

**AUSTRALIAN HORTICULTURAL EXPORTERS
ASSOCIATION**

PRESENTATION TO:-

**AUSTRALIAN SENATE RURAL AFFAIRS AND
TRANSPORT REFERENCES COMMITTEE**

**INQUIRY INTO BIOSECURITY AND QUARANTINE
ARRANGEMENTS**

TUESDAY 29TH NOVEMBER 2011

PARLIAMENT HOUSE – CANBERRA

**PRESENTED BY:-
ALASTAIR SCOTT
DAVID MINNIS**

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I WOULD LIKE TO GIVE YOU A BRIEF SUMMARY OF EVENTS SINCE I LAST SPOKE WITH YOU ON THE 7th OF JULY THIS YEAR, REGARDING THE REVIEW AND REFORM OF AQIS.

1. AQIS AUTHORISED OFFICERS

- 1.1 AQIS HAVE NOT BEEN ABLE TO ADVISE INDUSTRY OF ANY FOREIGN MARKETS THAT WILL ACCEPT AAO'S THAT COULD NOT HISTORICALLY BE ACCESSED USING "APPROVED ARRANGEMENTS", FOR PHYTOSANITARY INSPECTIONS – SO NO ACCESS IMPROVEMENTS.

AAO'S ARE A LESS DESIRABLE BUSINESS MODEL FOR PHYTOSANITARY CERTIFICATION THAN APPROVED ARRANGEMENTS.

- 1.2 NO COSTING MODELS FOR PRIVATE ENTERPRISE HAVE BEEN PROVIDED BY AQIS FOR ANALYSIS OF SET UP AND RUNNING AN AAO, EVEN THOUGH INDUSTRY HAS REPEATEDLY ASKED FOR THIS.
- 1.3 THE "TRIALS" AQIS ARE RUNNING TO ASSESS AAO'S AND COSTS IS FLAWED AS THE AAO'S DOING THE INSPECTION WORK ARE IN FACT INDIVIDUALS WHOM HAVE BEEN SUBCONTRACTORS TO AQIS AS AQIS INSPECTORS.

THEREFORE THEY HAVE SUBSTANTIAL KNOWLEDGE OF INSPECTION PROCESSES AND DOCUMENTATION REQUIREMENTS.

ACCORDINGLY NO VALID CONCLUSIONS CAN BE DRAWN FROM THIS STUDY WHEN ATTEMPTING TO ASCERTAIN COSTS OF SET UP AND TRAINING NOR THE NECESSARY "LEARNING CURVE".

- 1.4 LET US BE VERY CLEAR ABOUT AAO'S – THIS IS NOT A COST SAVINGS APPROACH FOR PHYTOSANITARY CERTIFICATION THAT AQIS IS GOING OUT OF ITS WAY TO FORCE UPON THE HORTICULTURAL INDUSTRY.

AQIS MAY SAY THAT UPTAKE OF AAO'S IS VOLUNTARY BUT THIS IS REGARDED BY MOST OF US AS "WINDOW DRESSING" TO GET INITIAL ACCEPTANCE OF THEIR PROPOSAL BY MOST OF THE HORTICULTURAL INDUSTRY SECTORS OVER THE LINE.

IT IS THE EXPECTATION IN THE MEDIUM TERM AQIS WILL ATTEMPT TO DEMAND AAO'S AS THE ONLY METHOD OF PHYTOSANITARY INSPECTION.

- 1.5 AAO'S REALLY ARE THE VEHICLE AQIS HAVE CHOSEN TO OFFLOAD THE RESPONSIBILITY OF PHYTOSANITARY CERTIFICATION TO THE PRIVATE SECTOR.

THESE AAO'S HAVE VERY LITTLE TO DO WITH COST MINIMISATION OF THE AQIS BUDGET. IN TERMS OF FIELD STAFF DOING PHYSICAL INSPECTIONS THEIR COST AMOUNTS TO ONLY ABOUT 30% OF THE TOTAL AQIS BUDGET, SO 70% OF THE EXISTING AQIS BUDGET COSTS STILL REMAIN.

CONSIDER THESE NUMBERS AND ASK, SO IF SOME OR MANY COUNTRIES DON'T ACCEPT AAO'S AND STAFFING IN THE FIELD CANNOT GO DOWN

SIGNIFICANTLY, THE COST SAVINGS AQIS/DAFF ARE ESPOUSING WILL NOT EVENTUATE.

AAO'S WILL MOST LIKELY NOT BE ABLE TO "RELEASE" PHYTOSANITARY CERTIFICATES AFTER INSPECTIONS, DUE TO INTERNATIONAL PLANT PROTECTION REGULATIONS (IPPC).

MEANING THIS RELEASE OF PHYTOSANITARY CERTIFICATES TO THE EXPORTER WILL HAVE TO BE DONE BY AQIS GOVERNMENTAL STAFF REQUIRING THE RETENTION OF AQIS STAFF PROHIBITING MEANINGFUL STAFF REDUCTIONS.

IT IS FAR MORE LIKELY DAFF/AQIS RELISH THE THOUGHT OF NO CULPABILITY FOR PHYTOSANITARY CERTIFICATION BY GOVERNMENT INSPECTORS AND WILL GO TO SIGNIFICANT LENGTHS TO PURSUE THIS OUTCOME - EVEN IF IT MEANS GREATER COSTS TO THE EXPORT PATHWAY FOR HORTICULTURE.

SHIRKING RESPONSIBILITY AND ACCOUNTABILITY FOR PHYTOSANITARY CERTIFICATION INSPECTIONS BY TRANSFERRING THIS RESPONSIBILITY TO INDUSTRY SEEMS TO BE THE MANDATE OF AQIS/DAFF DURING THIS AQIS REVIEW, RATHER THAN STRIVING FOR SERVICE IMPROVEMENT AND SEEKING TO MINIMISE COSTS IN THE EXPORT PATHWAY.

- 1.6 DESPITE ASKING, THE MTF HAS NOT RECEIVED ANY DETAILED INFORMATION FROM DAFF AS TO WHERE IN EXCESS OF A\$500,000 HAS BEEN SPENT ON THE ROLL OUT AND TRAINING OF AAO'S TO INDUSTRY.

MINISTERIAL TASK FORCE

THE LAST MEETING OF THE HORTICULTURE MTF WAS ON THE 29TH OF JUNE 2011. INDUSTRY HAS REPEATEDLY ASKED FOR INFORMATION AND THE STATUS OF OUR MTF, WITH THE VIEW TO MORE MEETINGS.

INTERESTINGLY, AND RATHER BIZARRELY, DAFF ADVISED FRIDAY LAST WEEK OF A MEETING SCHEDULED FOR THE 20TH DECEMBER - NEARLY SIX MONTHS FROM OUR LAST MEETING AND JUST 5 DAYS BEFORE CHRISTMAS - PERHAPS THEY LEARNT OF THIS HEARING!

OBVIOUSLY DAFF DIDN'T LIKE THE COST MODEL OF FEES AND CHARGES THE MTF INDUSTRY PARTICIPANTS WERE PROPOSING.

DAFF ARE NOW SEEKING INPUT FROM INDUSTRY SECTORS OUTSIDE THE MTF, TO THE FEES AND CHARGES MODEL AQIS PROPOSE WITH THE CARROT OF A POTENTIAL SUBSIDY FOR INDUSTRY FROM THE MINISTER.

IT IS PERHAPS PROPHETIC THAT A SENIOR EXECUTIVE WITHIN DAFF REFERRED TO THIS GROUP OF INDUSTRY CONTRIBUTORS BEING CONVENED BY DAFF OUTSIDE OF THE MTF AS A "SENIOR HORTICULTURAL ADVISORY GROUP". ITS ACRONYM IS "SHAG".

SO DAFF WERE SIDESTEPPING THE MTF TO HAVE A "SHAG" TO ACHIEVE THE OUTCOME THEY WANT.

THIS ADVISORY GROUP HAS SINCE BEEN REBADGED "HORTICULTURE EXPORTS SENIOR ADVISORY GROUP".

MTF MEETING 29TH JUNE 2011

THE DEPUTY SECRETARY BIOSECURITY OF DAFF WAS PRESENT AND ASKED AT THE END OF THE MEETING THE INDUSTRY PARTICIPANTS REMAINING ABOUT THEIR CONCERNS OF THE MTF.

THE MINUTES COMPILED BY DAFF BARE LITTLE RESEMBLANCE TO WHAT WAS SAID BY INDUSTRY PARTICIPANTS ANSWERING THE QUESTIONS RAISED BY THE DEPUTY SECRETARY BIOSECURITY OF DAFF.

