



Parliament of the Commonwealth of Australia

**The Proposed Importation of
Fresh Apple Fruit
from New Zealand**

Interim Report

**Senate Rural and Regional Affairs and
Transport Legislation Committee**

July 2001

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TERMS OF REFERENCE

The administration and management by the Australian Quarantine and Inspection Service and the Department of Agriculture, Fisheries and Forestry Australia's Biosecurity Australia group of all aspects of the consideration and assessment of proposed importation to Australia of fresh apple fruit from New Zealand.

CONDUCT OF THE INQUIRY

On 2 November 2000, the Senate referred the proposed importation of fresh apple fruit from New Zealand to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the last sitting day in March 2001. That reporting date was subsequently deferred to the last sitting day in June 2001, and again to 23 July 2001.

The Committee published its terms of reference and invited written submissions on the importation of apples from New Zealand in the rural press in late December 2000. In addition, the Committee contacted directly apple producers, the relevant industry peak bodies, the Commonwealth Department of Agriculture, Fisheries and Forestry and State Ministers.

The Committee held preliminary hearings with Biosecurity Australia on the proposed importation of fresh apple fruit from NZ on 6 February 2001. Subsequently, the Committee undertook an extensive program of public hearings in the week beginning 12 February 2001. During that week, the Committee visited all the major apple growing regions of Australia (with the exception of those in NSW) and heard from apple and pear growers, industry peak body representatives, state agriculture department representatives and scientific experts.

Following the Committee's program of hearings in the week beginning 12 February 2001, the Committee held a range of follow up hearings. Specifically, the Committee heard from representatives of Environment Australia on Wednesday, 28 February 2001, and from Prof Herb Aldwinckle and Dr Zoller in the USA on 29 March 2001. The Committee thanks Prof Aldwinckle and Dr Zoller for their willingness to appear before the Committee without recompense. The Committee also visited the apple growing regions of NSW on 9 March 2001.

On 9 March 2001, the Committee also received advice from the Prime Minister's Office approving the Committee's request to travel to New Zealand as a parliamentary delegation to consult with New Zealand authorities and scientific experts on fire blight.

Ahead of the Committee's visit to New Zealand, the Committee held a hearing with the New Zealand High Commissioner to Australia, His Excellency, Mr Simon Murdoch on 5 April 2001. In addition, the Committee held a further hearing with Biosecurity Australia on 11 May 2001 in Melbourne.

The Committee visited New Zealand in the week beginning 14 May 2001. During its visit, the Committee met with the New Zealand Foreign Minister and Acting Trade Negotiations Minister, the Hon. Phil Goff, and held a round-table discussion with officials from the New Zealand Ministry of Foreign Affairs and Trade and the New

Zealand Ministry of Agriculture and Forestry. In addition, the Committee spoke with New Zealand apple industry representatives and New Zealand experts on fire blight.

During conduct of the inquiry, the Committee received 63 written submissions, two being confidential, together with nine supplementary submissions. In particular, the Committee received major written submissions from Biosecurity Australia, the New Zealand Government, the Apple and Pear Growers Association of Australia and allied state based associations, all the relevant state government agriculture departments, Environment Australia, the Department of Foreign Affairs and Trade, a number of scientific experts, and a large number of domestic apple growers. A list of submissions is at Appendix 1.

During hearings, the Committee heard from 50 witnesses or groups of witnesses. A list of witnesses is at Appendix 2. In total, 467 pages of evidence were taken. A *Hansard* record of the hearings is available at the Hansard web site at www.aph.gov.au.

ABBREVIATIONS

AAPGA	Australian Apple and Pear Growers' Association
AFFA	Agriculture, Fisheries and Forestry Australia
ALOP	Appropriate level of protection
ANZFA	Australia New Zealand Food Authority
APGASA	Apple and Pear Growers' Association of South Australia
AQIS	Australian Quarantine Inspection Service
BA	Biosecurity Australia
DEA	Designated Export Application
DFAT	Department of Foreign Affairs and Trade
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
EU	European Union
FOI	Freedom of information
GATT	General Agreement of Tariffs and Trade
HRDC	Horticultural Research and Development Corporation
IPPC	International Plant Protection Convention
IRA	Import risk assessment
ISPM	International standards for phytosanitary measures
JETACAR	Joint Expert Technical Advisory Committee on Antibiotic Resistance
MAFNZ	Ministry of Agriculture and Forestry, New Zealand
MFATNZ	Ministry of Foreign Affairs and Trade, New Zealand
MRL	Maximum residue limit
NRA	National Registration Authority

