

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 26

Division/Agency: Compliance Division

Topic: Food inspection managers – loss of jobs

Proof Hansard page: 9 (23.02.2015)

Senator CAMERON asked:

Senator CAMERON: How many food inspection managers have lost their jobs as part of that 279.51?

Ms Mellor: Regarding the people who run the program, there are approximately 10 FTE. That is not the people who order things into inspection; that is the people who run the program.

Senator CAMERON: So 10 people who ran the food administration program have lost their jobs.

Ms Mellor: No, sorry, there are 10 FTE in that program.

Senator CAMERON: Were there 10 as at 30 June 2013?

Ms Mellor: It is still sitting at around 10, and has been—

Senator CAMERON: So there have been no job losses in that area?

Ms Mellor: I will have to come back to you on that.

Senator CAMERON: So there are 10 what are colloquially called food administration managers and you do not think there has been any reduction in that.

Ms Mellor: I will confirm that.

Answer:

As at July 2013 the food administration program had 9.85 full time equivalent staff. As at 31 December 2014 the food administration program had 9.88 full time equivalent staff.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 27

Division/Agency: Compliance Division

Topic: Reduction of staff in food administration area

Proof Hansard page: 10 (23.02.2015)

Senator CAMERON asked:

Senator CAMERON: What I am trying to establish—and there is no secret in this—is: have there been any reductions of staff in the food administration area that would weaken our capacity to identify problems with berries or any food contamination problems from imported goods?

Ms Mellor: Again, I would have to check about the movement in numbers and whether there has been a reduction. It is a cost recovered program; it is not something that is funded out of general appropriations. I could not tell you. The system itself, the Imported Food Inspection Scheme, sets the rate of inspection, and so the rate determines the staffing.

Answer:

Authorised Imported Food Officers as at 24 April 2012 = 121.

Authorised Imported Food Officers as at 12 January 2015 = 147.

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Additional Estimates February 2015

Agriculture

Question: 28

Division/Agency: Compliance Division

Topic: Discussions with Minister – health and safety

Proof Hansard page: 11 (23.02.2015)

Senator CAMERON asked:

Senator CAMERON: I want to be exactly sure that you have. I am not questioning your honesty or anything like that, not for one minute, but I think we are entitled to understand the process that you, as the secretary, have undertaken to ensure the health and safety of the Australian consumers. Have you had discussions with the minister on this issue?

Dr Grimes: Indeed, we have had discussions with the minister on this matter.

Senator CAMERON: Have you provided any advice to the minister on this issue?

Dr Grimes: Yes, we have provided advice to the minister on this issue.

Senator CAMERON: When did you provide advice to the minister?

Dr Grimes: We would have provided advice on a number of occasions over the last week.

Senator CAMERON: I am not asking for what the advice is, but could you provide details of when the advice was provided? You can take that on notice.

Dr Grimes: I would have to take that on notice. It would take the form of both discussions and formal advice through briefing.

Senator CAMERON: How many pieces of formal advice have you given? Would that be advice in writing?

Dr Grimes: We have certainly given advice to the minister in writing on these matters. I would have to take it on notice to give you a precise number of advices. But we have most definitely provided advice.

Answer:

Between 16 February and 18 March 2015 the department has provided 18 Minutes containing formal advice to the minister about the hepatitis A linked to imported frozen berries matter. Further to these formal advices, the department attended a joint verbal briefing of the Minister for Agriculture and the Assistant Minister for Health on the 20 February 2015.

The following table provides a breakdown of the dates of formal advice.

Question: 28 (continued)

Date	Minute	Date	Minute	Date	Minute	Date	Minute
16/2/2015	1	25/2/2015	1	4/3/2015	1	16/3/2015	1
21/2/2015	3	26/2/2015	1	6/3/2015	2	18/3/2015	1
22/2/2015	1	27/2/2015	1	10/3/2015	1		
24/2/2015	1	2/3/2015	2	12/3/2015	1		

In addition to these formal briefings, the department has provided the minister's office with daily information about this matter in the form of emails, telephone calls and question time briefings.

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Agriculture

Question: 29

Division/Agency: Compliance Division

Topic: FSANZ and ready to eat berries

Proof Hansard page: 13 (23.02.2015)

Senator SIEWERT asked:

Senator SIEWERT: In terms of the advice when FSANZ first set the risk level on berries, did they seek your advice on that? I know it was a while ago. I am pretty certain that you would have been looking into this in a bit of detail.

Ms Mellor: I would have to check. I really do not know.

