



Australian Government
Biosecurity Australia

The Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into the import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines

Please find attached Biosecurity Australia's submission to the Senate Standing Committee on Rural and Regional Affairs and Transport's inquiry into the import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines.

Biosecurity Australia's submission is provided in accordance with the information contained in the letter from Ms Jeanette Radcliffe of 8 December 2008 inviting Biosecurity Australia to provide a written submission and the terms of reference of the committee:

- a. Biosecurity Australia's administration of the IRA process;
- b. the scientific and technical information relied upon by the IRA team;
- c. the feasibility of the risk management measures and operational arrangements proposed in the final IRA report; and
- d. the capability of the Australian Government and, in particular, the Australian Quarantine Inspection Service to monitor and enforce compliance with the risk management measures and operational arrangements proposed in the final IRA report.

Australia's Director of Animal and Plant Quarantine is currently considering the policy determination for the importation of bananas from the Philippines. Biosecurity Australia will advise stakeholders once this process is complete in accordance with the 2003 IRA handbook.

An electronic copy of this submission is also provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Grant', written in a cursive style.

Dr Colin J Grant
Chief Executive
19 February 2009

A. Biosecurity Australia's administration of the IRA process

Biosecurity Australia is responsible for the development of both animal and plant import risk analysis (IRA) reports that identify the pests and diseases relevant to an import proposal, assesses the risks they pose and, if those risks are unacceptable, specify the measures that could be taken to reduce those risks to an acceptable level. Biosecurity Australia also provides technical advice to enhance Australia's access to international markets.

Each analysis is conducted within an administrative process described in the *Import risk analysis handbook*. Changes to the import risk analysis process announced by the Australian Government in late 2006 were implemented on 5 September 2007, when regulations made under the *Quarantine Act 1908* formally took effect. Under transitional arrangements, announced in Biosecurity Australia Policy Memorandum 2007/20, a number of IRAs, including the import risk analysis examining the importation of Cavendish Bananas from the Philippines (the Philippine banana IRA), which were well underway or nearly completed and were to be finished under the pre-regulated process.

Biosecurity Australia works closely with the Australian Quarantine and Inspection Service (AQIS) and other government agencies involved with biosecurity. AQIS is the operational arm of quarantine. It provides quarantine services at Australia's international borders for imports of agricultural produce and inspection and certification for exports of animal and plant products.

As a World Trade Organization (WTO) member, Australia is obliged under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) to consider all import requests from other countries concerning agricultural products, just as other member countries are obliged to consider our requests. Decisions to permit or reject an import application can be made only on sound scientific grounds.

A number of draft IRA reports and technical documents concerning the proposed importation of bananas from the Philippines have been published since June 2002 and made available on the Biosecurity Australia website. This has provided extensive opportunities for stakeholders to provide comprehensive submissions and comments. These submissions have been carefully considered in finalising the IRA.

A revised draft IRA report for the importation of Cavendish bananas from the Philippines was provided to stakeholders March 2007 for their comment. All comments provided by stakeholders were placed on the Biosecurity Australia internet site for the information of all stakeholders (www.daff.gov.au/ba/ira/current-plant/banana-philippines/submissions) and were considered by the IRA team in developing the final IRA report.

The Final IRA report for the importation of Cavendish bananas from the Philippines (Parts A, B and C attached), issued for stakeholder appeal on 12 November 2008, was developed in accordance with the IRA process as contained in the *2003 Import Risk Analysis (IRA) Handbook* (Attached).

The independent Eminent Scientists Group (ESG) reviewed the final IRA report, prior to its issuance, to determine if stakeholder comments had been properly considered in the development of the final IRA report (the independent ESG report is at Attachment 1).

