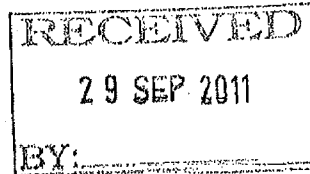




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546-889.

Senator the Hon. Joe Ludwig

**Minister for Agriculture, Fisheries and Forestry
Senator for Queensland**



REF: MNMC2011-09829

The Hon. John Murphy MP
Chair
Standing Committee on Petitions
PO Box 6021
CANBERRA ACT 2600



Dear ~~Mr~~ Murphy

Thank you for your letter of 18 August 2011 giving notice of a petition opposing the importation of fresh apples from New Zealand due to biosecurity concerns that was recently presented to the Standing Committee on Petitions.

The Department of Agriculture, Fisheries and Forestry has conducted a review of import conditions for the importation of New Zealand apples. The review was conducted because the World Trade Organization ruled that the previous import conditions, set in early 2007, were not sufficiently supported by scientific knowledge.

The review was transparent and subject to independent scrutiny and assessment, including by the public. A draft review was published on the department's website and submissions on the draft were received for 60 days. All submissions received were considered in finalising the revised policy for the importation of apples from New Zealand.

All imports of fresh food into Australia are subject to quarantine checks. Apples from New Zealand are no different.

I enclose a four-page summary of the review and its recommendations, which outline the conditions for orchards and packing houses along with quarantine conditions that apply to the importation of apples from New Zealand.

I note the petitioners' request to stop imports of fresh apples from New Zealand and to revise the import protocols for fire blight. However, the department has already conducted a review to establish scientifically supported import conditions. It is not appropriate for me to interfere in this process.

Thank you for bringing this petition to my attention. I trust this information is of assistance.

Yours sincerely

Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Senator for Queensland

21 September 2011

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Summary

Background

In November 2006 the *Final import risk analysis report for apples from New Zealand* (final IRA report) was published. On 26 March 2007 the Director of Animal and Plant Quarantine determined the policy to permit import of apples from New Zealand, subject to application of the quarantine measures specified in the final IRA report. New Zealand challenged the measures for fire blight, European canker and apple leaf curling midge, through the Dispute Settlement Body of the World Trade Organization (WTO), claiming that the measures were inconsistent with Australia's international obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

A Dispute Settlement Panel was formed and, on 9 August 2010, ruled that Australia's phytosanitary measures for New Zealand apples are not justified. Australia notified its intention to appeal the Panel's decision and the Appellate Body reported on 29 November 2010, reaffirming the Panel's rulings that Australia's phytosanitary measures for New Zealand apples are not justified. There are no further avenues for appeal. As a member of the WTO, Australia is obliged to implement the independent findings of the Panel and Appellate Body, or risk retaliatory action from New Zealand.

On 30 November 2010, the Australian Government announced it "*has accepted the decision and will now proceed with a science-based review of the import risk analysis for New Zealand apples. The review will be conducted by Biosecurity Australia*".

This report presents an analysis of the existing policy for the import of apples from New Zealand. The quarantine risks posed by three pests associated with the importation of apples from New Zealand: fire blight (caused by the bacterium *Erwinia amylovora*), European canker (caused by the fungi *Neonectria ditissima*), and apple leaf curling midge (*Dasineura mali*) are reassessed. The analysis has been undertaken in order to meet Australia's WTO obligations and the requirements of the *Quarantine Act 1908* and the *Quarantine Proclamation 1998* as amended.

Outcome of the Review

The report proposes that the current import conditions for apple fruit from New Zealand be amended and that the importation of apples be permitted, subject to a range of quarantine conditions.

This report takes into account the pre-harvest, harvest and post-harvest practices for the production of apples for export from New Zealand. Also considered is new scientific information that was not available when the 2006 final IRA report was completed.

