

**AUSTRALIA'S REGULATORY FRAMEWORK AND PROCEDURES
FOR THE DEVELOPMENT AND ADOPTION
OF SANITARY AND PHYTOSANITARY MEASURES**

Submission by Australia at the Meeting of 29-30 March 1995

Introduction

1. The major categories of sanitary/phytosanitary measures applied within Australia are:
 - quarantine controls on the movement of people and goods into Australia, which have the objective of excluding or limiting the spread of pests or diseases;
 - food standards and food control procedures, which have the objective of protecting human health.

Quarantine

Legislation

2. The principal legislation is the federal government's *Quarantine Act 1908* and the regulations and proclamations made under this Act. To the extent that this legislation deals with the protection of animal and plant health it is administered by the Australian Quarantine and Inspection Service (AQIS) within the agriculture/resources portfolio; to the extent it deals with protection of human health, administration is handled within the health portfolio of government.

3. State and territory (provincial) governments share the constitutional responsibility to make quarantine legislation. State law generally regulates inter-State movement of goods to the extent necessary for agricultural quarantine purposes.

Formulation of measures

4. Quarantine conditions are formulated according to a standard procedure. For the more complex agricultural quarantine issues, the procedure involves the following steps:
 - receipt of an access request from an individual, company or government;
 - preliminary assessment and categorization according to whether new quarantine access conditions need to be specified;

- biological and bio-economic¹ risk assessment using advice as appropriate from relevant research institutes and other bodies;
 - . the assessment deals with risks to native flora and fauna as well as risks to commercial species of plants and animals;
- publication of a discussion paper on the proposed decision on the application, inviting comments within a stated period (from 30 up to 90 days);
 - . the proposed decision is drafted having regard to relevant international standards, guidelines and recommendations;
- consideration of responses to the discussion paper;
- publication of a position paper advising of the decision of the Director of Quarantine;
- preparation and adoption of the legal instrument (quarantine proclamation) to give effect to the new rules;
- public notifications by means of the (AQIS) "Bulletin" and media release as appropriate.

5. Most applications for quarantine access are dealt with under the provisions of pre-existing legislation.

Implementation

6. Responsibility for the administration of quarantine rules is shared between the national and provincial authorities. Agricultural quarantine requirements are largely administered by State government services on behalf of the federal governments, although this function will shortly be transferred from several States to the Commonwealth Government. Human health quarantine in relation to international passenger movement is administered similarly.

Food Standards

Legislation

7. By agreement between the federal and provincial governments food standards are formulated by the National Food Authority under the *National Food Authority Act 1991* and adopted by the National Food Standards Council, whose members are the relevant Ministers of the Commonwealth, State and territory governments.

Formulation of standards

8. Proposed food standards are formulated according to a procedure which is set out in detail in the legislation establishing the National Food Authority. In broad terms this procedure is similar to that which is used for the formulation of quarantine standards. The formulation of a standard (or variation to a standard) may be initiated either by application to the Authority, or by the Authority on its own responsibility.

9. The process for formulating standards includes provision for public comment to be obtained both on the application and on draft standards. The Authority may convene public hearings as appropriate.

¹The bio-economic risk assessment takes into account factors such as the potential damage in terms of lost production or sales/exports in the event of the entry, establishment and spread of a pest or disease and the potential cost of control/eradication programmes. The risk assessment does not take into account the potential economic impact upon Australian industry of competition from imported products; nor does it consider the potential economic advantages to Australia of allowing import of, for example, new genetic material.

10. The Authority drafts standards on the basis of risk assessment appropriate to the specific proposal or application or in accordance with previously determined policy. International standards, guidelines and recommendations are referred to wherever relevant.

Implementation

11. Food standards are adopted and implemented under provincial legislation. Enforcement of standards in respect of domestically produced food is the responsibility of provincial administrations.

12. Administration of domestic food standards in respect of imported foods is the responsibility of the Australian Quarantine and Inspection Service under the provisions of the *Imported Foods Control Act*, under policy guidance of the National Food Authority.