# The AQIS Import Risk Analysis Process - Psittacine Birds and Flamingos

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**Abstract**

This paper provides a general background to the AQIS import risk analysis process. It also provides a brief update on progress to date with the psittacine and flamingo import risk analyses.

**Background to the risk analysis process**

The Australian Quarantine Review Committee, headed by Professor Malcolm Nairn, submitted its report to the Government in October 1996. Among the 109 recommendations made by the Review Committee were a number related to Import Risk Analysis. Generally, the Review Committee recommended that AQIS "continue to use and refine scientifically based risk analysis to develop its quarantine policies and procedures."

In particular, the Review Committee recommended that AQIS should adopt a process to ensure that import risk analysis was performed in accordance with the following principles:

- Consultation
- Scientific basis
- Political independence
- Transparency
- Consistency
- Harmonisation
- Subject to appeal

The Government accepted the majority of the Nairn recommendations, including those relating to the import risk analysis. The process which AQIS has adopted is described in the AQIS Import Risk Analysis Process Handbook. The following description of the IRA process is adapted from the Handbook.

Animal Quarantine Policy Branch (AQPB) is responsible for developing and reviewing policy for the importation of animals and genetic material. Communication with stakeholders on these matters is through Animal Quarantine Policy Memorandum (AQPM). Mailing lists for particular issues are developed from AQIS stakeholder register. Any person or organisation with an interest in animal quarantine matters should complete a questionnaire to ensure they are included on the stakeholder register.

**The IRA Process**

*Initiation*

Current import policies for animals, plants and their products are based on an assessment of risks conducted at some time in the past and updated from time to time.

AQIS has a responsibility to keep established import conditions current and to modify them appropriately. There will be a need to review established import conditions, for example when new information on a pest or disease becomes available. A review may be prompted by interested parties presenting information that prima facie justifies further risk analysis or AQIS may decide to initiate an analysis on the basis of information from its own sources. A proponent may request the development or review of an import policy either by asking AQIS in writing to consider a proposal to import a plant, animal, a plant/animal product, or goods associated with such commodities, or by applying to AQIS for an import permit. AQIS may make minor changes to import conditions as a matter of course, but will advise stakeholders of a significant review of import conditions.

**Priority considered (where required)**

AQIS has a responsibility under Commonwealth administrative law as well as to stakeholders, and from the perspective of bilateral/multilateral relationships, to consider all proposals in a timely manner, within the constraints of available resources. AQIS will prioritise proposals taking into account factors such as the availability of data, the order of receipt of proposals, the breadth and nature of interest in the establishment of new or revised conditions, the need to consider access by a particular date (for example, for the Sydney 2000 Olympic Games) as well as stakeholder comment.

**Type of risk analysis determined by AQIS program specialists**

AQIS will evaluate each proposal to determine whether a routine or a non-routine analysis is warranted and circulate its evaluation to stakeholders, requesting comment within 30 days.

The routine analysis process will typically be followed when the analysis is technically less complex or the proposal appears prima facie not to require assessment of significantly greater or different risks than those AQIS has previously examined. In a complementary way, non-routine analyses will be required where there are potentially significant quarantine risks to be evaluated that have not previously been studied by AQIS, and where the analysis is likely to be large and technically complex.

**Proposed IRA approach determined by Executive Director AQIS, and stakeholders advised**

The relevant policy area of AQIS considers comments received from stakeholders on the approach and makes a recommendation to the Executive Director of AQIS for determination.

When the Executive Director of AQIS is satisfied that all relevant issues have been considered, he or she approves initiation of the IRA process, via either a routine or non-routine approach. AQIS advises stakeholders of the Executive Director’s determination.

**Import Risk Analysis: Routine IRA pathway**

*Risk analysis conducted*

AQIS forms an in-house team of scientists, combining expertise in quarantine risk analysis and in the science relevant to the import proposal under consideration. The team conducts the routine IRA using procedures based on international standards. During this process, AQIS would routinely seek input from, and consult with, stakeholders and technical experts as appropriate to that analysis. Stakeholders are informed of any significant variation to the process once it is under way

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

AQIS circulates to stakeholders, for comment within 60 days, the draft IRA paper covering technical issues on disease and pest risk, risk management options and a preliminary view on which option would achieve Australia's appropriate level of protection. AQPB provides copies to stakeholders through AQPMs as well as announcing the release in the AQIS Bulletin, on the AQIS Internet homepage. In accordance with Australia's obligations as a Member, the WTO is notified to provide other countries with the opportunity to comment.

**Import Risk Analysis: Non-routine IRA pathway**

*Determination of issues, timing, risk analysis panel determined*

AQIS circulates to stakeholders information addressing the scope of the IRA with regard to the commodity under assessment, a preliminary timetable and a proposed RAP membership. Stakeholders have 30 days to submit comment on these proposals.

