

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 23 November 2015

Members

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Mr Tim McCurdy — Deputy Chair

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Staff

Executive officer: Dr Janine Bush

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Witness

Dr Brendan Tatham, chief executive officer, PrimeSafe.

The CHAIR — Thank you, Dr Brendan Tatham, from PrimeSafe. I will just go through some of the formalities before we begin. As outlined in the guide provided to you by the secretariat, all evidence at this hearing is taken by the committee under the provisions of the Parliamentary Committees Act 2003 and other relevant legislation and attracts parliamentary privilege. Any comments you make outside the hearing will not be afforded such privilege. It is an act of contempt of Parliament to provide false or misleading evidence to this inquiry. The committee may ask you to come back again if there is further information required or may provide questions or further follow-up in writing, that we hope you respond to. We have a number of questions that we would like to go through with you in regard to the Fiskville training college and contamination coming off that site.

Before we begin, perhaps you could give us a little bit of a run-down about yourself for the purpose of Hansard.

Dr TATHAM — Thanks very much, Chair. Yes, I am Brendan Tatham from PrimeSafe. I have provided a statement, and I am not sure if you have had the opportunity to read that. If you have not, I am happy to go through it. I suppose by way of an introductory statement, PrimeSafe is Victoria's meat and seafood safety regulator established under the Meat Industry Act.

The CHAIR — Sorry, when did you provide that statement?

Dr TATHAM — Earlier this morning. If you do not have one, I can get you some copies straightaway.

The CHAIR — They have just been distributed. This is a bit of a problem, when we have things late in the day before we have had a chance to read them and go through them. I will just confer with the Deputy Chair.

What we might do is adjourn for 5 to 10 minutes so that we can have a read. It is a much smaller one than the previous documents that we have been given, but we really need to have a chance to look at that before we go into questions. You are welcome to stay there for 5 minutes while we go through it.

Dr TATHAM — Thanks, Chair. Just by way of precis, what the statement does is provide a description of PrimeSafe's roles and responsibilities and then goes to address the questions that were provided in the letter associated with the invitation to attend the committee.

The CHAIR — Okay, thank you. We will adjourn for a few minutes while we read the statement.

Hearing suspended.

The CHAIR — Thank you for that. We will get going again. We have all read the statement. I think we were just asking, for Hansard, for you to give a brief history of yourself, if you like, in terms of how you relate to your position at PrimeSafe, and then we will proceed with questions after that. I think you were halfway through and then you referred to the statement, so hopefully you know where you are up to.

Dr TATHAM — Thanks, Chair. I am the CEO of PrimeSafe. PrimeSafe is the state's food safety regulatory authority for meat and seafood, established under the Meat Industry Act 1993 and assisted by the Seafood Safety Act 2003. Prior to my time at PrimeSafe, I was employed by the then Department of Environment and Primary Industries, and there is a range of roles and responsibilities I have had in the past and are described in my statement.

We have prepared the statement in response to the letter of invitation from the committee, and are happy to help the committee in any possible way that we can. There are four particular questions which were asked, and in order to answer those questions we have provided the statement to really explain PrimeSafe's roles and responsibilities. Moving through to point 6 in the statement about that, PrimeSafe's prime — —

The CHAIR — I think perhaps if we ask you questions, because there are very specific things we are looking at, and we have read the statement. That has been tabled and will be part of the public record. So perhaps if we just go into our questions, and as part of that I think some of these issues may come up in

terms of what the actual role of PrimeSafe is, in other parts of the questions. Are you happy for us to proceed that way?

Dr TATHAM — Of course.

The CHAIR — I guess this will probably go to the role of PrimeSafe, which is not a sort of deregulated system, I guess, from what it was many years ago with the meat inspectors. We understand that under section 44(a) of the Meat Industry Act 1993 PrimeSafe is required to control and keep under review the standards of meat, poultry meat and game meat produced for consumption or sale within the state, but this is around the processing of those products, as opposed to the actual livestock. Is that correct, that is your responsibility and that is part of the act?

