Senate Rural Affairs and Transport References Committee

Questions on Notice – Monday, 14 February 2011 CANBERRA

Inquiry into biosecurity & quarantine arrangements

Question Number	Page No's.	Witness	Question asked by	Answered
1	18	Riverina Citrus	Senator Milne	Y – 11/3/11
2	19	Riverina Citrus	Senator Milne	Y – 11/3/11
3	27	NGIA	Senator Colbeck	Y – 21/2/11
4	54	DAFF	Senator Back	Y – 4/3/11
5	57	DAFF	Senator Back	Y – 4/3/11
6	57	DAFF	Senator Colbeck	Y – 4/3/11
7	59	DAFF	Senator Milne	Y – 4/3/11

SENATE RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

Inquiry into biosecurity & quarantine arrangements

Public Hearing Monday, 14 February 2011

Questions Taken on Notice –Riverina Citrus

HANSARD, RA&T 18

Senator MILNE—So the difference is in the level of response once the incursion occurs, but I want to go to the prevention. Ever since that completely bungled citrus canker investigation in Queensland, I have been really concerned about the illegal import of budwood. I notice that you are seeking mandatory certification for people who are importing budwood. What is the fine currently if you illegally import budwood and are found out?

Mr Battister—I am sorry, I am not really sure. As far as I know, I do not think it is anything, but we will have to find out and we can get back to you with that information.

HANSARD, RA&T 19

Senator MILNE—As likely pathways, you mentioned illegal importation and that would overcome that. You also mentioned the threat of the Torres Strait and the free movement of citrus across that. But presumably you would have to bring plant material as well as just the fruit. Is that correct? Are you more concerned about the insect or the actual wood?

Mr Weppler—We are concerned about two things. The insect is probably the highest risk. Plant material is also a high risk because it could have the disease in it. It is very unlikely that the fruit would carry it, but there is conflicting evidence on that; there possibly could be some seedborne.

Senator MILNE—In terms of the hierarchy of what, in your view, needs to be done for prevention—let us deal with that first—what is your highest priority right now if we need to do these things in sequential order?

Mr Weppler—I think the—

CHAIR—You can take the question on notice if you want to have a think about it.

Mr Weppler—That might be better.

Senate Inquiry into Biosecurity Committee Hearing - 14 February 2011 Questions on Notice

Trish Carling
Senior Research Officer
Senate Rural Affairs and Transport Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Email: trish.carling@aph.gov.au

The fact that Australia has not had an incursion of Huanglongbing (HLB, citrus greening) shows that we are doing some things right. However, due to the severity of this disease and the destruction it will cause to the citrus industry, there are further improvements that need to be made before an incursion occurs. It is difficult to set priorities for things to be done in a sequential order because they are all important and some may be achieved more easily than others. However, we think that an incursion of the vector, the Asian citrus psyllid (ACP) is likely at some point in the future and that having in place the required mechanisms for early detection and eradication are critical.

To increase the probability of early detection and thus eradication we need:

1. National Surveillance Strategy.

   Develop co-ordinated surveillance programs for incursions by federal authorities, state authorities and industry. Maintenance of surveillance programs in northern Australia.

2. Increased Awareness.

   The time between when an incursion first occurs and when it is first detected is critical to the probability of eradication. The general public, the citrus industry, and government agencies should be aware of HLB, and able to recognise its vector, ACP. Community knowledge may be important to early detection which in turn is critical to eradication. Citrus Australia will be funding a Biosecurity officer to ensure growers are aware of HLB and ACP, but more needs to be done by government to ensure that the general public is also aware,

3. Exotic insect vectors, such as ACP, should be given the same PHA categorisation as the disease they transmit.

   This would affect the cost sharing arrangement in the Emergency Plant Pest Response Deed. This is important so that adequate reimbursement costs can be given to affected growers. This is necessary to encourage citrus growers to report suspected detections. The ongoing management of ACP would greatly increase the amount of insecticides applied to citrus. Australian citrus production currently uses very few insecticides and strongly relies on biological control of many pests. The biggest mistake made in Florida in relation to this disease was the lack of action when the vector first arrived. Allowing a vector to establish and spread is detrimental to eradication attempts when the disease arrives.

4. Diagnostic Capability.

   Completion of diagnostic protocols for HLB and ACP and develop laboratory and scientific capability to deal with an incursion such as HLB.

