

The Senate

Rural Affairs and Transport
Legislation Committee

Quarantine Amendment (Disallowing Permits)
Bill 2011

November 2011

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TABLE OF CONTENTS

Membership of committee	iii
Chapter 1	1
Introduction	
Conduct of the inquiry	1
The bill.....	1
Scrutiny of Bills Committee	1
Provisions of the bill.....	2
Current quarantine and biosecurity framework.....	2
Chapter 2	5
Key Issues	
Australia's World Trade Organisation obligations	5
Delays in the issuing of permits	7
Australia's international credibility	7
Commercial confidentiality	8
Impact on business	9
Committee view.....	10
Dissenting Report by Senator Xenophon	13
The Bill in practice	14
Responding to criticisms of the Bill	15
Conclusion	16
APPENDIX 1	17
Submissions Received	

Chapter 1

Introduction

1.1 The Quarantine Amendment (Disallowing Permits) Bill 2011 (the bill) was introduced into the Senate on 25 August 2011. Debate on the bill was subsequently adjourned.

1.2 On 15 September 2011, the Selection of Bills Committee referred the bill to the Rural Affairs and Transport Legislation Committee (the committee) for inquiry and report by 2 November 2011.¹

Conduct of the inquiry

1.3 Notice of the inquiry was posted on the committee's website and it was advertised in *The Australian* newspaper on 28 September 2011. The committee also wrote to key stakeholder groups inviting submissions.

1.4 The committee received 16 submissions (see Appendix 1). No hearings were held in relation to the inquiry.

1.5 The committee thanks submitters for their contribution to the inquiry. Submissions are available on the Parliament's website at www.aph.gov.au.

The bill

1.6 The bill would amend the *Quarantine Act 1908* (the Act) to provide that Biosecurity Policy Determinations made by the Director of Quarantine are disallowable legislative instruments. The bill would also provide that:

- a permit to import, introduce or bring in an animal, plant, substance or thing is a disallowable legislative instrument; and
- when these instruments are presented to Parliament, the Minister is required to table a risk analysis in both Houses and refer the instruments to parliamentary committees responsible for agricultural matters.²

Scrutiny of Bills Committee

1.7 The Senate Standing Committee for the Scrutiny of Bills has a brief to consider all bills as to whether they trespass unduly on personal rights and liberties and related matters. The Scrutiny of Bills Committee had no comment on the bill.³

1 Selection of Bills Committee, *Report No. 12 of 2011*, 15 September 2011, Appendix 3.

2 Explanatory Memorandum, *Quarantine Amendment (Disallowing Permits) Bill 2011*, p. 1.

Provisions of the bill⁴

1.8 Schedule 1 inserts new provisions into section 13 of the Act which would effectively make the Biosecurity Policy Determinations legislative instruments, and would provide that any import or removal permit issued (otherwise than in accordance with such a disallowable Biosecurity Policy Determination) are themselves disallowable by the Parliament.

1.9 Under section 13, the Governor-General is able to issue a Proclamation prohibiting the importation, introduction, bringing in of or removal, of a 'thing', ie an animal, plant (whether moveable or not); and any other article, substance or thing (including, but not limited to, any kind of moveable property).

1.10 Such a Proclamation can provide that the importation, introduction, bringing in of or removal of a 'thing' is prohibited unless the Director of Quarantine grants a permit to import, introduce, bring in or remove the 'thing'. Under the bill, such a permit would be a disallowable instrument, unless it is covered by a Director's determination, which is also a legislative instrument.

1.11 Under the bill, it is also proposed that:

- a Director's determination could specify a 'thing' and set out the conditions to be complied with to limit any quarantine risk associated with importing or removing the thing to an acceptably low level;
- the Director's determination would be laid before Parliament; and
- the Minister would table a risk analysis in both Houses of Parliament and cause a motion to be moved to refer it to the Committee responsible for agricultural matters in each House (these Committees would be required to table their report no more than 15 days after the determination is referred).

