



13 JUL 2017

The Hon. Barnaby Joyce MP

**Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England**

MC17-004992

Mr Michael Crandon MP
Member for Coomera
PO Box 80
OXENFORD QLD 4210

05 JUL 2017

Dear Mr Crandon *Michael,*

Thank you for your letter of 5 July 2017 regarding the lapsing of the suspension of imports of uncooked prawns and the associated biosecurity risks.

I continue to take this matter very seriously. Establishment of White Spot Syndrome Virus (WSSV) in Australia could have a devastating impact on aquaculture and commercial fishing, including our \$358 million prawn industry, as well as the broader marine environment.

I note your comments about the ongoing Senate Committee inquiry and the possible source of the outbreak. While the results of genetic sequencing may shed some light on where the strain of WSSV originated, neither the Department of Agriculture and Water Resources (the department) nor Biosecurity Queensland have been able to determine the source of the outbreak (including whether it came about as a result of illegal activity). There remain a number of possible sources and it is highly likely that we will never know for certain.

I note your suggestion that the suspension of imports of uncooked prawns should be continued. However, I am unable to intervene in import decisions as under the *Biosecurity Act 2015* these are matters for the department to determine. As you are aware, our two-way trading relationships are vital for Australian producers who rely on selling their products overseas and the government has an obligation to allow agricultural imports, where the science says it is safe to do so.

As with the suspension of uncooked prawn imports, as soon as there is evidence that the biosecurity risk becomes unacceptable, the department will take immediate action noting trade cannot be suspended without a valid reason, as this would inevitably lead to reciprocal actions from other countries. This would be undesirable for a nation like Australia that relies on selling its agricultural products overseas. However, it is important that the biosecurity risks associated with imports are appropriately managed.

I understand that prawn farmers and commercial fishers would be naturally concerned about the lapsing of the suspension. I can assure you that the Director of Biosecurity's decision to allow the suspension to lapse was not taken lightly and follows a number of actions that the department has taken to improve its management of biosecurity risk in this area.

The department has reassessed import conditions for products affected by the suspension to determine the risk associated with the importation of particular product categories and if any conditions can be applied to manage any risks. The enhanced import conditions that will be implemented will mean that high-risk products—including uncooked prawns, marinated prawns and Australian prawns processed overseas outside an approved Australian Government supply chain—will be subject to a suite of measures to manage the biosecurity risk associated with these products.

These measures include requiring the competent authority in the exporting country to confirm and certify that each consignment has tested free from WSSV and Yellow Head Virus (YHV) based on sampling and testing methods recognised by the World Organisation for Animal Health (OIE). Trade in uncooked prawns will not occur until the department has confirmation from the competent authorities in exporting countries that they can meet Australia's new enhanced import conditions.

All imports of uncooked prawns, including marinated prawns and Australian prawns processed overseas outside an approved Australian Government supply chain, will also be subject to 100 per cent inspection and testing at the border to protect against WSSV and YHV. Breaded, battered and crumbed prawns are considered a lower biosecurity risk and will not be subject to testing for WSSV and YHV.

All consignments of uncooked prawn products, apart from highly processed product, will be subject to 100 per cent seals intact inspection on arrival into Australia (for breaded, battered and crumbed prawns this will ensure the product meets minimum coating requirements). Under the supervision of the officer, samples will be taken and sent to an approved screening laboratory for testing. Only those prawns that pass testing for both WSSV and YHV at an approved laboratory will be released onto the market. Reporting of non-compliance and test failures will be undertaken noting the need to comply with privacy laws.

These conditions are likely to apply until the formal review of import conditions for prawns and prawn products for human consumption is finalised. This review, which is expected to take up to two years, is being conducted through a comprehensive non-regulated risk analysis of existing import conditions and policy, including the 2009 *Generic import risk analysis report for prawns and prawn products*. It will take into account current scientific information, international standards developed by the OIE, as well as policies adopted by other countries for the importation of these products. Stakeholders will have the opportunity to comment on the draft report.

I want to see the full force of the law hit any importers who have contrived to breach our biosecurity rules. The department has already acted against six suspect importers and has briefed the Commonwealth Director of Public Prosecutions with the intention that charges are laid. Under the *Biosecurity Act 2015*, the maximum penalty for illegally importing goods for a commercial advantage is 10 years imprisonment or 2000 penalty units (\$420,000.00) or both.

The department will continue to take action against importers who have circumvented Australia's import system and will revoke or suspend approved arrangements and/or import permits for uncooked prawns. The department will also have regard to whether an importer is a 'fit and proper person' in granting or varying other import permits. This test incorporates consideration of a number of factors, including the importer's history of biosecurity compliance, any conviction records as well as the record of the importer's associates.

It is important that Australia's biosecurity regulations, especially in relation to uncooked prawns, are adequate and that they are applied and administered in a consistent manner and protect our economy and environment. I expect that the department will continue cooperate fully with the Senate inquiry and the separate investigation being undertaken by the Inspector-General of Biosecurity, Dr Helen Scott-Orr, who is undertaking a review of circumstances leading to the import suspension and the biosecurity considerations relevant to the future trade in uncooked prawns. I anticipate that these independent investigations will address many of the concerns that you and I have. However, I will review the findings to ensure that they are comprehensive and cover all matters of concern.

I acknowledge that prawn farmers and commercial fishers will likely remain cautious about the management of biosecurity risk related to the importation of uncooked prawns despite the actions that have been taken by the department to date. I have asked the department to continue to engage with industry representative organisations, including the Australian Prawn Farmers Association and the Queensland Seafood Industry Association to ensure they have the most up-to-date information for their members to use.

Thank you again for bringing your concerns to my attention. I trust this information is of assistance.

Yours sincerely

Barnaby Joyce MP

cc Mr Dale Last MP, Queensland Shadow Minister for Agriculture, Fisheries and Forestry