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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE

Reference: Import risk assessment on New Zealand apples

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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE

Wednesday, 9 February 2005

Members: Senator Heffernan (*Chair*), Senator Buckland (*Deputy Chair*), Senators Cherry, Ferris, McGauran and Stephens

Participating members: Senators Abetz, Allison, Mark Bishop, Boswell, Brown, George Campbell, Carr, Chapman, Coonan, Eggleston, Chris Evans, Faulkner, Ferguson, Greig, Harradine, Hogg, Hutchins, Knowles, Lightfoot, Ludwig, Lundy, Sandy Macdonald, Mackay, Mason, McLucas, Nettle, O'Brien, Payne, Robert Ray, Santoro, Tchen, Tierney, Watson and Webber

Senators in attendance: Senators Buckland, Cherry, Heffernan, O'Brien and Stephens

Terms of reference for the inquiry:

To inquire into and report on:

The administration of Biosecurity Australia with particular reference to the assessment, methodology, conclusions and recommendations contained in the Revised Draft Import Risk Analysis report on the importation of Apples from New Zealand released in February 2004.

WITNESSES

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Forestry 1**

Committee met at 4.14 p.m.**BANKS, Dr David John Douglas, Principal Scientist, Biosecurity Australia****CAHILL, Mr John, Interim Chief Executive, Biosecurity Australia****STYNES, Dr Brian Anthony, General Manager, Plant Biosecurity, Biosecurity Australia****WONDER, Mr Bernard Steven, Deputy Secretary, Department of Agriculture, Fisheries and Forestry**

CHAIR—Welcome. I declare open this public hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee. The committee continues the inquiry commenced last year on the import risk analysis on New Zealand apples. The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings. I place on the record that all committee witnesses are protected by parliamentary privilege with respect to their submissions and evidence. Any act by any person which may disadvantage a witness on account of their evidence is a breach of privilege. While the committee prefers to hear evidence in public, the committee may agree to take evidence confidentially. However, the committee may still publish or present confidential evidence to the Senate at a later date. The committee would consult the witness concerned before doing this. The Senate can also order publication of confidential evidence. Today's hearing is public and open to all. A *Hansard* transcript of the proceedings is being made. If you would like to make an opening statement, we would be delighted to hear it.

Mr Cahill—Thank you, Mr Chairman, for the opportunity to appear before this committee today. Much has happened to Biosecurity Australia since the last hearings of this committee, on 16 and 30 June 2004. I would like to provide an outline of some of those developments. It is quite important that the committee understands those issues, and we can take questions on them later on.

On 15 July 2004 the Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss, announced:

To remove any perception that trade considerations rather than scientific analysis influence IRA recommendations, Biosecurity Australia (BA) will be established as a separate agency outside the agricultural market access (trade) area of the department.

A Standing group of eminent scientists will be appointed, in addition to the scientific IRA panel, to play a key role in assessing stakeholder comments on draft IRAs.

I have provided a copy of the minister's announcement on that to the committee secretary for distribution to the committee. On 11 August 2004 the minister announced that three eminent Australian scientists had been appointed members of the Eminent Scientists Group: Emeritus Professor Malcolm Nairn, Dr Jim Peacock and Dr John Radcliffe. I have provided a copy of the media release on that as well.

As part of announcements during the election period, additional commitments were made to further strengthen quarantine and border protection arrangements, including further changes to boost the integrity of the IRA process and the independence of Biosecurity Australia. In particular, commitments were made that: Biosecurity Australia would become a prescribed agency; import risk analyses in progress would be reviewed and reissued; and the IRA framework would be set in regulation.

Biosecurity Australia became a prescribed agency on 1 December 2004. I was appointed interim chief executive from that day, which is about 10 weeks ago. I have also provided a copy to the committee of the minister's announcements on that. In the 10 weeks that have elapsed, there has been much to do to re-establish Biosecurity Australia as a prescribed agency. As well as the new measure of independence and autonomy, BA has additional responsibilities and accountabilities as a prescribed agency that did not exist previously. Much of the initial work that needed to be progressed essentially relates to the setting up of BA in its new organisational form. This includes the financial separation of BA from the department, the setting of budgets, opening bank accounts, obtaining credit cards, sorting out cash and accruals and a wide range of other administrative and personnel matters.