5. Legislation for the removal of abandoned orchards.

   Uniform legislation across states for the removal of abandoned orchards, particularly in quarantine zones without the need to determine the presence of HLB or ACP. Abandoned orchards usually do not die, but continue to live in a weakened state and can serve as a reservoir and source of inoculum for insect vectored and other diseases.

6. The Pest Specific Contingency Plan prepared under a HAL grant using the citrus levy **needs to be continually updated.**

To reduce the risk of incursion we need:

1. Mandatory certification of all budwood and seed used by citrus nurserymen and registration of all nurseries (not just those growing citrus, because there are other hosts of HLB eg *Murraya* and *Choisia* which are common garden plants). This must include producers and sellers at 'flea market' retail outlets. At a minimum there should be an accreditation scheme for nurseries that use high health status budwood.

2. Illegal importation of budwood needs to have an adequate penalty that is enforceable to serve as a deterrent. The following extract is from the *Quarantine Proclamation 1998* which was obtained from the *Department of Agriculture, Fisheries and Forestry*.

67. Penalties for certain acts done in contravention of Act

Basic illegal importation offence

(1) A person is guilty of an offence against this subsection if:
(a) the person imports, introduces, or brings into any port or other place in Australia, the Cocos Islands or Christmas Island anything; and
(b) the person knows that the thing is:
(i) a disease or pest; or
(ii) a substance or article containing a disease or pest; or
(iii) an animal, plant or other goods; and
(c) the importation, introduction or bringing in of the thing is in contravention of this Act.
Maximum penalty: Imprisonment for 10 years.
Strict liability applies to paragraph (1)(c)

(2) For the purposes of an offence against subsection (1), strict liability applies to paragraph (1)(c).

Aggravated illegal importation offence

(3) A person is guilty of aggravated illegal importation if:
(a) the person imports, introduces, or brings into any port or other place in Australia, the Cocos Islands or Christmas Island any thing; and
(b) the person knows that the thing is:
(i) a disease or pest; or
(ii) a substance or article containing a disease or pest; or
(iii) an animal, plant or other goods; and
(c) the importation, introduction or bringing in of the thing is in contravention of this Act; and
(d) the person obtains, or is likely to obtain, a commercial advantage over the person's competitors or potential competitors.

Maximum penalty:
(a) if the offender is an individual—imprisonment for 10 years or a fine of

2,000 penalty units, or both; and
(b) if the offender is a body corporate—a fine of 10,000 penalty units.

Examples of commercial advantage
(4) The following are examples of a commercial advantage as referred to in subsection (3):
(a) the avoidance of business costs associated with obtaining an import permit or meeting quarantine requirements; or
(b) the avoidance of delays necessarily involved in compliance with applicable quarantine measures.
Strict liability applies to paragraph (3)(c)

Whilst the above outlines what may appear to be adequate many in industry believe that enforcement is inadequate and needs to be addressed.

3. Prohibition of imports of fresh Kaffir lime and curry leaf (*Bergera koenigii*) leaves from any country with HLB or the Asian citrus psyllid (ACP). Legal importation of infested material that was inadequately treated with MeBr and inspected, resulted in introductions of fresh *B. koenigii* leaves with ACP to California from Hawaii (what is most disturbing is that further introductions of *D. citri* came into California from Hawaii on non-host herb shipments of malungai and sweet basil leaf and on coriander into the USA from Mexico.

4. Revision of post-entry quarantine requirements for citrus budwood and vegetative material of **all hosts of HLB** to reflect the improved methodologies for testing for the causal bacteria.

5. A full economic assessment of the potential impact on citrus, nursery and allied industries is required and should be completed before an incursion occurs to ensure the seriousness of this problem is understood by all areas of government and industry. The aggregate economic cost to the California economy has been estimated to be over US$202 million.

The HLB Task Force formed under the Chairmanship of the Office of the Chief Plant Protection Office should be charged with the task of ensuring that the above issues are addressed in a complete and timely manner.

If you require any further details please do not hesitate to contact the office of Riverina Citrus.

Regards,

Dominic Testoni
Chief Executive Officer

SENATE RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

Inquiry into biosecurity & quarantine arrangements

Public Hearing Monday, 14 February 2011

Questions Taken on Notice –NGIA

HANSARD, RA&T 27

Mr Prince—I think that is the big question at the moment, that the industry would get a waiver on those charges coming into full cost recovery. During the 12-month period there would be a review put out to industry to show the efficiencies that had been gained and that waiver period would finish at 1 July—

Senator COLBECK—This committee is pretty familiar with that process.

