

CHAPTER FOUR

THE CONDUCT OF THE CURRENT APPLE IMPORT RISK ANALYSIS

Introduction

4.1 This chapter initially notes the terms of the New Zealand request in January 1999 for access to the Australian apple market, and provides a factual chronology of events in the development of the draft IRA. That chronology includes a questionnaire sent to international scientists, the development of a draft IRA working paper, and meetings between BA and representatives of both the industry communications reference group and state agriculture departments.

4.2 Subsequently, the chapter also summarises the events following the release of the draft IRA on 11 October 2000. In particular, BA held a series of public meetings with growers in October and November 2000. On 20 December 2000, BA also extended the initial 60-day period for public comment.

4.3 Finally, the chapter notes the major extension to the public consultation process announced by the Secretary of AFFA, Mr Taylor, on 6 March 2001. BA is now proposing to hold further meetings with representatives of the industry and to develop a further scientific paper prior to release of the final IRA.

New Zealand's 1999 Application for Market Access

4.4 In January 1999, the Ministry of Agriculture and Forestry, New Zealand (MAFNZ), submitted a new application for access to the Australian apple market. The request was in part that:

AQIS review available risk management options with a view to establishing phytosanitary measures that are the least restrictive in respect of New Zealand apple exports while ensuring the level of protection deemed appropriate by Australia.¹

4.5 BA indicated in the draft IRA that this request was entirely consistent with the rights and obligations of members of the WTO. In addition, BA contrasted this request with the previous 1995 New Zealand request for access to the Australian

1 Biosecurity Australia, Draft Import Risk Analysis on the Importation of Apples from New Zealand, October 2000, p 51. See also Submission 33, p 11

market. Specifically, the 1995 request was for unrestricted access to the Australian market, without the implementation of any risk management strategies for fire blight.²

4.6 AQIS treated the new request by NZ for access to the Australian apple market as a high priority, on the basis that ‘NZ authorities have consistently indicated that access to the Australian apple market is their highest market priority’. Accordingly, AQIS undertook to prepare a new IRA.³

The Preparation of the Draft Import Risk Analysis

4.7 On 25 February 1999, AQIS wrote to apple industry stakeholders indicating it had received a new application for importation of apples from New Zealand, and would initiate an IRA in accordance with the *IRA Handbook*. AQIS sought stakeholder comment by 25 March 1999 on the priority of the IRA.⁴

4.8 A total of 11 responses were received. A summary of these responses is provided below in Table 4.1.

Table 4.1: New Zealand Apples Stakeholder Comments (Priority)

Stakeholder	Comments
APGASA	Non-routine process should be followed
AAPGA	Non-routine process should be followed
Batlow Fruit Co-operative Ltd	Non-routine process should be followed
Northern Victoria Fruitgrowers' Association	Non-routine process should be followed
NSW Agriculture	Low priority
Queensland Fruit and Vegetable Growers	Non-routine process should be followed
Simpson, Glenda	Opposed - fire blight problem
South Pacific Trade Commission	No comment
USDA/APHIS	Highest priority due to technical nature
USDA, Tom van der Zwet	Commented on import options
Victorian Apple and Pear Growers' Council	Request is not appropriate; non-routine process

Source: BA, Correspondence, 10 April 2001

2 Biosecurity Australia, Draft Import Risk Analysis on the Importation of Apples from New Zealand, October 2000, p 51

3 *Ibid*, p 18

4 Submission 41, p 28

4.9 On 15 April 1999, AQIS again wrote to stakeholders proposing the conduct of a routine IRA on the importation of apples from New Zealand, on the basis that ‘the proposal did not require an assessment of significantly greater or different risks than those AQIS had previously examined’. Once again AQIS sought stakeholder comment, to be received by 17 May 2001.⁵

4.10 A total of eight responses were received, although the NSW Agriculture response was delayed. Five were opposed to the use of a routine process, while two supported a routine process. A summary of responses is provided in Table 4.2 below.

