

## Chapter 2

### The final IRA on apples from New Zealand

2.1 The final IRA report on the import of apples from New Zealand focuses on the importation of mature apple fruit, free of trash, either packed or sorted, and graded bulk fruit from New Zealand. The report contains details and recommendations in relation to a number of quarantine pests associated with New Zealand apples. However, the evidence received as part of this inquiry has focussed primarily on the risk of importing fruit contaminated with fire blight bacteria.

#### The role of the IRA in managing the import and spread of fire blight

2.2 The committee sought clarification of the role of the IRA in addressing the risk of the importation of fruit infected with the fire blight bacteria. AQIS advised the committee that the purpose of the IRA is to set standards for the export of apples. Ms Gordon, Executive Manager, AQIS, stated that New Zealand will need to demonstrate in detail the systems which will be in place to ensure that these standards will be met.<sup>1</sup> Ms Gordon told the committee that

It is up to New Zealand to give us a proposal about how they would implement it. This process would involve not just inspections et cetera but also registration of their pack houses and orchards, a series of standard procedures and an administrative management oversighting arrangement.<sup>2</sup>

2.3 The committee notes that the standards established in the IRA require:

- inspection of trees at four to seven weeks after flowering to detect symptoms of fire blight. The requirement is that there are no symptoms of the disease present;
- chlorine dip in the packing house to address surface contamination; and
- application of standard quarantine requirements prior to export, to limit potential contamination of pallets, packing materials, containers and ensure the segregation of product destined for export.<sup>3</sup>

2.4 AQIS clarified its role in the monitoring of packaging and pre-inspection of fruit prior to export. Ms Gordon advised the committee that, in the first year of trade, AQIS expects that its inspectors will be monitoring every packing house on a daily

---

1 Ms Jennifer Gordon, Executive Manager, AQIS, *Committee Hansard*, 9 May 2007, p. 53.

2 Ms Gordon, *Committee Hansard*, 22 March 2007, p. 9.

3 Dr William Roberts, Principal Scientist, Biosecurity Australia, *Committee Hansard*, 9 May 2007, pp 31—32.

basis. AQIS will not necessarily maintain this level of frequency in subsequent seasons.<sup>4</sup>

2.5 Biosecurity Australia stressed to the committee that because Australia operates internationally within a free trade regime, import protocols are developed on the basis of low risk, not no risk. The committee was advised that in developing phytosanitary measures the guiding principle is that Australia should seek to impose the least trade restrictive measures.<sup>5</sup>

2.6 Industry representatives expressed concern that the IRA process has focussed predominantly on the risk of an incursion and contains insufficient consideration of the economic and social consequences of an incursion for the Australian apple and pear industry, related industries and those communities dependent on these industries.<sup>6</sup>

2.7 The committee notes that the IRA is based on an assumption that fruit infected with fire blight will be imported into Australia from New Zealand and that the protocol is intended to bring the risk of this down to an acceptable level. Dr Roberts, Principal Scientist, Biosecurity Australia, advised the committee that the IRA for apples from New Zealand establishes a performance standard of 95 per cent confidence that fruit imported from New Zealand is free of symptoms of fire blight.<sup>7</sup> Dr Roberts also advised the committee that:

... you cannot categorically, by visual inspection state that the organism isn't present. You need to distinguish between the organism being present – and the assumption is that is always present in every orchard – and symptoms being present; or in other words, the disease being active on the trees, reproducing, growing, and causing damage.<sup>8</sup>

2.8 Dr Roberts explained that the risk management measures proposed in the IRA address two risks:

- infection of the calyx of the fruit, which is addressed by the inspection at four to seven weeks after flowering, which is the key time for such infection to occur; and
- surface contamination, which is addressed by the chlorine dip in the packing house.<sup>9</sup>

---

4 Ms Gordon, *Committee Hansard*, 9 May 2007, p. 59.

5 Mr Craig Burns, Executive Manager, International Division, Department of Agriculture, Fisheries and Forestry, *Committee Hansard*, 9 May 2007, pp 38—39.

6 Mr Howard Hansen, Vice- Chairman, Pome Fruit Council, Fruit Growers Tasmania Inc, *Committee Hansard*, 9 May 2007, p. 11; Mr John Corboy, Member, Apple and Pear Australia Ltd, *Committee Hansard*, 9 May 2007, pp 24 —25.