Current quarantine and biosecurity framework⁵

1.12 Australia's quarantine policy is based on the assessment and management of pest and disease risk to human, animal and plant health and the environment. The Australian Quarantine and Inspection Service (AQIS) manages the risk associated with imported products in various ways, based on the scientific advice provided by Biosecurity Australia. Biosecurity Australia is the unit within the Biosecurity Services

3 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest, No. 10 of 2011*, 14 September 2011, p. 13.

4 Information regarding the provisions of the bill has been taken from the Explanatory Memorandum, *Quarantine Amendment (Disallowing Permits) Bill 2011*, p. 1.

5 Based on information provided in Food and Beverage Importers' Association, *Submission 3* and Australian Food and Grocery Council, *Submission 8*.

Group, in the Department of Agriculture, Fisheries and Forestry (DAFF), responsible for recommendations regarding the development of Australia's biosecurity policy.

1.13 Biosecurity Australia undertakes science-based risk assessments and provides quarantine policy advice to protect Australia's animal and plant status and natural environment.

1.14 The current framework is set out in the *Quarantine Act 1908* and subordinate legislation, including the Quarantine Regulations 2000 and the Quarantine Proclamation 1998. The *Quarantine Act 1908* is administered on behalf of the Minister for Agriculture, Fisheries and Forestry by AQIS.

1.15 The Quarantine Proclamation identifies goods that may not be imported into Australia unless the Director of Animal and Plant Quarantine (or a delegate) grants an import permit, or unless the importers comply with other conditions specified in the proclamation. Section 70 of the Quarantine Proclamation 1998, section 34 of the Quarantine (Cocos Islands) Proclamation 2004 and section 34 of the Quarantine (Christmas Island) Proclamation 2004 specify things a Director of Animal and Plant Quarantine must take into account when deciding whether to grant a permit.⁶

1.16 In 2007, the Quarantine Regulations 2000 were amended to regulate the key steps of the import risk analysis process.⁷

Beale Review 2008

1.17 In 2008, Australia's quarantine and biosecurity framework was scrutinised by the Quarantine and Biosecurity Review Panel as part of the Beale Review. The Panel did make a number of recommendations in relation to government and parliamentary oversight of biosecurity. However, it did not recommend that quarantine decisions should become Disallowable Instruments.⁸

6 Department of Agriculture, Fisheries and Forestry, Biosecurity Australia, *Import Risk Analysis Handbook 2011*, p. 8.

7 The process to develop a new quarantine policy, where no policy exists, is called an import risk analysis (IRA).

8 Beale, Fairbrother, Inglis and Trebek, *One Biosecurity: A Working Partnership*, September 2007.

Chapter 2

Key Issues

2.1 A majority of the submissions received by the committee argued that the bill is not necessary, and that it would in fact weaken Australia's quarantine and biosecurity framework. It was argued that in practical terms, the bill is unworkable, specifically because it would cause significant and unnecessary delays (both to the issuing of permits and to trade) and would result in the disclosure of commercially confidential information.¹

2.2 Submitters also argued very strongly that the legislation is potentially contrary to Australia's World Trade Organisation (WTO) obligations.²

Australia's World Trade Organisation obligations

2.3 The committee received a number of submissions which expressed concern that under the new legislation, reviews of import permit applications would not be scientifically based. It was argued that, as a consequence, the adoption of the bill would be against Australia's obligations under the WTO Sanitary and Phytosanitary (SPS) Agreement.

2.4 Australia, as a member of the WTO, is obliged under the SPS Agreement to "consider all import requests from other countries concerning agricultural products."³ The WTO SPS Agreement states that:

Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent...it is based on scientific principles⁴

2.5 Under the WTO SPS Agreement, a member country has the right to adopt sanitary and phytosanitary measures necessary for the protection of human, animal and plant life or health. "As is set out in the WTO SPS Agreement, these measures

1 See, for example, South Australian Government, Department of Primary Industries and Resources, *Submission 2*, Food and Beverage Importers' Association, *Submission 3*, Phoenix Freight Systems, *Submission 5*, Shipping Australia Ltd, *Submission 6*, Australian Food and Grocery Council, *Submission 8*, Industry Working Group on Quarantine, *Submission 9*, Nursery and Garden Industry Australia, *Submission 11* and Unilever Australia, *Submission 14*.