Table 4.2: New Zealand Apples Stakeholder Comments (Type)

Stakeholder	Supported Routine?	Comments
Agriculture WA	Yes	
APGASA	No	Should delay and proceed with non-routine once previous scientific issues are resolved
AAPGA	Rejects IRA	
Natural Resources and Environment - Secretary	No	Non routine to permit industry involvement on RAP selection; technical complexities of fire blight
Natural Resources and Environment - Minister	No	Technical complexities of fire blight
PIRSA	No	Technical complexities and sensitivities of fire blight
South Pacific Trade Commission	No comment	
NSW Agriculture	Yes	

Source: BA, Correspondence, 10 April 2001

4.11 Subsequently, AQIS wrote to stakeholders on 28 June 1999, indicating that a routine IRA would be undertaken, and that a draft IRA would be released in November 1999 (this deadline was not met due to ‘difficulties obtaining information from external sources’). BA stated in its written submission to this inquiry that this decision was taken on the basis that:

.... it clearly met the requirements of the Handbook in that it was considered technically less complex and not requiring assessment of significantly

greater or different risks than other proposals of pome fruit which AQIS had previously considered; and that a number of analyses of technical information on pome fruits from New Zealand, particularly on the disease fire blight, had previously been undertaken.⁶

4.12 In November 1999, AQIS met with the Executive of the AAPGA to discuss consultation during the development of the IRA. Subsequently, BA formed a three-member communications reference group to provide advice on the development of the draft IRA. The members of the group were Mr Armour, Mr Corboy and Mr Shield. The group held its first meeting on 12 November 1999 at Tullamarine Airport.⁷

4.13 On 27 January 2000, AQIS emailed a questionnaire to 15 international scientists with expertise in fire blight, seeking their views on a range of matters related to the probability of entry, establishment and spread of fire blight in Australia. The questions were subsequently faxed to one further international scientist.

4.14 In its written submission, BA indicated that it received substantial responses to the questionnaire from seven scientists. In addition, four scientists responded but made no technical comments (of which one indicated a decision not to become involved in the issue). Five failed to respond, or to respond successfully.⁸ A summary of responses is provided in Table 4.3 below.

Table 4.3: Responses to the BA Questionnaire

Name	Qualification	Response to Questionnaire	Comment on Protocols
Prof Herb Aldwinckle Department of Plant Pathology Cornell University USA	PhD	Yes	Yes
Assoc Prof Steven Beer Department of Plant Pathology Cornell University USA	PhD	Yes	Yes
Dr Tom Deckers Opzoekingsstation van Gorsem Belgium	PhD	Yes	Yes

6 Submission 41, p 29

7 Submission 41, p 31

8 Submission 41, p 34

<i>Name withheld</i> UK		Yes	Not sent
Dr J. Pierre Paulin French Institut National de la Recherche Agronomique France	PhD	Yes	Yes
Dr Larry Pusey Research Plant Pathologist USDA – ARS USA	PhD	Yes	Yes
Dr Satish Wimalajeewa Consultant Plant Pathologist Australia	PhD	Yes	Yes
Prof Wolfgang Zeller Biologische Bundesanstalt Institut für Biologischen Pflanzenschutz Germany	PhD	No	Yes
Prof Ken Hickey Plant Pathologist Penn State FREC USA	PhD	No	No comment
<i>Name withheld</i> Canada	No response	No	No response
<i>Name withheld</i> Greece	No response	No	No response
<i>Name withheld</i> Italy	No response	No	No response
<i>Name withheld</i> Turkey	No response	No	No response
<i>Name withheld</i> USA	No response	No	No response
Dr Broc Zoller President the Pear Doctor Inc USA	PhD	No	No comment

<i>Name withheld</i> USA	PhD	Declined	No response
Dr Tom van der Zwet Plant Pathologist USA	PhD	Not Received	No

Source: BA Response to Questions on Notice, 13 February 2001, pp 6-7

4.15 On 13 March 2000, four months after the initial date for release of the draft IRA (November 1999), AQIS formally advised stakeholders in Plant Quarantine Policy Memorandum 2000/02 that the delay in the release of the draft IRA would be until late May 2000:

The [November 1999] deadline AQIS set was dependent on the receipt of additional technical information. Unfortunately this information was not received in time to meet the November deadline and the process has been delayed.

