



Australian Chicken Meat
Federation (ACMF) Inc

5 June 2013

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 the opportunity to meet with your Committee in Sydney on 9 May 2013 regarding the Biosecurity Bill 2012 and the Inspector-General of Biosecurity Bill 2012. Shortly after the hearing, DAFF released a draft regulation regarding the BIRA, a topic which we previously expressed a particular interest in. Given this new development, we would like to make a brief supplementary submission for your Committee's consideration when finalizing its report.

Our supplementary submission is attached. It draws the Committee's attention to the fact that in our view the draft regulation substantially weakens the external independent scientific review currently provided by the Eminent Scientists Group (ESG). We recommend that the present role of the ESG as is currently described in DAFF's documentation and guidelines be formalised in the proposed regulation. We further recommend that clause 13.13(b) in the draft regulations be deleted.

These concerns are discussed in more detail in the attached formal submission to your Committee.

Yours sincerely

Gary Sansom AM
President

Encl.

Biosecurity Bill 2012

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

Summary

The Australian Chicken Meat Federation (ACMF) lodged a submission with the Committee on 19 December 2012 and the president of the Federation, Gary Sansom AM, gave evidence to the committee at the public hearing held in Sydney on 9 May 2013.

The submission proposed, and Mr Sansom argued, that the new regime must both facilitate the efficient administration of Australia's biosecurity regime and reflect the Government's commitment to protect the integrity of our unique biosecurity status.

Since that hearing the Department has posted draft regulations on its website.

These draft regulations provide a much clearer picture of the Government's intention with regard to the procedure to be followed in the Biosecurity Import Risk Assessment process.

It is of considerable concern to ACMF that these regulations confirm the Government's intention to downgrade the important role played by the Eminent Scientists Group under the current arrangements to ensure the scientific integrity of the Import Risk Assessment process.

The Role of the Eminent Scientists Group (ESG)

As the Department's website states "the Eminent Scientists Group (ESG) is a high level review group independent of Biosecurity Australia that is tasked with providing external scientific and economic scrutiny of expanded import risk analyses (IRAs)."

The Department advises that the key purpose of the ESG is to review draft IRA reports, as revised by Biosecurity Australia after consideration of stakeholder comments.

It notes that “the ESG’s role was strengthened in September 2007, and again in July 2009, to take account of relevant new information brought to its attention, including assessing conflicting scientific views provided to it, to ensure that:

- all submissions received from stakeholders in response to the draft IRA report have been properly considered;
- all relevant matters relating to the likely economic consequences of a pest or disease incursion have been properly considered; and
- the conclusions of revised draft IRA report are scientifically reasonable, based on the material presented.”

Given that the Department’s own website highlights the important role played by this group, that fact that it is independent of Biosecurity Australia and finally that its role in the assessment process, we assumed based on the Government’s and department’s experience, was strengthened on two occasions, it is of concern that the Government now plans to reduce its role and therefore its effectiveness in ensuring the integrity and robustness of the BIRA process.

The Biosecurity Import Risk Analysis (BIRA)

As argued in our first submission the ACMF is strongly of the view that the role of the ESG, as identified in the current Import risk Assessment Handbook and as strengthened on two occasions by the Government, should be retained.

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 also strengthen the proposed BIRA process and increase community confidence in its integrity.

As argued in our earlier submission retaining the ESG is all the more crucial since the Government did not accept Beale’s recommendations to establish an independent and expert National Biosecurity Commission.

The draft regulations

The ACMF wishes to draw to the Committee’s attention sections 3.13 and section 3.15 of the draft regulations.

Section 3.13 of the draft regulations describes the steps to be followed in a Biosecurity Import Risk analysis.

Subsection 3.13 (13) states:

This section:

(a) does not prevent the Director of Biosecurity from considering any information received in the course of a BIRA before the final BIRA report is published; and

(b) does not prevent the making of a decision as to whether an import permit may be granted under the Act before the Director of Biosecurity has prepared a draft or final BIRA report.

That is, the Director of Biosecurity may grant an import permit while a BIRA is underway.

It is the view of the ACMF that initiating a BIRA would indicate that it was the view of the Director of Biosecurity that there was a risk that needed to be assessed.

The ACMF therefore recommends that the Committee does not support clause 3.13 (13) (b) of the draft regulations as it is likely to undermine the integrity of the biosecurity system if it were to be used.

Section 3.15 of the Draft regulations is headed “Review” and states:

(1) The Director of Biosecurity may appoint persons as members of an Eminent Scientists Group.

(2) The function of the Eminent Scientists Group is to:
(a) review BIRAs; or
(b) arrange for other persons to review BIRAs.

(3) If the Director of Biosecurity considers that the review of a BIRA by an independent expert is necessary to complete the BIRA, the Director may commission the review through the Eminent Scientists Group.

Clause 3.15(2) provides for the appropriate functions at the very highest level but it does not give the ESG a formal say in the process.

Clause 3.15(3) consigns the ESG to merely an advisory role to the Director of Biosecurity.

Further it would appear that under the new regime being proposed that the appointment of such a group is discretionary in the first place.

Currently, ESG is appointed by the Minister and, while essentially in an advisory role, has nevertheless a more strongly defined role as described above.

It is therefore the view of the ACMF that the current draft regulations, while providing for the ESG, do so in a manner which gives little reassurance that external scientific scrutiny will be called upon and will be acted upon as articulated on the Department’s own website.

Recommendations

The ACMF proposes that the Committee report recommend that clause 13.13(b) in the draft regulations be deleted.

The ACMF proposes that the role for the Eminent Scientists Group as is currently described, be formalised in the proposed regulations.

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