

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2006

Agriculture, Fisheries and Forestry

Question: AQIS 01

Division/Agency: Australian Quarantine and Inspection Service

Topic: Testing of imported garlic

Hansard Page: 17-18 (25/05/06)

Senator Abetz asked:

Yes, for chemicals. There is some suggestion that they might have high levels of mercury or something. Have we tested for those?

Ms Hewitt—We will ask Peter Yuile to explain the broad process of how that testing operates. We have done quite a bit of work on that.

Senator ABETZ—I am sorry to intervene here. It is just a matter of interest. In my state there are large plantations of garlic, going down Cressy way, put in by an Australian company. They are having issues with Chinese imports, so that is why I ask.

Senator O'BRIEN—You see it regularly in the supermarket. It is now being labelled as being Chinese.

Ms Hewitt—That is right. Peter will tell us of the testing arrangements.

Mr Yuile—For imported food the standards are established by Food Standards Australia New Zealand.

Senator Abetz—Yes, but do we test the garlic on a regular basis?

Mr Yuile—Each of the foods is categorised into three groups. There is a risk group, an active surveillance group and a random surveillance group. They have associated with them specific numbers of tests per consignment. In the case of risk foods, if 20 consecutive tests prove that they meet our standards, then it comes down from 100 per cent to, say, 25 per cent. I will check the numbers for you. There is a sequence and it is based on risk categorisation by Food Standards Australia New Zealand. In addition, Minister McGauran established a surveying process. We did some horticultural surveying work last year and we will be doing it again this year. The results from that are fed back in turn to FSANZ to help them in their assessments in defining their risk categorisations.

Answer:

The Australian Quarantine and Inspection Service (AQIS) inspects and analyses 5% of imported garlic for compliance with the Australian Food Standards Code.

Imported garlic is subject to a pesticide screen (which includes a range of agricultural chemicals eg. endosulfan), and test results show a high level of compliance with the Australian Food Standards Code.

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Agriculture, Fisheries and Forestry

Question: AQIS 02

Division/Agency: Australian Quarantine and Inspection Service

Topic: Import Permits

Hansard Page: 28-29 (25/05/06)

Senator O'Brien asked:

And is the life of a permit two years generally?

Answer:

Import permits are generally issued for a period of 2 years, 1 year, 6 months or 2 months.

From 1 January 2004 to 21 June 2006, 49 736 import permits were issued.

44% of those permits were issued for a period of 2 years; 9% for a period of 1 year; 42% for a period of 6 months; and 4% for a period of 2 months. The remaining 1% of permits represent those which have been reissued due to amendment, either due to a change in import conditions or at the importer's request. Generally, these are issued for the period of time remaining on the original import permit.

Question: AQIS 03

Division/Agency: Australian Quarantine and Inspection Service

Topic: Import Permits

Hansard Page: 29 (25/05/06)

Senator O'Brien asked:

Are the majority of Permits for two years?

Answer:

See response to AQIS 02.

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Question: AQIS 04

Division/Agency: Australian Quarantine and Inspection Service

Topic: Consultation Process – AQIS and Biosecurity Australia

Hansard Page: 31 (25/05/06)

Senator O'Brien asked:

Senator O'BRIEN—So after the organisation split it was less formal until April or mid-2004 between the two organisations?

Mr Yuile—I was not there, but I would not characterise it as being informal.

Senator O'BRIEN—I said 'less formal'.

Mr Yuile—Yes. I am not sure about that. I would need to ask others who were involved during that time.

Ms Gordon—I guess it depends on definitions of formality, but we in AQIS have always traditionally relied on Biosecurity Australia or the organisational units that manage the scientific assessments to provide us with formal advice in writing about changed assessments of biosecurity risks and quarantine risks. Indeed, on the basis of that formal advice, we would change what we call the ICON case, the conditions that are in the database. I think the issues of informality that have been discussed are in relation to when we get an application for an import permit and, as Dr Clegg said, they are not a set of conditions that immediately are able to be applied or that mean there are questions that need to be raised. We would ask Biosecurity Australia for advice on that. I think we are now moving to a much more formal system for managing the form of request, but it would have always have been in writing. Nonetheless, quite likely there would be—and there will go on being—a range of conversations that could be described as informal when further clarity is sought or when the AQIS officer or the Biosecurity Australia officer really wants to fully understand the information that is there or to fill out some of the answers that might be provided. It would not be accurate to say that we did not have a formal system. I think what we are talking about now, particularly with the two organisations being more formally separated, is a means of actually much more formally, perhaps through an IT system, exchanging our information so that we have a much better database record of requests that are made and responses that are provided to us regarding the conditions that we might apply to import permits.

Answer:

The answer to AQIS 04 is in Hansard page 31.

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Question: AQIS 05

Division/Agency: Australian Quarantine and Inspection Service

Topic: Import permit process-legal advice sought by Biosecurity Australia

Hansard Page: 34 (25/05/06)

Senator O'Brien asked:

Senator O'BRIEN—Did Biosecurity Australia seek legal advice about how a changed approach to assessing permit applications and the implications for existing permit holders might be dealt with?

