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This is a supplementary submission to one which I emailed to you on 13 March 2006 concerning the application to import New Zealand apples into Australia. As I stated there I am an apple grower at Bilpin in NSW.

- 1. I wish to stress the situation applying to older-established orchards on the outskirts of Sydney, Melbourne, Adelaide, Hobart and Launceston – as compared to more inland orchard areas which your Draft risk analysis notes may be protected more easily from a city fireblight outbreak because of distance or “desert buffers”. Fifty kilometres from Sydney CBD are apple orchards at Kurrajong, Freeman’s Reach and Oakdale – the suburban spread reaches right out to them. That huge area of the Sydney basin west of Sydney is where the population is expanding to. Five minutes up the hill from Kurrajong is the suburb of Kurrajong Heights and five minutes from Kurrajong Heights is the plateau on which the Bilpin orchards are located. Sydney is a city of over 4 million people and as I said in my main submission, a large proportion of produce goes to that market. In the case of apples (imported or local), trash and apple cores must surely be spread throughout the Sydney basin – and with them any accompanying pest or disease. There are transfer stations for rubbish in inner Sydney suburbs but most of that goes to larger rubbish disposal areas in the western parts of Sydney. It is acknowledged in your draft risk analysis that some insect pests not presently found in Australian apple orchards could be found inside apples imported from New Zealand and that many scientific studies show that diseases like fireblight and European canker may reside on the apple stalk and certainly in trash (especially leaves). It would presumably only take one small batch of infected apples to cause infection in other plant life. The same urban sprawl reaching out to orchards in Sydney applies also in Melbourne, Adelaide, Hobart and Launceston. I would therefore submit that it is not correct to state that risk of entry of eg, fireblight into orchards on the outskirts of those cities is low – rather it would be high. Once fireblight is established in suburban gardens it would not take much to spread the disease to adjoining orchards – by wind, bees, etc – or of course by other apple cores dispersed roadside near orchards. The fact that “desert-buffed” orchards may initially only have a low risk of infection is irrelevant to the risk of entry for the orchards close to the cities. The lows and highs cannot be averaged. The risks remain respectively “low” and “high”. [And of course, once outskirts-city orchards become infected, the risk to other orchards must surely become high.]**
- 2. Biosecurity is obliged to give effect to Quarantine Act and Proclamation. Your draft risk analysis also states that in the light of Australia’ international obligations under the relevant Treaty,**

“fairness” and “sound science” must operate when phytosanitary measures are being considered to reduce the risk of entry. In many instances where the conditions are being considered by Biosecurity in its Draft Risk Analysis, it appears that either (a) the scientific studies are at variance or (b) there are no relevant studies directly applicable. So far as the Australian government might wish to only be seen to reject an application for an import permit on the basis of sound science, it must surely be entitled to reject a permit where the science at the relevant point of time is not able to be decisive of the issue. Where the science is unsure, how can anybody say that the risk of disease entering with produce must be low – the fact is that on the then-present science, the risk is not known. This situation and outcome is expressly dealt with on p3 of the Draft report as being in accordance with Australia’s obligations under the SPS Agreement (see bold dot point on p 3 commencing “Where scientific evidence is insufficient...”).

- 3. It seems to me that each time in your Draft Risk Analysis there is a scientific doubt about risk of disease entry or about the efficacy of proposed conditions of entry, Biosecurity swings in favour of the applicant country and is prepared to make assumptions which do not have scientific basis in favour of the applicant country. This does not seem “fair” and is not “scientific” – nor is it in accordance with your summary of Australia’s obligations under the SPS Agreement – again see bold dot point on p 3 commencing “Where scientific evidence is insufficient...”.**

- 4. Pink Lady apple was, I recall, bred in Perth in an intensive and costly breeding program expanding over more than 20 years. The resulting apple is the envy of the world. It is highly susceptible to fireblight. It would be particularly sad and quite uneconomic for an Australian invention to be put at so much risk by a single decision of Biosecurity. Pink Lady is particularly suited to the growing conditions in Australia (longer summers and less cold autumns necessary for its unique flavour at time of harvest in April/May) and although grown under licence in other countries, when Australian grown, fetches a premium in overseas markets.**

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