Answer:

The *Imported Food Control Act 1992* classifies foods by default as surveillance foods. Foods are then classified as risk food once the Department of Agriculture has received science based food safety risk assessment advice from Food Standards Australia New Zealand advising a particular food poses a medium to high risk to human health for a specific hazard.

The department does not need to receive advice to make a food a surveillance food.

There has been no previous food safety risk assessment advice for fresh or frozen ready to eat berries provided to the department.

Rural and Regional Affairs and Transport Legislation Committee

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Agriculture

Question: 30

Division/Agency: Compliance Division

Topic: Reducing red tape – Compliance Division

Proof Hansard page: 15 (23.02.2015)

Senator CAMERON asked:

Senator CAMERON: Can you provide details of any instructions you have given to the compliance division in relation to reducing red tape and reducing costs in the compliance division—details of what you or any of your officers have said?

Dr Grimes: We would have to take a question like that on notice. It is very broad, Senator.

Senator CAMERON: I am happy for you to take that on notice. I think it is an important issue that we need to deal with. I think I have chased this down as far as I can go in the broad area. I will come back on some of the details.

Answer:

The government requires all portfolios to have a Deregulation Unit to implement the deregulation agenda, including coordinating the portfolio's mandatory contribution to the whole of government net \$1 billion a year red tape target. To facilitate the portfolio's contribution to the red tape target the Deregulation Unit coordinates the development of a portfolio forward work programme of proposed measures. The Compliance Division participates in this process, along with all relevant areas of the department and portfolio agencies.

The latest deregulation annual report for the agriculture portfolio has identified \$25 million in regulatory savings for the 2014 calendar year and is available on the Department's website at <http://www.agriculture.gov.au/about/deregulation>. As an example, the department is implementing a major service delivery modernisation programme that will contribute to reducing compliance costs through enabling importers and exporters to interact with the department online. This will facilitate trade in animal and plant commodities while maintaining strong risk management safeguards.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 31

Division/Agency: Compliance Division

Topic: Contaminated berries scare in Europe

Proof Hansard page: 15-16 (23.02.2015)

Senator MILNE asked

Senator MILNE: Given that you follow it and, you would assume, that the department and FSANZ follow it, what happened with hepatitis A as a result of the contaminated berries scares in Ireland, Italy, France and Norway last year? Those scares were all over the internet—hepatitis A from contaminated berries. It happened in the United States as well. Did anyone in the department or the minister's office raise a red flag about the level of surveillance of imported berries at the time this was identified as a problem in Europe?

Senator CAMERON: Or did you just keep cutting jobs and food compliance?

Senator Colbeck: I think that is a very unfair assertion to make given that, as Ms Mellor has said, this is a cost recovered program, so as imports or product coming through increase, the resources go with it. Your assertion is therefore quite unfair. It is a pretty crass political point, to be honest. I think yours is a good question, Senator Milne. I would have to take that on notice and I am sure the department would as well.

Senator MILNE: I would appreciate it if you did take it on notice.

Answer:

No advice was requested of or provided by Food Standards Australia New Zealand (FSANZ) to the Department of Agriculture in regard to the international outbreaks of hepatitis A linked to berries. Available information suggested at that time that the implicated berries were not imported into Australia.

FSANZ has examined the issue of hepatitis A virus in produce following an outbreak in semi-dried tomatoes in 2009. No changes were recommended to the Imported Food Inspection Scheme as a result of this examination.

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ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 32

Division/Agency: Compliance Division

Topic: Contaminated berries outbreak in Europe

Proof Hansard page: 17 (23.02.2015)

Senator MILNE asked:

Senator MILNE: The specific question is as follows. There were several berry contamination outbreaks in Europe which led to hepatitis A. In several countries the European Union did a study of that. There were major reports. Senator Colbeck mentioned the United States, but I am more familiar with the European experience. As early as April last year, there were strong reports out of the European Union after they did the investigation. What I am asking specifically is: what did Australia do in response to seeing a red flag raised in the European Union? There were not just accusations but reports about the considered view of the food authorities there. They introduced a software program to look at the lab through to the source et cetera. What did Australia do? And when did we do it? We were cognisant of the fact that it was happening in Europe; therefore, we should have been doing a similar sort of thing.

Dr Grimes: As I indicated before, we rely primarily on advice that we get from FSANZ and that question probably is best addressed to FSANZ. We can check to see whether there was any work done at our end on that matter. We do rely very heavily on the advice that we are provided by FSANZ.