Importantly, Biosecurity Australia is also required, as part of the prescribed agency status, to have an outcome statement that is distinguishable from that of the department and meets the relevant constitutional requirements that provide the basis for financial separation. I have provided a copy of the new BA outcome to the committee, which is:

To provide science based quarantine assessments and policy advice that protects Australia's favourable pest and disease status and enhances Australia's access to international animal and plant related markets.

In addition to the very important financial, personnel and administrative matters that I have touched upon, I have also put in place a new senior management structure for Biosecurity Australia. I have advertised three senior executive positions in the *Gazette* and the press as well as two non-SES positions. These vacancies closed last week and I am proceeding urgently with the selection processes. This new structure reflects the need to strengthen capacity in some areas as well as the need to replace some senior staff who are expected to depart from their current positions in BA over the next few months. I have provided a copy of the new structure to the committee, and I am happy to talk about that in greater detail.

In particular, I have created a new branch that will have specific responsibilities for assisting the Chief Executive of BA to improve: Biosecurity Australia's quality control, editorial and publishing processes; the way in which we engage and communicate with stakeholders more effectively; the overall systems we use to manage the assessments and policy advice we are responsible for giving to the director of quarantine; the planning, priority setting and review mechanisms we need to have in place to ensure the highest quality and timeliness of outputs; and the coordination of BA's work and the secretariat support provided for the range of tasks, including the record-keeping arrangements for risk assessment teams.

As I have said, re-establishing BA in its new form has been a major part of the initial work being undertaken. However, BA has also moved quickly to give effect to the government's commitment that BA would review and reissue the import risk assessments in progress. There are five IRAs affected by this commitment. Those IRAs previously issued as draft documents that will require reissue are the draft assessments of applications to import limes from New Caledonia, table grapes from Chile, citrus from Florida, apples from New Zealand and bananas from the Philippines.

To assist me in the task of ensuring a proper review has been completed and to inform decisions on the most appropriate action required to fulfil the government commitment to reissue these IRAs, I formed a small panel to provide advice to me on these matters. The panel comprises Mr Murray Rogers AM, Chair of the Quarantine and Exports Advisory Council, and Dr David Banks in his capacity as Principal Scientist with Biosecurity Australia. I have documented the tasks that I expect the panel to perform to help inform the process of review and reissue, and I have provided a copy of that document to the committee.

The panel has worked closely with BA and the IRA teams, essentially as a check on the review processes and the way forward on reissuing the IRAs. The panel will report to me in the next day or two, following which I will be in a position to determine the most appropriate process for reissuing the IRAs as draft documents for further comment from stakeholders. I expect the process of reissue to be able to commence shortly and to continue for some months.

In addition to the very important tasks I have outlined, the substantive business of BA, which is reflected in the outcome statement I provided, in terms of quarantine assessments and policy advice, has of course continued. The work of the apples IRA team has continued so as to address the issues raised in earlier hearings of this committee as well as to address the some 200 submissions received since the comment period on the draft IRA report previously issued closed on 23 June 2004.

In relation to the bananas IRA, the committee will be aware that, following earlier hearings of the committee and concerns with the draft report, the comment period was initially extended to 15 September 2004. Advice was subsequently issued to stakeholders on 27 August that a further draft IRA report on bananas would need to be issued. A new chair of the banana IRA team also needs to be appointed.

Mr Chairman, that concludes my opening statement. Thank you again for the opportunity to do deliver that. My colleagues and I would be happy to respond to questions.

CHAIR—Thank you very much for that. We are doing apples. The committee will receive those documents. Thank you very much for those press releases.

Senator CHERRY—Coming back to the document you released to us today, Mr Cahill, point 2 on the last page says that the task of the panel is to:

Consider the adequacy of the review process ... and form a view as to whether the process of review satisfies the Government's commitment and that issues of concern have been addressed.

