

CHAPTER SIX

THE DRAFT APPLE IMPORT RISK ANALYSIS CONSULTATION PROCESS

Introduction

6.2 This chapter considers the criticisms of the consultation process conducted by AQIS/BA when developing the draft IRA. Specifically, it considers AQIS/BA's consultation with the industry, notably the industry communications reference group. It also considers AQIS/BA's consultation with Environment Australia and the relevant state agriculture departments, and its consultation with international scientists.

The Consultation Process with Industry Stakeholders

6.3 During the conduct of this inquiry, a large number of industry stakeholders expressed concern that they were not consulted by AQIS/BA during preparation of the draft IRA. Rather, they argued that they were only consulted following the completion of the draft IRA, at the so-called 'back end' of the process, and that effectively 'the deals have been done and we cannot do much about it'.¹ For example, Mr Durham from the AAPGA stated in hearings:

Our very strong criticism is levelled at the process up to the point of the release of the draft IRA. Certainly, the level of consultation with industry up to that point in time was virtually nonexistent. When we say 'consultation', we mean real consultation. ... In the post-release period, there has been an opportunity given to industry to make comment on the IRA but we wait with bated breath to see whether the comments that have been made by industry are actually taken up in the process going forth.²

6.4 Industry stakeholders were particularly critical during the conduct of the inquiry of AQIS/BA's consultation with the communications reference group. In a memorandum to Mr Durham dated 20 August 1999, Dr Stynes indicated that the communications reference group:

... would also provide the industry with an opportunity to contribute to the quarantine decision making process ... In my view, the issues that could be discussed are the progress of the IRA to date and the summary of discussions of meetings with Australian scientists and New Zealand authorities.³

1 Evidence, RRAT, 12 February 2001, p 51, 54, 62

2 Evidence, RRAT, 13 February 2001, p 115

3 Evidence, RRAT, 14 February 2001, p 171

6.5 However, as noted in Chapter Four, the communications reference group met only twice during the development of the draft IRA. In evidence, Mr Shield, a member of the communications reference group, noted that the group did not hear anything from Dr Stynes or other officers of BA during the seven months between the first meeting on 12 November 1999 and the second meeting on 25 July 2000.⁴

6.6 Mr Armour, also a member of the group, suggested in evidence that the group had effectively been left to ‘hang out in the wind’, thereby preventing it from making a practical contribution to the development of the draft IRA. Mr Armour continued that prior to the second meeting and last meeting of the group:

... I was very frustrated—obviously, being identified by other growers as being someone who should know about things, but only learning about them in the media ...⁵

6.7 Similarly, Mr Corboy, the third member of the communications reference group, indicated that the industry had some constructive input to make into the draft IRA, but that as it turned out, it was in fact restricted to taking an antagonistic approach following the release of the draft IRA.⁶

6.8 In response to these concerns, Mr Taylor indicated in hearings on 6 February 2001 that the draft IRA is designed to facilitate consultation and debate – it ‘is not something that is a final position or set in stone’. In this regard, Mr Taylor noted that BA made a conscious decision to increase the level of consultation during the period after the release of the draft IRA, holding a series of meetings in October, November and December.⁷

6.9 Subsequently, Dr Stynes noted in estimates on 20 February 2001 that the *IRA Handbook* specifies that ‘consultation typically starts after the release of the draft IRA’.⁸ He continued:

I am mindful that the consultation part in other IRAs, as is spelt out in the handbook, occurs post the draft release. The reason is that, until you have some document on the table that people can look at, it is very hard to have consultation about it.⁹

6.10 The Committee acknowledges this argument, but is firmly of the view that during the preparation of a draft IRA, there should be scope for involving industry representatives and their scientific advisers alongside representatives of the state

4 Evidence, RRAT, 14 February 2001, p 170

5 Evidence, RRAT, 13 February 2001, p 125

6 Evidence, RRAT, 13 February 2001, p 126

7 Evidence, RRAT, 6 February 2001, p 6

8 Estimates, RRAT, 20 February 2001, p 152

9 Estimates, RRAT, 20 February 2001, p 155

agriculture departments. As Mr Baronio from the QFVG argued in hearings on 12 February 2001:

