

Senate Rural and Regional Affairs and Transport References Committee

Questions on Notice – Wednesday, 24 October 2012 CANBERRA, ACT

Inquiry into the proposed importation of potatoes from New Zealand

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Rural and Regional Affairs and Transport References Committee
Inquiry into the proposed importation of potatoes from New Zealand

Questions Taken on Notice by Potatoes Tasmania

Hearing – Wednesday, 24 October 2012

Question 1

Senator McKENZIE: Finally, Mr Hardman, you make a comment on page 61 of your submission:

PPAA believes the existing protocol conducted by New Zealand for PCN testing of land and crops to be very inadequate when compared to other testing standards for trade.

On notice, I would like you to flesh out what you mean from a trade perspective on that.

Mr Hardman: Certainly.

Senator McKENZIE: Thank you.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 10.]

Question 2

Senator COLBECK: So that 20 to 25 per cent waste is fairly similar regardless of whether the process is crisping or making fries.

Mr Hardman: I would imagine so. I have not had a lot to do with crisping but I imagine there is waste.

Senator COLBECK: It is pertinent to this because that is part of the regime of dealing with waste.

Mr Hardman: We can find that out.

Senator COLBECK: If you could find that out for us so we have a sense of that, that would be appreciated.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 10.]

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On notice, I would like you to flesh out what you mean from a trade perspective on that.

Mr Hardman: Certainly.

Senator McKENZIE: Thank you.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 10.]

Answer 1

PCN which is the disease in question is considered endemic in New Zealand. That means that it is spread across the country with no means and possibly no desire to eradicate it. The industry has to learn to live with it. In Australia it is present in Victoria and there are strict movement guidelines in respect to movement of potatoes from those infected properties. There is concern over the amount of testing for PCN carried out in NZ because the disease is endemic. It is our belief that New Zealand doesn't have strict controls on PCN infected crops with traceability knowledge of those crops limited. For NZ to claim an export is free of a particular disease it would be considered NZ authorities would have to tighten up on crop inspection guidelines. These same guidelines would apply for psyllid outbreaks which is also endemic in NZ.

Question 2

Senator COLBECK: So that 20 to 25 per cent waste is fairly similar regardless of whether the process is crisping or making fries.

Mr Hardman: I would imagine so. I have not had a lot to do with crisping but I imagine there is waste.

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Mr Hardman: We can find that out.

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Answer 2

The recovery rate for every tonne of potatoes for French fries is about the 50 to 55% depending upon cultivar and product being made. For the crisping industry the recovery rate is about 30 to 35% once again dependent upon a number of factors. A percentage of the loss goes out as steam as the moisture is driven off in the process. The actual tonnes of potato waste (skin peel, defects etc.) is about 15 to 20% for French fries once again dependent upon fry cut size, time of the year etc. For the crisping guys the potato waste out the gate is about 10 to 15%

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 10.]

Rural and Regional Affairs and Transport References Committee
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Questions Taken on Notice by AUSVEG

Hearing – Wednesday, 24 October 2012

Question 1

Senator COLBECK: You mentioned two documents that came from MAF New Zealand. You had access to one but not to the other.

Dr Clayton-Greene: I endeavoured to. It was given a reference in the import conditions but no-one did it.

Senator COLBECK: Can you identify both of those documents for me?

Dr Clayton-Greene: There was the MAFBNZ Export Compliance Programme and the 2004 document, I think. I identified it in the submission.

Senator COLBECK: Which one could you not get?

Dr Clayton-Greene: I could access the one pertaining to PCN and the compliance program, but there was another that I could not. From memory, I believe it was referenced in the export compliance program document. I am happy to take that on notice and come back to you.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, pp. 27-28]

Question 2

Senator XENOPHON: Dr Clayton-Greene, I have a stack of questions that I need to get through, because my colleagues have questions as well. Do you mind, on notice, if you could give us an idea of your expertise in this field—I understand it is extensive—for the benefit of the committee?

Dr Clayton-Greene: I am more than happy to.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 29.]

