



Independent Review Panel  
Agricultural and Veterinary Chemicals First Principles Review  
Department of Agriculture, Water and the Environment  
Canberra 2601

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### **TFGA Submission: Draft Report of the Independent Review of the Agvet Chemicals Regulatory System**

The Tasmanian Farmers and Graziers Association (TFGA) is the leading representative body for Tasmanian primary producers. TFGA members are responsible for generating approximately 80% of the value created by the Tasmanian agricultural sector.

The TFGA appreciates the opportunity to make comment on the Independent Review Panel's *Draft Report of the Independent Review of the Agvet Chemicals Regulatory System* (hereafter referred to as 'the review'). The TFGA acknowledges the intentions of the Panel in their recommendations and welcomes the opportunity for improvement to the current system. A number of the proposed recommendations will be critical to ensuring that the system is fit for purpose in an ever-evolving agricultural industry.

This is evident in Recommendation 2, which states that –

*“in the Panel's view, the vision for Australia's future pesticides and veterinary medicines regulatory system should be underpinned by 4 equally weighted objectives that would:*

- *Safeguard animal health and welfare;*
- *Support primary industries;*
- *Protect Australia's trade and;*
- *Contribute to biosecurity preparedness”*

The TFGA believes that these objectives are crucial and reinforces that access to safe and effective agvet chemicals is one of the major supporting factors which enables Australian agriculture to remain productive, sustainable and competitive in both domestic and global markets.

The TFGA is supportive of several of the key drivers for change that have been identified in this review and believes that it is essential that the regulatory system remains modern and adaptive to changes in production and the health and safety of consumers and the environment.

The review states that -

*“there has been an increasing diversity of views and debate about the use of pesticides and to a lesser degree, veterinary medicines in food production. The result has seen a sharp divide in parts of the community, with some recognising and valuing the benefits of these chemicals in contributing to*

*safe and reliable food supply while others perceive that most pesticides are toxic, harmful, and damaging to humans, animals, and the environment.”*

The TFGA agrees with the opinion of the Panel that *“a modern and effective regulatory system must strike a balance between the recognised benefits of pesticides and veterinary medicines while protecting against their adverse impacts”*. In order to protect Australia’s trade and market access, it is crucial that regulatory decisions are science-based and carefully considered. This approach is supported in the review and outlined in Recommendation 3.

One of the main concerns that TFGA members have raised is the lack of access to new chemicals and chemical uses that are available interstate and overseas. As an example of which, the registration costs for new or off label chemical use are often cited as a major barrier and can significantly restrict the range of chemicals that are accessible to producers, therefore reducing their competitiveness in export markets. Frequently changing Maximum Residue Limits in overseas markets are also an ongoing concern, given the lack of access to alternative chemical options.

Recommendations 7-13 reference the establishment of a Commissioner for Pesticides and Veterinary Medicines Stewardship and the governance of the APVMA. The TFGA is seeking clarification as to whether the appointment of a Commissioner and 5-member board will result in an increase in levies and how the Commissioner’s role will impact regulatory decisions. While it is noted in the review that the APVMA currently lack the policy expertise to propose policy changes or to negotiate these amongst governments, the TFGA believes that all decisions should be science-led and the decision-making powers of the APVMA should not be diluted by potentially deleterious political influence.

The TFGA would be supportive of Stakeholder and Operational Forums as proposed in Recommendations 14 and 15, to help establish meaningful engagement, consultation and communication with the industry. Several TFGA members have been frustrated in the past by regulatory decisions made by the APVMA, which have affected their ability to access certain products that are essential for their farming systems. The TFGA believes that engagement in Stakeholder and Operational Forums would be notably beneficial for both producers and the APVMA, as it would provide the opportunity for policy development that draws on a range of perspectives from within the industry and externally.

Recommendations 16-29 refer to performance measures, system surveillance and residue monitoring systems that the Panel have recommended be built into the future regulatory system. The TFGA is supportive of measures that will assist in keeping residues below allowable levels and ensuring that the health and safety of humans, animals and the environment is protected. Transparency and accountability are key factors in maintaining public trust in agricultural production systems, however consideration needs to be given to how data obtained in the proposed system is managed and privacy must be considered. The TFGA believes that further consideration should be given to these recommendations, in particular Recommendation 17 which states that –

*“the Panel recommend that the Commissioner establish health risk indicators for Australia, similar to those used in the European Union, and publish outcomes in its reporting of performance measures.”*

Once again, systems such as this one should be science-led and require industry consultation prior to implementation. Further clarification and consultation are required around such a proposed systems.