To consult with industry only after the draft IRA has been released illustrates Biosecurity Australia's apparent lack of respect for the many professional people working within the Australian apple industry.¹⁰

6.11 In this regard, the Committee notes the findings of the recent ANAO report, *Managing for Quarantine Effectiveness*. The ANAO noted that the *IRA Handbook* provides little guidance on the role or purpose of consultation. Accordingly, the ANAO recommended clearer guidance for staff and stakeholders on the aims of the various parts of the consultation process to reduce the likelihood of misunderstandings and controversy.¹¹

The Draft IRA Working Paper

6.12 As noted in Chapter Four, at the second meeting of the communication reference group on 25 July 2001, AQIS did not provide members of the group with a copy of the draft IRA working paper, despite its provision to representatives of the State agriculture departments on 20-21 July. In estimates on 20 February 2001, Dr Stynes indicated:

One of the reasons that we did talk about confidentiality with the states is that we certainly did not want a whole range of different views amongst the growers that could have been quite misleading and led to a lot of confusion prior to the release of the draft. We wanted to be the ones who ultimately released the draft with the information that came from us; we did not want second or third-hand information being put out to industry.¹²

6.13 Dr Stynes also indicated in estimates on 20 February 20001 that at the time of the second meeting of the reference group in July 2000, he apologised for the delay in the meeting. At the same time however, he indicated that 'there was not a lot of new information in the interim that we could put on the table'.¹³

6.14 Nevertheless, the Committee believes that the draft IRA working paper should have been available to the members of the communications reference group. Mr Armour, Mr Corbey and Mr Shield could have been expected to have extended the same guarantee of confidentiality as was extended by the state Government representatives.

10 Evidence, RRAT, 12 February 2001, p 49

11 ANAO, *Managing for Quarantine Effectiveness*, Audit Report No 47 2000-2001, June 2001, pp 117-119

12 Estimates, RRAT, 20 February 2001, p 155

13 Estimates, RRAT, 20 February 2001, p 155

6.15 That said, the Committee wishes to stress its belief that the consultation process should not be a public process, and that BA is justified in restricting access to early drafts of an IRA. As stated by Senator Crane:

I can accept at the start, reluctantly, that maybe there was a need for the scientists to get to a position paper where the industry could come in. ... But to actually go through this process ... and to have had no discussion [with industry] greatly concerns us as a Committee.¹⁴

6.16 The Committee notes in this regard Recommendation 4 in its earlier report *An Appropriate Level of Protection* (the Salmon report):

The Committee recommends that AQIS ... amend the procedures to allow for the direct involvement of domestic stakeholders through the establishment of a Risk Assessment Committee for each import risk analysis.

6.17 In evidence to the Committee on 6 February 2001, Mr Taylor, Secretary of AFFA, noted that the Government is yet to respond to the Committee's recommendations arising from the Salmon inquiry.¹⁵

6.18 Finally, the Committee notes that the problem highlighted above essentially relates to the routine IRA only – non-routine IRAs are by definition more consultative. By using the non-routine pathway, the Committee believes that the issues highlighted above would not have arisen.¹⁶

The Consultation Process with State Agriculture Departments

6.19 The Committee notes that the level of quarantine expertise within the State agriculture departments is considerable. Accordingly, the Committee is pleased to note that a number of state agriculture departments indicated that the consultation process between AQIS/BA and themselves during development of the IRA, although still requiring improvement, was superior to previous IRA processes.