Question 3

Senator XENOPHON: Okay. Again, because of time constraints, can you take on notice perhaps—you have dealt with it but it might be useful to me at least, and to other members of the committee, to outline some of the issues that need to be addressed to crystallise those key issues in relation to the preparation of the documents on the risk analysis. There is another issue I will address to Mr Mulcahy, and Dr Clayton-Greene if he wants to jump in. A note from the department makes reference to the AUSVEG....

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[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, pp. 27-28]

Response to request taken on notice:

The document which was referenced in the MAFBNZ 2009 publication but was not available was entitled: BNZ Exports (Plants) Policy Directive “Surveillance for Potato Cyst Nematode” 13 December 2004.

Question 2

Senator XENOPHON: Dr Clayton-Greene, I have a stack of questions that I need to get through, because my colleagues have questions as well. Do you mind, on notice, if you could give us an idea of your expertise in this field—I understand it is extensive—for the benefit of the committee?

Dr Clayton-Greene: I am more than happy to.

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Response to request taken on notice:

An outline of Dr Clayton-Greene's experience is listed below:

- Biosecurity consultant to AUSVEG
- Member of Horticultural Advisory Committee to the CRC on Biosecurity
- Chair of Technical Advisory Committee for potato research
- Chair of Technical Advisory Committee for Vegetable Research
- Member of Vegetable Industry Advisory Committee, past member of potato Research advisory Committee
- Honorary Member of University Tasmania Institute of Agriculture
- Leader of HAL funded project on Zebra Chip awareness
- Honorary member of NZ Zebra chip Research committee
- Editor/reviewer of PHA Zebra chip contingency plan
- Invited presenter on the topic at World Potato Congress, Scotland 2012
- Invited presenter at Australasian Plant Virology workshop NZ, 2012.

Question 3

Senator XENOPHON: Okay. Again, because of time constraints, can you take on notice perhaps—you have dealt with it but it might be useful to me at least, and to other members of the committee, to outline some of the issues that need to be addressed to crystallise those key issues in relation to the preparation of the documents on the risk analysis. There is another issue I will address to Mr Mulcahy, and Dr Clayton-Greene if he wants to jump in. A note from the department makes reference to the AUSVEG....

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Response to request taken on notice:

There is nothing in the responses from DAFF that causes us to doubt our original submission, and in fact the admission by Dr Findlay on p. 49 regarding the existence of four haplotypes of Liberibacter only reinforces our contention about not only how little is known about these bacteria, but also how quickly the situation is changing with research. The information cited by Dr Findlay has come to light over the past two years and was certainly not known in 2009. Once again we would argue caution. It would be expected that with improved detection methods we will discover new species and hosts over coming years. We have no idea why these organisms suddenly evolved to become pests less than twenty years ago and until such time as we understand their relationship with their hosts and have a better understanding of their genetics we are not really able to adequately assess risk. We quote from a recent review paper by J E Munyazema (Am. J Pot Research 2012) "These recent findings on the association of Lso with nonsolanaceous species suggest that this liberibacter species is likely to have more host plants and insect vectors than currently known."

Quoting from the same review we also submit the following:

"Little is known about vector-pathogen-plant interactions in the ZC/potato psyllid complex, especially mechanisms by which the potato psyllid acquires and transmits Lso to potato and other host plants, and how transmission leads to development of ZC. This basic knowledge about these interactions is essential for devising effective management strategies."

Once again we believe this only serves to underline our original points to both the inquiry and also in our submissions re the ability to perform adequate risk assessment etc.

Dr Findlay notes that there are 3,000 plus psyllids in the world and that we know that only some psyllids are capable of vectoring candidatus. (This is a change from the claim in the PRA that only one species was a vector!). Given the lack of investigation into psyllids and their relationship with Liberibacter we would suggest that this is merely confusing absence of evidence with evidence of absence. A point we made in our earlier submission. It is also a different proposition to that put forward and quoted above in the paper by Munyazema. We would ask Dr Findlay to provide the evidence from the studies on psyllids for her to back up this claim. How many of these 3,000pp have actually been the subject of the necessary research?

We also note the comment from Dr Findlay and quoted below;

“Our native psyllid occurs in New Zealand, too by the way, so if it is going to happen New Zealand would have seen it”

We believe this is misleading – to which psyllid does Dr Findlay refer as Australia has many hundreds of native psyllids and not all of them occur in NZ?