Dr TATHAM — Yes, that is correct. PrimeSafe has no regulatory authority with regard to farms and livestock on farms. The regulatory remit of PrimeSafe starts once livestock have been delivered to an abattoir.

The CHAIR — But you would have an interest in terms of any concerns or testing results around the actual livestock?

Dr TATHAM — We do have a role in which we collaborate with what is now the Department of Economic Development, Jobs, Transport and Resources, or DEDJTR, and I liaise frequently with the chief veterinary officer around matters associated with livestock on farm and any animal health issues associated with those.

The CHAIR — And what would the process for that be if, for example, there was a contamination notice or some concern was raised in terms of a particular farm or product?

Dr TATHAM — If the chief veterinary officer were to put in place a contaminated stock notice, PrimeSafe would be advised of that, and if there were conditions on that contaminated stock notice which for some reason allowed the sale of livestock, then we would be making sure that the meat processors, the abattoirs, understood what those conditions would be.

The CHAIR — Are you aware if there are any standards in respect of perfluorinated chemicals such as PFOS or PFOA?

Dr TATHAM — The standards which PrimeSafe utilises and makes codes under the Meat Industry Act, the two which are relevant here are 4696, an Australian standard for the hygienic production of meat for human consumption, and then the food standards code. Under the food standards code there is a list of maximum residue limits for a range of chemicals. They are listed within the food standards code. The technical detail is described in my statement. PFOS is not one of the chemicals listed in the food standards code, which means that in order for compliance to be demonstrated by an abattoir for the food standards code, there should be zero or at the not detectable limit for that chemical, if it is not listed as an MRL in the food standards code.

The CHAIR — So if it is not listed in the standard, then it should not be present?

Dr TATHAM — Correct.

The CHAIR — Okay, thank you.

Mr McCURDY — You probably understand that there was a contamination notice issued by DEPI on 25 September, and then it was revoked, regarding the Lloyds' livestock. Did PrimeSafe provide any advice to DEPI either on the issuing of the contamination notice or the revocation of it?

Dr TATHAM — I will answer this question in two parts. One requires a little bit of an understanding about PrimeSafe's role, and that is to determine that meat processors are compliant with the standards. So we do not have a regulatory responsibility for providing public health risk assessments. We simply determine that the businesses which are licensed by PrimeSafe are compliant with the standards. So with

regard to the discussion around the contaminated stock notice issued by DEPI, we were advised of that and, as required by our legislative requirements, it was something that we then took notice of. We did not provide and cannot provide advice to DEDJTR or the chief veterinary officer about what the risk assessment does. That is solely for the chief veterinary officer and their department to look after.

Mr YOUNG — Thanks, Brendan, for your time today. Could you please just run through any involvement you had between 25 September, when the notice was issued, and 27 September, when it was retracted, and any involvement you had with other agencies — any correspondence with them — and how you felt the process went?

Dr TATHAM — So we were first advised of the issue on 25 September. One of my staff, who is no longer an employee, attended a meeting on 27 September to understand the issues and understand what risk had been determined by the chief veterinary officer and the chief health officer, and then attended a subsequent meeting on 1 October in that year, in 2013, and then the documentation that came on following from that. That was the engagement that we had. As far as PrimeSafe is concerned on how the process that was run, it was run by the book, as far as I am concerned, in that there was an issue identified by the chief veterinary officer, that issue was then identified and a contaminated stock notice was put in place. When the assessment of risk had been determined, it was then withdrawn. Obviously the department will make comment on all of those processes. PrimeSafe really was taking advice or taking information from those groups rather than having input into the discussion. As I have described in the statement, there really was not a role for PrimeSafe in regard to any of its regulatory functions in that process. As of 4 October, as I have mentioned in the statement, we had no involvement in the process up until June 2015.

Mr YOUNG — Could you inform us on what role PrimeSafe would have played if the contaminated stock notice had been left in place?