It might be the politician in me or maybe I am reading too much into it, but does that imply that the panel would consider a process not involving the reissue and review of the IRAs that are out at the moment?

Mr Cahill—No.

Senator CHERRY—So, in terms of apples, what is the process from here to a final decision?

Mr Cahill—It is essentially the task of the panel to inform me of their view of that. Given that there are 200 submissions from stakeholders, there is a fair bit of work that still needs to be done by the import risk analysis team, and I expect that a new draft would need to be issued. But the actual details of that and how quickly we might be able to progress with that is a matter for consideration once I have received the panel's report.

Senator CHERRY—It would certainly be a new draft. You would not be proposing to go straight to the final report at this stage?

Mr Cahill—That is correct.

Senator CHERRY—As part of the various reviews and putting Biosecurity Australia back together again, this committee and certainly I have raised a lot of questions about the mathematical models used, the modelling underpinning that, the conditional probability models, the percentiles for the output distributions and so forth. Has any of that now been subject to external review? Is that one of the issues you will be looking at, given that it has been a matter of such controversy over the last year?

Mr Cahill—It is certainly a matter that the import risk analysis team will need to revisit.

Senator CHERRY—That is not a formal part of the review process at this stage?

Mr Cahill—Not in terms of the panel's work.

Senator CHERRY—By saying the import risk analysis team will have to look at that, that is just something they will have to do when they come back to redoing the reports. As I understand it, the model itself is a product of Biosecurity Australia and is applied by Biosecurity Australia with the advice then given to the panels. I would have thought that that is bigger than any of the particular risk assessment panels themselves.

Mr Cahill—I think its particular application to the IRAs under way obviously needs to be considered as part of the IRA team's work. I think the issues relating to the application of modelling and other elements of the IRA process are, as you say, broader issues that BA does need to consider over time. One of the things I have not referred to that is probably worth mentioning is that the government also announced the establishment of a centre of excellence for risk analysis. That may be something that that centre of excellence can have a look at.

Senator CHERRY—I know that we will deal with this in the session on bananas but, given that I am touching this issue, can I ask the question now, or will you have a different team covering bananas?

Mr Cahill—It will be the same group at the table.

Senator CHERRY—I will ask it now then. The minutes which you have given us are of a meeting with the joint technical groups on 12 and 13 July 2001. The minutes highlight that Environment Australia had raised concerns about the model. The page I am reading from is not numbered, but the relevant section says that EA suggested that the RAP should take all reasonable steps to quantify the risks first and pursue more qualitative approaches only after this has occurred. EA raised the issue of a possible differing chemical usage, and it goes on to talk about that. It certainly implied that there are concerns from EA about the mathematical model itself, and there was talk here that there would be further discussions between EA and AFFA on that, yet there is no further follow up on that that I can see in any of the minutes which we have been given. Has there been further discussion since 2001 with EA about the quantitative assessment of environmental risks, and is that an issue that touches on this mathematical model issue as well?

Mr Cahill—I am not aware of that.

Dr Stynes—That is a meeting in 2001 you refer to?

Senator CHERRY—Yes. You have given us the minutes of it. It said you would be following up with EA, but, because it touched on the issue of the model, I just wonder whether a more formal discussion would need to occur now.

Dr Stynes—I cannot answer specifically on that, but there has been continual contact with EA during the course of developing each of the IRAs, and modelling would have been part of that discussion. But it has not been raised as a specific issue that I am aware of in recent times. We have had several meetings with Environment and Heritage on specific IRAs where we have given a presentation. The issues that they are interested in of course are the environmental impact and consequence analysis within the models, and they have been happy with the work that has been done in drafts in the interim time between that meeting in 2001 and 2004.

CHAIR—You may want to take this question on notice. Could you update the committee on the state of the revised apple IRA following the announcement that they are all going to be reviewed and reissued? Could you specify exactly, given that we have to report this committee by 17 March, how this will be undertaken? Specifically, will this process be limited to another round of public consultation? Will the review extend a re-evaluation of the scientific evidence and will the risk mitigation protocols be rewritten?