Mr Prince—At that point in time industry has not been shown that that is where the efficiencies—

Senator COLBECK—How well developed is the individual industry plan that applies to horticulture?

Mr Prince—I will have to take that on notice and come back to you that one. I am not sitting on that committee.

Mr Weppler—That might be better.

Response ex R Prince 21 November 2011

The Committee has continued to meet and work with AQIS in developing reforms.As part of the reform package, Ernst and Young were engaged to undertake a review of the horticultural export supply chain "Export Certification Reform Package – ECRP – Review of the Horticulture Industry Export Supply Chain Sep 2010'. The project valued at approximately ¼ million dollars identified 11 recommendations of which seven indicated that there needs to be **greater communication between the Federal Government and the States/Territories**.

Industry was advised at Biosecurity Briefing on 18th February that a new model will be in place from July1 2011. This is a very tight timeline as legislation needs to be modified and operating processes need to be developed if Industry is going to step into the role of "AQIS Authorised Officers" when it comes to auditing for plant exports. There is still considerable industry consultation and engagement required.

The key recommendations from the Ernst and Young Review are as follows:

Recommendation A. Harmonised legislation

Legislation to be implemented to harmonise regulatory activities between AQIS, State and Territory governments and establish the legal framework for one auditing authority

Recommendation B. Risk based continuum

A risk based continuum for monitoring the Horticulture Supply chain for both domestic and export be agreed between regulatory authorities and industry

Recommendation C. Harmonisation of AA conditions for premises

AQIS and respective State and Territory governments should reach agreement on the conditions for Approved Arrangements of horticulture premises

Recommendation D. Single AA audit regime

AQIS and respective State and Territory governments should reach agreement on the audit regime for Approved Arrangements of packhouses and other horticulture premises

Recommendation E. Single sanctions policy

AQIS and respective State and Territory governments should reach agreement on the audit regime for Approved Arrangements of packhouses and other horticulture premises

Recommendation F. Single technology solution

To facilitate these reforms it is suggested that an automated system be developed and implemented from harvest to export which encompasses both inspection and auditing arrangements

Recommendation G. One auditing agencyAQIS and respective State and Territory governments should establish a single agency that is responsible for the auditing of business involved in the export and domestic production of horticulture

Recommendation H. Single auditor training program

AQIS, respective State and Territory government and Industry should implement a training program for auditors that is nationally consistent i.e. similar to the Food Safety Program Audits using the National Food Safety Audit Policy

Recommendation I. Common understanding of reform roles

AQIS and respective State and Territory governments along with Industry enter into memorandums of understanding that clearly articulate the role of the respective agencies and industry in implementing the reforms

Recommendation J. Industry reform support and compliance measurement

The horticulture exporting industry collaborate as a single representative body to help develop and implement a new regulatory service delivery model and commit that under such a new framework compliance levels will be maintained or enhance under a self regulation continuum through the provision of objective measures to support verification of performance.

Recommendation K. Industry export supply chain reforms

The horticulture exporting industry examine the feasibility of adopting and implementing best practice supply chain methodologies across the total export supply chain from grow to harvest to export and to import through a peak industry representative with access to such specialist knowledge.

SENATE RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

Inquiry into biosecurity & quarantine arrangements

Public Hearing Monday, 14 February 2011

Questions Taken on Notice –DAFF

HANSARD, RA&T 54

Senator BACK—At the beginning of your discussion, you indicated the staffing to us. We were told earlier on in the day that there is 0.3 of an FTE within the agency with responsibility for oversight of the export of genetic materials and 0.5 of an FTE with responsibility for oversight of live exports. Are those figures accurate?

Ms Mellor—No, I did not hear the evidence earlier. We do have two branches in the central office that manage the import permits and export decision making in collaboration with our export division—our food division, as we call it—on live animals and genetic and biological material.

Senator BACK—So could you perhaps take on notice and advise us of what they are in FTEs?

Ms Mellor—Yes.

