

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 82

Division/Agency: Compliance Division

Topic: Commercial airlines

Proof Hansard page: 76 (25.5.2015)

Senator SIEWERT asked:

Senator SIEWERT: I understand what you are saying. We have been through in this committee over the years going through your commercial airlines and going through the bulk transport a lot. I am asking specifically about these circumstances, where people are chartering in what amounts to a private transport. Have you detected other people trying to bring items in mistakenly or on purpose?

Ms Mellor: Can you give some examples?

Ms Hinder: I would have to go back through the interception records to have a look.

Answer:

The Department of Agriculture has seized 184 items from passengers on charter flights during the 2014-15 financial year (to 31 May 2015).

Category	Number of items seized
Fruit and Fruit Products	72
Animal Products	54
Plant and Plant Products	20
Vegetable and Vegetable Products	12
Contaminated Goods/Footwear/Packaging	7
Grains/Legumes/Nuts	7
Human Therapeutics	6
Soil/Mineral Samples/Fertiliser	4
Biologicals	1
Live Animal	1
Total	184

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 83

Division/Agency: Compliance Division

Topic: Testing of bottles

Proof Hansard page: 85-86 (25.05.15)

Senator STERLE asked:

Mr Terpstra: Senator, the testing that was conducted on some of the bottles was conducted quite soon after the bottles were seized. There were other bottles which were not capable of being tested immediately. The course of action that the department pursued was to work with the company involved to try to establish traceability and provenance of the product apparently in those bottles. That process was quite long and drawn out for a variety of reasons. The department at the same time worked with an analytical service provider to try to establish if there was a testing regime which may be capable of providing some assurance around the provenance of those serum products. At the time, a range of tests were required to be able to provide a view about the origins of that product. There was not a range of tests that in their entirety was capable of being able to come to a conclusion about where particular product originated from. We worked with a particular laboratory that in fact was in the process of trying to develop such a range of tests. By about April that year—I can pull out some exact dates for you, if you need them—

Senator STERLE: April of 2014?

Mr Terpstra: Correct. I will just double-check that. Those tests were actually finalised and the department was through this testing authority able to get some assurance about the origins of that particular product. But, as Ms Vivian pointed out, the origin of the problem was that the bottles had not been labelled and there was no evidence available as to where all of the product had originated from at the time it was observed in the facility.

Answer:

Until February 2014, it was only possible to evaluate the provenance of serum through the performance of a traceability audit. A traceability audit was offered to Serana at the execution of the warrant on 11 December 2013.

The Department of Agriculture took considerable steps to work with Serana to explain and agree on an audit methodology.

Question: 83 (continued)

The department also provided Serana the opportunity to establish provenance of labeled and unlabelled serum on numerous occasions. Serana subsequently failed to provide sufficient evidence to show that the serum came from countries recognised as free from foot and mouth disease. Given the lack of cooperation by Serana the department sought out a testing protocol in January 2014 that, when combined with documentary evidence, provided sufficient assurances.

Agreement on audit methodology was reached with Serana on 7 February 2014. On that same date a suitable testing protocol was developed and offered to Serana.

The serum which had been seized was available for testing immediately. On 10 February 2014, interim results were provided. Final results were provided on 11 February 2014.

Following Federal Court action, further testing was conducted on serum still held in quarantine in Bunbury. All serum bottles that were not labelled were subsequently ordered back into quarantine on the 10 February 2014. Following further negotiations with Serana, consent was granted to test this material on the 28 March 2014. On the 31 March 2014, the serum was collected and sent for testing. Those test results were provided on the 11 April 2014 and the serum was released from quarantine on that same date.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 84

Division/Agency: Compliance Division

Topic: Serana (WA) Pty Ltd investigation costs

Proof Hansard page: 86 (25.5.2015)

Senator STERLE asked:

Senator STERLE: But those costs are borne by the department, being the taxpayer?