THE DETAIL AND CONCERNS OF INDUSTRY INDIVIDUALS REGARDING THE ACCURACY AND MANIPULATION OF MINUTES OF PREVIOUS MEETINGS ARE GLOSSED OVER IN THE MINUTES OF THIS MEETING.

THERE IS NO DETAIL OF AN INDUSTRY PARTICIPANT DETAILING CATEGORICALLY THAT HE BELIEVED HE HAD BEEN LIED TO DURING THE MTF PROCESS BY A SENIOR DAFF INDIVIDUAL REGARDING THE BREACH OF THE IN-PRINCIPLE AGREEMENT BY DAFFS ASSURANCES THAT AAO'S COULD DELIVER FOREIGN MARKET PHYTOSANITARY CERTIFICATION ACCESS.

THE CODE OF CONDUCT OF MINUTE RECORDING BY DAFF FOR THIS MTF REMAINS MOST UNSATISFACTORY.

FORMAL COMPLAINT LODGED BY THE AHEA ABOUT DAFF CONDUCT DURING THE MTF

THE COMPLAINT DETAILED ON THE 15TH SEPTEMBER 2011 TO DAFF REMAINS UNRESOLVED AND THE AHEA HAS NO UPDATE REGARDING THIS MATTER.

THE COMPLAINT FILED IS DETAILED IN THIS SUBMISSION.

CONCLUSIONS

DAFF/AQIS HAVE DEMONSTRATED DURING THIS MTF PROCESS OF AQIS FEES AND CHARGES REVIEW THAT THEY DON'T CARE FOR THE OPINIONS OF INDUSTRY, UNLESS THEY CONCUR WITH THEIR DESIRED OUTCOME.

CONSULTATION WITH INDUSTRY HAS NOT HAPPENED IF THIS PROCESS IS TO EFFECT CONSTRUCTIVE BENEFICIAL CHANGE SORT BY THE MAJORITY OF THE HORTICULTURAL INDUSTRY.

THE HORTICULTURAL MTF ADMINISTERED BY DAFF/AQIS HAS BEEN MANAGED BY CHARLATANS AND AMOUNTS TO NOTHING MORE THAN A SHAM.

AAO'S AREN'T ABOUT SAVING INDUSTRY ACROSS THE BOARD MONEY, THEY ARE ABOUT ABSOLVING SENIOR DAFF/AQIS STAFF FROM PHYTOSANITARY CERTIFICATION RESPONSIBILITIES CARRIED OUT BY THEIR SUBORDINATES.

THE INDUSTRY PARTICIPANTS ON THE MTF HAVE DONE THE BEST THEY COULD, GIVEN THE CONSTRAINTS AND SHENANIGANS.

IT IS IMPOSSIBLE TO ACHIEVE IMPROVED PROCESS WHERE TRANSPARENCY IS NOT PERMITTED AND SOME VERY IMPORTANT FOREIGN NATIONAL PLANT PROTECTION ORGANISATIONS WANT THE STATUS QUO OF GOVERNMENTAL PHYTOSANITARY INSPECTIONS TO CONTINUE.

THE HORTICULTURAL INDUSTRY CANNOT CARRY THE BURDEN OF THE CENTRAL OFFICE COSTS OF AQIS.

THESE NEED TO BE ABSORBED BY GOVERNMENT AS THE AHEA ASKED THE MINISTER OF AGRICULTURE FOR WHEN WE MET ON THE 1ST SEPTEMBER 2011 IN BRISBANE.

IF HORTICULTURAL EXPORTS ARE TO SURVIVE, OFFERING RURAL EMPLOYMENT, ECONOMIES OF SCALE TO PRODUCERS AND VICARIOUSLY SAFE FOOD FOR AUSTRALIAN CONSUMERS AT REASONABLE PRICES, THE CENTRAL OFFICE CHARGES OF AQIS POLICY, MANAGEMENT AND PHYTOSANITARY CERTIFICATION SUPPORT (EXDOC ETC) AMOUNTING TO \$3.6-4M NEED TO BE ABSORBED BY GOVERNMENT FOR THE NEXT 5 YEARS.

I HOPE THAT YOU CAN ASSIST US TO ACHIEVE THIS.

**AHEA Formal Complaint
to DAFF and
Supporting
Documentation**

Alastair Scott

From: Alastair Scott
Sent: Sunday, 6 November 2011 6:43 PM
To: 'Madden, Monica'
Subject: FW: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]
Attachments: RE: Horticulture Reforms Update [SEC=UNCLASSIFIED]; RE: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]; 2694_0001.pdf; Minutes for MTF - Major Concerns

Dear Ms Madden,

Please can you let me know where this matter is at.

Yours sincerely,
Alastair Scott
AHEA

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB:0419 999 791

From: Alastair Scott
Sent: Thursday, 15 September 2011 9:12 PM
To: 'Madden, Monica'
Subject: RE: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Ms Madden,

Please excuse the delay in getting this information to you as the winter time is where we earn a very large percentage of our income and we have also had the Dimethoate/Fenthion Chemical review to manage as this effects much of the produce we handle destined for New Zealand.

I have attached some documents that I believe are of significance to the concerns I have raised with respect to the conduct of DAFF staff during this MTF process.

The first attachment is regarding comments made by Greg Read and other minutes.

The forth attachment is my protest to Greg Read regarding the accuracy of Minutes of Meeting 24 which resulted in nothing being done to address what I regarded as a very serious complaint other than other AQIS/DAFF requesting as for all meetings sending written amendments if desired.

The second attachment is the email distributed by Kylie Calhoun containing the Minutes of Meeting 24 .

The Third attachment is the Minutes from Meeting 24 with my comments marked, they maybe easier to read if printed.

I believe these minutes are in significant parts a gross distortion of the

discussion of the meeting to the extent that my comments are misrepresented/ wrongfully recorded in addition to those of other Industry participants. There are areas where I am wrongfully recorded in a way that brings my name into disrepute and that the circulation list of these incorrect minutes is such that harm is brought to my reputation.

Further more there are minutes of discussions and comments that did not happen.

Also there are distortions and wrongful recording of detail and omissions of important detail that are essential for an accurate and balanced record.

I commented at the next meeting that I regarded these minutes as being in my opinion an "orchestrated litany of lies". The distortions, misrepresentations, wrongful recording, omissions and inclusions of phantom discussions are all slanted to supporting the desired outcome of DAFF/AQIS in this process and not reflecting in the main the concerns nor input of Industry nor Industry's desired Improvements/outcomes.

Please have a look at these and advise your thoughts.

While I believe that an independent scribe is a desirable going forward I don't accept this is a basis to excuse the conduct demonstrated historically as I believe the above demonstrate significant breaches in the code of conduct required of Senior Governmental Staff.

If there are any areas I can clarify with you regarding this matter please let me know.

I am away next week with my children – school holidays - and the following week I am in the Middle East.

Yours sincerely,
Alastair Scott
AHEA

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB: 0419 999 791

From: Alastair Scott
Sent: Tuesday, 13 September 2011 2:17 PM
To: Madden, Monica
Subject: RE: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Ms Madden,

Thanks for your email below.

I will be giving you documentation either tomorrow or the very latest Thursday this week regarding this matter.

I did call you today to discuss, unfortunately you were in a meeting.

I trust this is okay and will speak with you shortly after I send you the information.

Yours sincerely,

Alastair Scott

Hannay Douglas Pty Ltd

TEL: 61 7 3426 5600

FAX: 61 7 3426 5699

MOB:0419 999 791

From: Madden, Monica [mailto:Monica.Madden@daff.gov.au]

Sent: Monday, 12 September 2011 8:39 AM

To: Alastair Scott

Subject: RE: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Good Morning Mr Scott

I'm emailing to follow up whether you propose to provide further input to your complaint regarding MTF meeting minutes. Without additional input from you, it is not possible for your complaint to be further investigated.

I understand that an external independent scribe is now engaged to record the minutes for MTF meetings and this may have resolved the issues for you.

If I have not received anything further from you within the next two weeks, the matter will be closed.

Happy to discuss.

Kind regards

Monica Madden

Assistant Director

Integrity Unit

Human Resources Branch | Corporate Services Division

Department of Agriculture, Fisheries and Forestry

T: (02) 6272 5112 | E: monica.madden@daff.gov.au

From: Alastair Scott [mailto:alhs@hannaydouglas.com.au]

Sent: Friday, 15 July 2011 4:47 PM

To: Madden, Monica

Subject: RE: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Ms Madden,

I have been too busy to get this detail to you this week.