With respect to the issues raised by Senator Xenophon it is our opinion that the documents prepared by DAFF and the subsequent press releases suggest a culture exists within DAFF, which at best lacks rigour and also suggests carelessness. Some statements in the press releases from DAFF have been wrong (directly contradicting material published on their website) and misleading (we refer here to the disparaging remarks made about the industry trying to protect a few potato growers) and this suggests there may be a communication issue within the Department. This in itself is bad enough, however the tenet of their publications and their submission is that they know what they are doing and therefore the system is working. Industry is left to take it on DAFF’s word that they have looked at all the research, kept themselves up-to-date and made appropriate judgements. Dr Grant himself notes in his submission to the Inquiry that they have considered all recent evidence. Unfortunately DAFF provides absolutely no evidence other than orally that this has been done. As has been highlighted in our submission the carelessness shown by DAFF in its work on Biosecurity provides the very antithesis of trust and respect for their work.

In our original submission we asked why DAFF does not feel the need to provide reasoned discussion and evaluation of new research and any other data which has come to light between a PRA and subsequent publications. Similarly there was no review as to what else may have changed between the suspension of potato shipments in 1988 and now (other than for ‘Zebra Chip’). Similarly the list of potential diseases in the Import Conditions is three years out of date. Once again there was no attempt by DAFF to update this to reflect 2012. We also note that viruses are listed merely as a species without any attempt to define them more closely (e.g. virus Y). This is dangerous and potentially misleading as new recombinant viruses are continually appearing and these may not be present in Australia. For example virus Y has a number of different types and each is regarded as a separate strain.

Therefore our argument with respect to DAFF is that any Import Review which cites a PRA as a core document should be accompanied by a detailed review of all the evidence that has been considered since the original PRA and accompanied by a reasoned discussion as to why or how this evidence has been evaluated. This is standard legal and scientific practice. DAFF’s failure to utilise or perform this task makes a mockery of their suggestion that they have a scientific approach. We note that with respect to this issue and we quote Dr Grant on p.37 from the Hansard transcripts;

“Imponderables have to be weighed and value judgements made.” The court decision from which this was quoted made no mention of the fact that these weights and judgements should remain secret!

We note that Dr Grant (on p. 38 in Hansard) maintains that all the available evidence has been considered. We would ask where and by whom and where is the evidence?

*It is also of concern to us as to how the import of other products, known to be hosts of psyllids, are controlled. For example there is a record in Florida of psyllid nymphs being found underneath the calyx of capsicums as in the attached document. DAFF has laid considerable weight on the inability of *Liberibacter* to spread without a vector. To what extent has the evidence for entry from other hosts formed part of the risk analysis? In other words how does the risk for multiple pathways become incorporated into the overall risk when considering a new entry pathway or product?*

Has the potential entry pathway in the attached diagram been taken into account in the import conditions for capsicums?

We have also suggested that a HACCP table is the proper way to determine risk and risk mitigation measures and furthermore that this also provides an auditable framework in which processes and measures can be assessed. We would be happy to explore this in more detail with DAFF and have made this suggestion before. We would see this as a fundamental part of any audit process and it is noted that DAFF claims in its review of import conditions that there will be audits. Such a HACCP table would be a key platform in any Risk analysis not just for potatoes.

What we suggest be the Committee’s recommendation in terms of the accountability of DAFF with regard to protocols and risk measures and the audit of these: (Senator Nash pg. 37).

We have covered this above with respect to providing a HACCP table. We also believe that a process in which DAFF sits in judgment of its own decisions can never be said to be independent and transparent. This situation flies in the face of our entire democratic process. Any review of DAFF decisions and recommendations should be entirely independent and DAFF should have to justify their position in the same way as any appellant.

Secondly the area of assessing risk in the absence of data needs to be clarified. At present it has to be said that DAFF is taking a somewhat economical approach. Dr Clayton-Greene’s response to the statement by Senator Edwards (p. 31, Hansard) summarises our position with respect to the process of risk assessment and trade.

On the basis of what has been presented so far by DAFF we feel that rather than our position being compromised it has been strengthened by subsequent responses from DAFF. Although our original submission was lengthy it nonetheless covers in detail the points both raised above and in subsequent discussion.

