



Department of
**Agriculture, Fisheries
and Forestry**

Reference: **09523/12**

19 FEB 2013

Senator Scott Ryan
Chair
Finance and Public Administration References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator Ryan

The Honourable John McVeigh MP, Minister for Agriculture, Fisheries and Forestry has asked me to reply to your letter of 6 December 2012 concerning the inquiry into the progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR).

In an agricultural context, controls over veterinary antibiotics used for treatment of livestock animals are achieved through the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS). The NRS operates under a formal partnership agreement between the Australian Government and the states and territories which provides for a shared division of responsibilities.

Under the NRS, the Australian Pesticides and Veterinary Medicines Authority (APVMA), an Australian Government statutory authority, undertakes the assessment, registration and approval of labels for agricultural and veterinary chemical products. The APVMA is also responsible for enforcement of these obligations in relation to import, export and supply of agricultural and veterinary chemical products, up to the point of retail sale. States and territories are responsible for regulating the use of agricultural and veterinary chemical products including, veterinary antibiotic products.

The Department of Agriculture, Forestry and Fisheries (DAFF) provides a range of services which ensure continued market access for agricultural products and reduction of the risks that chemical contaminants may pose to agricultural food production systems and the environment. These activities include:

Floor 8
Primary Industries Building
80 Ann Street Brisbane
GPO Box 46 Brisbane
Queensland 4001 Australia
Business Centre 13 25 23
Website www.daff.qld.gov.au
ABN 66 934 348 189

- monitoring and auditing chemical use including participation in residue monitoring programs
- investigations and resulting enforcement activities
- education and extension
- establishing user training requirements and licensing for higher risk products.

Controls over the use of veterinary chemicals in agricultural production are delivered through the following legislation administered by DAFF:

- *Chemical Usage (Agricultural and Veterinary) Control Act 1988* which controls the use of certain chemicals and substances that have chemical residues in or on them. The Act requires that chemical users must follow the approved label instructions but some flexibility is afforded to use of chemicals, where animals are treated, under the care of a veterinary surgeon. The Act creates obligations for veterinary surgeons using or prescribing veterinary chemical products on animals including specific controls over the use of veterinary chemical products on food-producing animals.
- *Stock Act 1915* which provides broad measures to control the spread of disease (including chemical residues) in stock, including regulation of the movement of stock and animal products. The Act specifies notification requirements and procedures which apply to diseases and chemical residues in livestock animals and products derived from livestock.
- *Agricultural Standards Act 1994* which provides for standards to be made about agriculture, including standards that regulate the sale and supply, and limited use aspects of stock foods. Under the Act stock food, including medicated stock food, must be labelled in accordance with prescribed requirements. In addition, representations made about treatment of livestock must not be false or misleading.

DAFF is also responsible for the *Veterinary Surgeons Act 1936* which provides for registration requirements for veterinary surgeons, veterinary premises and record keeping obligations in relation to veterinary treatments. The Veterinary Surgeons Board of Queensland has responsibility for administration and enforcement of the Act.

In September 1999, JETACAR released its report on *The Use of Antibiotics in Food-Producing Animals: Antibiotic-Resistant bacteria in Animals and Humans*. The five key elements of the JETACAR Report were:

- 1) regulatory controls aimed at ensuring responsible use of antibiotics in humans and food-producing animals
- 2) monitoring and surveillance of the use of antibiotics and changes in antibiotic resistance patterns
- 3) infection prevention strategies and hygienic measures to reduce the need for antibiotics

- 4) education, including prudent-use codes of practice
- 5) research.

The Australian Government Response (August 2000) strongly supported the intent of the JETACAR report and outlined mechanisms for implementing the recommendations. It highlighted the need for a coordinated and balanced approach to better manage the use of antibiotics in humans and food producing animals. As a result, the Expert Advisory Group on Antibiotics, under the auspices of the National Health and Medical Research Council, was established to provide continuing advice on antibiotic resistance and related matters.

In 1999, the Australian Veterinary Chemicals Policy Committee endorsed a set of '*Recommended Control Principles Governing the Use of Veterinary Chemicals*' which had been prepared by a working group comprising of a representative from all states and territories. Agreement was reached at Meeting Number 14 (4 August 1999) of the then Standing Committee on Agriculture and Resource Management (now the Standing Committee on Primary Industries) to incorporate the principles into state and territory legislation.

Also in 1999, the National Competition Policy Review into Agricultural and Veterinary Chemicals Legislation further recommended that the existing legislative provisions allowing veterinary surgeons to be exempted from many or all requirements controlling use of veterinary chemicals on animals be reviewed in order that uniform provisions could be established across all states and territories.

Accordingly, in 2002 Queensland implemented the *Recommended Control Principles Governing the Use of Veterinary Chemicals* through amendments made to the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* by the *Primary Industries Legislation Amendment Act 2002*.

The fundamental principles of the legislation applying to the use of antibiotic veterinary treatments introduced included that:

- veterinary chemical products (including antibiotics) must be used in accordance with APVMA approved label instructions, unless otherwise allowed under the Act
- restraint statements on labels must be strictly observed (except for treatment to a single animal under veterinary instructions)

- allowances for veterinary surgeons to use veterinary chemical products on different major food producing animals (cattle, sheep, pigs or domestic fowls) other than covered under instructions on the approved label, providing the product is approved for use on at least one major food producing species
- scope for wider allowances on use of veterinary chemicals by veterinary surgeons on other food producing species and companion animals
- strict obligations on veterinary surgeons to provide written instructions to producers on veterinary treatments including appropriate withholding periods to be applied following any treatment
- record keeping obligations on treatments and identification of treated livestock animals while withholding period apply
- application of significant penalties for non compliance (Maximum penalties of up to \$66,000 currently apply for offences).

DAFF also participates in a number of national residue monitoring and antibacterial residue testing programs coordinated by the National Residue Survey. Trace back services are provided under the "Trace back investigations and the management of residues in animal products Memorandum of Understanding" between Queensland and the Australian Government.

The purpose of the residue monitoring programs is to manage the risk of agricultural and veterinary chemical residues, including antibiotics, being exceeded in food products derived from livestock slaughtered at abattoirs. These programs include the following projects:

- National antibacterial residue minimisation project
- Targeted antibacterial residue testing project
- Sheep targeted antibacterial residue testing project
- Animal products random monitoring.

DAFF supports these projects through activities related to traceback investigation, extension and regulatory intervention where residues are detected above levels set in the Food Standards Code. In some circumstances, even though the product may be in compliance with Australian Standards, tracebacks are also undertaken where there are risks of adverse consequences to Australian trade of food products derived from these animals.

Generally traceback investigations tend to reveal that residue detections occur following the breakdown of on-property management systems rather than an intentional misuse of chemical products. Consequently the main focus has been towards assisting individuals and industries to implement or improve quality management processes and to heighten the awareness of following good agricultural practice when using veterinary chemical products.

Yours sincerely

Jack Noye 
Director-General
Department of Agriculture, Fisheries and Forestry