I am sorry about this but I will try to have this covered off next week.

Yours sincerely,

Alastair Scott

AHEA

28/11/2011

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB:0419 999 791

From: Alastair Scott
Sent: Thursday, 7 July 2011 9:32 AM
To: Madden, Monica
Subject: RE: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Ms Madden,

Thank-you for your email below.

I will detail the errors in the minutes I regard of concern and forward them to you.

I have a very heavy work load at the moment and will send this to you next week.

Please review the notes for corrections to the minutes I sent through for meeting 25 as while these minutes are not those specifically those of the compliant I believe that they detail another occasion where the significant void between what was discussed and said and the outcomes/discussions recorded in the minutes are totally unacceptable. First attachment.

Essentially a continuation of the process of concern.

The second attachment is the corrected minutes from AQIS/DAFF and the third is my sending of the remaining corrections necessary as noted and passed onto Stephen Smith who was present at the MTF meeting to relay these to AQIS/DAFF.

The extent of the corrections to bring what I would regard as appropriate balance to the minutes and reflect more accurately what was said I regard as concerning and I haven't seen the final version incorporating all of the amendments I suggested.

However it is evident here again in my opinion that the initial minutes provided by AQIS/DAFF through errors and omissions was maintaining a bias supporting AQIS/DAFF's desired record for the record rather than a factual account.

I don't believe it is appropriate nor proper that Industry should have to go to such corrective lengths for minutes provided by AQIS/DAFF especially for a MTF.

Yours sincerely,
Alastair Scott
AHEA

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB:0419 999 791

From: Madden, Monica [mailto:Monica.Madden@daff.gov.au]
Sent: Thursday, 7 July 2011 8:30 AM
To: Alastair Scott
Subject: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Mr Scott

Thank you for talking with me on Tuesday about your complaint addressed to Ms Rona Mellor on 28 June 2011. I confirm that I have been asked to look into the matters you have raised, to enable Ms Mellor to determine how to best resolve the issues.

I note the issues you raised on behalf of others and yourself in your email to Ms Mellor and during our conversation regarding the minutes of the MTF meeting held on 26 May 2011. I note you and others are concerned about:

1. The minutes being made available on the MTF website, prior to those minutes being confirmed by those present at the meeting.
2. The view formed by those who access the draft minutes on the MTF website based on errors, omissions and/or additions contained in the minutes.
3. The unethical behaviour of those DAFF employees responsible for approving the circulation of draft minutes, which contain statements attributed to them that you do not believe were made at the meeting.

To enable me to report back to Ms Mellor, I would be grateful if you could provide me with some examples where the minutes contain errors and your thoughts on the potential impact or repercussions for the MTF and Industry as a result of those errors, omissions or additions to the minutes.

I look forward to hearing from you in due course.

Monica Madden

Senior Integrity Officer

Human Resources Branch | Corporate Services Division

Department of Agriculture, Fisheries and Forestry

T: (02) 6272 5112 | E: monica.madden@daff.gov.au

From: Alastair Scott [mailto:alhs@hannaydouglas.com.au]

Sent: Tuesday, 28 June 2011 3:12 PM

To: Mellor, Rona; O'Connell, Conall

Cc: Calhoun, Kylie; Copeland, Jacinta; Roberts, Duane; Findlay, Vanessa; Powell, Adam; Brassil, Trent; Mayne, Andre; McDonald, Ann; Allen Jenkin; andrew.green@adelaide.on.net; anthony.kachenko@ngia.com.au; dhs@rietteexport.com; joe@asbarr.com; bdm@fruitgrowerstas.com.au; fellsdale@bigpond.com; peter.delis.australia@gmail.com; walker@riverland.net.au; peter@centerwest.com.au; Stephen Smith; hugh@antico.com.au; Read, Greg; ahea

Subject: Complaint - Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Ms Mellor,

What is suggested below in the email from A/g General Manager is not accurate – I said to Greg Read at our last face to face meeting, that in my opinion I regarded the minutes that we were provided for the meeting referred to as amounting to an orchestrated litany of lies, my opinion has not changed. Please see the attachment above “Minutes for MTF – Major Concerns”, I have not received a reply to this email.

28/11/2011

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It is not reasonable to expect the Industry participants to rewrite the Minutes of the meeting referred to when the content of the minutes supplied by AQIS/DAFF are woeful, containing irregularities, omissions and inaccuracies on a significant scale.

It is simply not right nor proper conduct to be given a set of minutes such as these and then ask for comments for corrections, under the pretence they are a "draft".

I cannot accept that AQIS/DAFF believe that these minutes as they were delivered to Industry amount to a true and accurate record of events.

As a result these minutes will have to be set aside until AQIS/DAFF make corrections to them and supply a new set of minutes closer to reality, as is appropriate on their own accord.

I strongly believe the conduct of AQIS/DAFF in the regard of reporting this meeting is contrary to the Code of Practice for the Australian Public Service as attached.

Additionally these minutes makes a mockery of the MTF.

This conduct is so disappointing when Industry people (at no charge for their time) attempt to constructively contribute to improve the service and efficiencies of the AQIS HEP via a MTF.

I would like this to be regarded as a formal complaint and have it addressed appropriately.

Please advise the next steps in the complaint process to have this grievance heard.

Yours sincerely,
Alastair Scott
Representing AHEA, ATGA, SAL

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB:0419 999 791

From: Calhoun, Kylie [mailto:Kylie.Calhoun@aqis.gov.au]

Sent: Sunday, 26 June 2011 11:45 AM

To: ahea

Cc: Alastair Scott; Copeland, Jacinta; Roberts, Duane; Findlay, Vanessa; Powell, Adam; Brassil, Trent; Mayne, Andre; McDonald, Ann; Allen Jenkin; andrew.green@adelaide.on.net; anthony.kachenko@ngia.com.au; dhs@rietteexport.com; joe@asbarr.com; bdm@fruitgrowerstas.com.au; fellsdale@bigpond.com; peter.delis.australia@gmail.com; walker@riverland.net.au; peter@centerwest.com.au; Stephen Smith; hugh@antico.com.au; Read, Greg

Subject: RE: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Hi Maxwell

Thank you for the feedback. I understood at the last meeting of 9 June that yourself, David, Stephen and Alastair requested changes and that you undertook to provide the amendments shortly after the meeting. To date we have only received comments from Stephen. I would request that if AHEA or any other MTF members require changes then you amend the document with suggested changes or highlight the areas that contain the apparent inaccuracies and discrepancies so that we are able to address these and table the revised minutes at the meeting on the 29 June.

Regards

Kylie

A/g General Manager
Plant Export Operations

From: ahea [mailto:ahea@ahea.com.au]

Sent: Thursday, 23 June 2011 5:43 PM

To: Calhoun, Kylie

Cc: Alastair Scott; Copeland, Jacinta; Roberts, Duane; Findlay, Vanessa; Powell, Adam; Brassil, Trent; Mayne, Andre; McDonald, Ann; Allen Jenkin; andrew.green@adelaide.on.net; anthony.kachenko@ngia.com.au; dhs@rietteexport.com; joe@asbarr.com; bdm@fruitgrowerstas.com.au; fellsdale@bigpond.com; peter.delis.australia@gmail.com; walker@riverland.net.au; peter@centerwest.com.au; Stephen Smith; hugh@antico.com.au; Read, Greg; Haskins, Coby; Burrows, Julie

Subject: Re: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Hi Kylie,

I have spoken to a number of MTF Members who while appreciative of the efforts of AQIS to provide more comprehensive minutes, remain concerned about apparent inaccuracies and discrepancies with some areas of reporting of the minutes of the meeting of May 26, 2011.

Could AQIS review the minutes and if in agreement amend them and reissue them prior to the next face to face meeting.

Thanks and regards

Maxwell Summers
Co Chair - Horticulture

----- Original Message -----

From: Calhoun, Kylie

Cc: Alastair Scott ; ahea ; Copeland, Jacinta ; Roberts, Duane ; Findlay, Vanessa ; Powell, Adam ; Brassil, Trent ; Mayne, Andre ; McDonald, Ann ; Allen Jenkin ; andrew.green@adelaide.on.net ; anthony.kachenko@ngia.com.au ; dhs@rietteexport.com ; joe@asbarr.com ; bdm@fruitgrowerstas.com.au ; fellsdale@bigpond.com ; peter.delis.australia@gmail.com ; walker@riverland.net.au ; peter@centerwest.com.au ; Stephen Smith ; hugh@antico.com.au ; Read, Greg ; Haskins, Coby ; Burrows, Julie

Sent: Wednesday, June 08, 2011 7:44 PM

Subject: RE: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear All

Please find attached minutes from the previous meetings.

