[redacted]
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To Whom it May Concern,

Review of Inorganic Fertiliser Assessment and Management Policy

Thank you for the opportunity to comment on the policy review.

I am opposed to the changes described in the document Imported Inorganic Fertiliser Management Policy: Draft for Industry Consultation v1.0 which significantly and unnecessarily weakens Australia's all important biosecurity protections. It fails to make the case as to why this is necessary and that the risks have been mitigated.

This policy should be negotiated with the Australian public, not overseas suppliers and local beneficiaries. I am concerned that the consultation is targeted toward an industry that has everything to gain from weakened scrutiny. Consultation is completely closed to public scrutiny. Not enough information/evidence is provided to support such a risky policy.

I offer the following comments of detail

1. Introduction

Biosecurity risks often arise due to the nature in which inorganic fertiliser is stored, prepared, and transported

It is the Australian Government not the importer's responsibility to ensure consignments sourced are free from biosecurity risk material, as it is the Australian public and environment that will bear these risks.

I query reliance upon the statement "Offshore entities that implement biosecurity contamination management strategies across their supply chain/s can help to reduce the risk of exotic pests and diseases from entering and establishing– given risks and contamination are increasing.

I am concerned that deregistering entities increases risk and biosecurity intervention on arrival. Yet this policy decreases biosecurity intervention on arrival.

This is inappropriate as Primary Biosecurity Risks are increasing and registered offshore entities are responsible for the biosecurity risk management of the fertiliser from the point of manufacture/sourcing to the point of export to Australia. While individual consignments managed by a registered offshore entity may utilise varying storage, transport, load port and shipping method

pathways, registration verifies that registered offshore entities have systems, processes, and agreements in place across the entire supply chain to ensure biosecurity risk is managed effectively.

No evidence is provided as to the necessity for storage, transport and loaders to be registered to be removed.

6.2 Registration

Re: the statement - applications must be supported by an Australian-based and registered company, known as the sponsor. The sponsor is the contact point for the department for any matters relating to the registered entity and supply chain, including the application process, and where registration is granted, the ongoing maintenance and compliance of that registration.

I question how are you going to prevent monopolisation?

Re: the statement - applications must demonstrate, with documentary evidence, how biosecurity risk is managed across the entire supply chain, from the point of manufacture to the point of export to Australia. This includes the following areas:

I question how and the feasibility of verifying whether those involved in the supply chain are not registered?

Re: the statement "A desk-top assessment of the application and supporting documentation will be conducted to determine suitability for registration."

This is insufficient. On ground oversight and site auditing from the Australian Government is needed.

The department reserves the right to conduct departmental led on-site audits of offshore entities, where it determines that such activities are necessary to the registration of that entity.

Third-party on-site audits must be conducted by independent third-party auditors who hold relevant qualifications and accreditations and are registered with an internationally recognised audit accreditation body.

Bulk and Containerised Inorganic Fertiliser Assessment and Management Policy Review Industry Consultation Overview

Section - 2) Simplifies offshore entity registrations to include only offshore inorganic fertiliser manufacturers and suppliers, removing registrations for facilities that are solely storage, transport or load facilities that do not have control over the biosecurity integrity of the goods through the full supply chain

Comment - No one entity, including manufacturers and suppliers, have control over the biosecurity integrity of goods through the full supply chain, this is why it is critical to biosecurity that all facilities involved in the storage, transport and loading of goods are registered so they can be identified, investigated if required and held to account.

Section - 3) Removes the requirement for departmental officers to conduct offshore registered entity audits, except in extraordinary circumstances, allowing audits to be conducted by independent third party auditors, whose audit reports are then assessed by departmental auditors. This was implemented due to COVID-19 travel restrictions and overall compliance levels have been maintained.

Comment - Is it the intention for DAFF to contract or outsource audits to a third party? Improvements in efficiency, quality and accountability from outsourcing are not a foregone conclusion, this seems ideological they are variable and need to be determined on a case by case basis, more information must be provided before serious comment can be given.

Questions and concerns include:
Savings are most likely from contracting where the required service can be easily specified and monitored, conversely, if the service (such as manufacturing and supply auditing) is complex and requires constant quality control, savings tend to be eaten up by monitoring costs. What has DAFF projected savings for outsourcing will be? What are the projected costs associated with transition, contract management and internal management? What are the potential costs if outsourcing leads to significantly poorer compliance - given this is a matter of biosecurity and health these costs could be extremely high (DAFF has admitted in (7) that de-registration will shift consignment risk from low to high).

If there are few alternative suppliers, governments can easily become captive to monopolistic exploitation - how many alternate suppliers is DAFF aware of?

Wider economic effects also need to be considered: will a decision to outsource stimulate local economic activity and develop local skills? Or will the contract be awarded to an overseas company which will import its own expertise and repatriate the profits?

There are many questions that need to be seriously addressed re accountability - Once a contract has been awarded, the bulk of its provisions be in the public domain?

A particular concern is a reduction in the flow of information available to assess performance and satisfy accountability requirements - Scrutiny of expenditure by the Executive may be undertaken directly by citizens, or on their behalf by parliamentarians, the Auditor-General, the Ombudsman or the media. Because this is such a critical component of democratic practice, a framework has been developed to facilitate such scrutiny. The framework includes the investigatory powers of parliamentary committees, the Auditor-General and the Ombudsman; Freedom of Information legislation; annual reports; and parliamentary questions, with or without notice. However, there are serious doubts about this framework's capacity to deliver effective scrutiny of outsourced expenditure.

The APS is underpinned by a Code of Conduct which ensures it performs its functions in a fair, impartial and professional manner, Non-government contractors are not necessarily required to uphold these standards. How will DAFF ensure service and employment standards are upheld if auditing is outsourced?

Section 10) Replaces on-arrival in-hold sampling with an on-arrival inspection of a pre-bagged 15-litre sample (bagged at the time of the loading inspection) from each hold. This also removes the departmental requirement for ships-hold gas clearance certification, saving time and costs.

Comment - this is essentially removing any on arrival inspection