AUSTRALIAN Banana GROWERS' COUNCIL INC.

19 December, 2012

To The Senate Rural and Regional Affairs and Transport Legislation Committee,

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

Australian Banana Growers' Council (ABGC) thank the Senate Rural and Regional Affairs Transport Committee for the opportunity to make a submission on the 'Biosecurity Bill 2012' and also the 'Inspector-General of Biosecurity Bill 2012'.

The main area of concern to ABGC is 'Chapter 3 – Managing biosecurity risks: goods' and in particular the Biosecurity Import Risk Assessment (BIRA) process. As the BIRA regulations have not been released we are obviously unable to comment on those but would like to make some general comments about the process and what should be considered when drafting the regulations:

1) It is not clear from the currently available draft Bill if there is an obligation on the Director of Biosecurity to consult with stakeholders on the scope of the BIRA prior to the announcement on the department's website that a BIRA is to be undertaken. We would like to see consultation with stakeholders on the scope and process of the BIRA prior to the commencement of the process. We also want a mechanism whereby Australian industries are able to nominate people with good scientific knowledge to be part of a risk assessment panel. Often the people with the greatest expertise in pests and diseases of particular crops are not located within the Commonwealth government departments, the ability to draw in people with expertise on particular crops is essential.

2) One of the recommendations from the Beale review was that stakeholders should be given advance notice of a draft BIRA being released. ABGC is in strong agreement with this recommendation. This enables industries to engage people with appropriate expertise to comment on BIRAs prior to the release of the draft BIRA. Sixty days notice ahead of the release of an impending draft BIRA would be suitable. This would then mean that the scientific experts would then have a full 60 days to comment on the BIRA once it is released.

3) The import risk assessment model should be released at the same time as the draft import risk assessment.

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4) At the completion of the BIRA process we would like to see an additional step whereby there is a process to notify the affected industry if there is an intent to proceed with importation. Under the current legislation this is unable to occur.

5) At the legislation consultation meeting in Brisbane on 18th July 2012 the Department of Agriculture, Fisheries and Forestry (DAFF) staff emphasised that BIRA will be based on science, we welcome this approach. In order to ensure good scientific rigour we want to see the retention of an Eminent Scientists Group (ESG) as an independent group. While there is the proposal to have an Inspector-General of Biosecurity independent of DAFF, this person will only be able to review the quality of processes and not on the merit of scientific results. As included in one of the recommendations of the Beale review, the ESG should also have the power to draw in more expertise when required.

6) In the interest of increased transparency and scientific integrity, as recommended in the Beale review, we would like see that the authors and reviewers of the BIRA are listed in the final BIRA, similar to how import risk assessments are presented by the United States Department of Agriculture Animal and Plant Health Inspection Service.

7) We would welcome the opportunity to comment on the BIRA regulations as soon as they are available.

ABGC understand that the new model of biosecurity is a shared responsibility between government, industry and community, this is why ABGC are signatories to the Emergency Plant Pest Response Deed (EPPRD). We are concerned that there is no mention of the EPPRD in the Bill, will it be referred to in the regulations? With this be included in the regulations for 'Chapter 8 – Emergency provisions'?

ABGC welcomes the intent of the legislation in 'Chapter 6 – Prevention and control measures' to enable involvement by the Commonwealth government agencies in dealing with pest and disease issues that may pose a biosecurity risk but are already in an Australian territory.

We welcome legislation which enables more efficient biosecurity systems, but maintain that all decisions must be based on sounds scientific advice.

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