Dr TATHAM — Sure. If the contaminated stock notice had been left in place, I am assuming that that would have prevented livestock from leaving the property and that meant that none of those stock would have been able to enter the human food supply. Again, PrimeSafe's role would have been to advise the abattoirs that stock were not going to be leaving that property. So again, no regulatory action would have been taken by PrimeSafe; it simply would have been ensuring that the part of the industry that PrimeSafe licenses understood what was going on in that particular matter.

Mr YOUNG — Would that have flowed on to the stock that had previously left the property? If this kind of notice was put on it, is it for only stock that is currently there or would the stuff that has already gone be affected as well?

Dr TATHAM — It is a bit of a hypothetical question so it is quite difficult to answer. Perhaps I will approach it from the perspective of what would happen if the stock had got to an abattoir, because if that had occurred then PrimeSafe's regulatory functions would have been put in place and the abattoir would have been required to make an assessment of the stock when they came in and, if it deemed that it was contravening compliance, they would have needed to take some action. We would have expected that they contact us. Obviously none of that ever actually happened, because stock did not actually leave the property.

The CHAIR — Just on that, the food standards code says that these are the things that can be in livestock and at these levels, if they are going to be consumed by humans, and PFOS is not one of them and therefore it should not be in the livestock. In this case, PrimeSafe is aware that there is PFOS in these animals but it takes no action even though it should not be there. It seems a bit of a contradiction in responsibilities or legislation.

Dr TATHAM — I understand the issue that you have identified. When non-compliance is suspected or detected with regard to issues of public health, PrimeSafe seeks advice from the chief health officer around: is there a public health risk, and therefore should PrimeSafe put in place any regulatory action which is over and above what the standards require? So in a way the standards are just looking after what happens on a day-to-day basis and if an issue — —

The CHAIR — So not just over and above, but actually if they require more as well as less?

Dr TATHAM — It is difficult to determine it in ways of more or less; it is just what is appropriate for that particular risk. Each of the times that PrimeSafe has inquired of the chief health officer, ‘Is there a reason that the livestock should not enter the food supply?’, the answer has been, ‘No, there is no reason that they should not enter the food supply’. So there has been therefore no requirement for PrimeSafe to take any action.

The CHAIR — So do you know why this chemical is not on the food standards schedule or the code?

Dr TATHAM — No, I do not know the answer to that question. I would have thought that given that there is now data being produced around the chemical and that is an increasing amount of data over time, that it might be something that the food standards code and the national agency that sets those limits would be wanting to consider.

The CHAIR — Thank you.

Mr RICHARDSON — Thanks, Brendan, for coming in. Just to clarify, there is a catch-all standard that applies where something is not listed. We had a circumstance where a notice was issued. Should that notice had been revoked given that there potentially could still be the presence of those chemicals in the livestock?

Dr TATHAM — It is not my question to answer, unfortunately. The question there is about whether the stock contamination notice should have been revoked. I think that is what you are asking. That is a decision for the chief veterinary officer under that appropriate legislation. That is where the chief veterinary officer determines what the risk is, what the issues are, and then makes that decision. So it is not one that is for me to answer.

Mr RICHARDSON — So following on from that, if there is the presence of PFOS in livestock, then that would breach the standard set down, that is referenced in your evidence at point 36?

Dr TATHAM — Yes. So if there is PFOS in livestock and they are potentially for meat, that is outside of the standards which are monitoring the day-to-day arrangements within abattoirs and the food supply. If that non-compliance is detected or suspected, that is where I seek advice from the chief health officer, and I ask the chief health officer if there is any reason, from the perspective of public health, why that product should not enter the food supply. Each time I have asked the chief health officer that, the chief health officer has replied that there is no reason why that product should not enter the food supply. What that means is the product continues to enter the food supply because it is deemed that there is no risk to public health.

Mr RICHARDSON — Following on from that, why then is it not listed on the standards?

Dr TATHAM — Again, I cannot answer that question. The standards are controlled by FSANZ, Food Standards Australia New Zealand. It is a commonwealth body, and is informed by science and risk assessment people at the national level.