The TFGA believes that the introduction of a nationally consistent training and competency system for users of pesticides and veterinary medicines would be beneficial to the industry and reinforces the integrity of Australia's supply chain. The TFGA supports these training systems being industry-based and, where appropriate, similar industry-based accreditations may be recognised as meeting the requirements for the qualification or licence, as proposed in Recommendations 51-55.

Maintaining safety around chemical use is paramount for the protection of humans, animals and the environment. Therefore, safety recommendations need to be science-led and subject to improvement based on advancements in research. A key element to safe chemical use is labelling, which is addressed in Recommendations 56-60. The TFGA acknowledges the stakeholder feedback relating to physical label deterioration on chemical containers and the potential benefits that electronic labelling can provide. However, the TFGA feels that this should only build on the current physical labelling system as an additional source of information, and has concerns regarding electronic labelling being the *only* way of obtaining chemical usage information. It is noted that the Panel recommend that –

*“essential information that relates to safety, first aid, disposal or use restrictions remain affixed to the product container, but consideration is given to how it could be enhanced through more comprehensive smart-label content.”*

The TFGA strongly believes that physical labels need to remain affixed to chemical containers identifying *all* relevant details pertaining to safety and usage, in order to serve chemical users that do not have access to the technology required to read smart labels. Chemical manufacturers, suppliers and employers have a duty of care to ensure that any person who is required to use a chemical has the ability to access the appropriate safety and use information with ease. As always, if extra information is able to be provided to users then this should be made accessible and doing this through smart labelling is an obvious method.

The TFGA supports the proposals made in recommendations 81-90 that will create a licensing scheme to allow for safe and effective use of products not registered in Australia, but that are registered overseas. One point of concern noted regarding this series of recommendations is that there isn't clear indication as to how the panel proposes handling individual Australian circumstances, given that international regulators will not have considered Australian users, laws, environmental factors, farm systems, or trade implications in their approval process. It is likely that there would be significant resources required to manage and audit this process and to mitigate potential risks.

The recommendations put forth in section 5.4 with regard to reducing reliance on jurisdictional borders is a worthwhile proposal. Providing a nationally consistent use for Agvet chemicals that are based primarily on climatic regions (rather than state borders) will allow greater access and will manage risk more appropriately. Though the recommendations in this section (92-94) would not greatly change use patterns in Tasmania, alleviating the unnecessary regulatory burden for farmers throughout Australia would be a positive step forward. With this in mind, the TFGA urges the Panel to carefully consider how the proposed shift away from the reliance on jurisdictional borders is implemented and managed. These changes have the potential to create confusion as climatic regions are more open to interpretation (to a degree) than state borders. Clear information and mapping needs to be readily available to chemical users if this approach was to be adopted.

The TFGA has concerns regarding recommendation 109 –

*“The Panel recommends that if there is a public interest reason for the regulator to use information then the regulator should be able to use that information irrespective of whether it would otherwise be subject to protection – for example, information about a product that is unfavourable (does not support continued registration of a product or use) should not be treated as protected.”*

There is the potential for this recommendation to cause a breach of commercial confidentiality. Further to a point that the TFGA has raised above, confidentiality regarding data and intellectual property is crucial. There needs to be greater information provided in this recommendation that details how such a change would be able to mitigate the compromising of future protected data. This matter requires further consultation.

The TFGA also has concerns regarding recommendations 137 and 138 –

*“The Panel recommends that the costs of environmental monitoring be publicly funded.”*

and

*“The Panel recommends that the cost of domestic produce monitoring should be publicly funded.”*

The TFGA believes that the funding model proposed in the above recommendations would be most effective if it was industry-led and should be supervised by the Commonwealth Government, rather than being entirely government-managed and the surveillance being contracted out on a tender basis. If the Commonwealth were to assume all responsibility for the residue testing, an expansion to the National Residue Survey would be required.

The proposed \$5 million p.a. investment from the Commonwealth Government is unlikely to be a sufficient figure to manage the monitoring that would be required across all industries – a point that the Panel has already raised.

The review has proposed 139 recommendations and those most pertinent to TFGA members have been addressed in this submission. The TFGA has some concerns that there is limited explanation provided in the review as to how the Panel proposes each recommendation will be implemented and would welcome further consideration to the points raised in this submission.

The TFGA reiterates its appreciation for the opportunity to comment on the review and recognises the benefits that the proposed changes may bring to members and the broader farming community.

If you have any questions regarding this submission, please feel free to contact me.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

**Peter Skillern**  
Chief Executive Officer  
26 February 2021