2 See, for example, Quarantine and Inspection Resources Pty Ltd, *Submission 1*, South Australian Government, Department of Primary Industries and Resources, *Submission 2*, Food and Beverage Importers' Association, *Submission 3*, Phoenix Freight Systems, *Submission 5*, Australian Food and Grocery Council, *Submission 8*, Industry Working Group on Quarantine, *Submission 9*, Animal Health Alliance (Australia) Ltd, *Submission 10* and Unilever Australia, *Submission 14*.

3 Australian Food and Grocery Council, *Submission 8*, p. 4.

4 Department of Agriculture, Fisheries and Forestry, AusAID, Booklet *WTO SPS Agreement*, Article 2, p. 5.

must, however, be science-based, not more trade-restrictive than necessary and not arbitrarily or unjustifiably discriminatory against trading partners."⁵

2.6 The submission provided by the Food and Beverage Importers' Association (FBIA) raised specific concerns about this issue and argued that:

Any review by Parliament would not be seen as "scientifically based" but as "politically based" because the Parliament and its Committee system would not hold any specific scientific expertise over and above that contained in the Framework⁶ [*Quarantine Act 1908*, *Quarantine Regulations 2000* and the *Quarantine Proclamation 1998*].

2.7 The Australian Food and Grocery Council (AFGC) also argued that the bill's proposal to make the issuing of permits a Disallowable Instrument:

... overrides the sound scientific evidence and determination of Biosecurity Australia and the Director of Quarantine and also places Australia in jeopardy of compromising existing World Trade Organisation requirements.⁷

2.8 Further, the Industry Working Group on Quarantine (IWGQ) raised specific concerns regarding Australia's obligations under the WTO SPS Agreement and argued that:

An essential element of the WTO SPS Agreement to which Australia is a signatory provides Australia with the right to adopt sanitary and phytosanitary measures necessary for the protection of human, animal and plant life or health. ...the level of protection is determined...must be science-based, not more trade-restrictive than necessary and not arbitrarily or unjustifiably discriminatory against trading partners. Most issues are complex involving very detailed science assessments and risk estimation techniques. ... Whilst the IRA [import risk analysis] processes being carried out by Biosecurity Australia are established and strictly followed how does Parliament intent to scrutinise biosecurity assessments/decisions?⁸

2.9 The committee was also told that "Australia relies on global trade for both imported and exported products, and is party to the WTO. Australian agricultural exports benefit significantly by being party to the global trading systems and Australia has obligations to uphold the requirements for fair and reasonable access to markets"⁹ Submitters consistently argued that "Australia must maintain its adherence to WTO principles in order to fairly access export markets."¹⁰

5 Food and Beverage Importers' Association, *Submission 3*, p. 3.

6 Food and Beverage Importers' Association, *Submission 3*, p. 4.

7 Australian Food and Grocery Council, *Submission 8*, p. 3.

8 Industry Working Group on Quarantine, *Submission 9*, p. 2.

9 Australian Food and Grocery Council, *Submission 8*, p. 3.

10 Pet Food Industry Association of Australia, *Submission 12*, p. 1.

Delays in the issuing of permits

2.10 Submitters expressed concern that the provisions of the bill had the potential to create delays in the issuing of permits. The FBIA's submission explained that:

The number of permits issued annually is extensive (up to 20,000), but, as we understand, most are not issued strictly in accordance with an IRA or policy determination based on an import risk analysis. On our reading of the Bill, permits not based on such a determination would become "disallowable instruments" and have to be tabled. Most permits would therefore have to be tabled.¹¹

2.11 The FBIA went on to argue that any delay

...would be exacerbated by the fact that permits are issued every working day, but Parliament has limited sitting days during the year.¹²