Ms Vivian: Yes. Predominantly those costs did relate to some of the core proceedings. They include airfare costs, car hire costs and some accommodation.

Senator STERLE: Do you have in front of you, Ms Vivian, the figures for the other entities?

Ms Vivian: No, Senator.

Senator STERLE: Sorry, I thought you were looking.

Ms Vivian: Sorry, Senator. No, I do not have them.

Senator STERLE: Wasn't that silence lovely after all the carry-on today?

Ms Vivian: I was just double-checking.

Senator STERLE: No worries. Could you take that on notice for us please, Ms Vivian. Have any prosecutions been made as a result of the investigation into Serana?

Answer:

The total costs of activities undertaken for the other entities involved in the Operation Fides investigation from 13 May 2013 to 30 April 2015 are as follows:

- Airfare costs for a total of 21 return flights within Australia was \$6918.
- Accommodation costs for a total of 34 trips within Australia where overnight accommodation was required \$11 429.
- Car hire costs for 11 vehicles totalling \$2633.
- Figures concerning the transportation of evidence totalling \$55.
- Analytical testing of serum held in Quarantine \$14 874.
- Estimated salary costs of \$531 000.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 85

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

What are the names and locations of the factories from which Patties Foods obtained the products that were subject to a recall notice following the recent outbreak of Hepatitis A?

Answer:

Imported Food Notice IFN 03-15 published on 23 February 2015 identified the following manufacturers in China linked to the precautionary recall of berries linked to cases of Hepatitis A in Australia:

- Liaoning Ruili Food Co Ltd
- Weifang Xinsheng Food Co Ltd

Patties Foods has requested that the addresses of these facilities remain commercial-in-confidence.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 86

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

Were these factories the subject of any quality control or certification process? Explain the nature of any such process. Which company or companies carried out the quality control or certification process?

Answer:

Patties Foods advised the Department of Agriculture that both of these factories have been certified by Intertek Certification Ltd as meeting the requirements of the BRC Global Standard for Food Safety Issue 6.

BRC Global Standards is a leading safety and quality certification programme, used by over 22 000 certificated suppliers in 123 countries, with certification issued through a worldwide network of accredited certification bodies.

The Standards provide for the standardisation of quality, safety and operational criteria and assist manufacturers in fulfilling their legal obligations and provide protection for the end consumer.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 87

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

What are the names and locations of the farms from which berries used in these products were sourced?

Answer:

The Department of Agriculture is not aware of the specific farms used to produce the berries used in these products.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 88

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

Were these farms the subject of any quality control or certification process? Explain the nature of any such process. Which company or companies carried out the quality control or certification process?

Answer:

Patties Foods advised the Department of Agriculture that:

- The farms engage an independent contractor to conduct ground-water microbiological, salt and chemical testing and product testing for pesticides, total plate count, coliforms, *E.coli*, *Salmonella spp.*, *coagulase-positive Staphylococci*, *Listeria spp.*, lead, calcium and mercury.
- The laboratory analysis is conducted by Sino Analytical.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 89

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

For any company which carried out a quality control or certification process in relation to a factory or farm from which the berry products linked to the Hepatitis A outbreak:

- i. Is this company currently being used by any importer of food products into Australia to certify or provide quality control at any stage in the production chain for such products?
- ii. Will importers of ready to eat berries be permitted to use this company in any capacity in assessing compliance along the supply chain with Good Agricultural Practices and Good Hygienic Practices as required by Imported Food Notice 11-15?

Answer:

- i. The Department of Agriculture is not aware of whether other food businesses use Intertek Certification Ltd.
- ii. The Department of Agriculture is in the process of developing policy for recognition of quality and food safety standards in food supply chains.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 90

Division/Agency: Compliance Division

Topic: Hepatitis A and ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

If the requirements now being put in place by Imported Food Notice 11-15 had been put in place following earlier outbreaks of Hepatitis A in Australia, Europe and North America would this have made the most recent outbreak of Hepatitis A in Australia less likely?