Mr Cahill—I can say that the work of the IRA team continues in reviewing all of the matters that have been raised by the stakeholders that have made submissions, of which there are 200. There are, I understand, some 1,500 pages of material that the team is meticulously working its way through and that work will continue for some months. As I have said, the process of how and when that is brought to a head is in part subject to advice that I expect to receive from the panel about the reissue.

CHAIR—You are in your honeymoon period; you are lucky. But you do not have specific answers—is that what you are telling me?

Mr Cahill—I can talk generally about the work of the IRA team.

CHAIR—But we do not want to hear generally; we want to hear specifically.

Mr Wonder—What do you want to ask specifically?

CHAIR—Are you going to re-evaluate the evidence that has been put before you in the review? There are three questions. Firstly, will the process be limited to another round of public consultation?

Mr Cahill—The answer to that is no; it will be more than that.

CHAIR—Will the review extend to re-evaluation of the scientific evidence presented?

Mr Cahill—The IRA team will consider all the scientific evidence available, including new information provided from stakeholders and others.

CHAIR—Will the risk mitigation protocols be rewritten? Take your time. You can come back.

Dr Stynes—Can I just partly answer that. The risk analysis team have met on two or three occasions—I think it was three occasions—since the election. They have been looking at the comments in a very structured way. They have gone through a process of developing a database so that nothing falls through the cracks, and that actually gets addressed in the comments. In evaluating that—and we are at early stages—quite clearly there are issues about the management measures that have been indicated in the earlier draft. There is new information and in those early meetings that we have had already it was indicated that there are areas we want to follow up with respect to the measures. For example, there was one where there were a lot of comments about how you are going to inspect for fire blight to establish disease-free registered blocks. There has been some preliminary discussion on that and a lot of work will go into that.

CHAIR—Over in New Zealand?

Dr Stynes—Yes, the New Zealanders.

Mr Cahill—Just to emphasise: there is no limitation on the further work that the IRA team will do in relation to this—

CHAIR—Will the Eminent Scientists Group be part of that?

Mr Cahill—The eminent scientists will be part of the process, yes.

CHAIR—In March last year—time flies, doesn't it, when you're having fun?—you indicated that changes—you did not, but someone did—to the original draft IRA were to be revised and that the revised draft reflected scientific developments between 2000 and 2004. Could you elaborate on this new science? Does it relate to evidence provided to the WTO in the US-Japan apples dispute?

Dr Stynes—If I can take the second part first, the IRA team is working on doing a risk analysis with all the available science from wherever it can get that. We have not been influenced by the WTO dispute. So any work we have done has reflected the status of the information we have had at the time. The major change between those two drafts is that a range of measures were considered in more detail, and chlorine dipping and cool storage certainly resulted from extra information that the panel had available and also some more careful examination of the importance of that inspection to establish freedom from symptoms, which results in making sure you have no internal fruit infection.

Senator BUCKLAND—Mr Tomasel in Queensland—I think he is a fruit grower—made the point that technical experts have found six other papers that have said that fire blight in the case of apples could survive in cold storage. Have you looked at that?

Dr Stynes—We have. We have looked at cold storage in quite a deal of detail and will be looking further to get other information. But I think the particular work you might be referring to that Mr Tomasel might have been referring to was raised at an earlier hearing in terms of how the bacterium survives in orchards in North America that are subjected to freezing conditions. I guess the response to that is that we are looking at cool storage and the survival of bacterium on the surface of mature fruit as the measure. There is the situation where you have bacteria surviving in orchards—the bacteria are actually internal; they are inside the cells of the plant, where they have that protection and a food resource to survive on. On the surface of an apple—or on any surface—the bacteria behave quite differently and are quite susceptible to physical extremes where they would not be when they have a food resource within the protection of a plant cell.

Senator O'BRIEN—What about in the calyx?

Dr Stynes—In the calyx they are not protected either, and they do not have a food resource in there. The logic there is that the bacteria decline—their viability declines in the calyx. The cool storage component or measure is specifically aimed at reducing the viability of bacteria that may still be surviving in the calyx. Is that clear?