7 Dr Roberts, *Committee Hansard*, 9 May 2007, p. 35.

8 Dr Roberts, *Committee Hansard*, 9 May 2007, p. 31.

9 Dr Roberts, *Committee Hansard*, 9 May 2007, p. 31.

2.9 The committee sought clarification on the extent to which fire blight might be imported into Australia under the proposed protocol and the risk that the disease could establish and spread. Biosecurity Australia confirmed that fire blight can travel on a mature apple and that chlorine dips are not effective in killing fire blight in the calyx of the fruit. Biosecurity also explained that its modelling suggests that a low proportion of apples could be carrying fire blight bacteria and that there is some risk of contamination but that there was a low risk of the disease becoming established. However, Biosecurity agreed that, once established, the risk of spread of the disease is a very high probability.<sup>10</sup>

### **The role of the Eminent Scientists Group in the IRA and appeal processes**

2.10 In its earlier inquiries, the committee noted concerns regarding the IRA and appeals processes and made specific recommendations intended to assist an open and transparent process. The committee also noted the importance of robust consultation and accountability processes in ensuring that the final IRA has broad industry and scientific support.

2.11 During the current inquiry, the committee received correspondence and evidence from industry representatives which indicated a lack of confidence in the IRA process and the appeal process. The basis for much of this concern appears to stem from the limited role of the Eminent Scientists Group (ESG) in the consideration and evaluation of scientific evidence during both the IRA process and the appeal process.

#### ***The IRA process***

2.12 Industry representatives expressed concern that the role of the ESG in the IRA process appears to be limited to reviewing whether Biosecurity Australia has taken account of stakeholder comments and that it does not extend to a review of the science upon which the IRA is based.<sup>11</sup>

2.13 Industry representatives also expressed concern that stakeholders had not been given sufficient information to respond fully to the draft or the final IRA, and that industry was not satisfied that the risk analysis was based on sound science.<sup>12</sup> In particular, Mr John Corboy, Apple and Pear Australia Ltd, observed that there has been little research undertaken in Australia and overseas on how fire blight is spread to date.<sup>13</sup>

---

10 Dr Roberts, *Committee Hansard*, 9 May 2007, pp 57—58 and 62.

11 Mr Corboy, Member, Apple and Pear Australia Ltd, *Committee Hansard*, 9 May 2007, pp 4 and 19 – 20; Mr Darral Ashton, Chairman, Apple and Pear Australia Ltd, *Committee Hansard*, 9 May 2007, p. 20.

12 Mr Ashton, *Committee Hansard*, 9 May 2007, p. 3.

13 Mr Corboy, *Committee Hansard*, 9 May 2007, pp 3 and 5.

2.14 The committee sought clarification of the role of the ESG in the IRA process and in the appeal process. Mr John Cahill, Chief Executive, Biosecurity Australia, explained that the formal role of the ESG under the current IRA process is to ensure that stakeholder comments have been properly taken into account. However, Mr Daryl Quinlivan, Deputy Secretary, DAFF, also explained that the Director of Quarantine has advised the leader of the ESG that she would welcome any additional advice that the ESG might wish to provide.<sup>14</sup>

2.15 Mr Quinlivan explained that under changes to the IRA process announced on 18 October 2006 the role of the ESG would be strengthened and that it would have a broader remit.

The idea is that the Eminent Scientists Group will have a roving commission, if you like, on scientific matters. They will be able to accept any new submissions or consider anything they wish to in the science that has been used or has not been used in the IRA.<sup>15</sup>

2.16 The committee notes that the IRA for the importation of apples from New Zealand was not developed under this revised process.

### ***The appeal process***

2.17 The committee noted that there appears to be a perception within the industry that the appeal panel is not independent. Mr Corboy observed that the members of the appeal panel appear to be either associated with or directly employed by the department. Mr Tony Russell, Business Manager, Apple and Pear Australia Ltd, read out the membership of the appeal panel for the benefit of the committee:

... firstly, the chair of the Quarantine and Exports Advisory Council; the second person was nominated to be the Commonwealth Chief Plant Protection Officer but in this instance that individual had a conflict of interest therefore that person was replaced with the executive director of the Forest and wood Products R&D Corporation; the third person was an officer of the Department of Agriculture, Fisheries and Forestry; and the fourth member was another member of the Quarantine and Exports Advisory Council.<sup>16</sup>

2.18 Mr Corboy and Mr Ranford expressed the view that the panel should include someone independent of Biosecurity Australia and the department, and from outside of the industry to review the process. They also said that the panel should include

---

14 Mr Daryl Quinlivan, Deputy Secretary, Department of Agriculture, Fisheries and Forestry *Committee Hansard*, 9 May 2007, pp 42—43.

