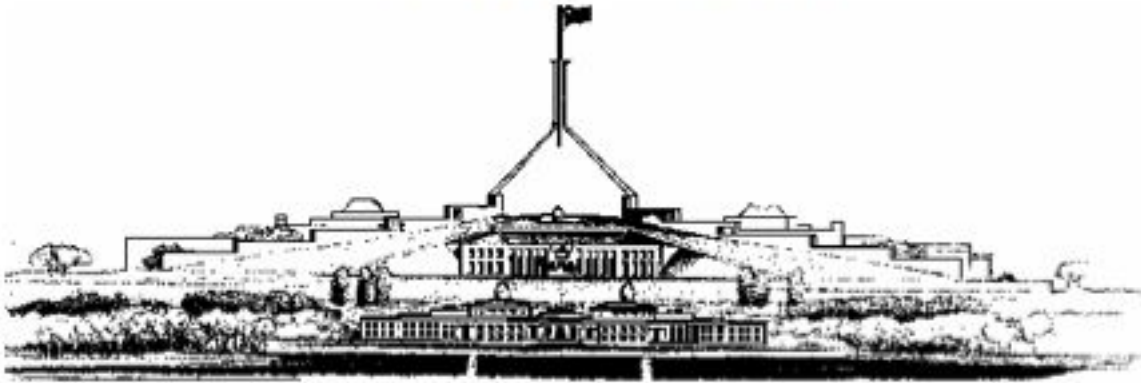




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Quarantine Amendment  
(Disallowing Permits) Bill 2011**

**Second Reading**

**SPEECH**

**Thursday, 10 November 2011**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 10 November 2011  
**Page** 8781  
**Questioner**  
**Speaker** Urquhart, Sen Anne

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

**Senator URQUHART** (Tasmania) (10:21): I rise also to speak against this Quarantine Amendment (Disallowing Permits) Bill 2011, a bill that has the potential to damage Australian industry and productivity. This bill aims to establish greater parliamentary scrutiny over import conditions for biological products, parliamentary scrutiny that will go over and above the current strict, scientific import conditions placed on Australia's businesses and that will impose a significant bureaucratic bottleneck that could take years to clear. It is important to recognise that Australia is first and foremost a trading nation, and that the Gillard government maintains its commitment to a science based, quarantine decision-making system. As an island nation with abundant farming land, we are reliant on our ability to export. Australian grain exports equal approximately \$6 billion per year. We export approximately \$5 billion worth of meat, and sugar and horticultural exports total approximately \$1 billion. This bill puts over \$440 million worth of Tasmanian agricultural exports and over \$32 billion worth of Australian agricultural exports at risk and would result in Australia failing to meet its international obligations. This is revenue that sustains rural and regional communities all across this country—revenue that, if this bill is passed, may be lost to those communities.

It is fascinating to think how this bill originated. The importation of New Zealand apples has been a deeply divisive issue for the coalition. While we on this side have accepted the scientific assessment of Biosecurity Australia, there was the contribution from the opposition spokesperson on agriculture, the member for Calare, who was trying to propose any means possible to stop apple importation from New Zealand. Such legislation would have given the New Zealanders a prime case to take to the World Trade Organisation and claim for damages, a claim that would have allowed New Zealand to impose retaliatory action on Australian exporters up to the estimated value of the lost apple exports. Luckily, once again the Nationals were slapped down by their senior coalition partners. The member for Curtin did think of the Australian farmers and their communities ahead of the short-term political window-dressing of the Nationals.

Australian scientists have confirmed that any fire blight on commercial quality and mature fruit is in poor health and dies quickly. Further, science has found that it has

never been shown that fire blight can be moved from apple fruit to a tree. Quite simply, the scientific facts do not support claims that countries that import apples eventually get fire blight. It is the import of nursery stock that is the potential pathway for fire blight. As members opposite should be aware, Australia has a stringent two-year quarantine requirement for imported apple nursery stock, and these requirements include specific testing for fire blight.

Unfortunately, Senator Xenophon has continued the Nationals' campaign to destroy Australia's agricultural exports, in the form of this bill—a bill that seeks to add a demonstrably heavy-handed layer of parliamentary scrutiny to what is already a transparent and science based process to manage the pest and disease risks associated with imported food products. It is a quick, populist reaction to the New Zealand apple issue, not a considered, scientific approach to dealing with the real threats of disease importation into Australia. Senator Xenophon admitted to this in his dissenting report to the Rural Affairs and Transport Legislation Committee's inquiry into this bill, where he only referenced New Zealand apples—one thing that is imported, yes, but there are many, many others. In his dissenting report, Senator Xenophon stated:

The controversial introduction of New Zealand apples into Australia is a prime example of where this Bill would have provided an additional layer of scrutiny ...

