

Submission to Quarantine and Biosecurity Review - 2008

Overview

Australia's relative pest and disease free status is a great advantage and should be preserved. Quarantine arrangements that deliver on this are a high priority for Australian farmers for the protection of agricultural production from exotic pests and diseases.

The National Farmers' Federation (NFF) firmly believes Quarantine must also have the highest priority for Government service to the community and economy in this era of ever increasing international movements of people and goods.

Added to this, both industry and the community at large expect that Australia's quarantine system will continue to maintain our pest and disease-free status, in order to protect Australia's environment and biodiversity.

NFF has had a strong commitment to Australia's quarantine and has been a strong supporter of improving Australia's quarantine protection through, for example, strongly supporting improvements to the Import Risk Assessment (IRA) process in 2007 and other reforms.

Australia's favourable pest and disease status is a vital foundation for the farming sector – in both production and marketing terms – and must be maintained through a highly-effective and efficient, science-based biosecurity and quarantine regime.

AQIS Operational Culture

This necessarily science based biosecurity and quarantine regime requires a high degree of technical skills being applied as opposed to the skill of management of those activities.

The Equine Influenza (EI) outbreak has demonstrated that there has been a reduction in the technical skills area and this has, to some extent been replaced by management skill. These must be seen as very different requirements with technical knowledge being critical to sound biosecurity and quarantine processes. NFF believes this change in skills applied to quarantine and biosecurity has compromised the quarantine system and needs to be urgently addressed.

The EI outbreak has also demonstrated there is a need to address a problem with diligence and culture within AQIS. For example, AQIS requires private quarantine

stations to undertake high quality biosecurity procedures but these same procedures were lacking in the Eastern Creek quarantine facility that is fully government operated by AQIS. This would suggest there is a clear issue of culture within the service delivery of AQIS. Can AQIS be charged with the responsibility of assessing and auditing itself?

Good biosecurity and quarantine procedures should be strictly followed irrespective of the overall responsibility (government versus private) for the management of the facility.

In fact the EI experience could suggest there is value in further considering the private model of quarantine operations domestically with AQIS undertaking an oversight role to ensure correct procedures are always being followed within that facility.

Similarly, the beef industry has clearly explained to this review and previously to government the breakdown in procedures within AQIS that lead to Brazilian beef being dumped as refuse at Wagga Wagga. While AQIS and BA officers have argued that the risk of an FMD outbreak from the import was virtually non-existent, this is not the point. The fact is that there were procedures that were not followed in that circumstance.

This again highlights an issue of apparent poor culture within the service delivery ethic of AQIS. The concern for NFF is that we do not know how many other circumstances have occurred where procedures have not been strictly followed. The only time industry hears about them is when there has been a breakdown in the process.

This is a critical issue for the integrity of our border quarantine arrangements and the proper functioning of a quarantine system that ensures Australia maintains its disease free status.

Seamless Continuum of Biosecurity and Quarantine

Effective quarantine must be delivered through a seamless continuum of 'pre border', 'at the border' and 'post border' activities. The outbreak of EI clearly identified how critical it is that there is equal rigour given to each of these three essential elements of quarantine protection.

If any one of these three elements of quarantine protection breaks down there are enormous consequences for each of the other elements that may otherwise be functioning effectively.

The EI outbreak also demonstrates just how damaging and resource intensive an incursion of a disease through quarantine breakdown can be.

Pre-Border IRA Assessments

The integrity of the IRA's, undertaken by Biosecurity Australia (BA), is paramount and must:

- be transparent, easy and rapid to meet Australia's appropriate level of protection, and expected government timeframes, for the delivery of IRAs. There are a range of other government instrumentalities that have similar complexity of issues to deal with as well as a wide ranging group of stakeholders who are able to undertake assessments in a much shorter period of time. Such organizations include the Food Standards Australia and New Zealand, Office of Gene Technology Regulator, and Australian Pesticides and Veterinary Medicines Authority.
- be consistent with our World Trade Organisation (WTO), World Animal Health Organisation (OIE) standards and other international obligations.
- have an explicit prioritisation process that is transparent to all stakeholders.
- be based on best available risk assessment methodology and develop verifiable, robust and practical risk minimisation systems based on quality assurance and Hazard Analysis Critical Control Points principles.
- be undertaken and/or reviewed by experts in the field concerned, including by experts in fields such as statistics and economics (as appropriate).
- assess biosecurity risks to all sectors affected, for example, agricultural production, human health and the environment.
- be subject to independent peer review and provide for regular periodic review of import protocols.
- ensure enhanced monitoring of quality assurance programs undertaken by countries exporting to Australia.
- maintain Australia's active role as a participant in the development of international biosecurity standards.
- continue to enhance biosecurity capacity and preparedness in nearby countries.