Answer:

No. These requirements were already being followed by Patties Foods with the likely cause being an isolated incident and temporary break down in the good agricultural practice or good hygienic practice.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 91

Division/Agency: Compliance Division

Topic: Hepatitis A and risk foods other than ready to eat berries

Proof Hansard page: Written

Senator BULLOCK asked:

Has consideration been given to extending the provisions of Imported Food Notice 11-15 to cover other foods known to be risk factors for Hepatitis A transmission such as semidried tomatoes, lettuce, edamame beans and pomegranate seeds? Or is the plan to wait for a further outbreak of Hepatitis A before imposing protective measures?

Answer:

The Department of Agriculture implements border measures in response to imported food risk statements issued by Food Standards Australia New Zealand (FSANZ). The provisions of Imported Food Notice 11-15 have been introduced in response to the recently published risk advice from FSANZ relating to ready-to-eat berries. As future risk advice is provided by FSANZ, the Department of Agriculture will develop appropriate border measures based on the substance of that advice.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 92

Division/Agency: Compliance Division

Topic: Garry Robinson

Proof Hansard page: Written

Senator RHIANNON asked:

This question relates to the alleged falsification of documents by Garry Robinson – former export manager of Wellard and current employee of Livestock Shipping Services. It has been over year since the startling revelations that export documents had been doctored to enable Australian sheep rejected by Bahrain to be unloaded in Pakistan – where they were ultimately subjected to a brutal cull by local authorities.

- a. May I please be updated on where this investigation is up to
- b. Will criminal charges will be laid against Garry Robinson?

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Estimates Hansard Monday 25 May 2015, page 135.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2015

Agriculture

Question: 93

Division/Agency: Compliance Division

Topic: Serana (WA) Pty Ltd investigation

Proof Hansard page: Written

Senator STERLE asked:

In respect of evidence from the Department of Agriculture to the Senate Rural and Regional Affairs and Transport Legislation Committee on Monday 25 May 2015, where the Department confirmed that bottles of serum were seized from Serana (WA) Pty Ltd in December 2014, and that testing was completed on some of these bottles soon after they were seized:

1. What tests were completed on the contents of those bottles; and
2. When did the tests on those bottles:
 - a. commence, and
 - b. conclude.

In respect of:

- a. evidence from the Department of Agriculture to the Senate Rural and Regional Affairs and Transport Legislation Committee on Monday 25 May 2015, where the Department advised that its investigation into Serana (WA) Pty Ltd is ongoing and that the cost of the investigation was \$239,285 as at 30 April 2015; and
- b. the Minister for Agriculture's answer to question in writing No. 498, in which he said the total cost of its investigation into Serana (WA) Pty Ltd was \$237,435.83 as at 27 November 2014 (House Hansard, 9 February 2015, page 249)

Can the Department provide a cost breakdown of activities that it has undertaken in the past six months in the course of this investigation.

Answer:

1. The answer to this question is provided in response to Question on Notice 83.
2. The answer to this question is also provided in response to Question on Notice 83.

Question: 93 (continued)

The Department of Agriculture wrote to the Chair of the Senate Rural and Regional Affairs and Transport Legislation Committee on 11 June 2015 advising him that evidence concerning the costs of investigations into Serana (from 13 May 2013 to 30 April 2015) provided on Monday 25 May did not include some freight costs which are currently not available or staff salary costs of \$108 000.

The total costs of activities undertaken in the past six months (1 November 2014 – 30 April 2015) for the Serana investigation are as follows:

- Airfare costs for a total of six return flights to Perth, Sydney and Canberra \$2154.
- Accommodation costs for a total of 14 domestic trips where overnight accommodation was required \$4597.
- Car hire costs for one vehicle to travel return from Perth to Bunbury totalling \$199.
- Figures concerning the transportation of evidence from Sydney to Perth on 9 April 2015 are not available at this time.
- Staff salary costs are estimated at \$30 940.