Senator MILNE: In other words, if FSANZ do not act the Australian government does not act to protect the community.

Dr Grimes: I would not describe it in those terms. We would have to check what records we have got at our end of any involvement around those incidents at that time.

Answer:

No advice was provided by Food Standards Australia New Zealand to the Department of Agriculture in regard to the international outbreaks of hepatitis A linked to berries. Available information suggested at that time that the implicated berries were not imported into Australia.

The department did not take any action under the Imported Food Inspection Scheme as a result of the incidents relating to berries in the European Union or the United States of America.

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Agriculture

Question: 33

Division/Agency: Compliance Division

Topic: Chronology of events

Proof Hansard page: 80 (23.02.2015)

CHAIR asked:

CHAIR: Would it assist the committee process if you were able to table this chronology of events?

Ms Vivian: I can table it, but it has handwritten things over it, so what I would like to do is tidy it up.

CHAIR: If you could tidy it up.

Answer:

The Chronology of Events (timeline) was provided to the Rural and Regional Affairs and Transport Legislation Committee on Wednesday 25 February. It is also provided at Attachment A.

TIMELINE

(Note: timeline provides chronology of key events or department action)

HEP A OUTBREAK LINK TO IMPORTS OF BERRIES FROM CHINA

Date	Summary of Key Events	Department of Agriculture Summary of Actions Undertaken	Number of Hep A Cases linked to berries	Products Recalled
<p>13/02/15 (FRIDAY) 4:44pm</p> <p>6:39pm</p>	<p>Department of Agriculture provided with advice by OzFoodNet that there were several Hepatitis A cases linked to consumption of imported Nannas mixed berries. No further details provided.</p> <p>FSANZ advises National Food Safety Network (NFSN): - 4 cases of hep A linked to the consumption of Nanna's frozen mixed berries. - risk to public health unclear</p>	<p>Closely monitor situation</p> <p>Continue to monitor situation as Victorian Department of Health was the lead agency, with OzFoodNet investigating /evaluating the emerging incident</p>	<p>4 - 3 in VIC - 1 in NSW</p>	<p>None</p>
<p>14/02/15 (SATURDAY) 3:42pm</p>	<p>FSANZ advises NFSN: - consumer level recall undertaken for Nanna's Mixed Berries and Nanna's Raspberries (all best before dates up to and including 22/11/16)</p>	<p>Monitor situation – no further action for following reasons. Advice that the Hepatitis A cases were only linked to consumption of Nannas brand mixed berries which were ALL being voluntarily recalled. Victorian Department of Health working with importer who was the sole importer of this berry product.</p>	<p>4 - 3 in VIC - 1 in NSW</p>	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack

		Raspberry product recall purely precautionary.		
15/02/15 (SUNDAY) 1:33pm	FSANZ advises NFSN: - recall of a second product (Creative Gourmet mixed berries). - These were packed at the same warehouse as Nanna's products (i.e. precautionary recall)	Monitor situation – no further action for above reasons.	5 - 3 in VIC - 2 in NSW	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack • Creative Gourmet's Mixed Berries 500g pack
16/02/15 (MONDAY) 2:46pm 3:00pm 4:00pm	Department contacted Customs and Border Protection Services for all data relating to imports of berries from all countries. Received preliminary information on laboratory capability for Hepatitis A analysis and limitations associated with end product testing. Communicable Disease Network Australia (CNDA) held teleconference to discuss multijurisdictional outbreak of Hep A. Reconfirmed unfolding outbreak linked to berries.	Data received at 12:48pm on 17 February. Researching Hepatitis A analysis of food, limitations and relevance of such testing – investigation versus regulatory Monitor developments.	5 - 3 in VIC - 2 on NSW	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack • Creative Gourmet's Mixed Berries 500g pack
17/02/15 (TUESDAY) 10:30am	Contact with Patties Foods, the importer of Nannas mixed berries.	Requested details of the Chinese exporter and manufacturer for the products being recalled. Also requested details of their supplier assurance requirements for these entities and assurance that all implicated	11 3 NSW 3 Vic 5 Qld	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack

