

Biosecurity Act 2015 – Draft Biosecurity (biosecurity import risk analyses) Regulation Submission

Cover Sheet

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Biosecurity Legislation Implementation Branch
Australian Government Department of Agriculture
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18 December 2015

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Dear Sir/Madam

Biosecurity Act 2015 - Draft Biosecurity (Biosecurity Import Risk Analyses) Regulation and Guidelines

Australian Pork Limited (APL) is the national representative body for Australian pork producers. APL is a producer-owned not-for-profit company combining marketing, export development, research and innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry.

The need for Australia to maintain robust biosecurity protocols is critical for all Australian agricultural industries. Australian Pork Limited (APL) supports a biosecurity regime based on proven scientific principles supported by a proper and transparent regulatory process.

APL welcomes the opportunity to comment on the *Biosecurity Act 2015* (the Act) draft Biosecurity (biosecurity import risk analyses) Regulation and Guidelines (the "BIRA regulations and guidelines"). On the whole APL is supportive of the BIRA regulations and guidelines, however APL has some specific comments regarding the Scientific Advisory Group (SAG), the BIRA Liaison Officer, treatment of Regional Differences in the BIRA Guidelines, and the Risk Estimation Matrix.

Appointment of the Scientific Advisory Group

APL is appreciative of the Departments' consultation process to date, and considers that industry input and continued consultation is important to ensure effective and efficient implementation of the Act and its supporting legislation, including for the appointment of the SAG.

APL is concerned with the lack of detail in the guidelines on the proposed composition of the SAG and the process for selection. APL understands that the makeup of the SAG will be decided depending on the BIRA to be conducted. However more detail is required on the selection process and whether the affected industry(s) will be consulted. Of particular importance is the management of conflict of interest, and how the potential to appoint experts from proponent nations will be avoided. Ideally, the industry (or industries) likely to be affected by the outcome of the BIRA should be provided an opportunity to vet potential members of the SAG for the relevant BIRA, prior to their appointment.

APL also questions the ability of the Director of Biosecurity to be able to 'orally' request the SAG to examine or provide comments on any aspects of a BIRA. APL recognises that this provision is intended to allow for improved flexibility and efficiency in the undertaking of a BIRA, but APL has concerns about the potential for a lack of governance and accountability in particular aspects of a BIRA process, should any part of the process or its findings be questioned. APL therefore recommends that any instruction from the Director of Biosecurity to the SAG be formally stated and recorded.

BIRA Liaison Officer

APL considers the proposal of a BIRA Liaison Officer to be a good idea and suggests this role be expanded to include other matters in the biosecurity portfolio.

Regional Differences

The BIRA Guidelines should explain how regional differences are taken into account both in the proponent nation, and in Australia. The BIRA Guidelines currently cover both of these in the same section, and it would be helpful if these different circumstances were further elaborated.

In particular, APL would like to know how the Department intends to evaluate evidence provided by proponent nations claiming to have a regional difference in a relevant pest or disease.

As indicated in APL's submission to the Examination of the Import Risk Assessment Process, APL is concerned that the existing World Organisation for Animal Health (OIE) guidance on regionalisation does not provide a strong enough basis for Australia to recognise regional differences in trading partners.

The BIRA guidelines currently state that the Department requires "sufficient supporting evidence" from the proponent, and following consideration of this the Department may decide to recognise the claim. The consideration and judgement of this evidence is crucial and this process needs to be better explained including evidence of protocols that will ensure regional differences are maintained. APL seeks further clarification on the process for evaluating evidence provided by proponent nations, including details where the OIE guidance is followed.

Additionally, the SAG should be closely involved in any assessment of regional differences in a proponent nation.

The Risk Estimation Matrix

APL understands that this matrix explains how likelihood and consequence combine to create different levels of risk. This is important because the Appropriate Level of Protection (ALOP) states that only a "very low risk" or lower is acceptable. However, the likelihood and consequences are not defined, and appear to be relative scales and not absolute scales. This means that risk levels are likely to be assessed differently from BIRA to BIRA, rendering the ALOP a moving target.

To resolve this, the likelihoods and consequences need to be grounded to measurable outcomes. For instance, the likelihoods (negligible, extremely low, very low, low, moderate and high) should be expressed in terms of an actual likelihood, e.g. 1 in 100 years, 1 in 1,000 years, etc. Similarly, the consequences should be expressed in terms of economic costs, for instance, millions or billions of dollars. This will allow the results of BIRAs to be comparable to one another, and enable stakeholders a better understanding of the ALOP.

If you have any questions, then please contact James Battams on 02 6270 8809 or by email at james.battams@australianpork.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Deb Kerr". The signature is written in a cursive, slightly slanted style.

Deb Kerr
General Manager Policy