6.20 For example, in evidence to the Committee, Mr Delane from Agriculture WA indicated that going back over two years ago, to the first establishment of the IRA process after the Nairn Review, AQIS was 'not overly receptive' to input from state agencies such as Agriculture WA. However, Mr Delane continued that BA has since improved considerably in this regard, and today has a much closer working partnership with state agencies in the development of IRAs:¹⁷

14 Evidence, RRAT, 16 February 2001, p 322

15 Evidence, RRAT, 6 February 2001, p 10

16 Evidence, RRAT, 12 February 2001, p 64

17 Evidence, RRAT, 16 February 2001, p 316-317, 325

So we come from a period of, perhaps, a pretty low base in terms of what we think a very robust, rigorous IRA process should be. To move from the Californian IRA to the apple IRA is a quantum leap forward in the relationship with the Commonwealth, but it is still a significant distance from where we think the process should be.¹⁸

6.21 In this regard, Mr Delane indicated that following the meeting on 20-21 July 2000, officers from Agriculture WA were in high level contact with BA staff in Canberra. In some cases their concerns and information were incorporated in the draft IRA, but in other areas information provided by Agriculture WA was not incorporated.¹⁹

6.22 In its written submission, PIRSA also indicated its belief that during the past six months, 'there has been an apparent positive "shift" in the BA approach to consultation'. PIRSA argued that this probably reflects the influence of a number of high profile issues such as Canadian salmon and Californian table grapes.²⁰

6.23 At the same time however, the Committee notes evidence from Mr Hocking from NSW Agriculture that his department chose not to make a real contribution to the development of the draft IRA, preferring to 'keep its powder dry until the draft IRA was on the table':²¹

... until you get something to actually examine and to sit down and go through with a group of experts – and that is what we put together, two appraisals in New South Wales – you cannot comment, you cannot give them the full in-depth analysis.²²

The Perspective of the Departments on Consultation with the Industry

6.24 The Committee also raised with representatives of the state agriculture departments the fact that the draft IRA working paper was kept confidential to them, and was not available to the communications reference group.

6.25 In response, several department representatives indicated their assumption that industry representatives were being properly consulted. For example, Senator Ferris asked Mr Cartwright from PIRSA in hearings whether he believed the draft IRA working paper should have been available to the industry. In reply, Mr Cartwright stated:

18 Evidence, RRAT, 16 February 2001, p 317

19 Evidence, RRAT, 16 February 2001, p 326

20 Submission 37, p 3

21 Evidence, RRAT, 9 March 2001, p 448

22 Evidence, RRAT, 9 March 2001, p 444

I guess I do not really have a view on that. I have assumed that, because we had been told that the industry was being consulted through their group, that consultation would have been occurring in some form.²³

6.26 Similarly, Mr Hocking from NSW Agriculture indicated that at no time did he assume that the industry as a whole was in wide consultation with BA, but that he did assume that the three-member communications reference group was being consulted.²⁴

6.27 At the same time however, some department representatives indicated it was not unusual for BA to request that the draft IRA working paper be kept confidential. For example, Ms Williams from the Tasmanian Department of Primary Industries, Water and Environment noted:

I would like to add, to some extent in their defence, that I felt at the time that the process that they were undertaking was something that they had not attempted before. I feel that it was a response to some extent to perhaps the criticism that they had received as a result of the salmon import risk assessment.²⁵

6.28 Similarly, Mr Delane from Agriculture WA indicated that he was comfortable with the confidential consultation process and the closed discussion of the draft IRA working paper:

We are very comfortable with the process of involvement and the confidential involvement of states. I think everyone needs to appreciate the context in which all of this happens. It happens in an international context. So it is not just the apple industry in Australia looking at this. It is not just Australia that looks at these processes. It is all of our international trading partners and potential trading partners, and not just with apples. The consistency and veracity of our quarantine treatment and our risk assessment and implementation protocols are fundamental to it. Any country and any company seeking to get produce into Australia is looking for flaws in our system. So public debate on issues is not always constructive. Certainly at the time that the apple IRA was being developed, we were very comfortable with having an early, closed session and robust discussion with BA about what some of the issues were and then to progress some of that material and get it back into the swim of things at BA.²⁶

6.29 Senator McKiernan subsequently raised with Mr Delane whether Agriculture WA was complicit with BA in keeping the industry in the dark about the provisions of the draft IRA.²⁷

23 Evidence, RRAT, 15 February 2001, p 263

24 Evidence, RRAT, 9 March 2001, p 445

25 Evidence, RRAT, 14 February 2001, p 189

26 Evidence, RRAT, 16 February 2001, p 319

27 Evidence, RRAT, 16 February 2001, p 328

6.30 In response, Mr Delane noted that it is up to the scientists in Agriculture WA and other state agriculture departments to ensure that BA has the best available technical information. At the same time however, it is not up to Agriculture WA to establish a formal process of negotiation, or briefing, with the Western Australian industry (although that is available if they request it).²⁸

6.31 The Committee acknowledges this position. The Committee does not believe that the state authorities were complicit with BA in withholding information from the industry. Ultimately it was BA's responsibility to consult with all parties, including industry representatives.