Regards

Kylie

From: Alastair Scott [mailto:alhs@hannaydouglas.com.au]

Sent: Wednesday, 8 June 2011 6:28 PM

To: Burrows, Julie

Cc: ahea; Copeland, Jacinta; Calhoun, Kylie; Roberts, Duane; Findlay, Vanessa; Powell, Adam; Brassil, Trent; Mayne, Andre; McDonald, Ann; Allen Jenkin; andrew.green@adelaide.on.net; anthony.kachenko@ngia.com.au; dhs@rietteexport.com; joe@asbarr.com; bdm@fruitgrowerstas.com.au;

fellsdale@bigpond.com; peter.delis.australia@gmail.com; walker@riverland.net.au;
peter@centerwest.com.au; Stephen Smith; hugh@antico.com.au; Read, Greg; Haskins, Coby
Subject: RE: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Dear Julie,

I was not included in the circulation below, please include me in future.
I don't have a copy of the minutes of our previous face to face meeting, does anyone else have it?

Please send me a copy otherwise it is going to be very difficult to move a motion to pass the last meetings minutes as try and correct.

Obviously the fee proposal of Anthony K and Peter D and the AHEA paper regarding Interceptions and audits will be included? please confirm.

Regards,

Alastair

AHEA, ATGA, SAL

TEL: 61 7 3426 5600
FAX: 61 7 3426 5699
MOB:0419 999 791

From: ahea [mailto:ahaea@ahaea.com.au]
Sent: Wednesday, 8 June 2011 5:31 PM
To: Alastair Scott
Subject: Fw: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

----- Original Message -----

From: Burrows, Julie
To: ; Calhoun, Kylie ; Roberts, Duane ; Findlay, Vanessa ; Powell, Adam ; Brassil, Trent ; Mayne, Andre ; McDonald, Ann ; awjenkin@bigpond.com ; andrew.greenawjenkin@bigpond.com ; andrew.green@adelaide.on.net ; anthony.kachenko@ngia.com.au ; dhs@rietteexport.com ; joe@asbarr.com ; bdm@fruitgrowerstas.com.au ; fellsdale@bigpond.com ; maxwell@ahaea.com.au ; peter.delis.australia@gmail.com ; walker@riverland.net.au ; peter@centerwest.com.au ; Stephen@costagroup.com.au ; hugh@antico.com.au ; Read, Greg
Cc: ;
Sent: Wednesday, June 08, 2011 4:38 PM
Subject: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]

Hi All

Please find attached the meeting papers for tomorrow's MTF

Thank you

Julie Burrows

Executive Assistant to

Kylie Calhoun

A/g General Manager

Plant Export Operations

Biosecurity Services Group

Department of Agriculture, Fisheries and Forestry

P: (02) 6272 4679

E: julie.burrows@daff.gov.au

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This notice should not be deleted or altered.

Alastair Scott

From: Calhoun, Kylie [Kylie.Calhoun@aqis.gov.au]
Sent: Wednesday, 8 June 2011 7:46 PM
Cc: Alastair Scott; ahea; Copeland, Jacinta; Roberts, Duane; Findlay, Vanessa; Powell, Adam; Brassil, Trent; Mayne, Andre; McDonald, Ann; Allen Jenkin; andrew.green@adelaide.on.net; anthony.kachenko@ngia.com.au; dhs@rietteexport.com; joe@asbarr.com; bdm@fruitgrowerstas.com.au; fellsdale@bigpond.com; peter.delis.australia@gmail.com; walker@riverland.net.au; peter@centerwest.com.au; Stephen Smith; hugh@antico.com.au; Read, Greg; Haskins, Coby; Burrows, Julie
Subject: RE: Papers for MTF meeting 9.6.11 [SEC=UNCLASSIFIED]
Attachments: Minutes260511.doc

Dear All
Please find attached minutes from the previous meetings.
Regards
Kylie

Minutes referred to above follow this page with AHEA notes of concern detailed in the margins.



MEETING 24 MINUTES

JOINT (HORTICULTURE) INDUSTRY / AQIS MINISTERIAL TASKFORCE

DATE: Thursday, 26 May 2011
VENUE: The Qantas Meeting Rooms, Sydney
TIME: 12pm-4pm

Industry
Peter Delis
Joe Saina
Stephen Smith
Mark Chown
Anthony Kachenko
Maxwell Summers
David Hunt-Sharman

Peter Wauchope
Allen Jenkin
Alastair Scott - Observer

AQIS/BA
Greg Read
Kylie Calhoun
Trent Brassil
Duane Roberts
Ann McDonald
Jacinta Copeland
Nora Galway

1. OPENING

Apologies were received from:

Industry
Lucy Gregg
Hugh Molloy

AQIS/BA
Andre Mayne
Vanessa Findlay

Wayne Prowse and Tony Walsh have stood down from the taskforce.

a. Additional agenda items

Additional agenda items put forward included:

- a presentation on MICOR (Ann McDonald)
- additional fee options (Peter Delis)
- interception reports (Alastair Scott)

A discussion occurred on the role of the MTF members. They questioned if they were there to endorse activities or to be consulted on them. AQIS advised that MTF members were there to assist in scoping new policy and to make recommendations.

2. Confirmation of previous meeting minutes

David Hunt-Sharman requested the meeting minutes include more detail.

Alastair's comments on interception reports were not minuted from the previous meeting. *so were corrections made to previous minutes*

The previous meetings action items were reviewed. *and where is the copy distributed.*

Regarding agenda item 23.9 MTF to outline the reasons why AAs need to remain - comments were received from Stephen Smith. Some MTF members endorsed these comments. Additional comments were received in a letter to the Secretary on 25 May 2011.

David Hunt-Sharman queried the DAFF organisational chart and it was confirmed that AQIS still sits under the Department of Agriculture, Fisheries and Forestry.

Export Reform Update

a. Fees and charges

AQIS Model

The MTF requested budget figures for 10/11 including actual year-to-date and projected figures so the current financial position of the program is clear.

The number of individual certificates issued in 09/10 was also requested as the projected figures appeared incorrect.

AQIS discussed the revised fee model outlining the main goal of providing a fair and equitable distribution of the \$3.175m under administration across the industry. With the majority of this cost attributed to work on protocol markets the registration charge was tiered to capture costs from the users of those markets.

Some members questioned the ratio of 7:2:1, not aware of the amount of work AQIS does in relation to protocol markets. The ratio was determined through an analysis of the activities list and time spent on them.

Another element was the introduction of an exporter registration fee to be charged annually.

A meeting was held with AHEA members to work through the AQIS distribution of costs. The scope of the discussion included examining a tonnage charge tiered in relation to markets to reduce the flat fee.

Mark Chown questioned the cost of the annual AQIS officer comparing it to the cost of an AAO.

Tonnage charge

A discussion occurred on the use of a tonnage charge. Citrus and vegetable industries reiterated that it is inequitable. AQIS advised that the continuation of a tonnage charge would require amendments to current legislation.

Travel charge

MTF members questioned a charge for travel. AQIS advised that the cost of travel will be socialised as those who are far away should not be penalised for where AQIS chooses to set up offices.

There are also great inefficiencies with the recording and consistent charging for travel.

Alastair suggested the previously used template would suffice. He also questioned the amount of travel AQIS does as projections indicate that for every hour of inspection there is an hour of travel.

As AQIS charges by the kilometre it is difficult to estimate time spent travelling. Crude estimates are done based on average speeds for different locations around Australia.

The charging guidelines to be written around the final fees model will specify that charging will not begin until an AQIS officer arrives at their location.

This is inaccurate and wrong I said (as AQIS advised to me) at a meeting in Brisbane the AQIS charge model relies on 1 hour of inspection time for 4 hours of "travel" time. The industry said this doesn't reflect cost of service delivery - which is omitted in these minutes.

Chargeable activities

Detailed charging guidelines will outline when advice becomes chargeable. Exporters clarifying issues won't be charged.

Alastair believes the costs should be socialised and funded through an appropriation account as a community service obligation. — I said coming from within DAFF

AQIS advised that taxes from the general public should not provide benefits to exporters and CSO funding would not be achievable.

Inquiries from small, occasional exporters are rare and insignificant.

No one from AQIS/DAFF said this

The only option would be for industry to pay for it and put it into a collective pool to draw from.

Documentation fees

Alastair questioned the cost of manual certificates at \$100 and replacement certificates at \$500 claiming that this does not equate to the effort required.