Mr RICHARDSON — So from your view does PrimeSafe have a concern then — and we take PFOS as an example, but there would be a range of other chemicals that you would be dealing with — that there is not a standard in place, but that there has been a stock contamination notice and then lifted? Is there a concern from PrimeSafe that effectively there could be animals going through with PFOS present, where it says that if there is any detectable level it would be breaching those standards?

Dr TATHAM — Thank you for that question; I think it is a very good one. From my perspective, as the CEO of PrimeSafe, I would like to see an MRL for PFOS in the Food Standards Code.

Mr RAMSAY — I guess PrimeSafe’s initial interest in this was the fact that the Lloyds were using refrigerated vans. It is a little unclear whether the meat was processed on the farm or was being transferred

to an abattoir in a dressed state, and for that reason they must have had a direct relationship with a processor. I understand your interest from that point of view. My question, very much like Tim's, was that you have made an assessment in relation to the fact that PFOS is not on the Food Standards Code list of chemicals. You are not aware of what the MRL is in relation to that chemical, yet you have decided, under schedule 1 to standard 1.4.2, of a non-detectable limit, as really the benchmark for concern from PrimeSafe as it enters the processing chain.

My original question before Tim asked his was: why not negotiate at least an MRL that can satisfy the processing industry in relation to the safety of the food? I would expect now, given all of this, that there would be some discussion with the authorities and PrimeSafe in relation to putting an MRL in for PFOS into the food code, so other animals that might well be affected by the contamination of PFOS will at least be able to have a quick decision on whether it is suitable for processing or not. That is the question.

Dr TATHAM — Thanks, and I will just make sure I understand the question. It seemed to be in two parts: one was around the meat transport vehicle licence by PrimeSafe and the other was around the establishment of an MRL. I would say with the first part of the question around the meat transport vehicle, it is possible for a business to own a meat transport vehicle and transport processed meat — either carcass, packaged or box meat — once it has been processed. That could have been occurring with this business. I am not clear of the details that were happening there. Having said that, though, I will put it this way: it is not permissible for a business to process — that is, slaughter — animals on a farm for human consumption. I am not aware that that was occurring at the Lloyd property, but I have no further information in that regard. With regard to the second part of the — —

Mr RAMSAY — Can I just say on that that was not my suggestion. My suggestion was taken from the statement that you provided us, that just said there is a licence being held in relation to the Lloyds of a meat transportable, presumably refrigerated van — for what purpose I am not sure — but then that Mr Ryan attended a number of meetings employed by PrimeSafe on the basis that it was that licence held.

Dr TATHAM — No, there is no relationship. Sorry, I have misunderstood your question. There is no relationship between the meat transport vehicle licence and the basis for why Mr Ryan attended the meetings. The meat transport vehicle licence is an issue where that business had a meat transport vehicle, for whatever reason. The reason that Mr Ryan attended the meetings with the various departments was particularly in response to the information from the chief vet with regard to the potential issue of contaminated stock at the Lloyd property.

The second question, I think, was with regard to the setting of an MRL for PFOS, and, as I inferred just before, I would be very happy to assist the department of health in working with the national bodies in establishing an MRL for PFOS.

Mr TILLEY — When was the first time that you ever heard the term 'PFOS'?

Dr TATHAM — It is a very good question. It would have been in that period of June 2013.

Mr TILLEY — Can you just broadly tell us what your understanding of PFOS is?

Dr TATHAM — I have a very limited understanding of PFOS, and, as I have inferred, the requirement of PrimeSafe is to ensure compliance with the standards. We do not get involved and are not capable of getting involved in the technical discussions. That occurs in a different forum. My understanding of the exact chemical role of PFOS is very limited.

Mr TILLEY — Would you possibly be aware that it is found in other circumstances, that it was taken away from Scotchguard and it was found in food wrapping; it is found in a whole range of areas.

Dr TATHAM — It may well be, yes.