At the Border

Growth in trade and tourism equals growth in risk and the 'inspection' task. Much of this traffic has nothing to do with agriculture, yet still poses biosecurity risks.

Trade in agricultural goods is also becoming more complex, meaning that we may increasingly, simultaneously, import and export many products or commodities.

These challenges require a high level commitment from all Governments to:

- provide adequate resources to border agencies, including the Australian Quarantine Inspection Service (AQIS), to ensure they keep up with rapid growth in trade and the mounting inspection task.
- ensure risk assessment protocols are constantly improved to guide best use of resources to areas of highest risk.
- provide new resources to developing, assessing and installing technology to improve inspection effectiveness and throughput.
- ensure AQIS continues to improve management of its frontline activities to ensure consistency.
- continue community education programs to ensure quarantine remains top-of-mind for Australian travelers and overseas visitors.

- build and maintain strong links between BA and AQIS, as well as other relevant State and Federal Government agencies.
- involve and consult with affected industries at an early stage.

Post-Border

Post Border quarantine requires strong partnerships between the Commonwealth and the States and Territories. This requires a strong management structure that has very strong links not simply between Commonwealth agencies including BA and AQIS, but also to each of the State agricultural and biosecurity agencies.

It is essential that States and Territories are much better engaged with the Commonwealth at this post-border part of the quarantine and biosecurity arrangements. Again, the EI outbreak demonstrated how critical the response of States and Territories, acting together with the Commonwealth, is to an effective and efficient response to an emergency outbreak.

However, NFF believes that this engagement with States and Territories will deliver significantly better outcomes if they are an integral component of the biosecurity and quarantine continuum of ‘pre’, ‘at’, as well as the ‘post’ border. The outcomes of Callinan Inquiry on EI are likely to reinforce the importance of this greater engagement with States and Territories.

Resources for Biosecurity and Quarantine

There is a critical need to ensure all sectors of government responsible for biosecurity and quarantine are adequately resourced to undertake the tasks necessary to maintain the integrity of the system. This is particularly important in this modern era of resources to these activities within some States being reduced.

The ability to deliver biosecurity post-border (that is, to detect and control incursions and outbreaks), is highly dependent on a range of specialists who provide surveillance, diagnostic services, emergency response, incursion management and research.

These include botanists, plant and animal pathologists, entomologists, mycologists, virologists and the like. An alarming depletion in this technical capability, especially within state Departments of Primary Industry and the CSIRO, continues to occur – placing the system under increasing pressure.

Australia’s ageing workforce, failure to adequately succession plan and inability to capture senior expertise, remain serious concerns. Exacerbating this decline, agriculture is increasingly competing for the remaining skills base with other areas, notably biodiversity and environmental science.

All Government must address these issues as a matter of urgency and should provide undertaking to:

- establish an Australian Centre for Weed Management – replacing the current Cooperative Research Centre for Weed Management, due for closure in June 2008.
- commit, through COAG, to the biosecurity continuum, in consistently meeting national and international obligations. For example, frameworks, which include AUSBIOSEC, must be enhanced to ensure they deliver practical improvements to ‘on the ground’ biosecurity.
- develop a cohesive national biosecurity network, involving state and federal agencies, to more efficiently apply human and physical resources – to address serious deficiencies.
- commit to funding, and driving, the development of collaborative curricula across the tertiary education sector to ensure that Australia trains specialists and relevant technicians.
- ensure funding agencies and other bodies provide better career options to attract, train and retain skilled staff and improve their succession planning and professional mentoring programs.
- commit to funding, developing and implementing new technologies and products to improve national diagnostic capacity.

An essential component of the three elements of ‘pre’, ‘at’, and ‘post’ border protection is that all sectors of the production and natural environment, the general community, government, importers, exporters, and producers must have a shared responsibility to apply sound biosecurity procedures.

Trade Issues

Australia’s farmers are amongst the most efficient producers of food and fibre in the world and they produce these products for markets throughout the world. Australia’s relative freedom from pest and diseases is an important element of maintaining access to these markets.

In addition, a strong and effective rules based trading system is essential for our farmers continued access to markets. Consequently, Australia’s quarantine arrangements should be managed in such a way as to ensure continued access for the two thirds of Australia’s food and fibre production that is exported without compromising our biosecurity.

NFF recognises that the Australian government is required to fulfil its international obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement in undertaking its risk assessments for quarantine purposes and the implementation of any necessary restrictions on imports and people and transport movements to Australia.

Managing Risk

There is general agreement that Australia currently takes, and should continue to take, a conservative approach to managing quarantine risk. NFF recognises that a zero risk approach is not feasible, but a minimal risk approach to quarantine is critical. Industry

also understands that IRAs must be able to withstand international scrutiny and they must be consistent with international rules.

