

T97/2964

6 July 1998

Dear Stakeholder

On 19 December 1997, the Australian Quarantine and Inspection Service (AQIS) wrote to stakeholders advising them of the outcome of the first round of consultation on the import risk analysis (IRA) concerning maize from the USA.

In the letter AQIS confirmed that the IRA would be considered using the non-routine import risk analysis process and advised stakeholders of the final membership of the risk analysis panel (RAP). Stakeholders were also given the opportunity to appeal on these matters to the Director of Quarantine by 19 January 1998. One appeal on the high priority accorded to the maize IRA was subsequently received.

Following extensive consideration of the material relevant to the appeal and consultation with the stakeholders concerned the Director of Quarantine determined that no provision for an appeal on priority exists in the IRA process. However, the Director of Quarantine in considering the appeal concluded that a number of steps should be taken by AQIS to improve the IRA process in considering future IRAs, and the availability of information on all IRAs, including maize.

In future AQIS will :

- identify in broad terms the considerations to be taken into account in assessing the priority of proposals which require import risk analysis;
- advise stakeholders when they are notified of a proposal that they may offer information and comment on priority which they consider should be accorded by AQIS to the proposal;
- make available documentation, other than commercial-in-confidence material arising during the IRA process, including identification of the factors which were considered by AQIS in assessing the priority of the proposal;
- make public the fact that an appeal has been lodged against appealable IRA determinations; and

- improve the public understanding of the IRA process by completing and making available the IRA handbook by July 1998.

As a result of the determination of the appeal the IRA of maize can now proceed to the next stage in the process.

On 15 June 1998, I chaired the initial meeting of the RAP to discuss the development of an issues paper (Attachment A) and to identify the technical working groups to assist the panel. The issues paper covers:

- purpose of the paper;
- definitions;
- background;
- quarantine pests identified previously;
- risk analysis panel;
- technical working groups;
- further stages in the risk analysis process and the timetable for stakeholder consultations;
- release of information; and
- invitation to comment.

A consultation period of 60 days will then follow to enable stakeholders to provide written comments. The RAP will hold a meeting of stakeholders at 2.00pm on Thursday, 23 July 1998, at the Sydney Airport Parkroyal. This will provide an opportunity for stakeholders to consult directly with the panel members on the IRA process and highlight issues to be considered in conducting the technical risk analysis. Stakeholders wishing to attend the meeting should advise their name and contact telephone numbers to Marianne Taylor, Import Risk Analysis Secretariat, Tel (02) 6272 5094 by no later than COB Monday 20 July 1998.

Other opportunities will be made available for stakeholders to meet with the RAP members during the formal consultation periods and at other stages of the IRA process as required. I have attached a copy of the remaining steps in the process (Attachment B) and the details of the RAP (Attachment C - not provided electronically) for the benefit of recently registered stakeholders.

I look forward to your active participation in the IRA process.

Yours sincerely

Bill Roberts
Chairman

Risk Analysis Panel

REMAINING STEPS IN THE MAIZE IRA PROCESS

Risk analysis conducted by the RAP

The RAP, assisted by TWGs as necessary, conducts the risk analysis, taking into account comment received on the issues paper, and consulting with stakeholders as appropriate. Procedures recommended by the IPPC and OIE for conducting a risk analysis are detailed in Annex 3 of the handbook. In accordance with the SPS Agreement, in conducting risk analyses, AQIS will take into account risk assessment procedures developed by these international organisations.

Draft IRA paper and recommendations published and comment invited on technical issues

At the completion of the RAP's deliberations, AQIS circulates to stakeholders, for comment within 60 days, a draft IRA paper covering technical issues related to disease and pest risk, risk management options and a preliminary view on which option would achieve Australia's appropriate level of protection. AQIS also announces the release of the paper in the AQIS Bulletin, on the AQIS Internet Home Page and to the WTO.

Comment reviewed and Risk Analysis recommendation finalised

After considering all technical issues, including comment received, the RAP finalises the IRA recommendations. In exceptional circumstances, depending on the complexity of the proposal and the range of comment received (for example new or important information coming to light), there may be a need for more than one round of consultation. In this case, a revised draft is circulated for further comment before finalisation.

Risk analysis recommendations submitted to Executive Director of AQIS

The IRA recommendations are submitted to the Executive Director for consideration. The RAP is expected to present its recommendations on the basis of consensus. If consensus is not achievable, differences of view will be clearly identified.

Import proposal determined by Executive Director of AQIS

The Executive Director considers the recommendations of the RAP, and makes a determination. The Executive Director may seek such further advice from the RAP as he or she believes necessary to assist in making a determination. If the RAP does not provide consensus recommendations, the Executive Director will make a determination or decide upon other action as appropriate.

The Executive Director must be satisfied that the IRA has been conducted in accordance with the agreed process, and that the determination on the proposal would maintain Australia's appropriate level of protection and otherwise accord with Australia's international rights and obligations under the SPS Agreement.

Determination and final IRA paper published, and applicant and stakeholders advised

The Executive Director's determination and the final IRA paper are published. AQIS advises the applicant and other stakeholders, and arranges notification in the AQIS Bulletin and on the AQIS Internet Home Page. If there are no appeals within 30 days from the date on which advice is sent to stakeholders, the policy is adopted.

Appeal to the Director of Animal and Plant Quarantine on the process

Any stakeholder of the opinion that the process outlined in this Handbook has not been properly followed, including that the risk analysis failed to consider a significant body of relevant scientific or technical information, may appeal to the Director. Information on appeals is made public.

Appeal considered by Import Risk Analysis Appeal Panel

An Import Risk Analysis Appeal Panel (IRAAP) considers the appeal and makes its decision within 45 days. The IRAAP routinely comprises the Chair of the Quarantine and Exports Advisory Council (QEAC) (Chair), the Director of Animal and Plant Quarantine, either the Chief Plant Protection Officer (CPPO) or Chief Veterinary Officer (CVO) (as appropriate) and one other member of QEAC.

The QEAC Chair, in consultation with the Director, may nominate alternatives to the CPPO / CVO to participate as a member of an appeal panel where the CPPO / CVO has been directly involved in the management of a particular IRA process.

Appellant/applicant advised of outcome of appeal

If the appeal is upheld the IRAAP refers its conclusions to the AQIS team or the RAP for rectification of the deficiency in the process. If the appeal is rejected, the policy is adopted. AQIS advises the appellant and all stakeholders of the decision by the appeal panel.