Senator BUCKLAND—It is as clear as mud to me but probably everyone else knows what you are saying. If the bacteria can survive in cold conditions—you say on the skin—there is a food source. If they are in the calyx, you say there is no food for them.

Dr Stynes—There is no food source, no. Perhaps as an analogy—and you still have to hear from David Banks—the AIDS virus will survive in a body but once it is exposed to physical elements its survival is very low.

Senator BUCKLAND—Once it is removed from that cold environment and put with other fruits is there a possibility of contamination?

Dr Stynes—The bacteria are predominantly dead at that stage. They have no viability. With the physical effect of cool storage the bacteria are exhausting the little bit of food resource that they have internally and there is a decay rate that takes place. It occurs in the field too; it is not just during that cool storage phase. From the time that the bacterium has first multiplied on a flower, which is many months before the fruit is picked, there is a gradual decay in the viability of the bacterium. It drops by something like 96 per cent. Then you have that little bit left in the calyx that declines that further bit during the cooling storage period.

Senator BUCKLAND—There was a question that occurred to me yesterday when I was looking at this that you may be able to answer. I am not asking about apples and the science of it at the moment; it is the practicality of the new structure. It is part of agriculture, fisheries, trees and bees, and whatever, but it is still under the control of your department, Mr Wonder, as I understand it.

Mr Wonder—BA, Biosecurity Australia?

Senator BUCKLAND—Yes.

Mr Wonder—I will let John answer that in terms of what 'prescribed agency' means. But if you are wondering why I am here, it is because Biosecurity Australia remains part of the Agriculture, Fisheries and Forestry portfolio. An agency can be prescribed under different models, and this agency was prescribed as part of the department.

Senator BUCKLAND—I am just unclear on what the separation is.

Mr Wonder—John can talk about what the details of prescribed agencies are but, yes, they remain in that sense part of the department. However, it is a special part in that it is not the normal arrangement that we have a prescribed agency in terms of operating parts of the department. Do you want to say a little more about that, John?

Senator BUCKLAND—Just before Mr Cahill answers that, I want to ask if BA is still answerable to—

Mr Wonder—Not entirely. In his presentation Mr Cahill mentioned his financial responsibilities, budget responsibilities and so on. As you know, departments are required to prepare financial statements and those financial statements, for example, are signed off and looked at by the Audit Office and the like. Prior to the prescription of Biosecurity Australia, that all took place as part of the Department of Agriculture, Fisheries and

Forestry's accounts. That is no longer the case. Mr Cahill is responsible for signing off on those matters. Biosecurity Australia will have their own—if this is the right language—subappropriation; they will have their own appropriation. The secretary of the department does not have access to amending in any way the resources available to Biosecurity Australia. They have their own independent operation in that regard.

Mr Cahill—The boundaries are essentially around the financial autonomy and independence and what flows from that. BA is entirely responsible for its budget and its expenditure: paying its own bills; setting its priorities; deciding how it is going to do that; where it is going to do that; and when it is going to do that. The secretary of the department has also delegated to the chief executive all of her personnel powers and functions, so that reinforces the independence and autonomy of the organisation.

The overlap that you are alluding to, in a sense, comes from the continuing legal obligations that exist under the Quarantine Act where the director of quarantine, who is the secretary of the department, as you know, is responsible for making the decisions in relation to import permits. So, if that is your starting point, how does she do that? She does that by taking advice from Biosecurity Australia as a result of assessments and the policy development work that it does. More recently, as a consequence of the addition of the Eminent Scientists Group, she has a further mechanism available to her and a further source of advice in relation to those IRAs. This certainly is still a work in progress in terms of how it proceeds, but there is no doubt that an important challenge for BA over the next little while is to give voice to the commitment to ensure that BA is, and is seen to be, independent.

Senator O'BRIEN—Who can give directions to Biosecurity Australia, if anyone?

Mr Cahill—In relation to what matters?

Senator O'BRIEN—In relation to the conduct of its affairs, the conduct of an import risk assessment, the engagement of staff, its budget—

Mr Cahill—They are all matters for the chief executive to decide.

Senator O'BRIEN—The chief executive of Biosecurity Australia?

