

# Dissenting Report by Government Senators

## Introduction

1.1 In 2001, the Australian Government introduced a blanket ban on the domestic sale of beef and beef products from any country that had a confirmed case of BSE. It was implemented to protect the Australian population from BSE contamination in the food supply, because of the link made between the consumption of certain tissues from BSE infected cattle and the rare fatal human disease Creutzfeldt-Jakob Disease (vCJD).

1.2 At the time of the outbreak, the ban on the importation of beef into Australia was based on the best scientific knowledge available. It was acknowledged that this science was conservative, and subject to review.

1.3 The Committee has learned over the course of the inquiry that the science has developed significantly since the ban on imported beef was introduced in 2001.

- It is now scientifically evident that BSE cannot be introduced by the safe importation of beef (i.e. there is no viable pathway for BSE to enter Australia).
- Uncertainty about the risk to human and animal health has subsequently been clarified. Therefore and the policy rationale behind the original ban (the risk to human and animal health) is no longer in existence.
- The vast majority of the Australian beef industry strongly support the change in policy
- The peak body for the Australian beef industry (the Red Meat Advisory Council Ltd) sought these changes, noting that it had been an outstanding issue for more than two years.
- The beef industry sought confirmation that they will be consulted in the development of the import protocols. FSANZ have consulted with the peak industry body in the development of the policy.
- The Australian Red Cross and their Blood Service are also satisfied that the change in policy will not impact on Australian blood supply. rejecting claims that blood donations could be hindered by the Federal Government's decision to allow imports of beef from countries previously affected by mad cow disease.

1.4 Government Senators note that on 8 March 2010, the Minister for Agriculture, Fisheries and Forestry wrote to the Director of Animal and Plant Quarantine and

requested Biosecurity Australia conduct an Import Risk Analysis (IRA) for fresh beef (chilled or frozen) from countries other than New Zealand.

1.5 This decision was to ensure import conditions are developed on the full range of animal health issues based on the best available science, to provide a high level of assurance to the community. It also provides further opportunities for public consultation. This will ensure the best science based process is applied. The IRA is a formal review process of the animal health risks associated with imported beef. It has specified time frames, guaranteed opportunities for community engagement and review by an Eminent Scientists Group.

1.6 Government Senators regards the health and safety of Australian consumers and our favourable animal health status as matters of the highest importance.

1.7 Government Senators are confident that the change in policy will not affect Australian food standards which require that beef and beef products be derived from animals free of BSE. Nor will it affect Australia's internationally recognised negligible BSE risk status in terms of animal health.

1.8 There have been considerable advances in scientific understanding and risk management since 2001 when the previous policy on BSE and imported food safety was put in place. The change of policy has occurred within the framework of Australia's strong science-based risk-management approach to human, animal and plant health policy, in line with our international trade obligations.

1.9 An independent review concluded that over the last five years the evidence for more effective control of the global BSE epidemic has strengthened. Passive and active surveillance, carried out in accordance with the World Organisation for Animal Health (OIE) guidelines has shown that numbers of BSE affected cattle are falling year by year in virtually all affected countries.

1.10 Government Senators understand that BSE can only be transmitted by feeding cattle with meat and bonemeal produced from BSE-infected cattle. It is very clear that Australia has in place comprehensive regulatory controls which prohibit the feeding of meat and bone meal to cattle and other ruminant animals. Government Senators acknowledge the broad community interest in the labelling of beef and note the Government's actions to respond to consumer concerns about labelling of beef products. Country of origin labelling is already mandatory for packaged foods and some unpackaged foods, namely fruit and vegetables, fish and pork. In response to a request from the Parliamentary Secretary for Health, Food Standards Australia New Zealand (FSANZ) is now examining a proposal to extend country of origin labelling for other unpackaged meats, including beef, lamb and chicken meat products. This is expected to be completed in early 2011, in advance of any possible beef imports from new markets.

1.11 In addition, the Government is seeking agreement from industry about a new labelling system for beef products which will make it easy for consumers to identify, for example, whether their meat pie contains only Australian beef.

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## **Import Risk Assessment (IRA) Process, Ministerial and Parliamentary Involvement**

2.1 Biosecurity Australia has described extensive consultation mechanisms that will be implemented as part of the IRA Process, in recognition that there is considerable public interest in IRA Processes. Government Senators note that the IRA Processes have evolved over time. The requirement to put a statutory timeframe on the IRA Process, as articulated in the IRA Handbook, was implemented in 2007.

2.2 Successive Australian Governments have advocated a science based approach to decisions about the entry into Australia of imported products. However Government Senators note that these decisions are subject to Parliamentary Scrutiny.

2.3 The Australian Parliament has established a robust decision making framework through primary and subordinate legislation which delegates decision making in this regard to officials with technical expertise, in some cases with the guidance of eminent and independent scientists. Changes to the legislation are a matter for the Parliament and subordinate legislation enjoys parliamentary scrutiny.

2.4 Administrative decisions made by the Director of Animal and Plant Quarantine are made in accordance with relevant primary and subordinate legislation and subject to judicial review. The IRA process is conducted publicly and Senators and other interested parties have considerable opportunity to ask questions of and make comments to both the process and the Director of Animal and Plant Quarantine through the Minister, Senate Estimates and other processes.

2.5 Government Senators are confident that processes in existence enjoy considerable public and parliamentary scrutiny and do not support **Recommendation 1** of the Committee report which advocates Ministerial involvement in Import Risk Assessment matters.

### **Stop the clock provision for IRA beef from Japan**

3.1 The inquiry heard that the “Stop the Clock” provision for the current IRA has been activated for beef imported from Japan. This is due to an outbreak of Foot and Mouth disease in that country. The Stop the Clock provision suspends the statutory framework for the Japan imported beef IRA process until the outbreak of Foot and Mouth disease is demonstrated to have stopped.

3.2 The inquiry heard that a new case of BSE in Canada would not instigate the Stop the Clock provision for the Canada imported beef IRA because it is already known that BSE exists in that country.

3.3 Government Senators are confident that the existence of BSE in a country where an IRA process has commenced will be appropriately considered by the IRA process.

## **Tracing product from point of sale**

4.1 Government Senators believe that countries that wish to export beef and beef products to Australia are required to demonstrate that they have adequate livestock identification and traceability systems in place which deliver standards equivalent to those of the Australia's National Livestock Identification System (NLIS). NLIS provides for livestock identification and traceability from their birthplace to the point of slaughter.

## **Current understanding of human health risks associated with BSE**

5.1 Government Senators note that the Government has asked Food Standards Australia New Zealand (FSANZ) to consider reviewing the Country of Origin Labelling standard with a view to remove its inconsistency in application across unpackaged meat, particularly beef.

**Senator Glenn Sterle**

**Senator Kerry O'Brien**