2.12 The IWGQ also pointed to the large number of permits issued in the 2010/11 financial year and noted that there would be 20,300 import permit applications that would become "disallowable instruments" under the Bill. IWGQ argued that:

These referrals would cause a significant work load for AQIS and the Parliament in presenting and dealing with the applications and, no doubt result in significant delays and costs for all permits that require referral.¹³

2.13 The Pet Food Industry Association of Australia Inc. (PFIAA) and Animal Health Alliance (Australia) Ltd (AHAAL) noted that the approval system for import permit applications is already both arduous and time consuming.¹⁴ AHAAL told the committee that the new arrangements proposed by the bill would "only serve to lengthen the already unacceptable timeline for the issuance of import permits".¹⁵

Australia's international credibility

2.14 Several submitters raised concerns about the possible negative impact the bill may have on Australia's international credibility and the country's reputation amongst its trading partners.

2.15 AHAAL noted that, historically, Australia has had a reputation internationally of being a difficult country to import into due to its 'strict' quarantine requirements.

11 Food and Beverage Importers' Association, *Submission 3*, p. 4.

12 Food and Beverage Importers' Association, *Submission 3*, p. 4.

13 Industry Working Group on Quarantine, *Submission 9*, p. 3.

14 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 2 and Pet Food Industry Association of Australia, *Submission 12*, p. 2.

15 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 2.

They argued that "including a political step in the quarantine assessment process would further erode our international credibility."¹⁶

2.16 AHAAL also noted that:

Political interference in the current AQIS import approvals process (as suggested by the Bill) would almost certainly result in international retaliation from our major trading partners and detract from Australia's ability to negotiate free trade agreements.¹⁷

2.17 Quarantine and Inspection Resources Pty Ltd (QIR) also raised concerns about the impact on Australia's reputation, and noted that in seeking access to new markets for agricultural goods, Australia is required to provide both pest and disease information in support of any application. QIR suggested that Australia expects its trading partners to evaluate submissions on scientific grounds and argued that:

The ability of Australia to gain access, and perhaps even more importantly maintain access, in the face of a problem depends to a high degree on the credibility of the Department of Agriculture, Fisheries and Forestry (DAFF) scientific staff involved in market access arrangements. This Bill will undermine the credibility of Australia's market access efforts.¹⁸

Industry confidence in AQIS

2.18 Several submitters also suggested that the bill could have a negative impact on the reputation of AQIS and possibly undermine confidence in the organisation's ability to perform its current role in relation to quarantine and biosecurity. Shipping Australia Ltd argued that:

... [the] Bill clearly indicates that Parliament does not have any confidence that the AQIS can carry on its role in terms of granting import permits and would deliver a clear signal to industry that they should also question their confidence in the ability of AQIS to carry out the tasks set under legislation approved by Parliament.¹⁹

2.19 QIR also argued that it is important that the "value of Australian scientists who contribute to our market access efforts should not be underestimated, as it is very substantial".²⁰

Commercial confidentiality

2.20 An additional concern raised in relation to the bill was that the new arrangements for import permit applications could result in confidential information

16 Animal Health Alliance (Australia) Ltd, *Submission 10*, pp 1-2.

17 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 1.

18 Quarantine and Inspection Resources Pty Ltd, *Submission 1*, p. 1.

19 Shipping Australia Ltd, *Submission 6*, p. 2.

20 Quarantine and Inspection Resources Pty Ltd, *Submission 1*, p. 1.

being made public. A number of submitters noted that commercially confidential information could be disclosed through publically releasing the names of permit holders and the commodities for which they are applying for permits.²¹ FBIA expressed the view that:

The name of a permit holder and the commodity permitted to be imported under a permit are currently, and we believe rightly, treated as confidential on commercial grounds. The DAFF does not disclose this information. There seems no reason for the names of permit holders or the commodities permitted to be imported to publicly realised, as who the importer is does not relate to any measure of biosecurity risk.²²

