

Senate Rural and Regional Affairs and Transport Legislation Committee

**Written Questions on Notice – Monday, 04 February
2013
Canberra, ACT**

Inquiry into Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012

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**SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE**

**Inquiry into Agricultural and Veterinary Chemicals Legislation Amendment
Bill 2012**

Public Hearing Monday, 04 February 2013

**Written Questions Taken on Notice – Department of Agriculture, Fisheries
and Forestry**

Question 1

Senator McKenzie:

Does the bill make adequate provision for exclusion of nutrients as veterinary medicines? If so, how will this work? If not, why not?

Question 2

Senator McKenzie:

Please outline alternative methods that could be used to review nutritional standards? Please outline reasons why the method selected was chosen as opposed to these other methods.

Question 3

Senator McKenzie:

Regarding the issue of products being deemed safe- Please outline the process undertaken to ensure that the proposed compliance regime will not implicate the animal feed industry in illegally marketing products? Can you provide a guarantee that under this process the animal feed industry will not be found to be illegally marketing products as a result of the process? If not why not.

Department of Agriculture, Fisheries and Forestry

Committee inquiry: Senate Rural and Regional Affairs and Transport Legislation Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012

Date Held: 4 February 2013

Written Question on Notice

Senator McKenzie asked the following written question on notice, in relation to the Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012:

Senator McKenzie: Does the bill make adequate provision for exclusion of nutrients as veterinary medicines? If so, how will this work? If not, why not?

Answer:

The Bill does not make any specific provision for exclusion of nutrients as veterinary medicines because there is already a mechanism in the regulations to do this.

The proposed measures in the Bill would not change the scope of what is defined as being a veterinary chemical product that requires registration and would not impact on the ability for the regulations to be used to declare substances or mixtures not to be veterinary chemical products. The Bill would, however, streamline the process for registration for products of lower regulatory concern through amendments relating to listed chemical products.

The regulations (Agricultural and Veterinary Chemicals Code Regulations 1995, Schedule 3AA, Part 3, Item 3) declare certain blocks, licks, premixes and stockfood supplements not to be veterinary chemical products, where a claim is made that they supplement a diet, if they contain at least 25 per cent of the daily allowance of each vitamin, mineral or amino acid listed on the label. Some stockfood non-active constituents are also excluded by the Veterinary Chemicals Products (Excluded Stockfood Non-active Constituents) Order, made under section 7 of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Department of Agriculture, Fisheries and Forestry

Committee inquiry: Senate Rural and Regional Affairs and Transport Legislation Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012

Date Held: 4 February 2013

Written Question on Notice

Senator McKenzie asked the following written question on notice, in relation to the Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012:

Senator McKenzie: Please outline alternative methods that could be used to review nutritional standards? Please outline reasons why the method selected was chosen as opposed to these other methods.

Answer:

The proposed measures in the Bill do not relate to this matter. No method has been identified in the context of the Bill that would review nutritional standards or the exclusion of nutrients to be veterinary chemical products.

The Department of Agriculture, Fisheries and Forestry and the APVMA are available to work with industry to ensure the appropriate regulation applies to livestock nutrients while protecting human health and the environment.

Department of Agriculture, Fisheries and Forestry

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Date Held: 4 February 2013

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Senator McKenzie asked the following written question on notice, in relation to the Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012.

Senator McKenzie: Regarding the issue of products being deemed safe - Please outline the process undertaken to ensure that the proposed compliance regime will not implicate the animal feed industry in illegally marketing products? Can you provide a guarantee that under this process the animal feed industry will not be found to be illegally marketing products as a result of the process? If not why not.

Answer:

The amendments proposed in the Bill would not change the scope of what are defined to be veterinary chemical products and which therefore require registration to be lawfully supplied. The offences described in the schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Agvet Code) about supplying unregistered products are not proposed to be amended in a way changes an animal feed industry participant's obligations under the law.

Alleged conduct that would constitute an offence under the amended Agvet Code would also have constituted an offence under the existing Agvet Code. For this reason it is not possible to provide guarantees about whether or not the animal feed industry may be found to have committed an offence.

The Bill, however, would provide the APVMA with a greater range of options to assist people to establish compliance, including a range of tools that are intended to be alternatives to any form of prosecution, such as enforceable undertakings. The Bill would also oblige the APVMA to secure compliance with the Agvet Code through appropriate, proportionate, consistent and effective measures.