AQIS has set this price to drive efficiencies in the industry and is related to the time and systems associated with processing these documents.

THIS WASN'T SAID BY AQIS/DAFF

The centralised documentation hub will reduce the overall number of staff within each region handling documentation.

Fee-for-service

MTF members requested a weekly and monthly rate in addition to the annual rate.

This would be calculated from the quarterly rate as AQIS is unable to offer discounts unless direct savings are measurable. Weekly and monthly rates encourage inefficiencies with exporters booking up AQIS inspectors for these periods and cancelling at short notice.

Deadlines for fee setting

THIS WASN'T SAID AT THIS MEETING. INDUSTRY CURRENTLY HAS AVAILABLE DAILY AND WEEKLY RATES AND ASKED FOR A CONTINUATION OF THIS.

AQIS discussed the deadlines for fee setting. New fees won't go forward without the support of industry as it will be rejected by the Senate. This means that the current fees and charges will apply without the 40% rebate. As fees have not been increased since 2005 AQIS will tighten the current charging guidelines, investigate all legal avenues for charging to recover costs and cease all non-essential activities.

New fees should have been with the Minister's office by 14 June 2011. If a model is signed off today it could be tabled in early July but must pass a disallowance period of 15 sitting days taking them through to September. Fees can apply from the date tabled. If they are disallowed no refund will be given for fee-for-service activities but registration fees will be rebated with the old registration charge to come into effect.

Whatever is put forward must be legal and align with cost recovery principles.

If the fees are disallowed the new service delivery model will continue to be rolled out. IT systems will continue to be built and the AAO package finalised.

Industry fee model

Peter Delis and Anthony Kachenko presented their own fee model to the MTF. The \$3.15m was distributed to certification from registration.

AQIS stated there may be a problem with funds not being equally distributed across fee-for-service and documentation. Those who pay for documents are essentially paying the management costs of AQIS with those paying for fee-for-service activities not contributing. It may be difficult to justify to the Department of Finance. The model will need to be legally tested.

AQIS advised that this model will also mean efficiency gains through aligning hort and grain will be lost and the cost of the program will go up.

The MTF was advised that nursery stock, cut flowers and foliage, bulbs and tubers and tissue culture were being moved to come under the grains program.

ACTION – Secretariat to provide the budget figures for 10/11 including actual year-to-date and forecast revenue and expenditure.

ACTION – Secretariat to provide number of certificates issued in 09/10 to the MTF.

ACTION – Peter Delis to email fee model through to MTF secretariat.

ACTION - AQIS to advise MTF of results of their fee modelling against legal and cost recovery principles.

b. Service delivery model policy

i. AAO information/application kit

A paper was tabled with the revised AAO information/application kit and supporting policies. The paper is ready for further distribution as a draft.

MTF members questioned whether each registered establishment using a 3rd party provider would have to sign the deed of non-interference. AQIS stated that this would be the case. MTF members supported this decision.

MTF members requested that the consequences of corruption and not meeting AAO responsibilities was not outlined strongly enough in the package. The sanctions are listed in the package as well as the Plant and Plant Produce Orders.

Based on Anthony's comments the training and assessment has been split into two phases with applicants able to skip stage 1 if they feel they can adequately pass the assessment.

AQIS noted that the 'auditing' of an AAO's performance may mean a 15 min verification via AMS. It will not always be a physical visit.

Under the review policy Stephen questioned whether the AAO would be charged for the time taken to review an AQIS decision. Should any charges apply the client will be notified up front.

E-learning modules are being finalised for July. AMS will be available in late 2011.

ACTION – MTF members to provide comments on the revised AAO information kit.

Approved arrangements

Some MTF members requested the retention of approved arrangements (AAs).

THIS IS NOT TRUE
AQIS/DAFF WERE TO GET BACK
TO US
ON
THIS
POINT

THIS IS NOT TRUE
AQIS / MTF DID NOT
SAY THIS

AQIS advised that all approved inspectors would be required to undertake the training and assessment and provide the required information through AMS if they did remain in place. AAOs are a better regulatory model that will allow industry to have more flexibility and lower costs whilst giving AQIS greater oversight of inspections.

Some members see 4 AAOs in a business to be equivalent to having 4 AAs.

INCORRECT
WE SAID 1 NOT 4

MTF members including Mark Chown and Peter Delis agreed with the phase out of AAs. The MTF were in disagreement on the phase out of AAs.

SAYING
MIGHT
AAO
COST

On 1 July 2011 the AAO system will be rolled out for markets that currently accept AAs. For protocol markets that don't AQIS will develop all documents and policies surrounding the AAO system including the IT programs prior to going to these markets. Once the system is fully operational and can be demonstrated to trading partners AQIS will seek endorsement of our improved system. Alastair asked if he could go to trading partners now. AQIS advised that he could but without a strong strategy and consistent message from the Australian Government he risks jeopardising any future acceptance of the system.

INCORRECT

Through these meeting minutes AQIS provides written assurance that AQIS inspectors will continue to be available to industry.

Alastair claimed AQIS had said that AAs could not continue as the grains program were getting rid of them. AQIS clarified that the statement was if AAs were to remain in place for horticulture the legislation that was being drafted would need amending as the grain MTF were working towards the phase out of AAs in the legislation.

I DID NOT SAY THIS I SAID
IF SOMEONE NOT ME

Interceptions

CORRECT AND WAS NOT SAID
KC SAID - "I DID NOT SAY THAT" LEAD TO
ERRORS

Alastair tabled a paper on level of interceptions and associated auditing. Advice was provided from AQIS inspectors in Brisbane who are not involved in the preparation of the policy and rules around audit and verification of AAOs.

Data will be put into AMS when received from trading partners. AQIS will respond accordingly depending on the response required by that country and the type of interception. Verification occurs when an AAO is outside the national trends.

Alastair claimed AQIS had not provided interception data that had been asked for. AQIS provided this via email to Max Summers at the time it was requested.

ACTION – AQIS to seek legal clarification on the Australian citizenship requirement for AAOs.

ACTION – AQIS to provide a 1 page document on what it will cost to have an AAO compared to an Approved Arrangement with company scenarios to be included.

c. Communiqués

A number of communiqués on the service delivery model, the transition of AAs, legislation, AMS and MICOR are being developed to assist industry's awareness of future changes.

A communiqué promoting EXDOC has been prepared for release. A rolling road show is being planned to promote the use of EXDOC. Stephen provided comments on the words used in the communiqué for AQIS to consider.

d. Market maintenance project

The revised table grape paper was tabled. Plant biosecurity was not in attendance to present the paper. The MTF stated they would not read or provide comments on the paper until a representative from Plant Biosecurity was in attendance.

So long
as
AAOs
delivered
MTE
ACCES

A LOT OF DISCUSSION AND
NO DETAIL OF INDUSTRY SAYING THAT AAs WERE A
COMPANLY MANAGED PHYTO CERTIFICATION ARRANGEMENT
AND BETTER COST WISE THAN AAOs WHICH ARE INDIVIDUAL
PERSON BASED

e. EY benefits realisation project

Responses from EY on the initial comments received will be distributed on Friday.

Additional comments were received from one MTF member within the comment period. Alastair requested that comments in the MTF letter to the Secretary be included.

The MTF requested a meeting with EY to determine their assumptions.

Alastair commented that all documents are live and can be commented on at any time.

David stated that EY were recommended by AQIS as the best consultant and that he feels misled. Any future consultations with EY should be carefully considered although the MTF acknowledge they were satisfied with the initial financial analysis project EY completed for them.

As advised to the AHEA on 18 May 2011, it was reiterated that payment of this report was not funded by the Hort MTF.

ACTION – Secretariat to issue EY responses to initial comments on the EY benefits realisation project.

ACTION – ECRP branch to arrange meeting with EY to discuss the MTFs concerns.

4. Culture

Stephen Smith expressed concern with the culture in AQIS noting that Vic had improved in recent years but there is still a problem in SA. Officers attend inspections with poor attitudes and hold grudges against clients. The working relationships between AQIS and industry needs improvement.

AQIS noted this and is currently addressing these issues. Monthly meetings with regional managers have commenced as well as export managers. Training for AQIS staff and new systems will help support staff when decisions are made.

5. MICOR

A presentation was provided on the Manual of Importing County Requirements which will replace the Phyto database. Squiz are providing the new software with the transfer of data due to occur between mid-July to mid-August. User testing will be required and Stephen put himself forward to participate in this.