The Consultation Process with Environment Australia

6.32 The *Quarantine Amendment Act 1999* requires the Director of Quarantine to seek advice from the Minister for the Environment and Heritage before making any decision that is likely to risk significant harm to the environment.²⁹

6.33 In this regard, the Committee notes that on 3 September 2000, Mr Gerry Morvell from Environment Australia wrote to AQIS, indicating Environment Australia's view that the proposed importation of fresh apple fruit from New Zealand posed a significant risk to the environment. Accordingly, Mr Morvell recommended that the proposed importation of New Zealand apples should be referred to the Minister for the Environment and Heritage for review under the terms of the *Quarantine Amendment Act 1999*.³⁰

6.34 In response, on 16 October 2000, Mr Wilson from BA indicated that BA did not intend to refer the matter to the Minister for the Environment and Heritage:

In your letter you have suggested an all-encompassing test, "these measures involve the *potential* for the introduction of pathogens that pose a significant risk of harm to the environment". The application of such a strict test to all decisions made under the *Quarantine Act* would of necessity involve referring almost every quarantine decision to the Environment Minister as in most situations there will be a *potential* for a pathogen or pest to be present. This would include mail articles, shipping containers, air cargo, shipping, accompanied luggage, etc – this is clearly impractical as it would involve referring hundreds of decision each week.³¹

6.35 Accordingly, Environment Australia was not directly involved in the development of the draft IRA. This is because there was no formal referral of this

28 Evidence, RRAT, 16 February 2001, p 329

29 Submission 43, p 2

30 Letter from Mr Morvell to Mr Wilson, 3 September 2000, cited in Environment Australia, Response to Questions on Notice 28 February 2001

31 Letter from Mr Wilson to Mr Morvell, 16 October 2000, cited in Environment Australia, Response to Questions on Notice 28 February 2001

matter to the Minister for the Environment and Heritage so that Environment Australia could undertake an environmental assessment itself.³²

6.36 The Committee believes this to be an unsatisfactory situation. Effectively, the Minister for the Environment and Environment Australia was not in a position to act because AQIS did not concede that the IRA raised issues that pose a significant risk of harm to the environment. Environment Australia was also not invited along with the State representatives to participate in discussions on the draft IRA working paper.³³

6.37 The only involvement of Environment Australia in the development of the draft IRA was in providing information on the native species that may be affected by quarantine pests associated with the potential importation of New Zealand apples. In this regard, on 27 September 2000, Ms Walkington, Acting Director of Wildlife Scientific Advice, requested the opportunity to comment on the material used in the draft IRA.³⁴ Dr Brian Stynes replied on 1 November 2000 welcoming any comment Environment Australia may wish to make.³⁵

6.38 Given the breakdown in consultation between BA and Environment Australia, the Committee notes the recent ANAO report *Managing for Quarantine Effectiveness*. It indicates that AFFA and Environment Australia have started developing a protocol for consultation between the two departments to clarify working relationships under the *Quarantine Amendment Act 1999*. However, the development of the protocol has been delayed, and has not yet been finalised.³⁶

6.39 As an aside, in its written submission to this inquiry, Environment Australia rejected any implication by BA at the public briefings conducted in late 2000, notably the meeting at Shepparton, that Environment Australia had given in-principle support to the measures in the draft IRA.³⁷

6.40 Although discussed elsewhere in this report, the Committee notes that Environment Australia presented a submission to this inquiry highly critical of the draft IRA's science and methodology. The Committee understands that there are no similar cases where a fellow Commonwealth Government agency has been so critical of an IRA prepared by AQIS/BA.³⁸

