



File ref: DAFF 2012/09350; 11236

Mr Stephen Palethorpe  
Committee Secretary  
Senate Rural & Regional Affairs & Transport Committee  
Suite SG.62 Parliament House  
CANBERRA ACT 2600

Dear Mr Palethorpe

**SENATE INQUIRY INTO THE EFFECT ON AUSTRALIAN PINEAPPLE GROWERS  
OF IMPORTING FRESH PINEAPPLE FROM MALAYSIA**

Further to the typographical and transcription corrections to the transcripts provided to you on 24 August 2012, a correction of intent has now become necessary. Although it is acknowledged that in the discussion on 'stop the clock' on page 43 (text below) I said "draft risk analysis" my intention was to say "provisional final risk analysis" as the regulated timeframe for an IRA under the IRA handbook is 24 months from commencement of the IRA to the issuing of a provisional final report.

**ACTING CHAIR:** Growcom have lodged a formal appeal based on the departures, they believe, from the regulated IRA process. What does that mean for you as the department? There is a formal appeal lodged. Does that appeal effectively stop the clock on the importation of pineapples and what does it mean for your department now?

**Dr Grant:** The stop the clock provision happens from the time the clock starts until a draft risk analysis is put out for public comment. That is the 24-month period. Processes past that are not considered within the clock. We are past the 24-month clock so—

**ACTING CHAIR:** Is there a moratorium on the importation of Malaysian pineapples by virtue of the fact that it is subject to an appeal process?

Alex Livingstone, CEO, Growcom has misinterpreted and misrepresented the implication of this error in my witness statement in a recent media article *Pineapple imports – a DAFF decision?*, Queensland Country Life (30Aug 2012), which is enclosed for your reference.

I therefore request that for clarification the text either be changed from "draft" to "provisional final" or that it is annotated to reflect the intent.

I would be pleased to be advised of your decision.

Yours sincerely

Dr Colin J Grant  
First Assistant Secretary  
Plant Division

31 August 2012  
Encl.



# Pineapple imports – a DAFF decision?

GROWCOM was astounded to read federal DAFF Biosecurity's recent admission that they didn't consider 'stopping the clock' on the Import Risk Analysis (IRA) process examining the importation of fresh, decrowned pineapple from Malaysia because they didn't think it was possible after the draft IRA had been released.

This curious statement was made at a public hearing of the Senate Standing Committee on Rural and Regional Affairs and Transport's inquiry into the effect on Australian pineapple growers of importing fresh pineapple from Malaysia and can be read in the transcript of the proceedings.

This was a clear error in process since of course DAFF Biosecurity's chief executive has the authority to stop the clock at any time up to release of the provisional final IRA.

We believe that poor risk management decisions are being made by DAFF Biosecurity because of the problems with the regulated process (see breakout panel).

Given these weaknesses in the process we are disappointed, but not particularly surprised, that DAFF Biosecurity's provisional final IRA recommends that the importation of fresh, decrowned pineapples be allowed from all

## COMMENT

ALEX LIVINGSTONE

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production areas of Malaysia, despite the occurrence of a devastating disease caused by a bacterial pathogen that will devastate the Australian pineapple industry if introduced.

Our main appeal against the process was that DAFF Biosecurity had not correctly considered the information necessary to make a decision on whether to follow an expanded process or whether to stop the clock on the

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process while additional research was conducted. DAFF Biosecurity replied to us that no deviation from the process had occurred.

And since the agency is really setting and marking its own homework, it is no wonder our appeal was disallowed.

POOR risk management decisions by DAFF Biosecurity may stem from problems with the regulated process including:

- DAFF Biosecurity is making important decisions on process prior to the collection of the information necessary to support the decision.
- The burden of evidence is on Australian industries to demonstrate that a risk is significant, rather than demanding that applicants demonstrate that the risk is low.
- There is insufficient consultation time – consultation only really starts when a draft IRA is released and lasts

for only 60 days.

- This short period of consultation severely hampers the ability of industry to analyse the appropriate information and research.
- Most importantly, it's very easy for DAFF Biosecurity to dismiss the arguments presented by industry that contradict the findings of the draft IRA prepared in-house behind closed doors. In contrast, Growcom relied on the advice of a scientific panel who between them have more than 120 publications in peer-reviewed journals in the area of plant pathology.