15 Mr Quinlivan, *Committee Hansard*, 9 May 2007, p. 45.

16 Mr Tony Russell, Business Manager, Apple and Pears Australia Limited, *Committee Hansard*, 9 May 2007, p. 15.

---

scientists working outside both the industry and the bureaucratic process to review the science.<sup>17</sup>

2.19 The committee also noted industry concerns that the appeal process is limited to considering whether there has been any significant deviation from the process and whether a significant body of scientific evidence has not been considered. The industry expressed concern that the review process does not extend to a review of the science upon which the IRA is based.

Our big problem is that the science is very mixed, and we cannot get a finite answer. We believe that the science that has been adopted on this is some of the softer science rather than some of the more aggressive science. That is our view. BA has the reverse view, and our problem is that when you have an impasse like that there is no umpire.<sup>18</sup>

2.20 Mr Corboy expressed concerns that industry attempts to demonstrate the limitations of the proposed inspection regime were dismissed on the grounds that the scientific paper in question was a single piece of science, was not peer reviewed and had been considered in the IRA.<sup>19</sup>

2.21 The committee noted that the ESG was not necessarily involved in the consideration of additional scientific material lodged as part of the appeal process and that the decision to refer such material to the ESG for consideration rests with the Appeal Panel. Biosecurity Australia undertook to clarify whether the additional material relating to the fire blight epidemic in Southwest Michigan as part of the appeals process had been provided to the ESG for consideration, however, Dr Roberts advised that the material had been addressed on page 113 of the IRA.

There is a section entitled 'Responding to comments from stakeholders on risk management for fire blight' A paragraph there says: "If fire blight was active later in the season perhaps due to the presence of false blooms ... and/or favourable weather conditions there is a possibility that the surface of some fruit may be contaminated with *E. amylovora*. However, this is addressed by the disinfection treatment."<sup>20</sup>

## **Industry consultation and the development of a protocol with New Zealand**

2.22 The committee noted the view from industry representatives that stakeholders should have greater involvement in the development of the protocol with New Zealand, particularly in relation to proposed inspection and audit procedures. Mr Corboy expressed concern that industry will not be asked to have input in the development of the protocol with New Zealand. Mr Ashton, Chairman, Apple and

---

17 Mr Trevor Ranford, General Manager, Apple and Pear Growers Association of South Australia Inc, *Committee Hansard*, 9 May 2007, pp 15—16.

18 Mr Corboy, *Committee Hansard*, 9 May 2007, p. 20.

19 Mr Corboy, *Committee Hansard*, pp 14—15.

20 Dr Roberts, *Committee Hansard*, 9 May 2007, pp 47—48.

Pear Australia Ltd, indicated that there is a perception within the industry that the Australian industry is not being given the same level of information about progress with the protocol that the New Zealand government are apparently giving the New Zealand industry.<sup>21</sup>

2.23 Industry representatives do not appear to be satisfied that the protocol being developed will be as strict as those applying to the export of Australian apples and pears to other countries. Industry expressed concern that the proposed pre-clearance measures including a single inspection at four to seven weeks after flowering and surface disinfection via chlorine baths will not provide adequate protection against the importation of fire blight.<sup>22</sup> The Australian industry favours a second inspection prior to harvest followed by fumigation after harvest if there is any doubt regarding the contamination of the fruit.<sup>23</sup> The committee also noted evidence regarding the protocol in relation to the export of apples from Tasmania to China which, despite Tasmania's fire blight free status, includes three inspections. The committee notes Biosecurity Australia's advice that it is currently making strong representations to China in relation to this inspection regime on the grounds that it is not scientifically justified.<sup>24</sup>

2.24 The committee also noted concerns that the proposed protocol may not be adequate to prevent the transportation of other pests and diseases such as wheat bug in packaging or San Jose Scale and that it could compromise Tasmania's unique export status if it does not include appropriate requirements to deal with the transshipment of fruit through mainland Australia.<sup>25</sup>

2.25 Biosecurity Australia and AQIS advised the committee that they had undertaken extensive consultation as part of the IRA process and undertook to provide the committee with a list of all consultations.<sup>26</sup> Biosecurity Australia also confirmed that government to government discussions on technical issues associated with the IRA had taken place on 31 January 2007.<sup>27</sup> Ms Gordon advised the committee that the details of such discussions, and related documents, are confidential and will not

---

21 Mr Corboy, *Committee Hansard*, 9 May 2007, pp 7 and 13; Mr Ashton, *Committee Hansard*, 9 May 2007, pp 8 and 18.

22 Mr Corboy, *Committee Hansard*, 9 May 2007, pp 5— 6.

23 Mr Peter Darley, Chair, Horticulture Committee, NSW Farmers Association, *Committee Hansard*, 9 May 2007, p. 9.

24 Mr John Cahill, Chief Executive, Biosecurity Australia, *Committee Hansard*, 9 May 2007, p. 40; Dr Roberts, *Committee Hansard*, 9 May 2007, p. 42.