32 Evidence, RRAT, 28 February 2001, p 351

33 Evidence, RRAT, 28 February 2001, pp 349-350

34 Letter to Mr Parnell from Ms Walkington, 27 September 2000, cited in Environment Australia, Response to Questions on Notice 28 February 2001

35 Letter from Dr Stynes to Ms Walkington, 1 November 2000, cited in Environment Australia, Response to Questions on Notice 28 February 2001

36 ANAO, *Managing for Quarantine Effectiveness*, Audit Report No 47 2000-2001, June 2001, p 114

37 Submission 43, p 2. See also evidence, RRAT, 28 February 2001, p 364. See also Environment Australia, Response to Questions on Notice 28 February 2001

38 Evidence, RRAT, 11 May 2001, p 454

The Consultation Process with Scientific Experts

6.41 As indicated in Chapter Four, AQIS emailed a questionnaire to 15 international scientists with expertise in fire blight on 27 January 2000, to which seven responses were received. A list of the 29 questions in the questionnaire is provided in Box 6.1 below.

Box 6.1: Biosecurity Questionnaire to Scientists.

1. Is there any experimental evidence to indicate that *Erwinia amylovora* could survive more than 2.5 years (ref. Nachtigall et al, 1985) in over-wintering cankers?
2. To minimise the chances of initiating an infection within an orchard, how long should it be free from canker since the last detection? As examples: two previous seasons and the current season; the previous season and the current export season.
3. *Erwinia amylovora* survives in shoots without expression of the disease symptoms (Crepel, 1996). Does this represent an important pathway for reinfection of an orchard after one or more seasons?
4. What is the best time to inspect orchards for over-wintering cankers? Late winter or early spring when bacterial ooze can be detected or at the time of blossom inspection in spring?
5. Could epiphytic populations of *Erwinia amylovora* at low concentrations (<100 colony forming units/flower) infesting blossoms without symptom expression, survive in calyxes after fruit harvest?
6. Could epiphytic bacteria infesting fully formed fruit, gain entry into calyxes and survive after fruit harvest?
7. Could exposure to sunlight (UV radiations) destroy bacteria infesting fruit calyxes?
8. Could bacteria in discarded cores of infected/infested apples (<100 bacteria/core) have the capacity to initiate infection in the presence of receptive hosts and favourable environmental conditions (spring time?)
9. Could bacteria in discarded cores of infected/infested apples (<100 bacteria/core) have the capacity to initiate infection when environmental conditions are hot and dry and receptive hosts are few (summer time) or when the receptivity/susceptibility levels in the available hosts are low?
10. How long could bacteria in calyxes remain viable after apple cores are discarded into the environment?
11. Is there a possibility for a low population of bacteria (<100/core) to multiply rapidly under favourable conditions when discarded into the environment?

12. Could infected/infested apple cores (unknown population of bacteria) discarded directly into the environment have the potential to survive and be a source for the spread fire blight?
13. What factors would contribute to rapid destruction of *Erwinia amylovora* in calyxes of apple cores?
14. How long would fire blight bacterial be likely to survive on an insect vector?
15. Could mature fruit harvested from apparently disease free orchards carry entophytic infection?
16. Is it possible to detect entophytic infection at pre-export inspection?
17. What is the possibility of spoilt fruit resulting from entophytic *Erwinia amylovora* infection contaminating clean fruit stored and handled at the same facility?
18. Are there any references which specify distances involved in the transmission of fire blight disease by (i) wind (ii) wind-driven rain (iii) rain (iv) insects (v) aerial strands (vi) aerosols?
19. How effective is a buffer zone to protect a designated export area from possible sources of fire blight infection?
20. What is the size of the buffer zone that is effective to minimise the short-range spread of *Erwinia amylovora*, assuming there are no hosts with fire blight infection in the buffer zone?
21. Could 100-ppm available chlorine kill bacteria infesting the calyx of apple fruit?
22. How effective is cold storage as a treatment to reduce bacteria in calyxes of apple fruit?
23. In view of differing opinions on the inoculum requirement to cause an infection,what is the accepted threshold level to initiate an infection?
24. In a situation where low numbers of fire blight bacteria are present on apple fruit, how would you describe the risk for the importing country?
25. If low numbers of bacteria survive in fruit calyxes, why wouldn't the probability of introduction of the disease be proportional to the volume of fruit imported?
26. What is the risk of introducing fire blight via trade in apple fruit to countries free from it?
27. What are your views on the PCR technique developed by New Zealand to detect viable bacteria in apple fruit? (*refs cited*)
28. How does the nested PCR technique of McManus and Jones compare with that of Guilford *et al* in detecting very low numbers of bacteria?
29. Apart from the NZ PCR technique, are you aware of any other recent PCR or other DNA techniques (published or unpublished) that could detect small numbers of viable bacteria on apple fruit?

