the export but to all sectors - community, region, state, national – and the relevant economies. As indicated above the whole process of Quarantine and Biosecurity must be elevated to the same level as health and education and funded in the same way through the Australian taxation system.
- Industry also believes that Governments at both national and state level have failed to adequately resource the facilities required for research and development, diagnostics and surveillance. In fact they have allowed these facilities to be 'run down' and in many instances closed. As a result we are facing a shortage of facilities and skilled

people to undertake the necessary work to support our Quarantine and Biosecurity requirements.

There is no obvious succession planning within the research sector to ensure the maintenance and growth of skilled staff to undertake the required work.

Urgent action needs to be undertaken to implement programmes of infrastructure development and expansion, skills development and succession planning if Australia is to continue to be an important player in the areas of Quarantine and Biosecurity and ensure we remain relevant in the global market.

t) From a 'grass roots' grower perspective they would have little if any knowledge of the Quarantine and Exports Advisory Council and what its roles and responsibilities might be. More importantly they would have no knowledge of what such a group has achieved in improving Quarantine and Biosecurity within Australia. If this group is to continue it needs to show relevance to Industry and the producer base.

u) The consultative arrangements in the past, particularly relating to the Import Risk Analysis, has been far from acceptable from the 'grass roots' grower perspective. All forms of Government have consistently failed to truly consult with industry and the community. The process of writing a draft discussion paper and then putting it out for comment is not the appropriate method of consultation.

Agencies need to

- start with a blank sheet of paper,
- engage industry and the community in discussions, debate and 'brainstorming',
- listen to what industry/community has to say,
- take the information and issues back and prepare an appropriate issues paper,
- seek agreement from the industry/community on the issues paper,
- then prepare the appropriate discussion paper for consultation.

In this way industry/community will feel more engaged and ultimately have some ownership of the process and the results. The final result will be one that has greater acceptance by all involved.

Again transparency, integrity and trust are all parts of good consultation. So often in the past one or more of these ingredients has been lacking.

Similarly other aspects of Quarantine and Biosecurity education and awareness programs and processes have been poorly communicated.

With the establishment of Plant Health Australia and the associated mechanisms, programmes and 'tools' industry is hopeful that education and awareness programs, that have relevance to industry, will be developed and implemented and will assist in improving aspects of Quarantine and Biosecurity. Unfortunately one of the missing components of the Plant Health structure is the involvement of Quarantine and Biosecurity representatives.

AQIS and BA must become integral and active participants in the Plant Health Australia model and process if we are to further develop and implement good Quarantine and Biosecurity systems.

Overall Australia's Quarantine and Biosecurity programmes and processes have developed and improved but there is still a long way to go to achieving the best possible results for all involved in the process.

Hopefully the above points are of some assistance to the panel.

We look forward to the opportunity to expand on these and other points directly with members of the Review Panel. In the meantime if more information and/or explanation is required please contact the Association on 08 8349 4556.

Your due consideration of this submission would be appreciated.

Yours faithfully,

Trevor M Ranford B.Sc., Dip MP (AIMSA), CPMgr.
Secretary
Cherry Growers of Australia Inc.