12:48pm	Requested data from Customs received.	product (new or not in retail) is being held.		<ul style="list-style-type: none"> Creative Gourmet's Mixed Berries 500g pack
1:00pm	Discussion with Food and Beverage Importers' Association. Engaged with industry association to seek industry assistance in reviewing their supply chains to ensure the berries imported are safe and not implicated in the current food recalls.	Commenced reviewing the data to evaluate trade in berries for 1 January 2014 to 16 February 2015 Department contacted the Food and Beverage Importers' Association to alert and seek industry assistance.		
2:00 pm	NFSN Teleconference	Department participated in the National Food Safety Network convened a regulators teleconference (FSANZ, Agriculture and state depts. Of health) – the key outcome of the teleconference was agreement that the various jurisdictions would continue to work together to understand the linkages between the imported frozen berries and reported cases of hepatitis A.		
2:35pm	Food and Beverage Importers' Association contacted their members known to import berry products.	Monitor.		
8:45pm	Agricultural Counsellor confirms teleconference with Chinese government officials	Department sent Cable seeking Agriculture Counsellor assistance in engaging with the Chinese government. Department commences drafting formal letter to China (AQSIQ) outlining concerns about hep A contamination in their supply chains and seeks an urgent investigation from Chinese authorities.		
18/02/15			11	<ul style="list-style-type: none"> Nanna's Mixed Berries

<p>(WEDNESDAY) 10:00am</p> <p>3pm</p> <p>5:18pm</p> <p>6pm</p> <p>7pm</p>	<p>Department of Agriculture met with FSANZ to discuss incident</p> <p>FSANZ convened the Retailers and Manufacturers Liaison committee by teleconference. Committee is for industry with attendees from manufacturers, importers and retailers. Patties Foods attended providing an update on their actions.</p> <p>Department of Agriculture formally requests advice from FSANZ as to the risk posed to human health from imported berries for the hazard Hepatitis A.</p> <p>Media release issued by Department of Agriculture focusing on actions taken to date, and a further explanation of the imported food inspection system.</p> <p>Signed formal letter emailed to Agriculture Counsellor, Beijing.</p>	<p>The incident was discussed and agreement on actions to be taken reached.</p> <p>The Department of Agriculture participated, providing an update on actions being taken by the department and initial feedback from Chinese authorities.</p> <p>Letter emailed to CEO of FSANZ. Await response.</p> <p>Media team continue to manage media enquiries</p> <p>Department writes to China (AQSIQ) again outlining concerns about hep A contamination in their supply chains and seeks further information about possible berry packers.</p>	<p>3 NSW 3 Vic 5 Qld</p>	<p>1kg pack</p> <ul style="list-style-type: none"> • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack • Creative Gourmet's Mixed Berries 500g pack
<p>19/02/15 (THURSDAY) 11:42 am</p> <p>12:47pm</p>	<p>Department received Cable from Post advising the authorities in China have commenced an investigation. This may be delayed due to Chinese new year.</p> <p>FICA notification received from Patties Foods confirming details of the foods being</p>	<p>Briefing prepared to inform stakeholders – internal department and FSANZ, state and territory governments.</p> <p>Notification details assessed.</p>	<p>13 - 5 in QLD - 4 in NSW - 3 in Vic - 1 in WA</p>	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack

1:30pm	recalled and suspected to be the source of the Hepatitis A infections. Department spoke with Patties Foods concerning notification and products being recalled.	Department spoke to Fred Griffiths (Technical Manager) from Pattie's Foods to seek update on their actions. This again confirmed that all Patties product is currently on hold.		<ul style="list-style-type: none"> • Creative Gourmet's Mixed Berries 500g pack
2pm	NFSN Teleconference: Discussion focussed on Hep A testing, updates from states and territories, progress of investigation and update from Department of Agriculture and FSANZ.	Department provided information received from China and a summary of actions taken to date. Agreed to share further information as it becomes available.		
2:30pm	Engaged industry requesting provision of information from known importers of berries from China.	Department commenced phone contact with all recent berry importers (30) to receive information on their imported products and what supply chain controls are in place.		
7pm	Formal letter around FICA breach issued to Patties (in response to Patties FICA notification of this morning).	Monitor for response.		
20/02/15 (FRIDAY) 1pm	ICS data examined by compliance division. Evidence suggests Raspberries have been imported from implicated Chinese Raspberry packer.		14 - 5 in QLD - 5 in NSW - 3 in Vic - 1 in WA	<ul style="list-style-type: none"> • Nanna's Mixed Berries 1kg pack • Nanna's Raspberries 1kg pack • Creative Gourmet's Mixed Berries 300g pack • Creative Gourmet's Mixed
2:30pm	Phone call	Department contact with identified		