Ms Gordon—I believe Dr Clegg can answer that specifically in relation to the review of the conditions that the Marnic case provided. But, since the Australian Pork Ltd case, we have got quite specific legal advice on the actual process of the consideration of an import permit, the issues we need to take into account and the order in which we need to take those issues into account. That is the basic process we are now trying to underpin and support through the development of an IT system so that we can be confident that officers do turn their minds appropriately to the issues they need to consider and that, when they make a decision, they take into account the advice from Biosecurity Australia considered in the other issues they might have to think about before they make a decision to grant a permit, refuse a permit or impose particulate conditions.

Senator O'BRIEN—Is there any reason why this committee could not see that advice?

Ms Hewitt – Could we reflect on that? We would want to review that carefully.

Answer:

Legal advice was obtained from the Australian Government Solicitor following the decision of the Full Court handed down on 16 September 2005 in *Director of Quarantine v Australian Pork Limited* [2005] FCAFC 206 (the Pork Meat decision). The legal advice was sought to assist the Department of Agriculture, Fisheries and Forestry to understand the implications of the Pork Meat decision for its current permit decision making practices under the *Quarantine Act 1908*.

The Department would claim privilege from producing this advice in litigation against the Commonwealth. For this reason, the Department has not provided a copy of the advice to the Committee as this would make it publicly available.

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Question: AQIS 06

Division/Agency: Australian Quarantine and Inspection Service

Topic: Minute to the Executive Director

Hansard Page: 38 (25/05/06)

Senator Heffernan asked:

Can the committee have a copy of that?

Answer:

A copy of the minute provided to the Executive Director of the Australian Quarantine and Inspection Service (AQIS) is **attached**.

[AQIS 06 attachment]

Question: AQIS 07

Division/Agency: Australian Quarantine and Inspection Service

Topic: Importation of Potatoes from Libya

Hansard Page: 39 (25/05/06)

Senator O'BRIEN asked:

Senator O'BRIEN—I would tell you. I think you had better go and see Mr Prosser. He claims a document was tabled in the federal parliament that showed the West Australian government had agreed to potato imports from Libya.

Mr Yuile—I cannot comment on what the Western Australian government may or may not have agreed to.

Senator O'BRIEN—Has Mr Prosser written to AQIS about this matter?

Mr Yuile—He has not written to me, if that is the question.

Senator O'BRIEN—Perhaps you could check whether he has written to AQIS and let us know.

Answer:

The Australian Quarantine and Inspection Service (AQIS) has not been able to identify the receipt of a letter from Mr Prosser regarding the importation of potatoes from Libya.

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Question: AQIS 08

Division/Agency: Australian Quarantine and Inspection Service

Topic: Assistance to aboriginal communities to support sea rangers

Hansard Page: 57 (25/05/06)

Senator O'Brien asked:

Can you provide us with a list of those communities?

Answer:

Queensland:

1. Inginoo
2. Mapoon
3. Aurukun
4. Kowanyama
5. Pormpuraaw
6. Mornington Island

Northern Territory:

1. Wadeye
2. Tiwi Islands
3. Croker Island
4. Goulburn Islands
5. Maningrida
6. Ramingining
7. Galiwinku
8. Nhulunbuy
9. Yirrkala
10. Umbakumba, Milyakburra, Angurugu (Groote Eylandt)
11. Numbulwar
12. Ngukurr
13. Borroloola
14. Oenpelli
15. Peppimenarti

Western Australia:

1. Kalumbaru
2. Kandiwal
3. Bardi
4. Lombardina/Djarindjin
5. Beagle Bay
6. Broome and Derby

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Question: AQIS 09

Division/Agency: Australian Quarantine and Inspection Service

Topic: Marnic – Potential Diseases in Bait Worms

Hansard Page: 16 (24/05/06)

Senator O'Brien asked:

My question was: 'I understand that Marnic has advised the department that, prior to the issuing of the fifth permit in 2003—which was permit number 300615340—that Marnic and a freight company called SOS freight consultants had discussions with AQIS about potential diseases in bait worms.' Is it true that those discussions took place?

Mr Yuile—Potential diseases in bait worms?

Senator O'BRIEN—Yes

Answer:

No. The Australian Quarantine and Inspection Service (AQIS) has no evidence that such a discussion occurred at this time or any other time. Furthermore, there is no record of permit number 300615340.

Question: AQIS 10

Division/Agency: Australian Quarantine and Inspection Service

Topic: Marnic – Permit Applications, Importation of Bait Worms

Hansard Page: 17 (24/05/06)

Senator O'Brien asked:

Okay. How many permit applications have you from Marnic in relation to this importation of marine worms?

Answer:

Two

The first application was received in March 2003. This resulted in permit number 200306288 being issued which was valid from 7 April 2003 for 2 years. This permit was amended five times prior to expiration. Each amendment created a new permit number that was linked to the original application.

A second application was received on 7 April 2005 to renew the original import permit. This application was withdrawn by Marnic on 10 April 2005.