The final IRA report was issued to stakeholders on 12 November 2008 and subject to appeal for 30 days. The appeals process was conducted entirely separately from Biosecurity Australia by the independent IRA appeals panel. They advised the Director of Animal and Plant Quarantine, the appellants and Biosecurity Australia on 23 January 2009 that all appeals had been disallowed. In accordance with Part 4, Section 22 of the *2003 IRA Handbook* a final policy determination is made

by the Director of Animal and Plant Quarantine when all processes (that is, the previous 21 Sections in the IRA process outlined in Part 4 of the 2003 Import Risk Analysis Handbook) are complete. Biosecurity Australia will advise stakeholders of any policy determination in relation to the importation of bananas from the Philippines in accordance with the *2003 IRA handbook*.

During the development of the final IRA report Biosecurity Australia met with the Australian Banana Growers' Council (ABGC) to clarify issues raised in their submission. A summary of the meeting was placed on the Biosecurity Australia webpage for the information of all stakeholders. Following the issuance of the final IRA report for appeal Biosecurity Australia met with the Australian Banana Growers' Council (ABGC) to clarify any issues that they had. The Biosecurity Australia webpage also contains information for stakeholders keeping them informed of the progress of the IRA and summaries of IRA team meeting (Attachment 2).

B. Scientific and technical information

The final IRA report was developed by an IRA team with support from Biosecurity Australia and external expertise where required. The IRA team included members with expertise in different areas, including quarantine risk analysis, plant pests and diseases, and the banana industry. The IRA team was supported by a number of external consultants specifically with skills in bacteriology, plant pathology and plant nutrition (specifically relating to banana diseases and banana plants). Information provided by the external consultants was provided to the IRA team as part of the development of the final IRA report.

During the analysis, many complex issues were considered where empirical data were not available. The IRA team was required to exercise expert judgement on these issues. To help with this process, the IRA team worked on various occasions with external experts.

The final IRA report was developed taking into account over 850 published references (contained in the report), stakeholder submissions provided on the revised draft IRA report and supplementary submissions provided by stakeholders.

The final IRA report sets out the scientific and technical information considered by the IRA team in the development of the final IRA report.

C. Feasibility of measures and operational arrangements

Australia's plant and animal health status is maintained through the implementation of measures to facilitate the importation of products while protecting the health of people, animals and plants.

Australia bases its national measures on international standards where they exist and where they deliver the appropriate level of protection from pests and diseases. However, where such standards do not achieve Australia's appropriate level of protection (ALOP), or relevant standards do not exist, Australia exercises its right under the SPS Agreement to take appropriate measures, justified on scientific grounds and supported by risk assessment.

The final IRA report contains details of the quarantine pests associated with Philippine bananas. It also includes recommendations on risk management measures to manage any pests for which the risk has been assessed as being higher than is acceptable for Australia.

The final IRA report identifies twenty one pest species that pose a quarantine risk that exceeds Australia's ALOP and therefore require risk management measures.

The final IRA report proposes that the importation of mature, hard green bananas to Australia from

the Philippines will require the Philippines to demonstrate, to the satisfaction of Australia, that the proposed measures will achieve Australia's ALOP for the risk management of all pests and diseases. The effectiveness of specific measures will need to be verified by laboratory and/or field trials and under commercial conditions before exports can begin. This activity is needed to confirm the risk management measures and the operational arrangements are feasible under the normal commercial conditions operating in the Philippines.

In order to achieve Australia's ALOP, the Philippines authorities and industry must demonstrate through verifiable laboratory and/or field research trials and under commercial conditions that risk management measures, either alone or in combination, will reduce the pathogen levels to measurable thresholds. Disease thresholds are set out for each pathogen in the final IRA report. The management of arthropod pests can be achieved by the application of existing quarantine policy requiring inspection and remedial action if the pest is found.

Mandatory pre-clearance arrangements will be required, with Australian Quarantine and Inspection Service (AQIS) officers involved in all risk management measures in the Philippines, and in auditing the systems and processes used by the Philippines to certify exports.

Failure to implement approved measures to the required standard may result in immediate suspension of exports to Australia.

D. AQIS capability

Risk management measures proposed in the final IRA report include, amongst the range of other measures, that the Australian Quarantine and Inspection Service (AQIS) be involved in all risk management measures the Philippines including pre-clearance. AQIS has extensive experience in applying quarantine measures to imported products, providing export certification for products exported from Australia and undertaking pre-clearance programs.