3.15pm	Email follow up to confirm in writing discussion.	importer to determine if they have risk product. Email and response from importer. Confirmed all berry product imported on voluntary hold at warehouse in Sydney.		Berries 500g pack
3pm	Contact with Patties Foods supply chain and quality assurance staff	Department officers contacted Patties Foods to seek detailed description of the berry supply chain from farm until final product is exported from China.		
4pm	Department changes profiling within Customs ICS system for berries from China.	Declaration of producer now mandatory for imports of berry products from China. Takes effect at midnight within ICS.		
4:30pm	Industry notice published advising producer declaration now mandatory for berry imports from China.			
6pm	Telephone contact with known importers of berry products from China.	Department two thirds of way through phone contact with recent berry importers and emailing a follow up questionnaire to assist with dept's enquiries. Requested response within 48 working hours.		
21/02/2015 (Saturday) 10am	Food and beverage Importers' Association advised of mandatory producer declaration.	Briefed on changes implemented.	18 3 – Victoria 7 – NSW 7 – Qld 1 - WA	
10:30am	Industry notified of mandatory declaration of producer through email subscription	All registered parties receive notice.		

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Rural and Regional Affairs and Transport Legislation Committee

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Agriculture

Question: 34

Division/Agency: Compliance Division

Topic: Testing of antibiotics in prawns coming in from Vietnam

Proof Hansard page: 90 (23.02.2015)

CHAIR asked:

CHAIR: But we should learn from the prawns episode. Do we test for antibiotics in the prawns coming in from Vietnam and other places?

Ms Mellor: Yes, we do.

CHAIR: What is the regime of testing? I will take that on notice.

Senator SIEWERT: Hang on! I want to stay on this.

CHAIR: So do I.

Senator SIEWERT: This is why I jumped in before.

CHAIR: So do I. Because they are cunning enough to sell those prawns somewhere where there is not the surveillance. They are still producing them with the antibiotic contamination and selling them to places that do not wake up to the fact that they are copping them. Whereas Japan woke up to the fact, so they hunted them out of Japan and sold them somewhere else. The same thing will happen here. You have to go and have a bloody look.

Senator SIEWERT: Chair, I want to go back to the question that I asked. Could you take on notice whether it is just a practice that has never happened or whether, under your act, you can act without that advice?

Ms Mellor: Yes.

Answer:

Five per cent of consignments of prawns from all countries are referred for inspection and testing for the presence of the antimicrobials fluoroquinolones and nitrofurans.

Under the *Imported Food Control Act 1992*, the Minister may make orders reclassifying food as a risk food, on the basis of advice from FSANZ.

Rural and Regional Affairs and Transport Legislation Committee

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Agriculture

Question: 35

Division/Agency: Compliance Division

Topic: FICA

Proof Hansard page: 91 (20.02.2015)

Senator SIEWERT asked:

Ms Mellor: There is another company. Most of these companies do not just import berries. A lot of them import different food lines.

Senator SIEWERT: So the FICA is—

Ms Mellor: The FICA is about the company and its arrangements.

Senator SIEWERT: It is the whole lot.

Ms Vivian: We do need to check something. One of the other companies on a FICA imports berries. I did say Chinese berries, and my staff will check, but I am just not quite sure whether they do import from China.

Senator SIEWERT: You are not sure whether it is one of the other 30.

Ms Vivian: Yes.

Senator SIEWERT: So, potentially, we have another company that is importing berries under a FICA that is doing its own assessment.

Ms Mellor: It is providing us with results and subject to an audit regime.

Mr Ironside: That is right.

Answer:

Ms Vivian clarified later in Hansard (page 93) that two importers on a FICA, Patties Foods and another company, import frozen berries from China.

Rural and Regional Affairs and Transport Legislation Committee

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Agriculture

Question: 36

Division/Agency: Compliance Division

Topic: Testing

Proof Hansard page: 96 (23.02.2015)

CHAIR asked:

CHAIR: At what point do they test? The freezer container comes in. Do they take the sample as they are unloading it or when it is down at the freight forwarders?

Ms Vivian: I would have to confirm, but I would think that it comes in on the containers, is put on a ship and is taken to their warehouses. I imagine that is where they would have the—

CHAIR: This committee has had lots of fun with import risk stuff, so we might accept an invitation from the appropriate departmental authorities to go and have a look to see whether it passes the man-in-the-street test.

Answer:

Patties Foods take samples of product either during the unload of a container or once the container is unloaded and the product is in the warehouse.

Rural and Regional Affairs and Transport Legislation Committee

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Additional Estimates February 2015

Agriculture

Question: 37

Division/Agency: Compliance Division

Topic: Microbial testing

Proof Hansard page: 97 (20.02.2015)

Senator SIEWERT asked:

Senator SIEWERT: He was talking about viruses.

