

Chapter 1

Introduction

Conduct of the inquiry

1.1 On Tuesday 5 June 2007 the committee resolved to hold an inquiry under Standing Order 25(2)(b) to consider the administration of the Department of Agriculture, Fisheries and Forestry, Biosecurity Australia and the Australian Quarantine Inspection Service (AQIS) in relation to the development and implementation of the final Import Risk Analysis for apples from New Zealand.

1.1 The committee also resolved to adopt evidence received at public hearings held in Canberra on 22 March 2007 and 9 May 2007 as part of the inquiry. A Hansard record of these hearings is available on the committee's website at www.aph.gov.au/senate_rrat.

Background

Previous committee inquiries

1.2 The committee has a longstanding interest in the importation of New Zealand apples. This is the committee's third inquiry into the import risk analysis process. The Senate referred the proposed importation of fresh apple fruit from New Zealand to Australia to the committee on 2 November 2000. The committee tabled its report of that inquiry in July 2001. The committee subsequently self referred an inquiry on 9 March 2004 to consider:

The administration of Biosecurity Australia with particular reference to the assessment, methodology, conclusions and recommendations contained in the Revised draft Import Risk Analysis report on the Importation of Apples from New Zealand released in February 2004.¹

1.3 On 1 December 2004 the committee reported to the Senate that it had not completed the inquiry prior to the election and that the matter should be referred to the committee to be finalised. The Senate adopted the committee's report and again referred the administration of Biosecurity Australia with particular reference to the import risk analysis of apples from New Zealand to the committee. The committee tabled its final report in March 2007.

1.4 The committee's previous reports deal with the Import Risk Analysis (IRA) process and Australia's obligations under the World Trade Organisation's (WTO)

1 Rural and Regional Affairs and Transport Legislation Committee, *Administration of Biosecurity Australia – Revised draft import risk analysis for apples from New Zealand*, March 2005, p. 1.

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

Australia's WTO rights and obligations

1.5 The committee's 2001 and 2005 reports discussed in some detail Australia's obligations as a signatory to the SPS Agreement and as a contracting party to the International Plant Protection Convention, which sets international standards for phytosanitary measures (ISPMs).² The committee notes the following key points from that earlier discussion. As a signatory to the WTO SPS Agreement:

- Australia is entitled to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health;
- Australia must ensure that its SPS measures are not more trade restrictive than necessary to achieve an appropriate level of protection from pests and diseases; and
- Australian sanitary or phytosanitary measures which exceed the standard of protection set out in an ISPM must be based on a scientific assessment of the risk in the particular circumstances using an IRA-type process.

The IRA process for New Zealand apples

1.6 The current IRA process for the importation of apples from New Zealand commenced in February 1999 following an application from New Zealand in January 1999. The IRA process is set out in the Import Risk Analysis Handbook and has three key stages:

- identification of pests associated with the commodity;
- assessment of risk of entry, establishment and spread of identified pests and the types and likely magnitude of the consequences; and
- assessment of measures for mitigating assessed risks.³

1.7 Biosecurity Australia released a draft IRA on 11 October 2000. This draft was the subject of the committee's interim report tabled in the Senate on 18 July 2001. A revised draft IRA was published in February 2004 and was the subject of the committee's 2005 report. The *Final Import Risk Analysis report for apples from New Zealand* was published in February 2006. The report documents the quarantine pests associated with New Zealand apples, takes account of technical comments from

2 Rural Regional Affairs and Transport Legislation Committee, *The Proposed Importation of Fresh Apple Fruit from New Zealand*, July 2001, pp 3—10; Rural Regional Affairs and Transport Legislation Committee, *Administration of Biosecurity Australia – Revised draft import risk analysis for apples from New Zealand*, March 2005, pp 1—2.

3 Department of Agriculture, Forests and Fisheries and Biosecurity Australia, *Import risk analysis handbook*, Canberra, 2003.

stakeholders on the revised draft IRA, and makes recommendations on risk management measures proposed to manage any pests for which the risk has been assessed as being higher than is acceptable for Australia. On 27 March 2007, Biosecurity Australia advised that the Director of Animal and Plant Quarantine had determined a policy for the importation of apples from New Zealand. This policy determination will form the basis for issuing import permits.⁴ Under the policy, importation of apples from New Zealand can be permitted subject to the *Quarantine Act 1908* and the application of phytosanitary measures as specified in the final IRA report.

1.8 The committee notes that, following this policy determination, AQIS commenced discussions with its New Zealand counterpart to develop an operational work plan, as part of the inspection protocol, to give effect to the policy determination and the recommendations and risk management measures identified in the final IRA report.⁵ The committee also notes that AQIS is working closely with Biosecurity Australia throughout this process.

Acknowledgements

1.9 The committee would like to thank those who participated in the inquiry.

4 Mr John Cahill, Chief Executive, Biosecurity Australia, *Committee Hansard*, 22 March 2007, p 2.

5 Mr Cahill, *Committee Hansard*, 22 March 2007, p. 2.