4.16 In the May edition of *Pome Fruit Australia*, BA published “Questions and Answers about AFFA’s IRA on New Zealand Apples”. This was subsequently released as Plant Quarantine Policy Memorandum 2000/13a on 25 July 2000. The document included information on why the importation of apples from New Zealand was again being considered, the additional research on fire blight available since the publication of the 1998 IRA, the decision to conduct a routine IRA, and the delay in the release of the draft IRA.

4.17 On 18 May 2000, AQIS sent a summary of the quarantine proposals that it had developed, together with another 7 questions, to 14 of the 16 scientists previously contacted in January 2000. Four responses were received.⁹

4.18 AQIS representatives subsequently met twice with representatives of the relevant state agriculture departments on 29 May 1999, and again on 20-21 July 2000. The State departments represented at the second meeting on 20-21 July 2000 were:

- a) Department of Primary Industry and Resources SA (PIRSA);
- b) Department of Primary Industries, Water and Environment Tasmania;
- c) Department of Primary Industries Queensland;
- d) Agriculture Western Australia;
- e) Department of Natural Resources and Environment Victoria; and
- f) NSW Agriculture.

4.19 At the second meeting of 20-21 July 2000, AQIS provided a draft IRA working paper (a preliminary version of the draft IRA) to the state representatives. In estimates on 20 February 2001, Dr Stynes from BA indicated that the development of the draft IRA was an ongoing process, and that the working paper released to the state departments on 20-21 July 2000 was at that time the most recent version of the draft IRA.¹⁰

4.20 Significantly, Dr Brian Stynes on behalf of AQIS specifically requested at the meeting on 20-21 July that the draft IRA working paper be kept confidential.¹¹

4.21 On 25 July 2001, AQIS representatives met for a second time with the communications reference group, together with Dr Wimalajeewa, Dr van der Zwet and Dr Pullar, who were engaged by the industry as a technical advisory panel of acknowledged fire blight experts. Importantly, AQIS did not provide the communication reference group with a copy of the draft IRA working paper, as had been provided to the State department representatives a few days earlier.¹²

4.22 On 16 October 2000, the AAPGA issued a freedom of information (FOI) request under s.15 of the *Freedom of Information Act* to obtain a copy of the draft IRA working paper. The newly formed BA refused this request on 29 November 2000 on the basis that the document was an internal working document, and it was not in the public interest to disclose it. The document was subsequently provided to the AAPGA on 17 January 2001 following a review of the earlier decision (and following the release of the completed draft IRA).¹³

4.23 Also on 25 July 2000, AQIS published Plant Quarantine Policy Memorandum 2000/13 indicating a further delay in the release of the draft IRA, but noting at the same time that the technical work on the draft IRA was ‘substantially complete at the end of June’. It anticipated that the draft IRA would be released in August 2000.

The Release of the Draft Import Risk Analysis

4.24 On 11 October 2000, BA released the draft IRA for a 60-day public comment period. In accordance with the *IRA Handbook*, BA invited stakeholders to tender a written submission on the technical issues raised in the draft IRA. The closing date for written submissions was 11 December 2000.¹⁴

4.25 During October and November 2000, BA representatives held a series of public meetings with stakeholders in the following major apple and pear growing areas: outer Melbourne, Shepparton, Huonville, the Adelaide Hills, Lesmurdie,

10 Estimates, RRAT, 20 February 2001, p 153

11 Estimates, RRAT, 20 February 2001, p 157

12 Submission 41, p 32

13 BA, Correspondence, 12 April 2001

14 Submission 41, p 29

Donnybrook, Batlow, Orange, Stanthorpe and Hardcourt. BA staff also met with industry leaders in Tasmania, Queensland, New South Wales and South Australia.¹⁵

4.26 Subsequently, in Plant Quarantine Policy Memorandum 2000/27, dated 20 December 2000, BA advised that AFFA had decided to extend the 60-day public comment period until 28 February 2001. BA indicated that this decision had been taken to ensure the ‘most scientifically rigorous outcome possible.’