NVFA	Northern Victorian Fruitgrowers' Association
PIRSA	Department of Primary Industry and Resources South Australia
QFVG	Queensland Fruit and Vegetable Growers
REB	Registered Export Block
RST	Reduced sample trial
SPS	Sanitary and phytosanitary
TAPGA	Tasmanian Apple and Pear Growers' Association
TBT	Technical Barriers to Trade
USDA	United States Department of Agriculture
WTO	World Trade Organisation

EXECUTIVE SUMMARY

Since 1921, Australia has prohibited the importation of fresh apple fruit (*Malus x domestica* Borkh.) from New Zealand. This is due to the presence of the *Erwinia amylovora* bacterium in New Zealand. *Erwinia amylovora* is the causal bacterium of fire blight, a major disease of pome fruit such as apples and pears.

In January 1999, the New Zealand Government requested that the Australian Government review its policy prohibiting the importation of apples from New Zealand, on the basis that apples are not a vector for the transfer of *Erwinia amylovora*. This request followed earlier unsuccessful requests in 1986, 1989 and 1995.

It is important to note that under the World Trade Organisation (WTO) Agreement framework, to which Australia is a signatory, Member states must adopt the least trade restrictive quarantine barriers possible. However, Member states may take sanitary and phytosanitary measures necessary to protect human, plant and animal life or health, provided such measures are scientifically based, non-discriminatory and consistently applied.

In response to the new New Zealand request for access to the Australian market, the responsible Commonwealth authority at the time, the Australian Quarantine Inspection Service (AQIS), began preparation in February 1999 of a new routine import risk assessment (IRA) on the importation of New Zealand apples. *The AQIS Import Risk Analysis Process Handbook* requires the preparation of a draft IRA for public comment, followed by a final IRA.

On 6 October 2000, changes to the internal structure of the Department of Agriculture, Fisheries and Forestry Australia (AFFA) resulted in the formation of Biosecurity Australia (BA). BA took over from AQIS responsibility for the preparation of the apple IRA.

BA released a draft IRA on 11 October 2000. In summary, it identified eight insects, one mite, one bacterium (*Erwinia amylovora*) and one fungus as pests of quarantine concern associated with the possible importation of New Zealand apples.

As above, the key quarantine pest analysed in the draft IRA was *Erwinia amylovora*. In the draft IRA, BA assessed the probability of entry of *Erwinia amylovora* into Australia on apples from New Zealand as “low”, the probability of establishment as “high” and the probability of spread as “high”. Accordingly, BA assessed the overall probability of entry, establishment and spread as “low”. In turn, BA assessed the economic consequences of the entry, establishment and spread of *Erwinia amylovora* as “extreme”. Combining these two assessments, BA assessed the unrestricted risk associated with *Erwinia amylovora* as “moderate”. This is shown below.

Probability of: Entry (P1)	Establishment (P2)	Spread (P3)	Probability of entry, establishment and spread (P = P1xP2xP3)	Economic Consequence (C)	Unrestricted Risk (R=PxC)
Low	High	High	Low	Extreme	Moderate

BA's assessment that *Erwinia amylovora* poses a "moderate" risk placed the bacterium outside of what BA has assessed to be Australia's appropriate level of protection (ALOP), namely a "very low" level of risk.

To address this, BA indicated its preliminary view in the draft IRA that the risks associated with *Erwinia amylovora* could be effectively managed using eleven phytosanitary importation protocols for the importation of New Zealand apples. These protocols would reduce the risk of the transfer of *Erwinia amylovora* to Australia to a "very low" level, consistent with Australia's ALOP.

Following the release of the draft IRA on 11 October 2000, BA initially provided a 60-day period for public comment, in accordance with the requirements of the *Import Risk Analysis Handbook*, prior to beginning preparation of the final IRA. This 60-day period was later extended due to the large number of submissions (142) received by BA.

During the public comment period, it became apparent that certain members of the Australian industry, led by the Australian Apple and Pear Growers' Association (AAPGA), together with the New Zealand Government and the scientific community, were highly critical of the draft IRA. In addition, every state government agriculture department opposed key findings of the draft IRA, as did Environment Australia.

