



AUSTRALIAN SENATE

STANDING COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT

REFERENCES COMMITTEE

Ms Rona Mellor
Deputy Secretary
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601

Dear Ms Mellor,

During the RRAT References Committee's inquiry into Australia's biosecurity and quarantine arrangements, the committee raised with the Department of Agriculture, Fisheries and Forestry an issue of concern to Apple and Pear Australia Limited (APAL). APAL's concerns related to the operation and transparency of the Eminent Scientists Group (ESG). In its submission to the committee's most recent inquiry, APAL told the committee that it was concerned that the ESG is "not required to demonstrate the rigour of their assessment" or to provide transparency about the scientific materials they use in making their determinations".¹

APAL also expressed its concern during a public hearing held on 14 February 2011:

With regard to the Eminent Scientists Group, we have a number of issues there. Primarily, there is one of transparency. They are allowed to take on board new evidence but industries such as those appearing are never allowed to offer new evidence and any new evidence that they do take on board is never published so we do not know exactly what knowledge they have had. Also the Eminent Scientists Group have had a tendency to look at the work undertaken by Biosecurity Australia and take a period of about 60 days to do that kind of work, and yet their reports are usually less than two pages. For the Chinese IRA they reported back in three paragraphs. It is very difficult to assess whether the Eminent Scientists Group have given due consideration to conflicting levels of scientific thought because their interpretations within their report of three paragraphs tended to use words like 'where appropriate'.²

You may recall that the committee raised these issues with the Department (on behalf of APAL) during the 14 February 2012 hearing. You may recall the following discussion:

Senator Milne – Another systemic issue that was raised this morning was import risk analysis. Basically one of the complaints was in relation to the Eminent Scientists Group. The complaint was very clearly that it is not required to demonstrate how it assesses the new information, that it does not provide any transparency about the scientific materials they use in making their determinations and that, in spite of the fact that they get 60 days and there is adequate time, industry stakeholders cannot give them new information. Industry is not in a position to assess whether that expert group is

¹ Apple and Pear Australia Limited, *Submission 6*, [p. 3] – Senate Rural and Regional Affairs and Transport References Committee Inquiry into Australia's Biosecurity and Quarantine Arrangements.

² Ms Annie Farrow, Apple and Pear Australia Limited, *Committee Hansard*, 14 February 2011, p. 12.

actually doing its job and often it just produces reports of a few paragraphs or maximum of a couple of pages and the industry group is at a loss to know what they took into account, whether they did take into account new information et cetera. Can you tell me whether anything is being done to improve the transparency of the assessment of the Eminent Scientists Group?

Ms Mellor – There is no activity going on to improve the transparency, as has been put to you by other witnesses. The key role of that group is to provide advice to the department on the development of the science and the department takes that advice and publishes and consults on its product.

Chair – In other words, it is all right for you to know but not for us to know.

Ms Mellor – The science that we publish is informed by whatever peer review to ESG does.

Senator Milne – That is the thing – people would like to know what the peer review was, what new information, if any, was assessed. At least if you knew what new information was assessed, growers would have an opportunity to know whether or not they thought that was adequate. At the same time they also complained, in relation to the appeals process under the IRA, saying that there is a really narrow definition of whether the process has been adhered to. In fact, they say, and I agree with them, that while that is important, they want to know whether Biosecurity Australia actually did what you would expect it to do – that is, identify the pests and diseases of quarantine concern... Is the appeals process being reviewed?

Ms Mellor – No, it is not being reviewed. It is an administrative tool for people to raise issues about the process and that is how it is used.³

It would be appreciated if you could provide the committee with additional information which would clarify the answer provided by the Department. The committee would like more information on the level of detail the ESG is required to provide in its final report. The committee would specifically like to know whether the ESG is required to provide:

- a statement which certifies that all aspects of the IRA process have been adhered to; and
- a statement which certifies that all pests and diseases of possible quarantine concern have been identified and that all concerns in relation to these pests and diseases have been addressed.

It would be appreciated if you could clarify the situation, and provide the requested information as soon as possible.

Please contact the Committee Secretary, Mr Stephen Palethorpe on (02) 6277 3511 if you require any additional information.

Yours sincerely,



Senator the Hon. Bill Heffernan
Chair

16 April 2012

³ Ms Rona Mellor, Department of Agriculture, Fisheries and Forestry, *Committee Hansard*, 14 February 2011, p. 60.