Mr Cahill—Of Biosecurity Australia, yes.

Senator O'BRIEN—I am asking whether anyone outside Biosecurity Australia can give Biosecurity Australia directives on any matters?

Mr Cahill—No, I do not believe they can.

Senator BUCKLAND—I follow your story where it is now and I do not have a problem with that idea. But I suppose with anything new I am one of those who likes to see that introduced over time, slowly and cautiously. Is there more opportunity for other agencies now to exert pressure or to give direction to BA than perhaps when it was more an umbrella organisation of Agriculture, Fisheries And Forestry? So much trade is going on now—as we have seen with apples and bananas, people want to chuck things across the borders and come in. Could trade agencies now start pressuring Biosecurity Australia to be more lenient in its attitude to things?

Mr Cahill—I do not believe there is any increased opportunity to do that. The business of BA is driven by the outcome defined for the organisation and that is why that outcome statement is quite important. That describes what we are required to do. We are required to do that without influence or favour. We bring science to bear on the quarantine assessments and policy advice. That is what we are required to do and that is what we will do. So to the extent that there are other views about how we might do that and when we might do that given the nature of the business we are in, people might seek to give voice to that but at the end of the day they cannot influence the way in which BA does that. There is a clear and definitive separation between the work that we are required to do and the trade elements.

Senator CHERRY—Do you still have a role in market access, from a technical point of view?

Mr Cahill—That is correct. We play an important support and advisory role in technical issues to do with market access. That is reflected again in the outcome statement that defines our business.

Senator CHERRY—I know industry was very keen to see that role totally separated. Essentially, the model which the government has proposed falls somewhat short of that total separation of market access and quarantine type issues.

Mr Wonder—Perhaps I can say a little here. Mr Cahill was reflecting on the technical work that BA continues to do in the area which you have referred to, but the actual negotiation work—the work that is done

by officers of the department visiting overseas countries to negotiate the access within those technical parameters—is undertaken by a technical market access group outside BA, in our market access area. The split has been made, even in that technical area.

We are using the technical expertise that Biosecurity Australia has—and, indeed, Dr Banks or Dr Stynes could attest to this and give further evidence on it in more detail than I could. My understanding is that the people who do that technical work are largely the same people who have the same skills to do the import related work, because the questions that foreign countries ask of us are often of the same nature as those we would ask of foreign countries in relation to the import of their products. We have deliberately taken a step along the path that you are referring to by having the negotiation of those technical parameters with our foreign trading partners done by our market access area. I think that is an important distinction.

Senator CHERRY—Will any of the work of the review panel you have established to determine what state the various risk analyses are up to trigger the US free trade agreement and require input from the US?

Mr Cahill—There is no relationship between the two.

Senator O'BRIEN—I have got a few questions. Minister Truss said that Biosecurity Australia will be answerable directly to the deputy secretary of the department. What does that mean precisely?

Mr Cahill—That was the first stage of the separation of Biosecurity Australia from the department. It predated the prescribed agency commitment and the status that came into effect on 1 December.

Mr Wonder—Can we just clarify the date of that.

Senator O'BRIEN—That was in the 15 July press release.

Mr Cahill—At that time you will recall that market access and biosecurity were part of the one business group within the department, and those two groups were separated. Biosecurity Australia was then reporting directly to a deputy secretary. In an administrative sense, post prescribed agency status the chief executive will continue to relate to one of the deputy secretaries in the department as well as the secretary as the Director of Quarantine.

Senator O'BRIEN—What does 'relate' mean?

Mr Cahill—It means relate in terms of interacting on the business of BA and how we are proceeding with issues that are of legitimate interest to the department. But that deputy secretary is a different deputy secretary to the one who has responsibility for the trade area. Again we are maintaining that separation.

Senator O'BRIEN—How is the budget for Biosecurity Australia to be set?

Mr Cahill—There are two elements to that. One is dividing the existing budget that was part of departmental appropriations and is judged to be attributable to the business of BA. That process is under way between me and the secretary. The second element is the additional component that BA would require as a consequence of the prescribed agency status, and what additions need to be made to that budget that need to be included in 2005-06 and beyond.