6. Other Business

Future of the MTF

The MTF will continue in place of HECC until the reform process is finalised. AQIS will look into possible funding options however there have been a number of Departmental recommendations made on consultative committees that need to be considered.

7. Next Meeting

Next meeting scheduled for **Thursday, 23 June 2011** in Sydney – Greg noted he will be unavailable. AQIS to confirm meeting date.

ACTION – AQIS to confirm next face-to-face meeting date.

Meeting closed at 4.00pm



Australian Government

Department of Agriculture, Fisheries and Forestry

ACTION ITEMS and STATUS

Finalised In progress New Action

ACTION NUMBER	ACTION	RESPONSIBLE	STATUS
18.1	AQIS to advise EY to adjust references to seafood and then recirculate amended version to MTF members	AQIS	Request with EY
20.5	AQIS to engage with the State Departments through the Primary Industries Standing Committee to ensure they are aware of the reforms and new service delivery model being implemented	AQIS	
24.1	Secretariat to provide the budget figures for 10/11 including actual year-to-date and forecast revenue and expenditure	AQIS	Complete
24.2	Secretariat to provide number of certificates issued in 09/10 to the MTF	AQIS	Complete
24.3	Peter Deilis to email fee model through to MTF secretariat	Peter Deilis	Complete
24.4	AQIS to advise MTF of results of their fee modelling against legal and cost recovery principles	AQIS	Complete
24.5	MTF members to provide comments on the revised AAO information kit	Industry	
24.6	AQIS to seek legal clarification on the Australian citizenship requirement for AAOs	AQIS	
24.7	AQIS to provide a 1 page document on what it will cost to have an AAO compared to an Approved Arrangement with company scenarios to be included	AQIS	
24.8	Secretariat to issue EY responses to initial comments on the EY benefits realisation project	AQIS	Complete
24.9	ECRP branch to arrange meeting with EY to discuss the MTFs concerns	AQIS	Complete
24.10	AQIS to confirm next face-to-face meeting date	AQIS	Complete

Alastair Scott

From: Alastair Scott
Sent: Wednesday, 15 June 2011 4:27 PM
To: 'Read, Greg'
Cc: 'ahea'; 'Copeland, Jacinta'; 'Roberts, Duane'; 'Findlay, Vanessa'; 'Powell, Adam'; 'Brassil, Trent'; 'Mayne, Andre'; 'McDonald, Ann'; 'Allen Jenkin'; 'andrew.green@adelaide.on.net'; 'anthony.kachenko@ngia.com.au'; 'dhs@rietteexport.com'; 'joe@asbarr.com'; 'bdm@fruitgrowerstas.com.au'; 'fellsdale@bigpond.com'; 'peter.delis.australia@gmail.com'; 'walker@riverland.net.au'; 'peter@centerwest.com.au'; 'Stephen Smith'; 'hugh@antico.com.au'; 'Read, Greg'; 'Haskins, Coby'; 'Burrows, Julie'; 'Calhoun, Kylie'
Subject: Minutes for MTF - Major Concerns
Attachments: Minutes260511.doc

Dear Greg,

Re; The attached Minutes for the meeting Thursday 26th May 2011 Joint Horticultural Industry – AQIS Ministerial Taskforce

I am most concerned with the Minutes attached in that they contain passages representing statements and details I believe didn't occur, including some with reference to me.

I have not ever been so concerned with a set of minutes in my opinion misrepresenting what was the truth of what happened during that particular meeting and to this extent in my opinion I regard these minutes as amounting to an orchestrated litany of lies.

This situation I regard as a disgrace and a diabolical reflection of this MTF "process".

As Industry Members give their time freely to attend this MTF and try to give constructive advice to effect change in a way that will sustain AQIS's Budgetary requirements in the future, while also taking a holistic approach to addressing the Horticultural Industry's needs, this conduct from DAFF represents the ultimate insult.

In future I will ask the AHEA to bring along recording equipment to avoid a repeat of this situation, if this is unacceptable please advise.

You mentioned that these minutes are only a draft and Industry can comment for changes – I believe DAFF should rewrite them reflecting more accurately what actually transpired at this meeting.

Please advise if DAFF will rewrite the Minutes for this meeting and recirculate to MTF Members ahead of requiring Industry Input or is DAFF prepared to stand by them as a true and accurate account of what was said in the way DAFF have currently documented in the attached document.

Yours sincerely,

Alastair Scott
Representing AHEA, ATGA, SAL

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Alastair Scott

From: Anthony Kachenko [anthony.kachenko@ngia.com.au]
Sent: Friday, 17 June 2011 10:46 AM
To: Read, Greg; Stephen Smith; Galway, Nora; andrew.green@adelaide.on.net; joe@asbarr.com; fellsdale@bigpond.com; bdm@fruitgrowerstas.com.au; Calhoun, Kylie; awjenkin@bigpond.com; walker@riverland.net.au; peter.delis.australia@gmail.com; Alastair Scott; hugh@antico.com.au; peter@centerwest.com.au; maxwell@ahea.com.au; dhs@rietteexport.com; Copeland, Jacinta
Cc: Mellor, Rona
Subject: RE: Horticulture Reforms Update [SEC=UNCLASSIFIED]

Hi Greg,

Appreciate your response to my questions, however I am perplexed and at the same time, disappointed with many of your responses.

In that the 'revised fee model' that you have attached, yet again, it appears to be DIFFERENT to the model you tabled at the 9 May 2011 face to face meeting in Sydney? Fee for service projected units have again risen by 16,707, up from 75,154 to a figure of 91,855? Are we expecting them to rise again?

I am also perplexed in that the legal advice you said your department had obtained regarding the fee model Peter Delis, indeed does not exist? The minutes of the meeting held on 26 May indicate that AQIS were to advise MTF member of this legal advice? You said at the 9 May 2011 face to face meeting that this advice was obtained and you also said that you would circulate this advice to all MTF members? So I ask, did you, or did you not seek legal advice? If you did, could you please circulate it to the MTF members as you said you would at the 9 May 2011 face to face meeting?

As for the cost recover guidelines, at the 9 May 2011 face to face meeting you said that you would specify what aspects in the Australian Government Cost Recovery Guidelines (i.e. in detail) the model Peter Delis and I developed had contravened. The one line you provide below does not constitute the detailed response I, and I'm sure many other MTF members were hoping for. When you say that the 'certificate price does not reflect the cost of the service', in fact the fees Peter Delis and I have allocated to certification are 'on par' or even less than the fees AQIS have proposed?

As for the revenue/certificate data you supplied in your last email, in tracking through my old emails, this was NOT included in the meeting papers sent out for the last face to face meeting. This is the first time I have seen this level of detail for some time. Having been granted access to it earlier would have considerably helped in developing a new fee and charges model, and perhaps a working model could have been signed off on prior to July 1 2011?

As for nursery, cut flowers and foliage, bulbs and tubers and tissue culture growers moving out of the Horticulture Export Program, before any decision is made I would like to see the final fees and charges model the grains MTF have proposed following their external review before I can comfortably sign off on behalf of the nursery industry. I am not willing to enter a new arrangement without having seen the proposed fees and charges that have been proposed and agreed to by the grains MTF. I am not willing to take this gamble and jeopardize the future export potential of the Australian nursery industry.

Regards,

Anthony

Anthony Kachenko

Environmental & Technical Policy Manager
 Nursery & Garden Industry Australia

TEL 02 8922 7006

FAX 02 9876 6360

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OFFICE Level 1, 16-18 Cambridge Street Epping NSW 2121

28/11/2011

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Industry communication is funded by your nursery industry levy with support from the federal government through Horticulture Australia Limited (HAL). The Australian Government provides matched funds for all of HAL R&D activities.

From: Read, Greg [mailto:Gregory.Read@aqis.gov.au]

Sent: Thursday, 16 June 2011 2:21 PM

To: Stephen Smith; Anthony Kachenko; Galway, Nora; andrew.green@adelaide.on.net; joe@asbarr.com; fellsdale@bigpond.com; bdm@fruitgrowerstas.com.au; Calhoun, Kylie; awjenkin@bigpond.com; walker@riverland.net.au; peter.delis.australia@gmail.com; alhs@hannaydouglas.com.au; hugh@antico.com.au; peter@centerwest.com.au; maxwell@ahea.com.au; dhs@rietteexport.com; Copeland, Jacinta

Cc: Mellor, Rona

Subject: Horticulture Reforms Update [SEC=UNCLASSIFIED]

Dear MTF Members

Given some of the discussions in recent taskforce meetings and some of the emails it is appropriate to lay out as clearly as I can what the department will be doing in regards to certification reform with a focus on horticulture over the next 4 to 6 weeks.