The final operational details will depend on the research undertaken by the Philippines as required in the final IRA report.

ESG Report

Eminent Scientists Group

THE REPORT OF THE EMINENT SCIENTISTS GROUP ON THE DRAFT FINAL IMPORT RISK ANALYSIS REPORT FOR THE IMPORTATION OF CAVENDISH BANANAS FROM THE PHILIPPINES TO THE DIRECTOR OF ANIMAL AND PLANT QUARANTINE

Dr John C Radcliffe AM
Emeritus Professor Malcolm Nairn AM
Dr Mark Lonsdale
Dr TJ Higgins

August 2008

Introduction

In 2004 the Eminent Scientists Group (ESG) was established to increase confidence in the administration of the import risk analysis (IRA) process conducted by Biosecurity Australia (BA).

This report by the ESG is made in accordance with its original terms of reference, which are to:

- review the draft final IRA report prepared by the IRA team to ensure that the IRA team has adequately considered all technical submissions received from stakeholders during the formal consultation period on the draft IRA, and
- within 60 days of being presented with the draft final IRA report, prepare a report to the Director of Quarantine on their findings and recommend any action considered necessary to overcome any identified deficiencies.

The ESG will provide a copy of the report to the Chief Executive of BA.

On 14 August 2008, BA formally referred the draft final *Import Risk Analysis (IRA) Report for the Importation of Cavendish Bananas from the Philippines* (draft final banana IRA report) to the ESG.

To facilitate deliberations, the ESG was provided with:

- the draft final *IRA Report for the Importation of Cavendish Bananas from the Philippines*;
- the 2007 revised draft *IRA Report for the Importation of Cavendish Bananas from the Philippines*;

- 21 submissions from stakeholders received during the formal, extended period of consultation on the draft report; and
- a summary table setting out stakeholder comments and BA's responses to those comments.

Following out of session consideration of these documents, the ESG met in Canberra on 19-20 August 2008 to prepare its findings. During the meeting, BA presented to the ESG an overview of the bananas IRA process, including BA's progression of the matter from the original request for market access from the Philippines in May 2000 to the third draft report released in 2007. In addition, BA outlined the risk assessment model used for the evaluation, further expanding on the risk management options put forward in the IRA.

This assessment by the ESG provides observations on BA's treatment of stakeholder comments in the development of the draft final IRA report. ESG members agreed to the report out of session.

Assessment

The ESG notes that there were 21 submissions made by stakeholders on the draft final *IRA Report for the Importation of Cavendish Bananas from the Philippines* (February 2007). These comments encompassed a range of issues relating to methodology, pathogens, arthropods and risk management. BA has responded to these issues where appropriate by including additional information in the August 2008 draft final banana IRA report and by making revisions to the draft text. The ESG considers that the responses made by BA to the issues raised, especially in relation to Moko disease, are of a high quality and carefully address the concerns of stakeholders.

The ESG considers, however, that the technical responses regarding potential impacts on the environment, while sufficient, could have been more comprehensive. While we understand that there have been discussions between BA and the Department of the Environment, Water, Heritage and the Arts (DEWHA), the ESG believes that there is still scope for DEWHA to have greater technical input to the IRA process.

The ESG noted that initially, a member of the IRA team had a differing view in relation to the risk management measures proposed for Moko disease. This difference in opinion has since been resolved and the minority report has been withdrawn in the latest draft of the IRA report. While there was some initial discussion of the minority report in the summary of the latest draft (Part A), no reference was made in the detailed report (Part B). Accordingly, further clarification as to how the matter was addressed should be included.

The necessity of effective auditing and monitoring to ensure compliance with the standards set by the IRA was raised in a significant number of submissions. Specifically, the ESG advises that BA should consider providing greater detail in how it would anticipate the protocols being developed for the implementation of the IRA recommendations in response to stakeholder comments concerned with the issue of confidence in the process to be used by AQIS to ensure compliance by the Philippine Government and their banana growers with import requirements.