Senator O'BRIEN—At what stage is that process?

Mr Cahill—As part of the prescription, section 32 of the Financial Management and Accountability Act requires an instrument to be signed by the chief executive of Biosecurity Australia, by the department and by the department of finance. I expect that instrument to be signed today or tomorrow.

Senator O'BRIEN—The budget is known now, effectively, subject to that signing off?

Mr Cahill—Subject to that signing off, yes. A third element that I should mention, which is a normal part of the budget cycle, is still under consideration as part of the normal budget-setting process by government. A fair chunk of the existing BA budget lapses in the current financial year, so it is subject to renewal. It is going through the budget processes at the moment. So the setting of the BA budget is subject to that.

Senator O'BRIEN—Can you be a bit more definite than 'a big chunk'?

Mr Cahill—About \$9.8 million.

Senator O'BRIEN—What is the remainder?

Mr Cahill—The remainder is about \$4 million or \$5 million to \$6 million. It is probably closer to \$6 million.

Senator O'BRIEN—I was hoping you would be a bit more definite than that four, to five, to six million. But \$6 million is closer to it?

Mr Cahill—It is closer to \$6 million than \$5 million.

Senator O'BRIEN—That is for a financial year?

Mr Cahill—That is correct.

Senator O'BRIEN—That is not for the part of the year that is left?

Mr Cahill—That is correct.

Senator O'BRIEN—So it is approaching \$16 million at the moment, but \$9.8 million is subject to reconsideration in the budget process for the coming financial year?

Mr Cahill—That is correct.

Mr Wonder—In future Senate estimates, in terms of Biosecurity Australia's appropriation, we would expect Biosecurity Australia to interact with this committee but it will be from a slightly different perspective. Unlike in past years where Biosecurity Australia was part of the DAFF appropriation, it will come here with its own appropriation.

Senator O'BRIEN—It will be a completely transparent line item in the PBS.

Mr Wonder—That is correct.

Mr Cahill—That will be identified in the documentation for next week's hearings.

Senator O'BRIEN—In terms of expenditure, presumably staff have translated into new positions. Can you give us on notice the full-time equivalent employment component for Biosecurity Australia?

Mr Cahill—It is an average of 103.5 for a full year.

Senator O'BRIEN—They were all previously within the department?

Mr Cahill—All staff formally engaged in BA business who were part of the department have been transferred.

Senator O'BRIEN—I will not pursue that now, but I am sure we will have a couple of questions about that next week. With reference to the group of eminent independent Australian scientists being appointed, by whom will they be appointed?

Mr Cahill—They were appointed by the former director of Quarantine in consultation with the chief executive of CSIRO.

Senator O'BRIEN—Presumably that group is a fluid group—people will come and go?

Mr Cahill—Further appointments can be made to it, but at this stage it is expected, hopefully, to be a static group that will be able to effectively contribute to the examination of the final drafts of IRAs.

Mr Wonder—I think what you are asking, Senator, is: do we have the capacity to adjust the membership of that group as the nature of the business changes over the course of time? I think the answer to that is yes.

Senator O'BRIEN—Is there a precise process for selecting or deselecting a member of the panel?

Mr Cahill—That has not been prescribed as such, but the process that was followed on this occasion works effectively and would probably be followed in the future.

Senator O'BRIEN—In the way that they function in subjecting a final report to independent review before its release, does that mean that there will be no public knowledge of any changes that they have required to be made, or will they be identified as changes required or proposed by the group of eminent independent Australian scientists? In other words, will we be able to identify their role in the final product?

Mr Cahill—The role of the eminent scientists is not prescribed, so the way in which they go about their business is a matter for the Eminent Scientists Group to determine. There is a limit on the period of time they have to do that, which is 60 days. So they can do it earlier than that but they cannot take any longer than that. It is early days yet, so there is a question in terms of how they engage with the IRA teams—whether they engage in a more interactive process as it goes along so they get to the end of the road and find no surprises, or whether they do it as the penultimate step. Their principal task is to make sure that stakeholder comments have been taken properly into account in the final draft IRA. So that is their principal task. They almost certainly will have engaged not just with the IRA teams themselves and BA but most probably with stakeholders, if they choose to do so. But how they go about doing that is a matter for them.