CHAIR: I will have to go back to that

Senator SIEWERT asked: So at the moment, despite the fact that you have just said that Patties was doing some microbial testing, the other importers do not do that because they have not got a figure?

Senator Colbeck: No, I do not think you can make that statement, Senator.

Senator SIEWERT: That is why I am asking. That is what I understood—

Senator Colbeck: That is an interrogation of their systems, which would be part of a discussion. So I am not sure we can completely answer the question.

Ms Vivian: No, we could not—

Senator Colbeck: We will have to take that on notice.

Answer:

On 20 February 2015 the department commenced a formal survey of 30 importers of frozen berries from China for information on the source of their berries and evidence of food safety management systems in place within the supply chain.

The department sought the following information from these companies that imported berries from China since 1 January 2014:

- The company names and addresses of the facilities in the supply chain in China.
- If the facilities, or the supply chain which includes those facilities, have audited or certified food safety management systems in place, and if so, to provide evidence of audit or certification for each facility or evidence of supply chain assurance.
- Details of verification testing for in-process and end product in China or in Australia.

Question: 37 (continued)

The information received and assessed indicates that packers operating in China supplying the Australian market have well developed, audited and certified management systems which include verification testing. The systems are certified to internationally recognised standards and audited by accredited bodies.

Additionally, although it did not form part of the survey, 50 per cent of importers provided information on the quality management systems for their local importing operations.

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Agriculture

Question: 38

Division/Agency: Compliance Division

Topic: Screening of cruise ships

Proof Hansard page: 99-100 (23.02.2015)

Senator SIEWERT asked:

Senator SIEWERT: From what I just understood, you are not providing screening of cruise ships into Tasmania.

Ms Mellor: It depends on whether it is a first port. If it is a first port, we will provide screening. So if it is the first place that an international ship stops, we will do that, and possibly under arrangement. But if it is not a first port, it is not this department's responsibility.

Senator SIEWERT: Okay. So you are still checking ships if they are first port?

Ms Mellor: Yes.

Senator SIEWERT: If they are coming direct from New Zealand, are they screened as first port?

Ms Mellor: They should be, but let me check that. I am just not conscious of whether this department is doing it, whether we are asking Primary Industries down there to do it or whether we have got it under another arrangement, say with Customs. I just need to check that.

Senator SIEWERT: If you could, that would be great. Presumably, if the state department is picking it up, that will come as part of your response in terms of what the state department is contributing.

Ms Mellor: Yes. We will get you information on the agreement.

Senator SIEWERT: I am also told that, on occasions, inspections by state government staff of cruise ships have turned up kilograms of fruit and vegetables with passengers that has not been screened.

Ms Mellor: It may well have come from Melbourne. Again, we have delved into that.

Question: 38 (continued)

Answer:

All international cruise vessels are inspected at the first arrival port in Australia. This includes international cruise vessels arriving directly from New Zealand to Tasmania. Clearance of disembarking passengers and their personal luggage, being those quitting the voyage and not returning to the vessel, are undertaken at the respective disembarking ports in Australia.

Vessels first porting in Tasmania are initially risk assessed by the Australian Government Department of Agriculture, then inspected by officers from the Tasmanian State Department of Primary Industries, Parks, Water and Environment under *Quarantine Act 1908* powers.

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Question: 39

Division/Agency: Compliance Division

Topic: Berry outbreaks overseas

Proof Hansard page: 103 (23.02.2015)

Senator XENOPHON asked:

Senator XENOPHON: I know this has been dealt with extensively this afternoon, but Senator Milne asked a question earlier today about the outbreaks overseas. If there were an outbreak in respect to a particular type of food—in this case berry outbreaks were reported at the Centers for Disease Control and Prevention back in May 2013, there were Hep A outbreaks in Canada in 2012, and also again in May 2013 there were outbreaks in Europe. To what extent does the department look out for that and monitor any outbreaks overseas and then make inquiries as to whether the source of those outbreaks could in any way be related to products that could be coming into our country? In other words, what protocols are there? To summarise it, do you monitor any outbreaks overseas, what protocols are there for monitoring those and what action, if any, does that trigger in respect to any overseas outbreaks?

Mr Phythian: For Australia internationally, under the World Health Organization, there is the INFOSAN network. FSANZ is the emergency contact point for that network, and they will be able to discuss that in greater detail than I can.

