Australian Chicken Meat
Federation (ACMF) Inc

19 December 2012

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

Email to: rrat.sen@aph.gov.au

RE: Inquiry into the Biosecurity Bill 2012 and the Inspector-General of Biosecurity Bill 2012

Dear Mr Palethorpe,

Thank you for your Committee's invitation to make a submission regarding the Biosecurity Bill 2012 and the Inspector-General of Biosecurity Bill 2012 currently being considered by the Committee.

The Australian Chicken Meat Federation (ACMF) Inc. is the national representative body of the Australian chicken meat industry. ACMF has followed closely the current development of the new biosecurity legislation and understandably has a substantial interest in this new body of law which will replace the old Quarantine Act.

In essence, ACMF is of the view that while the new bill has a dual objective of increasing administrative efficiency and protecting Australia's unique biosecurity status, the latter goal is not given sufficient emphasis in the Biosecurity Bill and the regulations to the limited extent that they have been made available. ACMF also considers that it is crucial for regulations to be available and for industry consultation on the regulations to take place prior to the legislation being considered by the Parliament.

These views and other comments are elaborated in the attached formal submission to your Committee. We would welcome an opportunity to discuss our concerns further with the Committee at the hearing to be held early next year. Please advise when this may be possible.

Yours sincerely

Gary Sansom AM
President

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Biosecurity Bill 2012

Submission to the Senate Standing Committee on Rural and Regional Affairs and Transport

Summary.

The Australian Chicken Meat Federation (ACMF) is concerned that the staggered process of drafting and releasing the new Bills and their associated regulations and guidelines may not allow the new system to be considered as a whole before the primary legislation is considered by Parliament.

ACMF therefore urges the Committee to insist on having before it all regulations, and related guidelines where possible, prior to finalizing its considerations so that the full picture can be considered by the Committee and the Parliament.

ACMF considers it essential that the new legislative framework both facilitates the efficient administration of Australia's biosecurity regime and reflects the Government's commitment to protect the integrity of our unique biosecurity status.

ACMF is of the view that the Bill in its current form does not reflect an appropriate balance between the two key objectives of administrative efficiency and the protection of our biosecurity status.

ACMF believes that the inclusion of a formal requirement to consult with stakeholders on both scope and approach before the Director of Biosecurity publishes a public notice detailing a Biosecurity Import Risk Analysis (BIRA) process would strengthen the proposed BIRA and increase community confidence in its integrity. This requirement could be included in the regulations rather than the Act itself.

ACMF also believes that the current IRA arrangements, which provide for a review by the Eminent Scientists Group (ESG) where an expanded IRA is being undertaken, are essential to the integrity of the process and should be retained in the new BIRA regulations.

Introduction

The Australian Chicken Meat Federation Inc. (ACMF) represents all elements of the Australian chicken meat industry, including chicken growers and processors at the national level.

Members of the Federation are the five State Chicken Meat Councils, the Australian Chicken Growers' Council and the Australian Poultry Industries Association, the latter representing the chicken meat processors.

The chicken meat industry is Australia's largest meat industry on a domestic per person consumption basis.

A highly efficient and vertically integrated industry, it has developed steadily over the past 50 years to an annual turnover now of around $2.7 billion on an asset base of $6 billion and employs 40,000 people directly and 120,000 in total throughout Australia.

The consultative process

ACMF acknowledges the extensive consultation that has been undertaken to ensure the proposed new biosecurity legislation meets stakeholders' requirements.

ACMF has participated in these consultations and has identified issues of importance to the industry in these forums.

However, it is ACMF's view that the Senate committee system plays an important role in ensuring legislation presented to the Parliament is fully and properly debated.

Further, the Senate committee process provides an opportunity for stakeholders to have input into the form of legislation before it is put to the vote.

To date this process has been constrained by the publication of only part of the legislative package that with underpin the new regime.

ACMF is concerned that the staggered process of drafting and releasing the new legislative framework did not allow stakeholders to consider the new system as a whole before the Bills were introduced into the Parliament.

Most of the detail that will govern the effectiveness of the legislation, and the costs involved in its implementation, will be contained in the subordinate regulations and the guidelines, which are yet to be released.

ACMF therefore urges the Committee to demand access to all regulations, and related guidelines where possible, prior to finalizing its report and prior to the legislation being debated in the Parliament.

Protecting Australia's unique biosecurity status.

ACMF believes it is essential that the new legislative framework facilitates the efficient administration of Australia's biosecurity regime.

However, it is important that the new framework also reflects the Government's commitment to protect the integrity of our unique biosecurity status.

ACMF is of the view that the Bill should be reviewed and amended to ensure that the two key objectives of administrative efficiency and the protection of Australia's biosecurity status are given the appropriate weight.

One option would be to make a specific reference to protecting our biosecurity status in the Objects to the Act by adding a point (c) which states:

> "to protect the integrity of Australia's unique biosecurity status"

It is important that these two objectives are also reflected in both supporting regulations and associated guidelines.

The Biosecurity Import Risk Analysis (BIRA)

ACMF notes that while the department advises on its website that the proposed steps for progressing a Biosecurity Import Risk Analysis "largely replicates the IRA process currently outlined in the Quarantine Regulations" there are two points of difference that are of concern to the industry.

The Import Risk Assessment (IRA) Handbook 2011, "describes the current process Australia follows in assessing proposals to import animals, plants or other goods" as provided for in the Quarantine Regulations 2000.

The Handbook identifies eight steps the Director of Quarantine is required to follow but also includes an obligation to consult with stakeholders on the scope and approach for a proposed IRA prior to the process commencing.

While this consultative process is not contained in the current regulations it is clearly described in the Handbook as an obligation on the Director of Quarantine.

However, there is no formal or implicit obligation to consult with stakeholders contained in the proposed eight step process to be followed in conducting a BIRA (see Chapter 3, Part 2, Division 2).

ACMF believes that the inclusion of a formal requirement to consult with stakeholders on both scope and approach before the Director of Biosecurity publishes a public notice detailing a BIRA process would strengthen the proposed BIRA and increase community confidence in its integrity.
A second variation from the current IRA process contained in the proposed BIRA steps relates to the process for review described at step 7.

Under the current system step 7 provides for a review by the Eminent Scientists Group (ESG) where an expanded IRA is being undertaken.

Under the proposed new system step 7 is much more limited.

If there is an appeal lodged following the release of a provisional report the Inspector-General of Biosecurity can undertake a review.

However, the scope of this review is limited to the BIRA process and not the merits of the scientific argument on which the findings of the report are based.

ACMF believes that the current arrangements are essential to the integrity of the process and should be retained in the new BIRA regulations. Retaining the Eminent Scientists Group is all the more crucial since the Government did not accept Beale's recommendations to establish an independent and expert National Biosecurity Commission which his report described as a group "with expertise in natural sciences related to risks of pests and diseases in plants, animals and humans, risk assessment and management, ecology, agricultural and food production and economic assessment" (see Rec. 13), a description that also fits the Eminent Scientists Group as it currently exists.

The formal role of the ESG at step 7 in the BIRA process should not preclude the Director of Biosecurity seeking advice from this expert group earlier in the assessment if he or she considers that would strengthen its integrity.

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