6.42 In its written submission, the AAPGA was highly critical of the questionnaire, on the basis that it appeared to be designed to elicit a particular response in favour of importation of New Zealand apples. The AAPGA cited the following:

- a) question 2 gives examples of answers;
- b) question 3 asks if a particular situation represents an important pathway for reinfection, where the question should be asking about "possible" pathways rather than "important" pathways;
- c) question 4 also gives examples of answers from which the responder may choose;
- d) question 8 refers to bacteria in the discarded cores of apples;
- e) question 9 also refers to bacteria in discarded apple cores; and
- f) question 25 assumes that a particular circumstance is not the case rather than an open question allowing for a range of answers.³⁹

6.43 The AAPGA and the APGASA were also critical of BA for only seeking expert opinion from 15 international scientists with expertise in fire blight, of whom only 7 responded, when a far wider cross section of 70 or more scientists could have been consulted:

The importance of this cannot be underestimated. The entire final conclusion of a "low" rating for the danger of fire blight to the Australian apple and pear industry ... hangs on the flimsy evidence of "opinion" garnered from a group of experts who were selected through unknown and unexplained criteria.⁴⁰

6.44 In response to these criticisms, BA argued that it did not rely on the evidence provided by the 7 respondents to the survey:

Let me say that the decisions made in the risk assessment were not influenced by those comments, but they are added in there to just give some feel of the views of the general scientific community.⁴¹

6.45 More broadly, the scientific evidence cited by BA in the draft IRA was also criticised on the basis that there is excessive use of opinions (personal communication) provided directly to BA in response to the questionnaire, rather than published, readily available references. Ms Williams from the Tasmanian Department of Primary Industries, Water and Environment stated during hearings:

39 Submission 33, p 26

40 Submission 33, p 27

41 Evidence, RRAT, 6 February 2001, p 20

The information gained from these experts by AFFA, whether in writing or by phone—and one of the problems that we have faced with this current import risk assessment is that much of the information they have quoted was given to them verbally by these experts—needs to be as available for stakeholders to evaluate as already published reports.⁴²

6.46 Further, Mr Tancred from Orchard Services stated:

I have a concern that there are too many lighter-weight references cited in the draft IRA. Of the 284 citations there are only approximately 120 from refereed journals and only approximately 58 of these relate to the disease fire blight. I would have more confidence in the draft IRA if it relied on more heavy-weight scientific references, especially when the survival of the apple and pear industry is at risk. Perhaps the lack of such citation is an indication that there are significant gaps in our knowledge. I would like to think that was the case rather than an exhaustive literature search or selective referencing.⁴³

6.47 In response to these issues, the Committee notes that the responses to the questionnaire do not underpin the conclusions of the draft IRA, and that the draft IRA includes a thorough review of the scientific literature on fire blight. Nevertheless, from its own survey of the literature, the Committee found reference to evidence based on “pers comm” to be highly unsatisfactory.