The CHAIR — As you are a national body you would be involved, I guess, with what is going on in New South Wales, because I understand PrimeSafe also covers the poultry industry and seafood, are you

surprised that in New South Wales there is a ban on the fishing industry around the Williamstown air base that has PFOS contamination, and also that the health department has issued notices not to eat fish or for the locals not to eat eggs or drink milk from livestock? Do you think it is a bit strange that with this sort of ban and these issues that there is a proactive defensive position in sort of protection and caution in New South Wales, but that did not happen in Victoria — or are they different?

Dr TATHAM — I am not aware of the circumstances in New South Wales. I am, through the SAFEMEAT forum, aware of issues in Queensland associated with the Department of Defence, and that there have been more recent discussions. I am aware that nationally there is increasing interest in PFOS. I cannot comment on the arrangements or requirements that have been put in place in New South Wales. I am happy to get more information and provide it to you if you would like me to.

The CHAIR — If you could, that would be good, because we assume that PrimeSafe has been advised in terms of fish as opposed to poultry.

Dr TATHAM — PrimeSafe would not necessarily be advised of regulatory requirements which are put in place in other states. That is up to each jurisdiction to manage those issues. However, if you have a specific question around the requirements in other states, then I am happy to take that, but probably I would like to get that defined reasonably well because I am sure there is lots of information and I would like to be able to address your issues precisely.

The CHAIR — So PrimeSafe only operates in Victoria, there are probably similar bodies within each state and you meet on an informal basis?

Dr TATHAM — Correct.

The CHAIR — Perhaps we will put in writing to you some questions about what is going on there and whether you can get some information for us. You did say you were also aware of what was going on in Queensland, though?

Dr TATHAM — In Queensland I have very recently been aware of an issue associated with PFOS, which I think is very different to the situation which we have seen at this property with regard to Fiskville, but I am aware that in Queensland the food safety regulatory agency is interested in the PFOS issue as well.

The CHAIR — Finally, do you think it is a bit strange as well? We understand that in other countries this issue about PFOS is being debated — —

Mr TILLEY — Do we know anything about that, the Queensland issue?

The CHAIR — No, we do not know anything about that.

Mr TILLEY — Could you ask the witness whether he can expand on that just a bit more and advise us if he knows about that?

The CHAIR — Just before you go on to that question, the information that we have received is that there has been a whole lot of things going on in Europe and the United States of America around PFOS and environmental issues. As you said yourself, you were not aware until 2013. I think a lot of us are in that same situation. Why is that? Is there some sort of failure? I am not talking about specific organisations or individuals, but surely there should be a way of finding out the most recent information on chemicals and contamination that has been discovered or raised in places other than Australia?

Dr TATHAM — The way that the Australian food safety standards are put together is through the FSANZ process, as I have identified. That is informed by the international Codex process, and that Codex process is then informed by all the different discussions which are happening in each country all around the world. I am sure there is a range of discussions occurring around PFOS in a range of other countries. That should inform the Codex process, which should also inform the FSANZ process. Having said that,

Australia has a fantastic and internationally recognised process for dealing with a whole range of food safety issues. So it may be that the information that is being gleaned in Australia through the research that is going on will be actually then help to inform other international processes. You are asking a question that is probably more of a theoretical question, but I think what is occurring at the moment is an increasing body of knowledge around the chemical and what its potential implications are, and that will help to inform our standards to make sure that they are the best they can possibly be.

The CHAIR — I understand that Australian food safety standards are very good. I certainly was not saying that they are not. It just seems, I suppose, something that you wonder about.

Mr TILLEY — I just want you to expand. You were introducing to the committee that there is something in Queensland. Can you just expand those details, because I am not sure the committee knows about that?

Dr TATHAM — What I mentioned was that I am aware of an issue in Queensland, which is being managed by the Australian Department of Defence, associated with PFOS contamination at some sites in Queensland. I am not aware of any of the details.

Mr TILLEY — I just wanted you to qualify that.

The CHAIR — Thank you for coming in. There are a few things we will write to you about in terms of getting some further information.

Dr TATHAM — Thanks very much for the invitation. I am happy to help in any way.

Witness withdrew.