HANSARD, RA&T 57

Mr Read—In relation to imported horticultural products, including apples, the regime that would be applied is a test for 49 different compounds. That is Australia's single requirement in terms of random surveillance of imported apples, for example, if that is the scenario, that those tests would be applied against. In regard to the National Residue Survey, NRS provides a mechanism by which certification can be provided internationally in relation to product. So it is not just country to country; this is a national program that is applied that gives us as the regulator and certifier the confidence to make particular declarations in regard to the state of that product being exported. A lot of those chemicals that are tested for in NRS are an amalgam of the requirements of a number of countries, such as the EU and the US. So you will not just do plots of testing on a consignment; you will actually do a national surveillance program that we can then provide as the framework that gives us confidence in the certification that we make. The second issue around NRS—

Senator BACK—Can I just break in there. I want to get a sense of the sampling rate for the National Residue Survey, because that becomes part of the overall issue, and impost as well.

Mr Read—It varies, and I will have to take that on notice as to what that particular sample size is. It varies across commodities, and some countries, like those of the EU, actually specify to other countries what each country is required to sample and the particular compounds that

need to be tested for. That will then form part of their national composition in that international analysis that enables them to have some confidence around all imported food going into that particular market. Other countries simply need assurance from us that the sampling regimes applied do have statistical validity in terms of the conclusion we reach in regard to the samples collected.

HANSARD, RA&T 57

Mr Read—It varies, and I will have to take that on notice as to what that particular sample size is. It varies across commodities, and some countries, like those of the EU, actually specify to other countries what each country is required to sample and the particular compounds that need to be tested for. That will then form part of their national composition in that international analysis that enables them to have some confidence around all imported food going into that particular market. Other countries simply need assurance from us that the sampling regimes applied do have statistical validity in terms of the conclusion we reach in regard to the samples collected.

Senator COLBECK—I think we have asked you before to take on notice to provide the list of 49 chemicals?

Ms Mellor—I think we provided it before too.

Mr Read—We have.

Ms Mellor—We are happy to do so again.

Senator COLBECK—We did have a discussion about whether we actually got it before. I know we have referred to it in briefings but—

Ms Mellor—We will be happy to give it to you.

HANSARD, RA&T 59

Senator MILNE—This was in embryo exports as part of the live cattle trade. Maybe we will pursue this in estimates, because we do not have very much time now. I want to know what information systems are in place so that these sorts of things can be dealt with by email. It would seem to me something like that is an online thing you could do. The second thing in relation to systems is that there was also evidence given that when protocols in other countries change in relation to the export of Australian product into those countries, that information is usually not passed on or it seems that we do not know about it, and then the growers export under whatever they thought the standard was and then the product is held up and returned. Whose job is it to keep abreast of changes to the protocols and inform people accordingly?

Mr Read—We will have to take some of that on notice...

Attachment B

Senate Rural Affairs and Transport
References Committee
Inquiry into biosecurity & quarantine arrangements
Public Hearing Monday, 14 February 2011
ANSWERS TO QUESTIONS ON NOTICE
Department of Agriculture Fisheries and Forestry

Division/Agency: Biosecurity Services Group – Animal Division
Topic: Staffing for oversight of exporting genetic materials and live exports
Hansard Page: RA&T 54

Senator Back asked:

1. Could you please advise us of the FTEs within the agency with responsibility for oversight of the export of genetic materials and responsibility for oversight of live exports?

Answer:

A total of 42 fulltime equivalents (FTE) are allocated to facilitate the export of live animals and animal genetic material.

The Live Animal Exports Program provides export certification services to Australian exporters of live animals and animal genetic material consistent with Australian legislative responsibility and importing country requirements.

There are currently 38 FTE positions within the Live Animal Exports Program. These positions are located in Canberra and all regional offices and comprise senior management, veterinarians, technical and administrative staff.

The Animal Biosecurity Branch is responsible for negotiating protocols for the export of live animals and animal genetic material. There are currently 4 FTEs located in Canberra undertaking those functions. When a priority issue arises regarding a protocol for the export of live animals or animal genetic material, resources from elsewhere in the branch may also be reallocated to assist.

Attachment C

Senate Rural Affairs and Transport
References Committee
Inquiry into biosecurity & quarantine arrangements
Public Hearing Monday, 14 February 2011
ANSWERS TO QUESTIONS ON NOTICE
Department of Agriculture Fisheries and Forestry

Division/Agency: Biosecurity Services Group – Food Division
Topic: National Residue Survey
Hansard Page: RA&T 57

Senator Back asked:

1. Could you please provide a sense of the sampling rate for the National Residue Survey?

Senator Colbeck asked:

2. Provide a list of the 49 compounds tested for and applied to imported horticultural products.

Answer:

1. The sampling rate for National Residue Survey programs varies across commodities depending on the industry and importing country requirements. For example, the apple and pear program sample plan is developed in consultation with Apple and Pear Australia Limited (APAL) for domestic quality assurance purposes. The program is funded by grower levies of 75 cents per tonne of apples and pears. These levies allow for an apple and pear testing program of approximately 600 samples per year. This means each apple and pear grower could potentially have produce sampled every two years.