6.48 As an aside, the Committee notes one instance in the draft IRA where BA inaccurately cites a study by Dr Wimalajeewa in relation to the ability of apples to act as a source of inoculum for the transfer of *Erwinia amylovora*. This raises the issue whether BA deliberately misrepresented the science for the purposes of making the case that apples should be permitted into Australia from New Zealand. Senator O’Brien raised this matter with Dr Stynes during estimates on 20 February 2001. In response, Dr Stynes stated:

We have used a number of quotes through the document, we do not believe in a selective way. There was a lot of editing done on the document and there were some words changed that we were not aware of. There was a reality check done with the document, where people went through and checked every quotation. That was one that was drawn to our attention that we obviously missed. We have advised Satish (Wimalajeewa) and we have acknowledged that to him.

We can only be honest about what happened. We can show you all the other quotes so that they can be checked as well. It certainly was not a deliberate point, and we acknowledged that in our response to him.⁴⁴

42 Evidence, RRAT, 14 February 2001, p 184

43 Submission 8, p 4

44 Estimates, RRAT, 20 February 2001, p 157

6.49 Dr Stynes further noted subsequent correspondence from Dr Wimalajeewa in which Dr Wimalajeewa confirmed that ‘Your reference on all this on page 86, lines 1 to 6, however, is fair.’⁴⁵

The Impartiality of International Scientists

6.50 During the inquiry, various parties were critical of BA’s use of evidence provided by Dr Pusey and Prof Aldwinckle. In his written submission, Mr Tancred noted that Prof Aldwinckle has substantial experience with fire blight, and is rightly regarded as an expert, but argued that Prof Aldwinckle has been involved in developing a strain of fire blight resistant rootstocks, from which he could potentially collect royalties:

To maintain the appearance of independence of Professor Aldwinckle’s opinion I would like to see BA inquire whether he is also eligible to receive royalties from sales of fire blight resistant rootstocks in Australia. If he is then his opinion should be excluded from the IRA because it could be argued that he could benefit financially from the introduction of fire blight into Australia.⁴⁶

6.51 JA & BM Bowden & Sons also argued that both Prof Aldwinckle and Dr Pusey are funded by the US Government and the American pome fruit industry, placing them in a difficult position, given that the USA currently has an application before BA for access to the Australian market.⁴⁷ Similarly, the AAPGA stated:

Both Dr Pusey and Professor Aldwinckle have, by virtue of their employment, a direct conflict of interest in the BA decision-making process with regard to the importation of New Zealand apples.

The possibility that these two scientists could have had a major impact on the decision to rate the probability of the entry into Australia [of fire blight] as “low” should, in itself, be sufficient grounds to recommence the IRA.⁴⁸

6.52 The Committee raised these matters with Dr Pusey and Prof Aldwinckle. In his response to Mr Tancred’s submission, Prof Aldwinckle acknowledged that he would receive royalties were the sale of fire blight resistant rootstock he helped develop sold in Australia. At the same time however, he noted that Australia produces approximately 350,000 tonnes of apples a year of a total world production of 60 million tonnes, and that there would not be a significant impact on the total royalty stream. Prof Aldwinckle continued:

I would also point out that I have consulted about the rootstocks in Australia, Brazil, Chile and Japan (where fire blight is absent) without such

45 Estimates, RRAT, 20 February 2001, p 157

46 Submission 8, p 4

47 Submission 7, p 18

48 Submission 33, p 27

an issue ever being raised. I would further point out that Mr Tancred has availed himself of my expertise in the past by having me test some of his apple selections for fire blight resistance here in New York, which entailed considerable special effort on my part.⁴⁹

6.53 In response to the submission of the AAPGA and JA and BM Bowden and Sons, Professor Aldwinckle acknowledged that he does receive funding from the US Department of Agriculture and New York apple growers. He continued:

I would point out that I have met several times with AAPGA directors to discuss my work on developing fire blight resistant apple varieties. They even solicited input on a research proposal from me. So I am sure they do not really believe that I would do anything to harm their industry. I could not help noticing that they used a direct attributed quote from me on the following page of their submission, as a criticism of the IRA.⁵⁰

6.54 The Committee completely rejects criticisms of the objectivity of Dr Pusey and Prof Aldwinckle, and notes that it received valuable evidence from Prof Aldwinckle during the conduct of this inquiry.

49 Prof Aldwinckle, Correspondence, 8 June 2001

50 Prof Aldwinckle, Correspondence, 8 June 2001