The criticisms of the draft IRA fell under three broad categories. First, BA's development of the draft IRA, notably the consultation processes with industry stakeholders. Secondly, the draft IRA methodology, and in particular the use of a qualitative risk analysis as opposed to a quantitative risk analysis. Thirdly, the validity of the science cited in the draft IRA, and whether it supports the New Zealand claim that apples are not a vector for the spread of *Erwinia amylovora*.

On 2 November 2000, the Senate referred the importation of fresh apple fruit from New Zealand to this Committee for inquiry and report. Given its intervention in the IRA process, the Committee wishes to respond from the outset to the concern expressed by the New Zealand High Commissioner to Australia, Mr Murdoch, that the current IRA process has been politicised. The Committee cites the following evidence of Mr Murdoch in hearings:

On the politicisation of the debate, it does concern us—and our submission to you says so—that those who speak most strongly against the importation of New Zealand apples seem to do so from the starting point that they do not want to accept New Zealand apples under any conditions. In this respect, the

opposition appears to us to be more politically based than science based. We are aware of a vigorous campaign opposing New Zealand apples being run by parts of the Australian industry. It is because the Senate has the task of finding balance whenever there are contending rival interests on a serious matter of public policy that we have chosen to raise this concern with you, rather than respond to the various aspects of the more public and media based debate on this. But we do want to stress our concerns about the pressure and the weight of unbalanced argument on the decision making process.¹

The Committee wishes to reaffirm from the outset that it has taken very seriously its responsibility in this report to give due balance to the competing evidence on the importation of apples from New Zealand.

On 6 March 2001, in response to strong public interest in the draft IRA, the Secretary of AFFA, Mr Michael Taylor, announced a major extension to the public consultation process ahead of the preparation of the final IRA. The revised consultation process incorporates a number of elements:

- a) First, BA released on 2 July 2001 an inventory of the issues arising from submissions received during the extended 60-day public comment process (see Plant Quarantine Policy Memorandum 2001/13).
- b) Secondly, following receipt of responses to the inventory of issues, BA is proposing to develop a scientific review paper for comment, based on the issues in the inventory.
- c) Thirdly, BA is proposing to conduct a series of open workshops with industry representatives, scientists, state government representatives and other interested parties to consider the scientific review paper.
- d) Fourthly, BA is proposing an external review by scientists of the final IRA when it is close to completion.

Following the conduct of these steps, BA will release a final IRA on the importation of fresh apple fruit from New Zealand, setting out whether New Zealand apples should be imported into Australia, and if so, under what conditions.

The Committee welcomes these revised measures in the conduct of the IRA. They are designed to address the criticisms of the IRA process to date, and ensure that the final IRA has broad industry and scientific support. That said, this report includes a number of recommendations in relation to the future development of the final apple IRA, together with recommendations in relation to the conduct of future IRAs generally.

1 Evidence, RRAT, 5 April 2001, p 408

Importantly, the Committee wishes to emphasise that it does not seek to dictate whether or not the importation of apples into Australia from New Zealand should proceed. That is rightly a matter for the final IRA and the Director of Quarantine.

This report is in five parts. Part One provides background information necessary to the understanding of the current IRA process. It comprises three chapters:

- 1) Chapter One examines the WTO Agreement framework, and Australia's obligations as a WTO Member;
- 2) Chapter Two examines the IRA process, as described in the *IRA Handbook*; and
- 3) Chapter Three provides a summary of the apple and pear industries in Australia and New Zealand.

Part Two examines the draft IRA development:

- 4) Chapter Four notes the steps in the development of the draft IRA to date, and the revised consultation process announced on 6 March 2001;
- 5) Chapter Five discusses the IRA decision making process, including BA's decision to undertake a routine IRA (as opposed to a non-routine IRA); and
- 6) Chapter Six examines the consultation process between BA and industry, government and scientific stakeholders.

Part Three examines the draft IRA methodology:

- 7) Chapter Seven provides a summary of the draft IRA methodology; and
- 8) Chapter Eight examines criticisms of the draft IRA methodology, notably the appropriateness of the qualitative risk analysis used in the draft IRA.

Part Four examines the draft IRA science:

- 9) Chapter Nine examines the biology and distribution of *Erwinia amylovora* and other pests associated with New Zealand apples;
- 10) Chapter Ten considers the draft IRA's assessment of the probability of entry, establishment and spread of *Erwinia amylovora* in Australia from New Zealand apples, and the economic consequences were that to occur;
- 11) Chapter Eleven assesses the unrestricted risk posed by other pests associated New Zealand apples;
- 12) Chapter Twelve summarises the draft IRA protocols proposed by BA under which apples could be imported into Australia from New Zealand, and criticisms of those protocols; and

- 13) Chapter Thirteen examines the management of fire blight internationally, and its possible management if it were to reach Australia.