A RAP will generally comprise three to five members, some with experience and expertise in quarantine risk analysis, and others with scientific or technical expertise in plant and animal diseases and pests relevant to the import proposal under consideration. The Chair of the panel will be a member of the relevant policy area of AQIS with experience in quarantine risk analysis, awareness of Australia's international rights and obligations under the SPS Agreement, and an appreciation of Australia's appropriate level of protection.

AQPB maintains a register of individuals with expertise in these areas and any proposal on RAP membership would be on the basis of this expertise. In addition to relevant scientific expertise, RAP members are required to demonstrate a proven capacity to exercise sound scientific judgement, and an absence of vested interest.

RAP members may be drawn from AQIS, other government agencies (Federal and State), industry, scientific organisations, private consultancy firms or the general public. Stakeholders may be asked to nominate technical experts who could be approached to participate in any technical working groups (TWGs) or considered for consultancy projects established by the RAP.

Following consideration of stakeholder comments, AQPB submits to the Executive Director recommendations on the scope, timetable and RAP membership. When satisfied all processes have been completed, the Executive Director makes a determination and stakeholders are informed through AQPMs.. Stakeholders are informed of any significant variation to the process once it is under way.

**Appeal to Director of Animal and Plant Quarantine**

Stakeholders may appeal the Executive Director's determination in relation to scope, timetable, RAP membership and approach, within 15 days from the date on which advice is sent to stakeholders. Appeals should be sent to the Director of Animal and Plant Quarantine, who is the Secretary of the Department of Agriculture, Fisheries and Forestry.

**Appeal determined by Director of Animal and Plant Quarantine and stakeholders advised**

The Director of Animal and Plant Quarantine would normally consider an appeal on the process and advise stakeholders of the determination within 45 days of receipt of the appeal.

**Issues paper published and comment invited**

The RAP members meet to agree on the work program and to decide what, if any, outside assistance is necessary on specific aspects of the IRA. The RAP would decide on the terms of reference and membership for any TWGs or consultancy. To encourage coherence and focus on the relevant issues, and effective communication with the RAP, generally TWGs would be chaired by a member of the RAP.

The RAP prepares an issues paper, canvassing:

- the expected scope of the analysis;
- the main pest and disease risk issues;
- the need for and scope of any other assessments or investigations (for example, the economic or environmental impact of disease or pest entry);
- the prospective timetable for the IRA; and
- other matters it may need to consider.

Issues papers will vary significantly in size and content depending on the type of commodity to be imported, the complexity of the technical issues and the availability of data. While the detail in issues papers varies, issues papers do not include estimates of quarantine risk nor risk management options. The issues paper is distributed to stakeholders, for comment within 60 days.

**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.

**Draft IRA paper with 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.

## Determination (routine and non-routine processes)

*Comment reviewed and risk analysis recommendations finalised*

After considering all technical issues, including comment received, the AQIS risk analysis team (for routine IRAs) or RAP (for non-routine IRAs) 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 AQIS risk analysis team or 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 AQIS risk analysis team or the RAP, and makes a determination. The Executive Director may seek such further advice from the AQIS risk analysis team or 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 on 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 homepage. 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. An appeal at this stage may only be on IRA processes that were not within the purview of the earlier appeal provision. 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, 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.

Dismissal of an appeal by an IRAAP requires majority support.

*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.

*Application of the Import Risk Analysis Policy*

Once the IRA is complete, application of the policy can proceed. AQIS circulates any new or revised import conditions and notifies the WTO.

**Progress with the psittacine birds and flamingo RAPs.**

Both of these non-routine IRAs are being progressed RAPs with common membership. The members of the RAPs are David Banks (Chairman), Garry Cross (Secretary of the AAVAC), Rod Reece (EMAI), Hugh Millar (Vic Dept of Natural Resources and Environment) and myself. AQIS considers that this group provides a balance of expertise and experience in quarantine risk assessment, legislation and international obligations, avian disease, and the management of live bird importation programs. The RAPs have now met twice, and we should in the near future release the issues papers for these two IRAs.

Following advice recently received that it may not be possible to obtain flamingoes from Canada, AQIS proposed an expansion of the scope of the IRA to include importation of flamingoes and hatching eggs of flamingoes from any country. The IRA will consider the importation of hatching eggs as this may address animal welfare concerns relating to long distance transport of adult flamingoes. The RAP supported the expanded scope of the IRA. AQIS will consider any comments on this proposal after close of the consultation period on 3 September 1999.

AQPB is also considering the commencement of an IRA to develop quarantine policy for the importation of African crowned cranes from any country. We consider that the IRA should be undertaken in parallel with the IRA on flamingos and this will assist in the development of consistent import conditions.

The AAVAC is listed on the AQIS stakeholder database, as are a number of individual members, so you should receive a copy of the various papers when they are released. I urge all AAVAC members to take an active part in the processes.