

Australian Dairy Industry

Represented by

Australian Dairy Industry Council Inc and

Dairy Australia

Response to

Biosecurity Import Risk Analysis draft regulation and guidelines

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About the Australian Dairy Industry Council

The Australian Dairy Industry Council (ADIC) is the dairy industry's peak policy body. It develops and coordinates whole of industry policy and represents all sectors of the industry on national and international issues through its two constituent bodies, **Australian Dairy Farmers Ltd** (ADF) and the **Australian Dairy Products Federation** (ADPF). The ADIC aims to foster, promote and protect the interests of the Australian dairy industry by driving a whole of industry approach to dairy policy and the development of the dairy industry.

About Dairy Australia

Dairy Australia is the national services body for dairy farmers and the industry. Its role is to help farmers adapt to a changing operating environment, and achieve a profitable, sustainable dairy industry. As the industry's research and development corporation (RDC), it is the 'investment arm' of the industry, investing in projects that can't be done efficiently by individual farmers or companies.

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The Australian Dairy Industry

Australian dairy is a \$13 billion farm, manufacturing and export industry.

Over 6000 dairy farmers produce around 9.7 billion litres of milk a year.

The Australian dairy industry directly employs nearly 40,000 Australians on farms and in factories, while more than 100,000 Australians are indirectly employed in related service industries.

Australia is the fourth largest dairy exporter in the world, exporting \$2.88 billion of dairy products in 2014/15, accounting for 6% of global trade.

The Australia dairy industry enjoys favourable animal health and plant health status and production environment in Australia which contributes to the profitable production and to benefits in trade and market access for dairy products and more broadly to the Australian economy. Efficient and effective risk-based biosecurity regulatory arrangements are essential to maintain appropriate protections and to facilitate a safe and orderly trade environment.

Our industry has the potential to grow substantially over the next decade to meet growing domestic and international demand. Realising this growth potential and expanding the industry's economic, social and environmental benefits depends on a secure biosecurity environment and positive national and international operating conditions.

Proposed Biosecurity Import Risk Analysis Guidelines 2015

The Biosecurity Import Risk Analysis Guidelines 2015 describe the proposed risk assessment approach to be undertaken by the department with the Director of Biosecurity responsible for the determination for the conduct of a Biosecurity Risk Import Analysis (BIRA) through a regulated process or a non-regulated risk assessment.

The dairy industry welcomes the arrangements for a scientific advisory group to contribute to each BIRA and the appointment of members with relevant expertise to the particular BIRA. The draft regulations however do not clearly reflect this objective and a revision of Section 11 is suggested below.

The dairy industry supports the use of the risk estimation matrix to develop an assessment of risk that can be used as a basis of measuring risk against Australia's Appropriate Level of Protection. While supporting this approach the dairy industry recommends that the Guidelines should also include examples of the various levels of risk both for consequences and likelihood that will guide the risk assessment. This elaboration of examples of levels of risk will provide clarification and confidence in the risk characterisation methodology.

The dairy industry recognises that the guidelines focus on the regulated process for Biosecurity Import Risk Analysis rather than administrative non-regulated risk assessments such as reviews of existing policy and import conditions. With the introduction of the Biosecurity Act 2015 the dairy industry suggests that there may be opportunity to also describe in the guidelines the consultation principles and procedures that will be adopted in such non-regulated risk assessments.

Draft Biosecurity (Biosecurity Import Risk Analyses) Regulation 2015

The draft regulations provide details of the regulated process for a BIRA. The dairy industry understand that a scientific advisory group with appropriate expertise is to be appointed for each BIRA rather than a standing expert panel. It is recommended that Section 11 of the draft regulation be revised to reflect this approach by adding the words "for each BIRA" to Section 11 sub-clause 1. This removes the ambiguity of the conditional language in sub-clauses 2 and 3 which may suggest that a scientific advisory group may not be appointed or consulted in the development of a BIRA report.

The draft Section 15 *Failure to comply with this part does not affect validity of a BIRA report* appears to negate the requirements of these regulations. It is recommended that this section be revised and qualified so that due consideration is given before confirming the validity of the BIRA when the process detailed in the regulations has not been followed. It is our understanding that the role of the Inspector General Biosecurity described in Part 3 is also relevant to this consideration.

The draft Section 23 has similar wording in relation to the Inspector General Biosecurity not following due process in the conduct of a review. Again it is recommended that the language in this section is revised.