2.21 IWGQ expressed a similar view, and noted that the name of a permit holder, supplier or manufacturer (and any details in relation to the commodity) is currently treated as confidential on commercial grounds.²³ IWGQ further argued that AQIS currently does not disclose indentifying information, and that:

... on [the] occasions AQIS will obtain information from overseas suppliers which is not subject to disclosure to permit applicants to maintain confidentiality and thus protect IP and patent rights of suppliers. Another complication would be that only the names of the applicants or holders of the permit tabled in parliament that would be disclosed. ... There appears to be no valid reason for the names of permit applicants or holders and the commodities to be imported to be publicly released.²⁴

Impact on business

2.22 Several submitters argued that a consequence of the bill would be to impose an additional regulatory cost on businesses.

2.23 AHAAL, for example, explained that:

Some biological permits have taken years to obtain and the data provided for these permits is exhaustive. Lack of science behind any decision to remove the approval may cost the country's producers significantly if products are no longer available, especially in some of the niche biological areas.²⁵

2.24 Submitters also pointed to the bill's potential to cause uncertainty for businesses, as AFGC explained:

The Bill introduces further costly administrative processes and delays and compromises the legitimate importation of products into Australia that have been approved by Biosecurity Australia's risk assessment process. This adds

21 Unilever Australasia, *Submission 14*, p. 2.

22 Food and Beverage Importers' Association, *Submission 3*, p. 5.

23 Industry Working Group on Quarantine, *Submission 9*, p. 3.

24 Industry Working Group on Quarantine, *Submission 9*, p. 3.

25 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 2.

to the further uncertainty and business risks faced by food manufactures, and further increases the complexity of running businesses in Australia.²⁶

2.25 AFGC also argued that:

[The Bill will bring] disarray to the current time consuming and business costly process of navigating the Australian import/export requirements for food. The Bill introduces a significant level of uncertainty for business unnecessarily. If the provisions and arrangements provided by Biosecurity Australia are able to be made disallowable instruments by Parliament the risk for business is exacerbated in what is an extremely competitive global market place.²⁷

2.26 AHAAL also noted that the new arrangements create a level of uncertainty for businesses when renewing their import permits. The submission stated that:

Since the Bill also captures import permit renewals ... it could mean that a company's ability to conduct business in Australia could unreasonably be stopped completely and without warning.²⁸

Committee view

2.27 The committee acknowledges the concerns raised by submitters regarding the amendments to the *Quarantine Act 1908* proposed by the bill.

2.28 The committee notes the concerns raised by a significant majority of submitters who argued that, in addition to the bill being unnecessary, it has the potential to weaken Australia's quarantine and biosecurity framework.

2.29 The committee also notes the evidence which suggests that, in practice, the arrangements proposed by the bill would cause significant and unnecessary delays (both to the issuing of permits and to trade). It is also noted that a possible consequence of the bill would be the unwanted disclosure of commercially confidential information.

2.30 The committee acknowledges the evidence provided by a number of organisations which argued strongly against the proposed new legislation on the basis that it could be interpreted as contrary to Australia's (WTO) obligations.

2.31 The committee is particularly mindful of Australia's WTO obligations and is committed to Australia's responsibilities under the WTO SPS which requires that all import requests from other countries – particularly in relation to agricultural products – are considered using scientific-based principles.

26 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 5.

27 Australian Food and Grocery Council, *Submission 8*, p. 5.

28 Animal Health Alliance (Australia) Ltd, *Submission 10*, p. 2.

2.32 The committee shares submitters' concerns that the bill has the potential to enable the Parliament to override scientific evidence and determinations provided by Biosecurity Australia and the Director of Quarantine.

2.33 The committee shares the view of those who argued that Australian agricultural exports benefit from being party to the WTO global trading system. The committee notes the possible negative impact the bill could have on Australia's international credibility and its reputation amongst its trading partners. The committee notes that if there is any perception of political interference in the import approvals process, Australia runs the risk of almost certain retaliation from our major trading partners.

