

## **About Growcom**

Growcom is the peak representative body for the fruit and vegetable growing industry in Queensland, providing a range of advocacy, research and industry development services. We are the only organisation in Australia to deliver services across the entire horticulture industry to businesses and organisations of all commodities, sizes and regions, as well as to associated industries in the supply chain. We are constantly in contact with growers and other horticultural business operators. As a result, we are well aware of the outlook, expectations and practical needs of our industry.

Growcom is also the prescribed industry body for pineapples at a national level. We have had significant, recent experience with the Import Risk Analysis (IRA) process through the IRA for the importation of fresh decrowned pineapple (*Ananas comosus* (L.) Merr.) fruit from Malaysia. We also provided significant input into the Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into the *Effect on Australian pineapple growers of importing fresh pineapple from Malaysia; Effect on Australian ginger growers of importing fresh ginger from Fiji and Proposed importation of potatoes from New Zealand* (the Senate Inquiry).

We appreciate that this examination represents an attempt to explore some of the issues raised in the Senate Inquiry however we contend that the pineapple, ginger and potato IRAs must be re-done as per the recommendations of the Senate Inquiry.

## **Overall comments**

Growcom appreciates the opportunity to provide input into the IRA examination and is pleased that there has been a pro-active approach by officers from the Department of Agriculture (the department) to consulting with industry regarding their concerns. That said, while we appreciate that this examination focuses on some key elements of the IRA process, we contend that there needs to be a change in culture within the department to overcome the high level of antipathy and mistrust felt by industry. At the moment, industry feels like an IRA is something that is done to them, and they have no meaningful opportunity for input and no capacity to influence the outcome.

Currently the announcement of an IRA is an industry's worst nightmare. Growers feel, rightly or wrongly, that the businesses they have built up over generations are under threat from a decision made by a nameless, faceless person in Canberra. They already have to battle a range of pests and diseases with an increasingly restricted arsenal so at the grower level the possible introduction of new pests and diseases seems to defy logic. Effective engagement in the IRA process is time consuming and expensive and many industries do not have these resources. There is a strong feeling that the whole process is stacked against them with potential importing countries able to invest in research to support their case and paid government officers in these countries pulling together their applications. On the other hand, Australian growers get no support to provide an alternative perspective.

Whilst it may not be the case, there is a strong perception in industry that the outcome of an IRA is a fait accompli and industry involvement is just lip-service. We hope the industry consultation

occurring as part of this examination process is the first step in building a better relationship between industry and government in relation to managing import risks.

### **Consultation with stakeholders during the import risk analysis process.**

Q1 - *What extra information would you like to see in the IRA handbook?*

It should be said from the outset that there seems to be significant and detrimental focus on process rather than content when it comes to import risk analyses. The IRA handbook is reflective of this and currently reads like a checklist for bureaucrats rather than a useful resource for industry stakeholders. From our perspective, having now been through an IRA process and having a much more detailed understanding of the process it is difficult to articulate what is missing, but the whole document should be re-written in lay terms.

The IRA handbook comprehensively sets out the process and the context for an IRA however it does not explain the underpinning methodology for the risk assessment. As an industry stakeholder, a much clearer explanation of the risk assessment methodology would be useful.

The handbook should clearly set out the whole import determination process in a flow chart (Annex 1 covers off on part of this but stops at the point where the IRA is completed) and clearly identify the points where decisions are made and who makes them. It should also provide more clarity about how a decision is made. For example, section 4.2 talks about when a standard or expanded IRA process is initiated. The use of the term “may” is confusing as it gives no insight into what basis a decision may, or may not, not be made or how an understanding of significant difference in scientific opinion may be derived.

The guidelines around the rationale for determining whether an IRA is expanded or standard are too limited and there seems to be too much discretion as to when an expanded IRA is appropriate. Using the pineapple example, industry would contend that there was significant scientific difference in scientific opinion. In the first instance there was disagreement over the taxonomy of the pathogen and certainly ongoing and consistent disagreement about the likelihood of entry. How can the Chief Executive make a judgement about the level of disagreement with respect to scientific opinion if there has been no meaningful engagement outside the department to determine what the current scientific consensus (or lack thereof) is? We would also like to see clear guidelines as to the circumstances under which an IRA can be “upgraded” from standard to expanded, if new information is presented.

An organisational chart of the relevant section of the Department of Agriculture identifying key decision makers would be useful. For example, who is the Chief Executive of Biosecurity and how can they be contacted? How does the biosecurity section of the department interact with other sections? Which groups participate in the process and how? This information is not in the IRA handbook and a search on the Departmental website is equally uninformative.