Quarantine must be based on best available peer reviewed science that will minimise the possibility of an incursion of an exotic human, plant or animal pest or disease.

Enhanced scientific review within the IRA process will encourage greater contestability of the science. Included in this we believe there should be a stronger role for the Eminent Scientists Group (ESG) especially where there are dissenting scientific opinions. Industry also believes reports from the ESG should become public documents.

A cost benefit analysis should be undertaken to better understand the benefits to a domestic industry and the costs to other industries and the economy from the application of the quarantine measure(s).

Improving the review of economic and social consequence analysis within the IRA will help to achieve an appropriate balance of qualitative versus quantitative methodologies in the risk analysis process. There must also be appropriate expertise involved in the consideration of the economic and social consequences within an IRA process.

Industry should be involved in the cost-benefit analysis through a process similar to that operated through the Office of Best Practice Regulatory Review.

Industry believes the methodology used in the calculation of risk should be regularly under review to ensure the best possible methods are being used. NFF believes an independent external body such as the Australian Centre of Excellence for Risk Analysis should be charged with reviewing methodologies as and when appropriate.

The use of “appropriate level of protection” (ALOP) principles should consider not only the cost benefit analysis for the industry specifically impacted by the quarantine measure but also related sectors and the community.

Climate Change Implications

Climate change can have a significant impact on changing risk of emergency disease outbreaks in Australia’s plant and animal industries.

For example, the incidence of bluetongue disease has moved north in Europe over recent years as seasons have become warm enough for the vector to move into regions that were previously too cold for them to survive.

There will undoubtedly be similar issues to address as the impacts, and potential impacts, of climate change become more apparent in Australia.

Therefore, it is important that the risk analysis methodology is constantly being revised to take into account such changing environmental circumstances.

Regulatory Framework

Quarantine processes should operate within a regulatory framework and within a structure where there is effective governance processes in place to ensure quarantine and IRA activities and outcomes are managed independently and with minimal political interference.

On the subject of structures within government and for example on making Biosecurity Australia (BA) and the Australian Quarantine and Inspection Service (AQIS) a statutory authority. NFF does not have a strong view on this, rather we believe that the focus of the Government should remain on ensuring the effectiveness of the system through improving the work culture within relevant agencies and by making other necessary improvements to the system.

An important element of a sound regulatory structure is nationally consistent legislation for animal health and welfare. NFF believes there is still much to be achieved to gain greater consistency of legislation between the Commonwealth, States and Territories.

Consistency of law is not only important for an effective and efficient biosecurity and quarantine continuum but also for improving efficiency by reducing regulatory burden on the private sector doing business in Australia.

Appeal Process

NFF believes it is important that there are opportunities to contest the science and the processes used through the IRA process. An independent appeals process is essential for an effective and efficient quarantine regime. There are ample opportunities for stakeholders to contest the science through the current process including the use of the Eminent Scientists Group.

However, if a stakeholder decides to exercise their right to legal recourse through the courts to have their concerns adjudicated, then that appeal should be limited to contesting the process rather than the science of the case. NFF recognises that the application of scientific rigour to quarantine and risk analysis does not always provide the definitive answer, and to contest this in an entirely legal framework will not solve the issue.

Consultation

Strong stakeholder consultation arrangements (including communications to, and hearing and acting on concerns expressed by, stakeholders) are important and they must be rigorously followed.

Stakeholder consultation must have a very high level of transparency in the IRA processes followed and the quarantine decisions implemented.

NFF believes there should be a consultative committee set up when IRA's are commenced, which would include the relevant stakeholders. The formation and operation of such a body would provide a valuable mechanism for consultation and communication with the stakeholders throughout the IRA process.

Those agricultural commodity 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. These formal deeds of agreement with all Governments provide for legal and funding obligations to be met prior to and during an incursion of an exotic pest or disease relevant to the particular industries. Therefore, these particular industries can be directly affected by a failure of Australia's quarantine system over and above the costs of the disease to the industry.

Adequate Funding of the Quarantine System

NFF recognises there will be a medium and long term need for additional funding and resources from government to undertake the actions to address the quarantine issues under review. Given the overall community interest in this we believe this additional funding should come from Australia's general taxation revenue.

Review of the Quarantine System

NFF believes there must be a regular independent audit of the quarantine system. Through regular audit of the system, early detection of problems and potential breakdown of the system can be identified. Early detection of a problem with the system can lead to corrective action before there has been a disastrous consequence through an incursion.

Australian Animal Health Laboratory

NFF believes the Australian Animal Health Laboratory is critically important to Australia's quarantine system and Government must ensure it is adequately funded.

9 May 2008