The bottom of this email also responds to questions from Anthony Kachenko with relevant attachments to this email.

Approved Arrangements (AAs) – as was committed at the MTF AAs will remain available while ever there are sufficient numbers of exporters wishing to use this arrangement. Their phase out will ultimately be determined by the number of the arrangements and the cost of maintaining these arrangements. Authorised Officers currently operating with AAs will be deemed to be also eligible to operate as AAOs should they or the exporter elect to use the AAO arrangement, this will ensure simplified transition and choice for those exporters currently operating under AAs. Our information from the field is that there are a large number of exporters seeking to change from AAs to AAOs, but time will tell. Notwithstanding whether an AA or AAO arrangement is used there will be reporting, verification and audit obligations that will be supported by the new Audit Management System.

AAOs – the department will, over the next 4 to 6 weeks, roll out all the procedures and documents supporting AAO eligibility, training (for both the industry and department), authorisation and obligations. All this information will be emailed to clients, letters sent to relevant associations and available from our ECRP website. These procedures will cover the obligations of both the company and AAO. As I have stated before, this arrangement will be supported by AMS and verification audits by the department. As discussed in a number of recent MTF meetings importing country inception data will also be catered for in data collected within the AMS. The department is obliged to roll out this reformed service delivery model, it has substantially more rigor than Approved Arrangements and will provide the base data set for representations to importing countries of concern. Additionally it also ensures clear rolls and responsibilities are well defined between the regulator and exporter. This model is also consistent with

the model to be rolled out across the grain sector thereby ensuring economies of scale in our program delivery. All the infrastructure will be in place to fully support AAOs by October 2011, i.e. MCoR, AMS, etc. Notwithstanding those businesses on AAs will be able to transition early in the new financial year to using AAOs if they wish. The use of AAOs will need to be negotiated with sensitive protocol export markets which will occur once base data is collected demonstrating the effectiveness of this new model. No AAO arrangement will go into a sensitive protocol export markets until full assessments and negotiations have been concluded.

Legislation – the department currently has a number of prescribed hort markets that do not require government to government certification, i.e. they should not be prescribed. I note that the MTF is concerned if these export markets are de-prescribed, as I suspect there is an intention to use the certification, registration charges to cross subsidise the cost of export services for protocol markets. At this stage the department will not de-prescribe these markets but is taking legal advice on our ability to support certification arrangements where it is not a government to government requirement. If the arrangement is maintained we will also need to investigate the current regulatory service provided as we are making government attestations on certificates that will need to be backed up by rigorous inspection/audit arrangements. This is likely to bring additional cost on this sector of the horticulture industry. Our intention is to finalise all advice and consult with the broader industry prior to making any legislative changes to de-prescribed horticulture products, but this will not happen until October 2011 at the earliest. Our initial mantra was the minimum regulatory imposts necessary for to maintain markets access – there is an inconsistency here in the departments view.

Fees and Charges – I appreciate the work of the MTF in this regard but the reality is that new fees and charges will take some time to get in place. As I have said on a number of occasions the full effect of the 2009 fees and charges orders will come into effect on 1 July 2011. This will leave the horticulture program in a position of accumulating just over \$1million in program deficits by 30 June 2012 should no modification be made to program delivery. Again we will be reducing program costs through our regional review of services and cutting back program costs where possible. Additionally we will be charging for all services legally possible to ensure that the deficit is responsibly managed. I see that it will be difficult to progress new fees and charges against this background for at least 3 months but the sooner the better. At this time we will also have in place the new service delivery, with all its supporting documentation along with the supporting IT system, training etc. This will ensure that industry has the best set of information to make an informed choice regarding fees and charges. Additionally the industry will be able to compare the full costs of the 2009 fees orders with the full costs with any new proposed fees, ie apples with apples. My expectation is that those wishing to use AAOs will pressure for new fees and charges as this will provide the best mechanism to reduce departmental service costs in their businesses, currently insufficient information is out there for them to make informed decisions and this is also supported by MTF discussions.

The department has been charged with delivering reforms as outlined in the industry plan and will press on as I have outlined above. Subject to your views I see limited benefit in another MTF meeting before the end of July when we can stock take progress with the above and determine the most constructive consultative process in going forward. This is also the most appropriate time to again review how we progress appropriate fees and charges.

Responses to Anthony's questions are as follows:

1. Could you please circulate the model put forward at yesterday's meeting to the entire committee?
Model attached.
2. Could you please forward legal advice you received as to why the model Peter Delis and I presented at the 26 May meeting is unworkable.

There are no legislative impediments to the proposal presented by Peter Delis and Anthony Kachenko at the 26th May meeting. The primary issue with the proposed model rests in the cost allocation methodology used to distribute Program infrastructure costs. The proposal



MEETING 25 MINUTES

JOINT (HORTICULTURE) INDUSTRY / AQIS MINISTERIAL TASKFORCE

DATE: Thursday, 9 June 2011
VENUE: The Qantas Meeting Rooms, Sydney
TIME: 2pm-4pm

Industry

Stephen Smith
Anthony Kachenko
Maxwell Summers
David Hunt-Sharman
Peter Wauchope
Alastair Scott - Observer

AQIS/BA

Greg Read
Kylie Calhoun
Duane Roberts
Ann McDonald
Jacinta Copeland
Nora Galway

1. OPENING/APOLOGIES

Apologies were received from:

Industry

Lucy Gregg
Hugh Molloy
Mark Chown
Allen Jenkin

AQIS/BA

Andre Mayne
Vanessa Findlay

David Hunt-Sharman objected to the meeting agenda and the timeframe in which the papers were sent out. Alastair noted he was not on the distribution list. AQIS will ensure Alastair is on the distribution list for all MTF emails.

MTF members insisted that the discussion on fees and MTF issues be held over to the next meeting.

AQIS clarified that the email sent on 1 June 2011 stated that the meeting would address three items including the EY report, fees and the issues identified in the MTF letter to the Secretary.

2. Confirmation of previous meeting minutes

The minutes were not confirmed as true and correct and the discussion was not completed. Some comments were received on the previous meeting minutes however some MTF members did not have sufficient time to review them as they were circulated the evening before the meeting.

Alastair strongly expressed his concerns over the accuracy of the minutes and referred to them as 'an orchestrated litany of lies'. The chair requested that any changes to the minutes be provided to the secretariat as soon as possible for incorporation.

Stephen questioned the acceptance of the AAO model by the MTF. AQIS clarified that the AAO model would be rolled out on 1 July 2011.

The future of Approved Arrangements was questioned by MTF members. AQIS committed to maintaining them if there was a strong demand. Inspectors under Approved Arrangements would still be required to enter inspection data into AMS once it becomes available.

3. MTF issues

The letter to the secretary from MTF members was tabled along with the attachments. Due to time constraints this was not discussed.

4. Fees and Charges

AQIS presented a revised fee model however it was omitted from the papers sent out. AQIS distributed copies at the meeting.

AQIS provided advice on concerns with Anthony and Peter's fees model. The expenditure that was under registration could not be wholly moved to certification as those who pay for certificates are then covering the majority of program management costs and those who pay for fee-for-service activities are not. This becomes difficult to justify in a Cost Recovery Impact Statement and is unlikely to be approved by the Department of Finance and Deregulation. AQIS will provide a formal response to Anthony and Peter on their model.

AQIS reviewed the division of this expenditure in their revised model with the following rationale. The exporter registration charge was to generate \$1.2m in revenue. As the legal team advised there was no current legislative base for this charge the expected revenue from exporters was moved onto certification instead as AQIS can argue exporters are the end users of documentation. Revenue that would have been generated under an exporter registration charge and paid for by exporters will now be captured from exporters under documentation.

The 3 tiers of establishment registration remains with those exporting to protocol markets paying the highest registration fee. There will be no tonnage charge or exporter registration charge.

Alastair commented that the suggested registration prices will lead to reduced numbers and cause losses in the program. Commodity groups will cluster such as citrus, mangoes and rockmelons. He stated that it should be a user pays arrangement – those who export more should pay more. AQIS advised that it does not become user pays when cert charges have been loaded up. AQIS stated that advice on what would be a reasonable registration charge is welcome with MTF members saying <\$1000. Alastair stated that the distribution should be around big vs. small operations.

Stephen requested to know the number of establishments that dropped off following the introduction of the registered establishment charge in 2009.

Anthony asked why the annual charge cannot be broken down into a weekly and monthly rate. AQIS advised that the annual charge is linked to the savings that come with an AQIS employee being employed and housed at a company for a year. Weekly and monthly rates can be created but will be from the ¼ hour unit. The efficiencies of the annual charge cannot be recognised with weekly and monthly rates.