Senator XENOPHON: So you cannot tell us whether FSANZ advised you of previous outbreaks—for instance, in respect of berries in 2012 in Canada and in 2013 in the United States and in Europe?

Mr Phythian: We meet regularly with FSANZ, almost every month.

Senator XENOPHON: That was not my question. Can you take on notice whether you were advised of the previous outbreaks in respect of Hepatitis A berry contamination?

Mr Phythian: Yes, I can take it on notice.

Answer:

No advice was provided by Food Standards Australia New Zealand to the Department of Agriculture in regard to the international outbreaks of hepatitis A linked to berries. Available information suggested at that time that the implicated berries were not imported into Australia.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 40

Division/Agency: Compliance Division

Topic: FSANZ – gatekeeper

Proof Hansard page: 104 (23.02.2015)

Senator XENOPHON asked:

Senator XENOPHON: So you do not do that independently. As Dr Grimes said, you rely on FSANZ to be the gatekeeper for that? Is that nod? Is that a 'yes'?

Dr Grimes: That is certainly my understanding.

Senator XENOPHON: Sorry—'certainly your understanding'—is that the actual protocol, though?

Dr Grimes: I would have to take that on notice. I would have to check.

Senator XENOPHON: So you do not know the protocol?

Mr Phythian: There is a memorandum of understanding between the Department of Agriculture and the Department of Health, and under that sits an annexe. It is specifically between the imported foods section and FSANZ.

Senator XENOPHON: Is that publicly available?

Mr Phythian: I think it is on our website.

Ms Mellor: It should be on our website. If it is not, we can make it available.

Answer:

The Memorandum of Understanding between the Department of Agriculture and the Department of Health, including the Annexe with Food Standards Australia, is available on the Department of Agriculture's website:

<http://www.agriculture.gov.au/biosecurity/partnerships/mou>

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 41

Division/Agency: Compliance Division

Topic: Interception of seeds

Proof Hansard page: 105 (23.02.2015)

Senator SIEWERT asked:

Senator SIEWERT: Over the last 12 months how many times have you intercepted seeds coming in privately, not commercial importation, through ordering online?

Ms Hinder: It could be tricky to get it down to that granularity, but let us take it on notice and see what we can do. I suspect we will not be able to split between commercial and non-commercial, just because of the way people do it.

Senator SIEWERT: I take your point.

Answer:

The department's response relates to interceptions at international mail gateways as most non-commercial items such as seeds are imported using this pathway.

The number of people and individual seed items intercepted can be broken down as follows:

Inspection Gateway	FY2013-14		1 Jul 14 – 28 Feb 15	
	People*	Seed items	People*	Seed items
Brisbane Airport Transit Centre	193	269	129	165
Melbourne Gateway Facility	866	1,314	637	837
Perth Gateway Facility	148	203	69	88
Sydney Gateway Facility	2,708	3,493	1,992	2,548
Total	3,915	5,279	2,827	3,638

* Figures reflect the information stated on the import declaration. A person may be reflected multiple times for seed interceptions on different dates.

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ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 42

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

Since the multistate outbreak of Hepatitis A in Australia in 2009 associated with semidried tomatoes which affected around 280 people what steps were taken to prevent a repeat outbreak associated with any of the foods known to be the most common risks for Hepatitis A infection, including berries?

Answer:

Food entering Australia is subject to the *Imported Food Control Act 1992*, which provides for the inspection and control of imported food using a risk-based border inspection program, the Imported Food Inspection Scheme (IFIS). Food Standards Australia New Zealand (FSANZ) advises the department on those foods that pose a medium to high risk to human health and safety, with the department classifying these foods as risk foods for inspection under the IFIS.

FSANZ has examined the issue of hepatitis A virus in produce following the outbreak in semi-dried tomatoes in 2009. No changes were recommended to the IFIS as a result of this examination.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 43

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

After the outbreak of Hepatitis A in several European countries associated with frozen berries which affected some 1,318 people between January 2013 and April 2014 what steps were taken to protect Australians from a similar outbreak?

Answer:

The department did not take any action under the Imported Food Inspection Scheme as a result of the incidents relating to berries in the European Union.

No advice was provided by Food Standards Australia New Zealand to the Department of Agriculture in regard to the international outbreaks of hepatitis A linked to berries. Available information suggested at that time that the implicated berries were not imported into Australia.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 44

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

Have any steps been taken to recommend that consumers boil frozen berries before consumption as recommended by authorities in Ireland and Italy?