However, the proper place for scientific scrutiny and comment on the import conditions for apples from New Zealand was during the 60-day comment period after the draft report was released. All stakeholders were provided with sufficient opportunity to highlight their concerns and provide any scientific evidence supporting different quarantine measures.

As a member of the Rural Affairs and Transport Legislation Committee, I participated in the inquiry into this bill. As Senator Sterle outlined earlier, the committee's report recommended quite clearly that this bill not be passed. Submissions were received from 16 organisations, and the clear majority argued that this bill is not necessary and would in fact weaken Australia's quarantine and biosecurity framework. The committee found that, in practical terms, the bill was unworkable, specifically because it would cause

significant and unnecessary delay, both to the issuing of permits and to trade.

The bill seeks to amend the Quarantine Act 1908 to provide that the biosecurity policy determinations made by the Director of Quarantine are disallowable legislative instruments. The bill seeks also to provide that a permit to import, introduce or bring in an animal, plant, substance or thing is a disallowable legislative instrument and that, when these instruments are presented to parliament, the minister is required to table a risk analysis in both houses and refer the instruments to parliamentary committees responsible for agricultural matters.

Practically this means that the bill would prohibit the importation of any product of quarantine concern, and all conditions of import would then have to be remade as a legislative instrument, by the minister. The legislative instrument would be automatically referred to a parliamentary committee, and, if it or any member of parliament did not move to disallow the instrument, the import permit and conditions of import would be considered valid.

For example, if the committee or any member of parliament moved to disallow the import permit and associated import conditions, that could result in a delay of a further 15 sitting days. As an example, if the bill passed this year, an importer could apply to import a product on 1 December 2011 and it would take until well after Anzac Day 2012, some five months at least, before an importer had certainty that no disallowance motion had been moved. If only one member of parliament moved a disallowance motion, the importer could be waiting until mid-August 2012 for certainty. Australian retailers are already doing it tough enough with the high Australian dollar. They do not need this heavy layer of uncertainty placed onto their business.

The Pet Food Industry Association of Australia and Animal Health Alliance noted in their submissions that the approval system for the import permit applications is already both arduous and time consuming. The Animal Health Alliance stated that the new arrangements proposed by the bill would 'only serve to lengthen the already unacceptable time line for the issuance of import permits'.

Under this bill, any decision to allow the importation, introduction, bringing in or removal of a thing—defined under the Quarantine Act 1908 as an animal, plant, substance or thing—will be thoroughly scrutinised by parliament. Currently this decision-making power is left solely in the hands of Biosecurity Australia, where science based risk assessments are

undertaken to protect Australia's animal and plant status and natural environment.

In its submission to the inquiry, Shipping Australia stated that, if passed:

... this Bill clearly indicates that Parliament does not have any confidence that the Australian Quarantine and Inspection Service can carry out its role in terms of granting import permits and would deliver a clear signal to industry that they should also question their confidence in the ability of AQIS to carry out the tasks set under legislation approved by this Parliament.

Further, the Food and Beverage Importers Association commented in its submission that:

Any review by Parliament would not be seen as 'scientifically based' but as 'politically based' because the Parliament and its Committee system would not hold any specific scientific expertise over and above that contained in the Framework.

The committee was particularly mindful of Australia's WTO obligations and is committed to Australia's responsibilities which require that all import requests from other countries, particularly in relation to agricultural products, are considered using scientific based principles. It is vital that Australia not only meets its obligations under the WTO, but continues to make trade decisions based on scientific evidence provided by the appropriate government agencies, not on political grounds. Senator Xenophon goes on to state in his dissenting report, and I quote:

In the case of New Zealand apples, while analysis may have determined the risk of fire blight to be low, it can be argued that the damage caused by fire blight makes any risk too great.

While I understand the senator's concern, it is simply not legitimate. If this approach were taken by countries that take Australia's agricultural exports, our industries would be decimated. The simple fact is that one can never be certain of zero risk and, if other countries were to demand a zero risk of disease importation, our industries would be decimated. In its submission, Quarantine and Inspection Resources Pty Ltd, expressed concern that:

This Bill will undermine the credibility of Australia's market access efforts.

They also state:

The ability of Australia to gain access, and perhaps even more importantly maintain access, in the face of a problem depends to a high degree on the credibility

of the ... scientific staff involved in market access arrangements.

It is quite obvious from the overwhelming evidence provided to the committee's inquiry that this bill should not pass. It is quite obvious that this bill would do serious harm to Australian agricultural industries and to the reputation of the scientists at AQIS and Biosecurity Australia and would create an extra unnecessary workload for the parliament.