4.27 Accordingly, all parties that provided submissions by the original closing date of 11 December 2000 were invited by BA to review and modify their submissions or provide supplementary information on the draft IRA.¹⁶

4.28 Finally, on 15 November 2000, the AAPGA made a second FOI request for all letters, emails, phone and diary notes, reports and computer held records of communication between AFFA, AQIS/BA and international scientists, together with all correspondence with MAFNZ.¹⁷

4.29 In its initial response dated 30 November, BA advised that the AAPGA request would require 10 weeks work and cost \$70,000, based on a back-up of all electronic information within AFFA. Accordingly, BA refused the request, on the basis that it would ‘unreasonably divert the resources of BA from its prime operations’. However, BA offered to consult with the AAPGA to refine the FOI request.¹⁸

4.30 Subsequently, BA met with representatives of the AAPGA on 19 December 2000, following which BA sent a further letter to the AAPGA offering to provide limited information readily available on file. The Committee understands that BA is yet to receive a response to this offer from the AAPGA.

The Revised Public Consultation Process

4.31 On 6 March 2001, the Secretary of AFFA, Mr Taylor, publicly announced a major extension to the public consultation process for the development of the final IRA on the importation of fresh apples from New Zealand.¹⁹ The revised consultation process incorporates a number of elements.

4.32 First, BA released on 2 July 2001 an inventory of the issues arising from submissions received during the extended 60-day public comment process. This

15 Submission 41, p 30

16 Submission 41, p 36

17 Mr Durham, Letter to Biosecurity Australia, 15 November 2000

18 Mr Maldon, Letter to the AAPGA, 30 November 2000

19 AFFA Media Release AFFA 01/5D, ‘Next Stage of NZ Apple Import Risk Analysis’, 6 March 2001

inventory was released in Plant Quarantine Policy Memorandum 2001/13. In total, BA received 141 submissions during the extended consultation period.²⁰

4.33 Secondly, following receipt of responses to the inventory, BA is proposing to develop a scientific review paper for comment, based on issues nominated in the inventory.²¹

4.34 Thirdly, BA is proposing to conduct a series of open workshops with industry representative, scientists, state government representatives and other interested parties, to consider the scientific review paper. Mr Hearn indicated that BA would be seeking stakeholder groups to nominate individuals to participate in the workshops.²²

4.35 Fourthly, BA is proposing a review of the final IRA when it is close to completion by scientists outside of the federal government. In evidence on 11 May 2001, Mr Hearn committed BA to contacting a range of international scientists with experience of fire blight, including the scientists contacted by this Committee.²³

4.36 Only following the conduct of these steps will BA release the final IRA on the importation of fresh apple fruit from New Zealand, recommending whether or not New Zealand apples should be imported into Australia, and if so, under what conditions.²⁴

4.37 Parallel with this process, Mr Hearn also noted two other developments. One is the Ninth International Fire Blight Workshop, to be held in New Zealand in October this year. The other is a major review of the IRA process by BA:

It was always the intention of the former quarantine service – now Biosecurity Australia – that after a period of two or three years of experience with import risk assessments, not just apples but many others, there would be a review to look at the practicalities that we have learned as an agency in terms of how better to handle import risk assessments.²⁵

4.38 The Committee welcomes these revised measures which are designed to address the criticisms of the IRA process to date, and to ensure that the scientific information included in the final IRA is sound. Nevertheless, the Committee makes a number of comments in the following two chapters on the draft IRA decision making and consultation processes.

20 Plant Quarantine Policy Memorandum 2001/13, http://www.affa.gov.au/docs/market_access/biosecurity/plant/pbpm0113.html

21 Evidence, RRAT, 11 May 2001, p 450

22 Evidence, RRAT, 11 May 2001, p 450

23 Evidence, RRAT, 11 May 2001, p 463

24 Evidence, RRAT, 11 May 2001, p 450. See also AFFA Media Release AFFA 01/5D, 'Next Stage of NZ Apple Import Risk Analysis', 6 March 2001

25 Evidence, RRAT, 11 May 2001, p 451