2.34 The committee is keen to ensure that Australia not only meets its obligations under the WTO, but continues to make trade decisions based on scientific evidence provided by the appropriate Government agencies.

Recommendation

2.35 The Committee recommends that the bill not be passed.

Senator Glenn Sterle

Chair

Dissenting Report by Senator Xenophon

1.1 Around the world, agricultural sectors have been decimated by outbreaks of European canker, myrtlerust, fireblight, earlyblight, apple leaf curling midge, Tropical Race Four, pear midges, affecting apples, pears, potatoes, bananas, to name a few, and it is crucial that Australia is protected from these diseases.

1.2 Fireblight, for example, is a contagious disease affecting apples and pears. Under optimal conditions, it can destroy an entire orchard in a single growing season.

1.3 Fireblight is endemic in New Zealand, and, until recently, Australian quarantine officials have refused export requests from New Zealand, claiming their apples present too great a disease risk.

1.4 However, despite this, New Zealand apples were approved for import from August 17 2011 by Biosecurity Australia.

1.5 Dr Colin Grant from the Department of Agriculture, Fisheries and Forestry argues that the risk of fire blight entering Australia via New Zealand apple imports is minute and that processes have been introduced to further reduce any risk.

"Only commercially mature fruit will be permitted to be imported to Australia and all export fruit will be required to be washed by high-pressure water spraying and brushed in the packing house to remove surface contamination of pests and trash such as leaf litter."¹

1.6 Despite this, Australian apple and pear growers have extensively campaigned against the imports.

"There is no measurement they can use in a packing shed to see whether there is bacteria on it. If it comes in and produces an infection in Australia it's game over for us."²

"There is a lot of anger out there, we feel we have been betrayed by a Government that has traded away our sovereign right for protection under biosecurity protocols. Subsequently, they have put in place the destruction of another industry and I think the rest of the horticultural and agricultural sector must be feeling very insecure about what has happened here."³

1 Dr Colin Grant, Department of Agriculture, Fisheries and Forestry, quoted in, *The Age*, *Growers warn bad apples could spoil the whole industry*, 18 August 2011.

2 Mr Peter Hall, Goulburn Valley apple and pear grower, quoted in *The Age*, *Growers warn bad apples could spoil the whole industry*, 18 August 2011.

3 Mr Mike Nicol, Uraidla apple grower, quoted in *Adelaide Advertiser*, *Rotten deal for apple growers*, 18 August 2011.

"Frankly, once New Zealand apples start coming to Australia, farmers will be nervous just getting out of bed in the morning because they will be wondering if today is the day they discover fire blight in their orchard."⁴

1.7 The Quarantine Amendment (Disallowing Permits) Bill 2011 was introduced following this controversial decision and is intended to protect Australia's industries from pest and disease.

1.8 Under this Bill, any decision to allow the importation, introduction, bringing in of or removal of a thing – defined under the Quarantine Act 1908 as an animal, plant, substance or thing – will be thoroughly scrutinised. Currently, this decision making power is left solely in the hands of Biosecurity Australia.

1.9 In the case of New Zealand apples, while analysis may have determined the risk of fireblight to be low, it can be argued that the damage caused by fireblight makes any risk too great.

1.10 This Bill is intended to give Australia's agricultural sector the certainty they both need and deserve, and to require that thorough consideration is given to ensure that Australia remains disease free.

The Bill in practice ...

1.11 The current process for import permits is as follows:

- The Governor-General can issue a Proclamation prohibiting the importation, removal, etc of a things/product/item etc.
- Such a Proclamation can provide that importation, removal, etc of a thing is prohibited unless the Director of Quarantine grants a permit to import, remove, etc the thing.

1.12 So, in practical terms, Company XYZ applies for an import permit and, as long as it has not been prohibited by the Governor-General and the appropriate risk analyses has been conducted, it is approved by Biosecurity Australia and they import the item.