Rural and Regional Affairs and Transport References Committee

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Questions Taken on Notice by DAFF

Hearing – Wednesday, 24 October 2012

Question 1

Senator COLBECK: We do not need to go on about that. Going to the questions that I was asking before about the MAFBNZ export compliance program for potato cyst nematode, which was raised in the Tasmanian submissions to the inquiry and was also referenced by Dr Clayton-Greene, is that information that is not relevant to the discussion and therefore not visible, or are we in a situation that we went through with apples where all the information that was required was actually in the document but we did not know that it was all in the document and the other stuff was superfluous, or is there a reason why this information is not available? The Tasmanian government has raised it and it has been raised in a couple of other submissions. It is a communication issue, from my perspective, rather than anything more sinister. It is referenced in your document. How do we go back to check that stuff?

Dr Findlay: Just to clarify that the document it is referenced in our review—the *MAFBNZ Export Compliance Program for the Provision of Additional Declarations. (Potato Cyst Nematode and Potato Wart) 2009 V10*—is publicly available and we can provide the link to that. I understand that the second document that is referenced in the MAFBNZ document, which is a 2004 document on the surveillance of potato cyst nematode, is not publicly available and we will endeavour to provide that.

Dr Findlay: We did not reference the 2004 document. We referenced this one, which is publicly available.

Dr Grant: This is an important point, Senator. It is a tiered thing. We have referenced the document we used. It references others, one of which apparently is not available. We will seek to source that. We know of it and we can source it, because it is government to government.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, pp. 40-41]

Question 2

Senator XENOPHON: Where does the one-metre rule come from?

Dr Grant: It is a global standard.

Senator XENOPHON: What is the basis of the global standard?

Dr Grant: Everybody tends to use it. It allows a person to walk between; it allows machinery to go between.

Senator NASH: But they would do that anyway without the standard. They have to get around the space. Please take on notice the genesis of the one-metre rule, as Senator Xenophon asked you how that came about in the first instance. We understand it is only part of a range of measures, but as it applies to potatoes, what does that one metre do in terms of prevention or ensuring the efficacy of the

process? I am not looking at human issues, walking up and down because they will do that anyway—people are pretty smart.

Dr Findlay: Thank you.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 43]

Question 3

Senator NASH: I understand all that. At the point at which you give a recommendation to the secretary, can he say no to you? Can he say, 'No, I don't like that'?

Dr Grant: Yes, he can, and he has.

Senator NASH: Can you take on notice to provide when and in what circumstances the secretary has said no?

Dr Grant: I can tell you that he has said that he wants more information. He has never said no, per se. He has said, 'I am not prepared to make a determination at this point without further information.'

Senator NASH: Would you provide the instances when that has occurred.

Dr Grant: I can do it right now.

Senator NASH: No, I do not have time, sorry. I take your point on the issue raised earlier about metropolitan versus regional. Correct me if I am wrong, but you have given some very clear guidance that the processing centres will be in regional areas.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 52]

Question 4

Senator McKENZIE: Earlier Senator Xenophon mentioned the methodology on the axes, the consequence et cetera and outlined that Australia assesses these impacts at different scales, including local impacts and the community level. We have talked a lot about crop and plant health et cetera. We have also heard about increased use of pesticides, sprouter inhibitors et cetera. Has any work being done on the impact on human health?

Ms Mellor: That is not a biosecurity consideration. We take advice from the department of health on whether or not something fits within food standards codes and things like that.

Senator McKENZIE: So when we talk about the community level we are not talking about people; we are talking about environmental, non-commercial, domestic and international trade. On notice, would you flesh out the methodology around what—

Dr Grant: Criteria we take into account?

Senator McKENZIE: The criteria and what measurement tools you have used against those criteria...

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Dr Grant: This is an important point, Senator. It is a tiered thing. We have referenced the document we used. It references others, one of which apparently is not available. We will seek to source that. We know of it and we can source it, because it is government to government.