25 Mr Howard Hansen, Vice Chairman, Pome Fruit Council, Fruit Growers Australia Inc., *Committee Hansard*, 9 May 2007, pp 10—11 and 17; Mr Darley, *Committee Hansard*, 9 May 2007, p. 9.

26 Mr Cahill, *Committee Hansard*, 9 May 2007, p. 36; Ms Gordon, *Committee Hansard*, 9 May 2007, pp 37, 38 and 50.

27 Mr Cahill, *Committee Hansard*, 9 May 2007, p. 36.

---

necessarily be disclosed directly to industry for comment.<sup>28</sup> The committee notes that AQIS and Biosecurity Australia have made no commitment to undertake further industry wide consultation. AQIS advised the committee that it will seek expert advice on the development of the inspection protocol as required and on recommendation from Biosecurity Australia.<sup>29</sup>

## Conclusion

2.26 The committee notes the limitations of the appeal process and considers that it is a matter of some concern that additional scientific evidence presented during that process was not considered by the appeal panel and appears not to have been referred to the ESG for consideration.

2.27 The committee shares the concerns of industry that the limited role of the ESG in the current IRA and appeal processes draws into question the extent to which industry concerns have been adequately addressed. The committee notes that there is some opportunity for representatives of the industry to inform the process for the development of the protocol. The committee urges AQIS and Biosecurity Australia to draw on the practical expertise of the Australian apple and pear industry in finalising the standard operating procedures that will underpin the protocol.

2.28 The committee notes that the proposed protocol for the importation of apples from New Zealand is based on the assumption that fruit contaminated with fire blight will be imported into Australia. The committee remains to be convinced that the risk of establishment of the disease after the importation of contaminated fruit is low to very low. The committee shares industry's concern that the scientific evidence does not support the conclusion that the IRA is modelled on an acceptable level of risk. The committee also notes industry's concern that scientific evidence in relation to the establishment and spread of fire blight is limited. No specific scientific evidence was provided to the committee to support a 'low' to 'very low' risk of establishment of the disease.<sup>30</sup>

2.29 The committee is mindful of the sensitivity of trade issues in the development of import protocols and associated phytosanitary measures due to Australia's status as a net exporter. However, the committee is concerned that to impose a protocol on the industry which assumes that fire blight will be imported into Australia presents a significant risk of compromising the Australian apple and pear industry's competitive edge in the international market. The committee considers that this is a high price for this industry to pay.

---

28 Ms Gordon, *Committee Hansard*, 9 May 2007, pp 37 and 48— 49.

29 Dr Roberts, *Committee Hansard*, 9 May 2007, p. 35; Ms Gordon, *Committee Hansard*, 9 May 2007, p. 37.

30 Biosecurity Australia, *Final Import Risk Analysis Report for Apples from New Zealand*, Part B, November 2006, p. 97.

2.30 The committee notes that the standard operating procedures currently being developed by the New Zealand Ministry of Agriculture and Forestry in consultation with AQIS and Biosecurity Australia are fundamental to the successful management of the risk of importation, establishment and spread of fire blight. The committee notes that the operating procedures must be approved by AQIS before exports of apples from New Zealand can commence.

2.31 It is the committee's expectation that, prior to the final approval of the standard operating procedures, the committee will be provided with the draft operating procedures to enable it to consider how the identified risks are to be addressed in practical terms. It is also the committee's expectation that, prior to the final approval of the standard operating procedures, the committee will be provided with details of the scientific evidence and modelling undertaken as part of the IRA process to determine Biosecurity Australia's stated 'low' to 'very low' risk of establishment of fire blight.

2.32 The committee proposes to consider this matter further once it has received the requested material, to satisfy itself whether the operating procedures appropriately address the risks identified. Importation of apples from New Zealand should not commence before the committee has completed its consideration of this matter.

**Senator the Hon. Bill Heffernan**  
**Chair**