1.13 Under the provisions of the Quarantine Amendments (Disallowing Permits) Bill 2011,

- The Governor-General can issue a Proclamation prohibiting the importation, removal, etc of a things/product/item etc.

4 Mr John Lawrenson, Apple and Pear Australia Limited, quoted in *The Age*, *Growers warn bad apples could spoil the whole industry*, 18 August 2011.

- Such a Proclamation can provide that importation, removal, etc of a thing is prohibited unless the Director of Quarantine grants a permit to import, remove, etc the thing.
- Such a permit is disallowable unless it is covered by a Director's Determination.
- A Director's Determination (which is a legislative instrument and therefore is itself disallowable) can specify a thing and set out the conditions to be complied with to limit the level of quarantine risk associated with importing or removing the thing to an acceptably low level.
- When the Determination is laid before Parliament for disallowance, the Minister must also table a risk analysis and cause a motion to be moved to refer it to Committees for report.

1.14 So, in practical terms,

- Company XYZ applies for an import permit, and, as long as it has not been prohibited by the Governor-General and the appropriate risk analyses has been conducted, a Determination is made by Biosecurity Australia that the thing may be imported.
- The Government tables the Determination and relevant risk analysis report in both Houses of Parliament and a motion is moved to refer the matter to Committee for report.
- The relevant Committee has 15 sitting days to inquire and report and, based on the Committee's recommendations, a Member of Parliament may move a motion to disallow the Determination.

Responding to criticisms of the Bill

1.15 It is understood that around 20,000 import permit applications are processed each year. Concerns were raised in submissions to the Committee that this Bill would be impractical, however most of these permits will simply be tabled in Parliament without require further scrutiny being required by the Parliament.

1.16 It is only in circumstances in the interest of Australia's industries where the risk may require further assessment.

1.17 This is not intended to undermine AQIS' decision making process; rather it is simply to provide for further scrutiny.

1.18 It may be reasonable to amend the Bill so that it only applies to fresh or live goods or things, thereby reducing the number of Declarations that must be tabled. For example, that it will not apply to machinery, etc.

1.19 Furthermore, this Bill does not breach World Trade Organisation obligations because it does not prohibit the importation of goods.

1.20 It simply provides that Determinations and import permits be tabled before the Parliament, along with risk analysis, and that inquiries be held to ensure that thorough assessment take place.

1.21 Concerns were also raised in submissions with regards to what impact this Bill may have on business. However, requiring Declarations to be tabled in Parliament will not require any additional work on the part of the applicant.

1.22 It is common for regulations made by Government agencies to be tabled in Parliament

Conclusion

1.23 The controversial introduction of New Zealand apples into Australia is a prime example of where this Bill would have provided an additional layer of scrutiny in the interests of Australian apple and pear growers.

1.24 Australian farms and related sectors generate \$155 billion-a-year in production – making up 12% of Australia's GDP.

1.25 Therefore, it is vital that biosecurity standards are upheld to ensure that Australia remains disease free.

Recommendation

That this Bill be passed, with amendment.

NICK XENOPHON

Independent Senator for South Australia

APPENDIX 1

Submissions Received

**Submission
Number**

Submitter

- 1 John Landos, Quarantine and Inspection Resources Pty Ltd
- 2 South Australian Government Department of Primary Industries and Resources (PIRSA)
- 3 Food and Beverage Importers Association
- 4 Harness Racing Australia
- 5 Dean Mullins, Phoenix Freight Systems
- 6 Shipping Australia Ltd
- 7 Council for the National Interest (Western Australian Committee)
- 8 Australian Food and Grocery Council (AFGC)
- 9 Industry Working Group on Quarantine (IWGQ)
- 10 Animal Health Alliance (Australia) Ltd
- 11 Nursery and Garden Industry Australia (NGIA)
- 12 Pet Food Industry Association of Australia Inc. (PFIAA)
- 13 Feed Ingredients and Additives Association of Australia (FIAAA)
- 14 Unilever Australia Ltd
- 15 Taronga Conservation Society Australia
- 16 Zoo and Aquarium Association