   Samples are collected according to National Residue Survey protocols and procedures by either the quality assurance manager or by accredited third-party samplers in markets and packing sheds. The apple and pear program is divided into two parts where half are collected by packing sheds and half by third party samplers. Each two kilogram sample is selected at random from the produce of a specific grower. The origin of the 600 samples is proportional to the level of production in each state. Similarly, collection of apple (77 per cent) and pear (23 per cent) samples is proportional with total apple and pear production figures. Last year there were 479 apple and 144 pear samples collected for pesticide residue testing.

Attachment C

Senate Rural Affairs and Transport

References Committee

Inquiry into biosecurity & quarantine arrangements

Public Hearing Monday, 14 February 2011

ANSWERS TO QUESTIONS ON NOTICE

Department of Agriculture Fisheries and Forestry

2. List of pesticides screened for imported horticultural products

Agricultural chemical	Agricultural chemical
Acephate	Fenoxycarb
Aldrin	Fenthion
Azinphos-methyl	Fipronil
Benalaxyl	Heptachlor epoxide
Captan	Imazalil
Carbaryl	Malathion
Chlorfenvinphos (cis & trans)	Metalaxyl
Chlorpyrifos	Methidathion
DDD (2,4- and 4,4-)	Mevinphos
DDE (2,4-and 4,4-)	Monocrotophos
DDT (2,4- and 4,4-)	Omethoate
Deltamethrin (cis, trans)	Oxyfluorfen
Diazinon	Parathion-ethyl
Dichlorvos	Parathion-methyl
Dicofol	Permethrin (cis, trans)
Dieldrin	Phorate
Difenoconazole	Phosmet
Dimethoate	Piperonyl butoxide
Disulfoton	Pirimicarb
Endosulfan (α, β □& sulfate)	Pirimiphos-methyl
Endrin	Procymidone
Ethoprofos	Prothiophos
Fenamiphos	Terbufenpyrad
Fenarimol	Triadimefon
Fenitrothion	

Attachment D

Senate Rural Affairs and Transport
References Committee
Inquiry into biosecurity & quarantine arrangements
Public Hearing Monday, 14 February 2011
ANSWERS TO QUESTIONS ON NOTICE
Department of Agriculture Fisheries and Forestry

Division/Agency: Trade Market Access Division and Biosecurity Services Group – Animal Division and Plant Division
Topic: Changes to the protocols in relation to the export of Australian product
Hansard Page: RA&T 59

Senator Milne asked:

1. Whose job is it to keep abreast of changes to the protocols in relation to the export of Australian product into those countries and inform people accordingly?

Answer:

The department monitors notifications made by other countries to the World Trade Organisation (WTO) through the Sanitary and Phytosanitary (SPS) contact point, and where appropriate, notifies industry of relevant changes to protocols. Not all changes are notified through the WTO and for this reason the department and industry must rely on information from other sources such as the import permit. The trading partner may also notify the department directly of changes to protocols and this information may then be forwarded to industry.

In accordance with the *Export Control (Animals) Order 2004*, the importing country requirements must be supplied to the department (AQIS) by the exporter as part of the application to export live animals or their genetic material from Australia. The importing country requirements, which are a component of the import permit, are viewed by the department and our trading partners as the definitive source of the applicable import conditions that the department must certify.

Both the livestock export and ruminant genetics industries have a consultative committee that meets with the department biannually to kept abreast of any recent changes and also prioritise opportunities and markets for further negotiation of protocols for export.

Additionally, the livestock export industry has identified the types of livestock export consignments that AQIS personnel are to maintain on a database and make available to all licensed exporters for reference and commercial planning purposes. However, at any time, the importing country government could change the protocol or apply different requirements to an import permit. For this reason, the database maintained by the department is only to be used as a guide.

There are also similar arrangements in place for the export of plants and plant products that require the issuance of a phytosanitary certificate.