The report concludes that the risks associated with fire blight, European canker and apple leaf curling midge can be managed to achieve Australia's appropriate level of protection (ALOP).

In addition to the three pests considered in this report, the final IRA report in 2006 recommended quarantine measures for a further nine quarantine pests. Those nine pests included five leafrollers that were assessed as quarantine pests for all of Australia, and two mealybugs, codling moth, and apple scab (caused by *Venturia inaequalis*) that were assessed as quarantine pests only for Western Australia. Apple scab is now considered to be present in Western Australia and is no longer a quarantine pest requiring measures. The measures recommended for those remaining pests must also be applied to export consignments and include:

- A 600 fruit sample from each lot of fruit inspected and found free of quarantine pests for Australia (for leafrollers and mealybugs).
- Establishment of pest free areas, or areas of low pest prevalence for codling moth, or fumigation with methyl bromide. This measure is only required for lots destined for Western Australia.

A draft report was released on 4 May 2011 for a 60 day consultation period to allow interested parties the opportunity to provide written submissions. Biosecurity Australia received 65 submissions and has considered all stakeholder comments. The report has been amended to take account of all scientifically relevant comments and information.

Management of apple imports from New Zealand

The import of apples from New Zealand is managed in 4 ways:

1. Supply chain traceability

Australia's import conditions require that apples only be exported from registered orchards producing export quality fruit (i.e. mature and symptomless, free of rots and hail damage). Apple fruit must be processed in registered packing houses. Registration is required to ensure that all export production sites and facilities are known and can be audited. This enables the tracing of fruit back to source.

2. Specific pest and disease control measures

In-orchard controls

Orchardists must demonstrate compliance with Australia's import conditions. Australia will verify and audit pest monitoring records, use of disease risk models and the application of relevant control measures.

Australia requires the following practices to be applied in all orchards producing apples for export:

Fire blight management

Orchards registered to export apples to Australia are required to have in place a fire blight monitoring regime, use targeted spray applications and prune out affected vegetation to reduce the levels of bacteria present in the orchard and the opportunity for infection.

Computer model based warning systems, calibrated for New Zealand, predict weather conditions suitable for potential infection events.

These systems allow orchardists to ensure the targeted application of streptomycin or a biological control (e.g. Blossom Bless) to greatly reduce the risk for fire blight blossom infection. Biological control is the most commonly used method to manage fire blight blossom infection and is compatible with organic production. It has been shown to be as effective as streptomycin.

Throughout the year, orchards are monitored for symptoms of fire blight. This allows targeted removal of any affected shoots and branches.

3. Verification

Verification will be by:

- review of documents which evidence the processes required by Australia
- on the ground validation that key personnel (e.g. growers, pest management consultants, orchard managers) have a sound knowledge of Australia's requirements
- inspection of key components of the supply chain, including packing houses and cool stores, to ensure Australian requirements are met
- physical inspections will take place both in New Zealand and Australia on every consignment

Australia requires that in New Zealand, a minimum 600 fruit sample from each lot (one variety per production site per harvest period) of fruit packed must be inspected and found free of quarantine pests and trash. Lots found to fail this requirement will be withdrawn from export to Australia.

In Australia, quarantine officers will verify that consignments are as described on phytosanitary certificates and that supply chain product security has been maintained. Australian quarantine officers will also take a 600 fruit random sample¹ from each consignment for inspection for quarantine pests and trash.

4. Audit

Australia will audit New Zealand's phytosanitary system for apple export production. Audits will be conducted at any time and at the discretion of Australia. Audits will measure compliance with all aspects of the program as identified above, including: orchard registration, pest/disease management, packing house registration, compliance with packing house responsibilities, traceability, labelling, product segregation and supply chain product security, and New Zealand's certification processes.

¹ According to *International Standards for Phytosanitary Measures No. 31, Methodology for Sampling of Consignments* at the 0.5% detection rate with a 95% confidence level, as used internationally in the trade of horticultural commodities.