### ***Recommendation:***

***Rewrite the IRA handbook with a stakeholder focus or provide an additional document targeted at stakeholders which details how decisions are made, who makes them and how and when industry can have input. Prepare a FAQ document from a stakeholder perspective.***

**Question 2: Does the IRA Handbook make it clear how and when stakeholder consultation occurs during an IRA? • If not, what changes would you suggest?**

**Question 3: At what points of the IRA process would you like to be able to provide input?**

**Question 4: How can the department improve consultation during IRAs?**

**Please provide examples if possible.**

Growcom will respond to these questions together as they are fundamentally linked. Ultimately it doesn't matter when the consultation occurs or how well that is documented if the consultation is considered to be perfunctory, one-way and have no influence on a pre-conceived outcome. The purpose of the consultation should be to guide stakeholders through the process and provide them with effective mechanisms to relay their concerns to government. A clear outcome should be a shared understanding of how decisions were made and how stakeholder input was considered.

As discussed above, there are some clear cultural hurdles to effective consultation as the whole process seems to occur in a combative space where industry is pitted against their own government. Overcoming this perception will not be easy but if, as the department officers assured us, there is a genuine desire to ensure Australian growers are not adversely impacted from a biosecurity perspective then there must be some effective measures that can be put in place.

Firstly, consultation is more than just notification of the stages in a process. It should occur before an IRA is initiated and should involve a facilitated discussion between industry, state departments and the Australian government which gives industry and state departments an opportunity to air their concerns about potential biosecurity threats. It should be expected that different industries will be at very different stages in their understanding of the potential risks and their capacity to articulate that risk in a traditional scientific manner. As a starting point, the industry's industry Biosecurity Plan should form the basis of any discussion on potential risks, as the content of this document has already been agreed between industry and all levels of government.

We would suggest that departmental officers gain the same level of understanding about how the local industry works including on-farm practices and supply chain characteristics as they do about the importing country. The first draft of the pineapple IRA released by the Australian government revealed a high level of ignorance about basic distribution models within the Australian supply chain and a fundamental lack of understanding about Queensland geography. This information was then used to justify a likelihood rating in the risk assessment. Whilst it was corrected in the final IRA, it meant industry had no faith in the other ratings in the risk assessment. This faith was further eroded when we were told a scientific source document from 1937 was unable to be found and yet DAFF (Queensland) scientists located the transcript within 45 minutes. While potentially neither of these examples had any bearing on the eventual outcome it reinforced the belief that the department was pushing a pre-determined outcome and were not trying very hard to find evidence to the contrary.

Risk assessment methodology is not everyone's area of expertise and it would be useful to have access to specialists who are well versed in communicating such concepts available to industry early on in the process. We have had useful conversations with the Department's independent risk assessment adviser since making numerous complaints about the pineapple IRA determination<sup>1</sup>. It would have been beneficial to have known of his existence much earlier in the process.

Two-way consultation should occur throughout the process and involve industry and relevant state government bodies. Key consultation points should include but not be limited to:

- Before and during the “consultation on scope and approach to the IRA” stage
- After the draft IRA report has been released but before stakeholder submissions are due
- After the provisional final report is released
- After the final IRA report is released, including the policy determination on the IRA.

***Recommendation: Consultation should be meaningful and two-way. It should occur before the initiation of the process and at the end to provide clear guidance back to industry as to the rationale behind any decisions made in the process and most importantly, how industry feedback was utilised in that decision making process.***

### **The science behind the import risk analysis process**

As this whole process is predicated on the quality of technical information available, getting this right is absolutely crucial. It has to be said that science is not an absolute, for many of these pathogens information is sparse and out of date leading to interpretations that can be open to debate. From an industry perspective, we would like to see more acknowledgement of uncertainty and less of what seems to be an assumption that lack of data equates to lack of risk. We would like to see a greater capacity within the process to “stop the clock” to enable industry to answer basic questions so the decisions can truly be made on scientific data rather than a cobbled together literature review, the data for which appears to be largely provided by the importing country.

The current process is characterised by a high level of information asymmetry. Stakeholders are not risk assessment experts and need assistance in how best to provide input into the IRA process. As discussed above, if the approach of the department was to work with stakeholders and access their industry expertise to assist in answering the key scientific questions rather than placing all the onus on industry, this would be in the best interests of our national biosecurity.