In order to progress with Anthony and Peter's model changes would be required to The Act. Alastair stated that the AHEA would support a model in the Senate if the AHEA was satisfied with it and would lobby support with its members and the grape and stonefruit industries.

A discussion occurred on the projected units in the fee model. AQIS advised that figures represent the de-prescription of horticulture. There is no need to be involved in product to non-phyto markets. Further discussion to continue out-of-session on the potential of de-prescribing horticulture. The AHEA opposed the removal of RFPs because of no traceability if removed. Industry was concerned that AQIS had not raised this sooner. AQIS advised that the Customs requirements would work the same as any unprescribed product.

ACTION – AQIS to provide written response on Anthony and Peter's fee model.
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ACTION - MTF to give strong re-affirmation of their preferred model **if they were satisfied with the final result.**

ACTION - AHEA to put in writing their willingness and support of the preferred model.

5. EY benefits realisation project

Maria Storti from Ernst and Young discussed the benefits realisation project with the MTF. The main discussion points are described below.

- EY stated that their monetary savings assessments were based on AQIS specific advice that AAOs would be taken up by 80% of industry.
- EY had 6 weeks to develop a high level overview of the potential benefits of the reforms. Using their own methodology and the MTF workplan they worked to identify the benefits, assign a value and provide a mechanism to track the ongoing benefits. The project was due to finish in mid February but continued until mid March.
- Each MTF had one EY consultant working on their sectors. Horticulture had the same person who carried out the supply chain review.
- Information was sought from AQIS and industry members as put forward by Max.
- EY anticipated they could be specific and assign costs but it was difficult. Assumptions were made with ranges provided.
- The MTF was concerned that the report was not clear enough in terms of the context in which assumptions and potential benefits were reported.
- Alastair stated "where ever you have opportunity to improve data that will be put before people who make decisions it should be done."
- The assessment was done at a point in time. As more information becomes available more detailed modelling can be done in the 2nd pass should EY be engaged to do this.

AAO Model

- From reform funds of \$2.4m for hort, \$1.8m was allocated to service delivery.
- EY attempted to do detailed calculations based on AQIS information however due to the lack of maturity of the project opted for a higher level estimate **given no hard data was available.** The perfect scenario was to get the required information from industry but they were not able to **because the AAO model and information was not complete or available to industry or the number of markets accessible by AAOs.**
- The previous EY report on the supply chain review had an industry prediction of 25-60% savings when services are provided by industry. EY were not sure if this was a representative view the figure was not used.
- The impact of AAOs would be diverse due to the variation in businesses. When interviewed Allen stated significant savings were anticipated. Others said some players wouldn't achieve as much savings.
- Companies will need to assess whether AAOs are worth it for their business. Private sector will cost less than AQIS.
- Looking simply at superannuation, Government employees receive a minimum 14%, up to 24% in old schemes. Based on an 80% uptake of AAOs, where industry standards are at 9% super, there is already a saving of \$100k.

Alastair questioned the EY confidence in the data? EY stated that they had made conservative estimates on the 'potential' savings. There had to be a starting point somewhere as investments shouldn't be made without an understanding of the possible benefits. These are to be calculated continuously.

Alastair requested a statement of constraints be added to the report. EY agreed to put a statement of constraints under each program report in addition to the statements in the report summary.

Stephen questioned whether an 80% move to AAOs is too high an expectation, as AA uptake had also been predicted to be 80% **but may not eventuate**. EY clarified this estimate is for more than 12 months and may take 5 years to achieve. EY agreed to add back in the assumption of 5 years. This prediction encompasses all phytosanitary markets.

MTF members wanted EY to add in 'no benefits to occur if **all** protocol countries do not accept the model'. EY said they should also add 'if they do accept it predictions are massively understated'. **But this was said when they still had no data or model to substantiate this assumption. This was pointed out to EY by industry. EY were made aware that AAOs were not able to provide phytosanitary inspections to all markets and industry gave the example where Australian apple growers protested to BA to ensure NZ apples only came with NZ government inspections and that this was likely to be reciprocated by NZMAF for Australian produce. EY didn't know this. Industry advised EY that AAOs would not be accepted by Japan, South Korea or Taiwan for phytosanitary certification. EY didn't know this until this meeting. Industry asked if EY could improve their assessments based on the information gained from this meeting. Ann McDonald intervened saying this report was a point in time, earlier in the year and such changes were not possible.**

Anthony questioned the assumptions used for the AMS benefit asking how EY got 0.25 FTE reduction. Most data came from AQIS discussions. Data collected showed 15hrs per week would be saved from not having to re-enter and coordinate data.

The MTF queried the status of MOJO. The 'thin client' will be rolled out. The MTF claimed there were no savings or value from the EXDOC changes put through in March. AQIS advised that savings will be realised by the centralised documentation hub.

ACTION – Ernst and Young to **add statement of constraints in the horticulture section of the** benefits realisation report.

6. Next meeting

Proposed dates are **Tuesday, 28 June 2011** or **Wednesday, 29 June 2011**. AQIS to confirm next meeting date.

Meeting closed at 4.00pm



ACTION ITEMS and STATUS

Finalised In progress New Action

ACTION NUMBER	ACTION	RESPONSIBLE	STATUS
18.1	AQIS to advise EY to adjust references to seafood and then recirculate amended version to MTF members	AQIS	Request with EY
20.5	AQIS to engage with the State Departments through the Primary Industries Standing Committee to ensure they are aware of the reforms and new service delivery model being implemented	AQIS	
24.4	AQIS to advise MTF of results of their fee modelling against legal and cost recovery principles	AQIS	
24.5	MTF members to provide comments on the revised AAO information kit	Industry	
24.6	AQIS to seek legal clarification on the Australian citizenship requirement for AAOs	AQIS	
24.7	AQIS to provide a 1 page document on what it will cost to have an AAO compared to an Approved Arrangement with company scenarios to be included	AQIS	
25.1	AQIS to provide written response on Anthony and Peter's fee model	AQIS	
25.2	MTF to give strong re-affirmation of their preferred model	Industry	
25.3	AHEA to put in writing their willingness and support of the preferred model if they were satisfied with the final result	AHEA	
25.4	Ernst and Young to add statement of constraints in the horticulture section of the benefits realisation report	Ernst and Young	

Alastair Scott

From: Anthony Kachenko [anthony.kachenko@ngia.com.au]
Sent: Thursday, 24 November 2011 12:07 PM
To: Alastair Scott
Subject: Nursery Feedback for Senate
Attachments: Delis and Kachenko AQIS Export F&C Models 2011.docx

Hi Alastair,

A few comments for the Senate hearing next week. The industry models are attached in case you missed them last week.

Firstly, NGIA has raised several concerns in our Supplementary Submission # 8 to the Inquiry into biosecurity and quarantine arrangements. These are still valid.

The Australian Nursery Industry remains concerned about the future of nursery stock export. There has been little or no communication with industry since the last Ministerial Taskforce (MTF) in which we participated (29/6/2011). Growers are seeking information from me which I can't deliver on.

At the last MTF meeting, several matters raised remain outstanding.

1. During the end of the meeting, I asked Rona Mellor for typical costs and scenarios using an AQIS APPROVED OFFICE (AAOs). I am yet to receive these and thus communicate with growers what the new system will mean.
2. I also raised with her the issue with fees being proposed without clear charging guidelines during the whole MTF process. That is, ALL fees and charges models AQIS had provided up until this meeting. This has never occurred and with the current model, it is unclear how the fees are being allocated and charged. Industry are none the wiser.

There are a number of issues relating to the content of the minutes that need a forum to address. Again, the nursery industry has not been advised if the MTF is still functioning. Another key issues relate to the Service Delivery Policy relating to AAOs. During the meeting, it was discussed that unspent funds from the reforms managed by the MTF would be spent on training growers and e-learning. This is not mentioned in the minutes. Nor, is the MTF aware of the funds which are outstanding.

Finally, recently I attended a Plant Health Australia on 15 November 2011 where Louise Clarke, General Manager, Sustainable Biosecurity Funding (DAFF) presented on Overview & Long-term Post Border Improvements. During her presentation, she commented that one of the DAFF achievements was the

delivery of the reforms to the export programs. indeed, this is incorrect based on the outstanding issues.

Regards,

Anthony

Anthony Kachenko

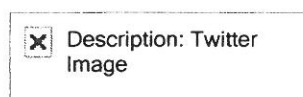
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