Answer:

The Department of Agriculture does not have a role in providing health advice to Australian consumers. This is a matter for the Department of Health.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 45

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

What certification, if any, is currently required in relation to imported frozen berries regarding adherence to hygienic standards during harvesting and processing?

Answer:

There are import requirements relating to frozen berries that apply under both the Quarantine Act and the Imported Food Control Act. Under the Quarantine Act, berries must be frozen at minus 18°C for at least seven consecutive days prior to arrival in Australia and consignments must arrive frozen. Each consignment must be accompanied by commercial documentation verifying the freezing process. Consignments must also be commercially prepared, in clean packaging and must be free of quarantine risk material including soils, leaf trash, stems etc. Under the Imported Food Control Act, importers have a responsibility to import safe food. Any frozen berries that are imported under a Food Import Compliance Agreement (FICA) will be subject to the hygiene standards prescribed in the quality systems that were approved as part of the FICA.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 46

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

What steps have been taken since the publication in 2012 by the Codex Alimentarius Commission of the *Guidelines on the Application of General Principles of Food Hygiene to the Control of Viruses in Food* including its Annex II on the *Control of Hepatitis A Virus (HAV) and Norovirus (NoV) in Fresh Produce* to ensure that all fresh produce, including ready to eat berries, imported into Australia are produced in full accordance with these guidelines?

Answer:

The department administers the *Imported Food Control Act 1992* (the Act) and the object of this Act is to provide for the compliance of food imported into Australia with Australian food standards and the requirements of public health and safety. The applicable standards referred to in the Act are those contained in the Australia New Zealand Food Standards Code (the Code).

Currently there is no Primary Production and Processing Standard for horticulture in the Code.

The Act is predominantly a border surveillance inspection scheme. Supporting legislation is currently being amended to enable the department to require recognised foreign government certification as evidence of through chain controls as a condition of entry for some risk classified foods. This approach will be used where the hazards associated with some risk foods are best managed by being subject to controls along the through chain.

Food Standards Australia New Zealand provides the science based risk assessment advice which identifies the foods requiring this approach to satisfactorily manage known hazards.

The department has not been provided with any risk assessment advice relating to viruses in food which pose a medium to high risk to human health as requiring this approach. If this changes, then the amended legislation would support such an approach.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 47

Division/Agency: Compliance Division

Topic: Hepatitis A and Ready to Eat Berries

Proof Hansard page: Written

Senator BULLOCK asked:

Have any steps to be taken to (a) identify the quality control contractors used at the factories in China which supplied the berries implicated in the current outbreak of Hepatitis A in Australia; (b) ascertain which other imported products coming into Australia have been produced or packaged at factories certified by those quality control contractors as complying with the relevant hygienic standards; and (c) to implement measures to ensure that imported products from these factories are actually safe?

Answer:

On 16 February the Department of Agriculture searched comprehensive import data to identify the supply chains involved in the trade of berries from China. On 17 February the department commenced a survey of all known importers of frozen berries from China to identify any supply chains that may not have been reflected in the data. The food importing industry association was also contacted and requested to advise importers to review their supply chains to ensure berries imported are safe and not implicated in the food recalls.

The department confirmed that 100 per cent of Patties Foods berries from the processing facility associated with the recent hepatitis A outbreak were being held (on a voluntary basis) pending testing.

The department also engaged with government authorities in China and requested an investigation.

On 20 February the department commenced a formal survey of 30 importers identified as importers of frozen berries from China for information on the source of their berries and evidence of food safety management systems in place in the supply chain.

The information received and assessed indicates that packers operating in China supplying the Australian market have well developed, audited and certified management systems which include verification testing. The systems are certified to internationally recognised standards and audited by accredited bodies. Additionally, although it did not form part of the survey, 50 per cent of importers provided information on the quality management systems for their local importing operations.

Question: 47 (continued)

On 23 February the department implemented electronic profiles to identify and hold imports of berries for the Chinese producer of the 1kg Nanna's mixed berries. If there are any future imports of berries from the Chinese producer, they will be subject to testing for *E. coli* and Hepatitis A while on hold at the border.

The department continues to work with Patties Foods to trace back the source of the berries and results of their investigations. The department also continues to engage with the Chinese authorities on their investigations.

Since the first cases of locally acquired Hepatitis A were reported by Victoria Health on 12 February 2015, there have been no imports of berries from the Chinese manufacturer released into Australia. Batches of berries already in stock with Patties Foods remain on hold and none have been released since the notification.

The department has implemented microbiological testing as part of the ongoing surveillance of frozen berries imported into Australia from any country.