Conclusion

Beyond these matters, the ESG concludes unanimously that the Banana IRA team has properly considered the 21 submissions received from stakeholders on the draft final *IRA Report for the Importation of Cavendish Bananas from the Philippines* (February 2007).

Attachment 2: communication between Biosecurity Australia and all stakeholders, including registered stakeholders (available at <http://www.daff.gov.au/ba/ira/current-plant/banana-philippines>).

CONSULTATION AND DOCUMENTS RELEASED 2000-2008

28 June 2000	Notification of commencement of IRA
17 October 2000	Outcome of the first round of consultation
4 January 2001	Outcome of second round of consultation
2 May 2001	Issues paper
27 July 2001	Information on a stakeholder meeting, technical workshops and the Risk Analysis Panel visit to the Philippines
4 November 2001	Details of a series of technical workshops to be held in September and October 2001
17 November 2001	Notice of postponement of technical workshops
27 November 2001	Revised details for technical workshops around Australia
4 March 2002	- Update of status of IRA - Philippines response to clarifying questions asked by the RAP
11 April 2002	Outcomes of a meeting 10-11 April 2002 between the Philippines, BA, the RAP and working groups
24 April 2002	Report of Technical Working Group Chairs on visit to the Philippines
6 May 2002	Technical Information Paper
13 May 2002	Change to the Risk Analysis Panel
14 May 2002	Details of workshops to be held in June 2002
17 May 2002	Change to starting times for workshops to be held in June 2002
1 July 2002	Release of Draft IRA Report
26 November 2002	Acknowledgement of stakeholder comments on draft IRA
22 October 2003	Update of status of IRA
19 February 2004	Revised draft IRA report
19 February 2004	Revised draft import risk analysis report for bananas from the Philippines - Media Release
17 March 2004	Philippines Banana Import Risk Analysis - Media Release
17 March 2004	Addendum to Revised Draft IRA Report to be released

16 June 2004	Media release and Fact Sheet: Release of addendum
16 June 2004	Release of Addendum to revised Draft IRA Report
1 July 2004	Media release: extension to comment period
1 July 2004	Extension to comment period on revised Draft IRA Report
27 August 2004	Decision to release further revised draft IRA report for bananas from the Philippines
18 February 2005	Appointment of Chair to the IRA team for bananas from the Philippines
24 February 2005	Variation to administrative procedures – advising stakeholders of the decision to re-issue the IRA.
24 August 2006	ABGC Letter – ABGC sponsored reports on Black Sigatoka on Philippines banana trash tested in New Zealand
21 December 2006	Bananas from the Philippines - Status Report
01 March 2007	Notifying the release of the Revised draft import risk analysis report for bananas from the Philippines
01 March 2007	<ul style="list-style-type: none"> - Survey report on the distribution and waste disposal of bananas by the association of Australian banana wholesalers - Survey report on the distribution and waste disposal of bananas by retailers in Australia - Survey report on the waste disposal practises of local Government areas in Australia
21 March 2007	Revised draft IRA report for the importation of Cavendish bananas from the Philippines – Corrigenda
16 May 2007	Comment period extended to 29 June 2007 for Revised draft IRA report for bananas from the Philippines
12 July 2007	Revised draft IRA report for bananas from the Philippines - status report AND <u>Submissions on revised draft IRA report for bananas</u>
—	Supplementary submission from the Philippine Government
—	Information and correspondence on the black Sigatoka pest risk assessment (Supplementary submission from the Australian Banana Growers' Council)
19 May 2008	Import risk analysis report for bananas from the Philippines - Status Report
30 May 2008	Correspondence with ABGC regarding their supplementary submission
24 April 2008	Summary record of meeting with ABGC
—	<u>IRA team meetings summaries</u>
14 August 2008	Import risk analysis for bananas from the Philippines – Status Report
12 November 2008	Release of Final import risk analysis report for the importation of Cavendish bananas from the Philippines