Mr Wonder—I think, Senator, that one aspect of your question was: how will we know, so to speak, to detect the difference?

Senator O'BRIEN—Will their role be transparent?

Mr Wonder—Mr Cahill will provide the exact detail, but my understanding of the final role is that they will prepare a report and that that report will be made available to the secretary of the department as the director of Quarantine, alongside the BA report that goes to the director of Quarantine. So there will be reports that clearly earmark from the eminent scientists' point of view whether or not they believe the comments that have been provided have adequately been taken into account, and the final report will be sitting alongside. The views of those eminent scientists would of course have been made previously available to BA to give them the opportunity to incorporate any concerns that those scientists may have had. Ultimately, the director of Quarantine will have in front of her the BA report and also the final thinking of the Eminent Scientists Group. So it will be quite clear to her whether or not the comments that the Eminent Scientists Group may have made have been incorporated in BA's final report. My understanding is that those reports will be on the public record, so people will be able to transparently see to make just the observation that you have alluded to.

Senator O'BRIEN—So they will be on the public record. Will that mean that there is the scope, if there is not agreement among the eminent scientists, for that to be reflected as well? Will it be made clear that there are differing views on a particular matter? If the director of Quarantine is going to take a report into account, presumably the director would want to know what weight was behind the report and indeed, if it is to be made public, the stakeholders and the public would probably want to know what weight they should give to the eminent scientists' report.

Mr Wonder—It is early days in respect of having some experience with these reports, as you would appreciate. I have not had a lot of reports to observe so as to see how these things are being handled. With that caveat in mind, you can see that I am looking forward rather than drawing on past experience.

Senator O'BRIEN—I am trying to draw you forward.

Mr Wonder—That is okay. I am trying to assist in respect of what the expectation would be in terms of how they would handle these matters. Bearing in mind that the Eminent Scientists Group, as I understand it, are not dealing with matters of science in making an analysis of whether they think something has been handled in a way that they would have wanted it to have been. Rather, they are focusing on whether or not the comments that have been provided on the draft report have been appropriately taken account of in the production of the final report. Perhaps that removes or reduces the difference of view that you might expect to emerge should it be a matter of pure science. They are really looking at something that they probably have a better chance of agreement on than the actual science of a subject. I hope that is helpful.

Mr Cahill—I would add to that just to emphasise that the way in which the Eminent Scientists Group does its job and the way in which it reports is unfettered. It is a matter for the eminent scientists to determine. Presumably, if they feel strongly about something as individuals—

Senator O'BRIEN—There is a discrepancy between the two answers, frankly. If the eminent scientists are unfettered then they are not limited in the way that you suggest, Mr Wonder—if I understood you correctly.

Mr Cahill—I was describing the way in which they go about their business. Their role is defined. The way in which they discharge that role is unfettered and the way in which they report is unfettered.

Mr Wonder—For the record, I agree with that.

CHAIR—It is up to them to decide whether they will have cabinet solidarity behind them.

Mr Cahill—That is correct.

Senator STEPHENS—I have a question about the time frames. I know that you spoke earlier about the review process that is currently under way. Are you able to indicate when you think the new draft IRA on apples will be out for consultation?

Mr Cahill—At this point it is very difficult to be precise about that. Clearly, a reasonably substantial amount of work remains to be done, and that will take some months. But I would not want to predict at this point anything more precise than that.

Senator STEPHENS—This year?

Mr Cahill—I would expect this year, yes.

Senator CHERRY—In relation to the 12 and 13 July meeting with Environment Australia, were there any follow-up meetings or discussions with Environment Australia on the risk assessment model. Could you take that on notice and report back to us?

Mr Cahill—We can take it on notice.

CHAIR—I would also like to put some questions on notice. If we can get an answer by the end of the month that would be helpful to the committee for our reporting date. Thank you very much.

Committee adjourned at 5.09 p.m.