### **Question 5: How can the department provide greater assurance of its technical expertise?**

Whilst we appreciate there is a need to provide a level of anonymity to protect the privacy and personal safety of the decision makers, information about the technical expertise of the decision makers could be provided in resume style, listing relevant skills, experience and capabilities. Again using the pineapple example, industry has a high level of trust in the staff within the Department of Agriculture, Fisheries and Forestry (Queensland). Researchers from within both Biosecurity Queensland and Agri-Science Queensland (including pineapple specialists) were agreed that the pathogen in question did not meet the criteria for very low risk. To have this strong scientifically defensible position refuted by the Australian government with limited rationale was, and remains very perplexing for industry, particularly when some of the arguments put forward in the first draft were so wrong that a grower with absolutely no scientific background could see it. Some insight into the technical skills and capabilities of the decision makers should be a bare minimum in terms of accountability and transparency.

***Recommendation: Provide a resume style list of qualifications and experience of decision makers.***

**Question 6: How can the department improve transparency in the scientific elements of the IRA process?**

**Question 7: How else would you like to see the department utilise external expertise when undertaking IRAs?**

**Question 8: If the ESG model were to be abolished, what type of model would you like to see used?**

Again these questions are linked so we will answer them jointly. At a basic level, the Department of Agriculture should provide more detail on how decisions are made during the IRA process and the evidence and judgements used to make that decision. Dot points are inadequate as we need a clear explanation of the logic behind the decision. We also need to understand why some information sources are valued more highly than others, and how knowledge gaps and uncertainty have been considered.

Again, a process needs to be developed whereby industry can gain an understanding of how decisions were made and pose questions to the decision makers without compromising their anonymity. Having never been privileged enough to encounter the Eminent Scientists Group, it is difficult to comment on their efficacy, however the removal of that option without implementing another review mechanism is concerning. We see the implementation of a two-staged review process as assisting both with transparency and providing an opportunity for an industry initiated review process, one of our key recommendations to the Senate Inquiry. Obviously we would be keen to work with government to flesh out the detail.

The first stage would be a mediation process whereby a trained mediator would be appointed to act as a “go-between” between the departmental officers and industry stakeholders. The mediator would work with industry to tease out their key concerns around the decision and design a list of questions to be answered by the decision makers. The mediator would then work with the departmental staff to provide answers to those questions. There could then potentially be some sort of mechanism whereby technology such as a facilitated webinar would allow industry stakeholders to ask their questions in real time to allow a conversation to occur.

Whilst an experienced mediator is important it may also be important to provide industry with a scientific expert to assist in clarifying their questions. With the pineapple IRA it became evident that our lack of experience with the process and the methodology consistently resulted in us asking the wrong questions and consequently getting unsatisfactory answers. It should not be like some sort of children’s guessing game and industry should be supported to enable them to query the process to a high level of detail. Having run the process in different forms for more than a decade, the department should be familiar with the types of concerns and questions industry stakeholders may have. It should be able to articulate clearly the types of information it is seeking, and the way in which stakeholders can best provide this information.

The mediator would have no power to provide recommendations and would act as a conduit between the two sides of the discussion. If industry was still not satisfied with the response, then there should be a mechanism to initiate an independent review process. An option could be to find an international expert or panel of experts agreed to by both the department and industry and run a

structured process of review of the science and the logic behind the decision. These reviewers would have the power to make recommendations and both parties would have to agree at the outset to accept the findings of the review process.

To mitigate against vexatious complaints which have no basis except to slow the process down, we recommend that industry and the department should jointly meet the cost of the review process. The cost should be pre-determined, justifiable, affordable and outlined in detail in the IRA handbook. Each stage of the review process should be separately charged as some cases may be satisfied after the mediation process. Obviously smaller industries have limited options for raising funds quickly so perhaps a mechanism like the current biosecurity levy which is set at zero unless an incursion occurs, could be implemented.

Growcom accepts that this is a significant reform and would require significant discussion between industry and government to get the details right.

***Recommendation: That a two-phase review process be available to industry. This would consist of a mediation phase and an independent review phase.***

#### **Consideration of regional differences during the Import Risk Analysis process**

**Question 9: Noting Australia's international obligations, and the way in which differences in pest and disease status are currently considered, how would you like to see regional differences integrated into Australia's import risk assessment framework?**

We contend that the current measure for consequence which takes into account the impact on the whole country is flawed and potentially discriminates against Queensland. Queensland has a number of commodities which are either grown exclusively or predominantly in Queensland such as bananas and pineapples. The impact of a pest incursion could have extremely devastating impacts at a regional or state level despite being low at a national level.

***Recommendation: That the calculation of consequence of the entry of a pest is calculated according to its growing region rather than the whole of Australia.***

---

<sup>i</sup> It should be noted that whilst some of our concerns around the risk assessment methodology have been addressed, we still contend that there are fundamental flaws in how information has been interpreted and fed into the matrix to obtain the very low rating and we do not agree with that rating.