



Biosecurity Act 2015

Discussion Paper: Transmissible Spongiform Encephalopathies



December 2015

Comments on this paper close on 12 February 2016

Email your comments to: submissions.biosecuritylegislation@dpi.nsw.gov.au

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Published December 2015

For more information

See: www.dpi.nsw.gov.au/biosecurityact

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Ref: INT15/133760

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

Summary

The *Biosecurity Act 2015* (the Biosecurity Act) will repeal the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991*, the *Stock Diseases Act 1923* and the *Stock Foods Act 1940*. These Acts include various regulatory controls and powers to maintain NSW and Australia as free from transmissible spongiform encephalopathies, which include bovine spongiform encephalopathy ('mad cow disease'), chronic wasting disease of deer, feline spongiform encephalopathy, and scrapie.

Having considered existing management arrangements and risks associated with transmissible spongiform encephalopathies it is proposed to implement similar management arrangements under the *Biosecurity Act 2015* (the Act). Specifically transmissible spongiform encephalopathies are listed as **Prohibited Matter** under the Biosecurity Act. In addition it is also proposed to use the General Biosecurity Duty with **Mandatory Measures** to manage the risk of transmission of transmissible spongiform encephalopathies from Restricted Animal Material (RAM).

Background Information

What is the problem?

Transmissible spongiform encephalopathies (TSEs) are infectious prion diseases. They are characterised by long incubation periods and the accumulation in the central nervous system of an abnormal isoform of a host-encoded protein (PrP), resulting in a progressive neurodegenerative disease of adult animals. Prion diseases have been described in humans, cattle, sheep, goats, deer and other mammals. There is no vaccine available or treatment for affected animals. These diseases are inevitably fatal.

Australia is recognised as meeting World Organisation for Animal Health (OIE) requirements as a bovine spongiform encephalopathy (BSE) *Negligible Risk* and classical scrapie-free country. Countries with this BSE and scrapie status must have implemented programs, as recommended by the OIE, for both diseases. Australia's continued access to these export markets depends on our compliance with these protocols.

If TSEs were to enter Australia, there would be a significant and negative impact on Australia's trade in animals and animal products for a protracted period. The domestic market would similarly be impacted. In addition, unless the ruminant food chain is secure from RAM, an isolated case could spread and infect other animals. BSE has human health implications, in that variant Creutzfeldt-Jakob (vCJD), a TSE disease in humans, is caused by eating meat containing infective BSE prions.

The Australian Ruminant Feed Ban National Uniform Guidelines outline how to maintain Australia's freedom from TSEs by ensuring no RAM or prohibited substance enters the ruminant food chain. TSEs can be transmitted by feeding RAM to ruminants.

RAM is any material taken from a vertebrate animal, other than tallow, gelatine, milk products or oils extracted from poultry and fish. It includes rendered products such as blood meal, meat meal, meat and bone meal, fish meal, poultry meal, feather meal, and compounded feeds made from these products.

Why is important to us?

It is critical to maintain Australia's negligible risk disease status for transmissible spongiform encephalopathies, particularly BSE and scrapie, so that trade access and consumer confidence is maintained and public health is protected.

What is the outcome we are seeking?

The desired outcome is to ensure Australia's continued freedom from transmissible spongiform encephalopathies, particularly BSE and scrapie, so that our market access and public health status is preserved.

Current Arrangements

TSEs are declared under the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991* (ADAPEO) and the *Stock Diseases Act 1923* (SD Act). This places a legal obligation on a veterinary practitioner or a person who owns or is in charge of an animal or animal product to report infection or suspicion of infection with a transmissible spongiform encephalopathy as soon as possible to a stock inspector.

The presence of a TSE disease in NSW would likely trigger an emergency response using the powers in ADAPEO. In addition, BSE and scrapie are listed under the Emergency Animal Disease Response Agreement (EADRA) and response to an outbreak would be guided by the relevant AUSVETPLANS. The EADRA is a contractual arrangement between the Commonwealth, State and Territory governments and livestock industry groups. This collaborative approach significantly increases Australia's capacity to prepare for, and respond to, emergency animal diseases.

The SD Act and *Stock Foods Act* (SF Act) include specific regulatory controls and powers to manage the risk of TSEs by prohibiting the feeding of RAM to ruminants. The SD Act prohibits the feeding of prohibited substances to stock, and specifies conditions under which stock may be tested for BSE, the laboratory standards to be applied and the conditions under which test results may be reported. The SF Act includes the substances that are prohibited to be fed to, or included in ruminant feeds, and identifies the conditions under which stock foods are to be labelled to ensure the ruminant food chain remains free of RAM.

Proposed management under the NSW Biosecurity Act 2015

BSE, Chronic wasting disease of deer, Feline spongiform encephalopathy, and Scrapie are listed as **Prohibited Matter** in Schedule 2 to the Biosecurity Act. Prohibited matter is tightly regulated, and it is an offence to deal with it in any way other than under the most limited and controlled circumstances (e.g., research permits). A legal duty to notify also applies where prohibited matter is present or suspected to be present. Significant penalties apply for prohibited matter offences.

In many situations, the presence of prohibited matter will trigger an emergency response. The Biosecurity Act includes emergency powers that can be exercised if the Secretary of the Department of Industry is satisfied or reasonably suspects that a biosecurity risk may have a significant biosecurity impact. An **Emergency Order** is designed to isolate, prevent the spread and eliminate the biosecurity matter. The Biosecurity Act allows the Secretary to take action regardless of whether the biosecurity matter is on the prohibited matter list.

It is also proposed to manage the risk of transmission of TSEs from RAM using the **General Biosecurity Duty (GBD)** with **Mandatory Measures**. The GBD requires any person dealing with biosecurity matter or a carrier of biosecurity matter (such as infected RAM) and who knows or ought to know of the biosecurity risks associated with that biosecurity matter or carrier to take measures to prevent, minimise or eliminate the risk as far as is reasonably practicable. For example, owners should not graze their ruminant animals on pastures that have been fertilised with products that may contain RAM.

It is also proposed to include Mandatory Measures in the regulations that will:

- prohibit the feeding of RAM to ruminants similar to the current ruminant feed ban restrictions,
- set standards for the labelling of stock foods to ensure the ruminant food chain remains free of restricted animal material, and
- specify conditions for the testing and reporting of TSEs, the laboratory standards to be applied, and the conditions under which test results may be reported

What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Transmissible Spongiform Encephalopathies' at: <https://www.surveymonkey.com/r/TSE1>.

Alternatively, submit your feedback **by Friday, 12 February 2016** via [email](#) or post to:

Biosecurity Act 2015

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For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.

Transmissible Spongiform Encephalopathies (TSEs)

Biosecurity Act How will it work?

The Biosecurity Act 2015 will repeal the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991, the Stock Diseases Act 1923 and the Stock Foods Act 1940 and provide the framework for managing biosecurity risks from TSEs.

Bovine spongiform encephalopathy, Chronic wasting disease of deer, Feline spongiform encephalopathy and Scrapie



Potential carriers of TSEs