Part Five examines the determination of the final IRA:

- 14) Chapter Fourteen discusses the requirements placed on Australia by the WTO in determining whether importation of apples from New Zealand should proceed;
- 15) Chapter Fifteen considers the possible impact of importation of New Zealand apples on the Australian apple market, and Australia's apple trade with other countries; and
- 16) Chapter Sixteen presents conclusions and recommendations.

As indicated on the cover, this is an interim report. The Committee reserves the right to revisit these matters following the completion of the final IRA.

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LIST OF RECOMMENDATIONS

Recommendation 1

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop procedures to allow a decision to adopt a routine IRA to be appealed to the Administrative Appeals Tribunal.

Recommendation 2

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop procedures to allow for consideration of the likely consequences of the incursion of a particular pest when deciding whether to use a routine or non-routine IRA.

Recommendation 3

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop and publish widely guidelines on the purpose and the method of consultation in the IRA process.

Recommendation 4

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, establish a Risk Assessment Committee to allow for the direct involvement of domestic stakeholders during the conduct of IRAs.

Recommendation 5

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, clarify with Environment Australia the definition of pathogens which pose a significant risk of harm to the natural environment. Such pathogens must be referred to the Minister for the Environment for advice under the terms of the *Quarantine Amendment Act 1999*.

Recommendation 6

The Committee recommends that Biosecurity Australia incorporate a full quantitative risk evaluation in the final IRA on the possible importation of New Zealand apples, in preference to the current unsatisfactory qualitative risk evaluation used in the draft IRA.

Recommendation 7

The Committee recommends that Biosecurity Australia revise the combined events in the entry, establishment and spread pathways in the final IRA on the possible importation of New Zealand apples. This is to measure more accurately and transparently the unrestricted risk associated with *Erwinia amylovora* and other pests.

Recommendation 8

The Committee recommends that Biosecurity Australia develop a quantitative measure of what constitutes a “very low” risk in the final IRA on the possible importation of New Zealand apples, based on a full quantitative risk assessment.

Recommendation 9

The Committee recommends that Biosecurity Australia immediately commission research by the CSIRO, the NZ Horticulture and Food Research Institute or independent authorities into whether export-ready apples from New Zealand can carry viable colonies of *Erwinia amylovora* in their core, calyx or flesh.

Recommendation 10

The Committee recommends that Biosecurity Australia incorporate in the final IRA further research into the role of other pests in the possible broadcast of *Erwinia amylovora* in Australia, notably the apple leaf-curling midge.

Recommendation 11

The Committee recommends that Biosecurity Australia adopt as a better alternative to the protocols outlined in the draft IRA the following measures:

- The use of random drop sampling at certified New Zealand packing houses for sampling of New Zealand apple lots earmarked for possible export to Australia;
- The DNA testing of apples taken during random drop sampling for the presence of *Erwinia amylovora*; and
- The acceptance or rejection of apple lots from New Zealand earmarked for export to the Australian market based on the results of the above DNA testing and other relevant testing.

Recommendation 12

The Committee recommends that Biosecurity Australia themselves conduct tests with at least two major New Zealand export packing houses on the appropriate apple processing speed and staffing levels required to guarantee that apples destined for possible export to Australia would be completely trash free.

Recommendation 13

The Committee recommends that Biosecurity Australia incorporate in the final IRA advice from the NRA as to the circumstances under which the NRA would permit the spraying of streptomycin or terramycin in Australia in response to an outbreak of *Erwinia amylovora*. This advice should be based on research by Biosecurity Australia on the number of applications of streptomycin or terramycin which would be required each season to contain an outbreak of *Erwinia amylovora* in the various apple growing regions of Australia.

Recommendation 14

The Committee recommends the independent scientific review conducted as part of the revised public consultation process announced on 6 March 2000 by the Director of Quarantine, Mr Taylor, should be similar to that used in non-routine IRAs.

Recommendation 15

The Committee recommends that Biosecurity Australia contact countries to which Australia exports apples to clarify their position should Australia allow importation of apples from New Zealand. This is to avoid Australian apples being assessed as posing a risk by other countries should Australia accept apples from New Zealand.