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DAFF response:

The 2004 document referenced in the *MAFBNZ Export Compliance Programme for the Provision of Additional Declarations (Potato Cyst Nematode and Potato Wart) 2009 V10*¹ is the *BNZ Exports (plants) Policy Directive "Surveillance for Potato Cyst nematode" 13 December 2004*. This document was provided to DAFF on a government to government basis. DAFF has written to the New Zealand Ministry of Primary Industries on 7 November 2012 seeking its permission to allow the document to be released to the Committee.

Question 2

Senator XENOPHON: Where does the one-metre rule come from?

Dr Grant: It is a global standard.

¹ <http://www.biosecurity.govt.nz/files/regs/exports/plants/potatoes/potato-pcn-wart.pdf>

Senator XENOPHON: What is the basis of the global standard?

Dr Grant: Everybody tends to use it. It allows a person to walk between; it allows machinery to go between.

Senator NASH: But they would do that anyway without the standard. They have to get around the space. Please take on notice the genesis of the one-metre rule, as Senator Xenophon asked you how that came about in the first instance. We understand it is only part of a range of measures, but as it applies to potatoes, what does that one metre do in terms of prevention or ensuring the efficacy of the process? I am not looking at human issues, walking up and down because they will do that anyway—people are pretty smart.

Dr Findlay: Thank you.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 43]

DAFF response:

The segregation and traceability of product is primarily an operational requirement to ensure only product that meets Australia's import requirements is exported.

The requirement for segregation and traceability is consistent with international standards. For example, *International Standard for Phytosanitary Measures (ISPM) 7: Phytosanitary Certification System*², at section 4.2, Documentation Procedures, states that certification should;

ensuring traceability of consignments, including their identification and phytosanitary security (as appropriate) through all stages of production, handling and transport prior to export

Similarly, under section 21 of the *Export Control (Plants and Plant Products) Order 2011, Export Control (Orders) Regulations 1982*³, Australia requires segregation of goods that are export compliant from those goods that are not export compliant.

To help meet the goals of ISPM 7, DAFF routinely seeks segregation of product to allow identification and traceability of product that meets Australian import requirements. There is no specific requirement for a particular distance for segregation of commodities. However, DAFF typically seeks segregation of about one metre to allow access for product identification.

Question 3

Senator NASH: I understand all that. At the point at which you give a recommendation to the secretary, can he say no to you? Can he say, 'No, I don't like that'?

Dr Grant: Yes, he can, and he has.

Senator NASH: Can you take on notice to provide when and in what circumstances the secretary has said no?

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Senator NASH: Would you provide the instances when that has occurred.

² http://www.ippc.int/file_uploaded/1304451720_ISPM7_En_2011-05-03.pdf

³ <http://www.comlaw.gov.au/Details/F2011L02005>

Dr Grant: I can do it right now.

Senator NASH: No, I do not have time, sorry. I take your point on the issue raised earlier about metropolitan versus regional. Correct me if I am wrong, but you have given some very clear guidance that the processing centres will be in regional areas.

[Rural and Regional Affairs and Transport References Committee, Hansard Transcript, Wednesday, 24 October 2012, p. 52]

DAFF response:

DAFF has completed the *provisional final import risk analysis (IRA) for freshwater ornamental finfish with respect to the quarantine risks associated with gourami iridovirus and related viruses*. The Director of Animal and Plant Quarantine requested further information on the status of a virus species in Australia before making a determination.

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DAFF response:

DAFF has considered the consequences of zebra chip disease in the *Final pest risk analysis report for "Candidatus Liberibacter psyllaureus" in fresh fruit, potato tubers, nursery stock and its vector the tomato-potato psyllid* (see section 5.5)⁴. The method of assessing potential consequences, including local impacts, is described in Section 2.2.3 of the risk assessment. In the case of zebra chip disease, the potential consequences are considered to be 'high'.

The method of assessing consequences is described in section 2 of that report and is based on the *International Standard for Phytosanitary Measures (ISPM) 11: Pest risk analysis for quarantine pests including analysis of environmental risks and living modified organisms*⁵. Section 2.3 of ISPM 11 details the type of consequences considered in quarantine risk assessments.

⁴ http://www.daff.gov.au/ba/reviews/final-plant/candidatus_liberibacter_psyllaureus

⁵ https://www.ippc.int/file_uploaded/1146658377367_ISPM11.pdf