

Reference: **9276/12**

**18 DEC 2012**

Mr Stephen Palethorpe  
Committee Secretary  
Rural and Regional Affairs and Transport Legislation Committee  
PO Box 6100  
**Canberra ACT 2600**

Dear Mr Palethorpe

Thank you for your email of 3 December 2012 concerning the inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012.

Opportunities to comment on exposure drafts of the Bill have been twice afforded to the Queensland Department of Agriculture, Fisheries and Forestry (DAFF). DAFF was unable to respond to the first invitation as the Queensland Government was in caretaker mode at that time. DAFF provided a technical response to the revised exposure draft of the Bill. The following comments outline the principles used in the technical response.

DAFF supports risk based decision making for the registration of agricultural and veterinary chemicals. However, the risk assessments process is proposed to be supported by a Risk Compendium. At this stage, as the Risk Compendium has not been presented in full, there is a lack of clarity about the Australian Pesticide and Veterinary Medicines Authority (APVMA) revised approach to risk based decision making.

The proposed revisions allow the APVMA some flexibility in deciding whether trade and efficacy assessments are necessary for a particular chemical product. The provision for flexibility in the legislation is supported but the department expects that the APVMA will continue to consider the international trade implications of the export of all food-producing plant and animal commodities, in a manner that will not prejudice Queensland trade. DAFF also expects that chemical products used to control pests and diseases are efficacious.

DAFF supports the introduction of a time limit or sunset date on the approval and registration of agricultural and veterinary chemicals to provide for periodic review of a chemical's safety through a re-registration and re-approval scheme. However, it is unclear when a chemical product would not pass the re-registration and re-approval assessment and be referred to Chemical Review. The re-registration and re-approval decisions could have a large impact on the profitability of Queensland's primary industries that depend on access to appropriate chemical products.

DAFF supports endeavours to improve the timeliness of registrations as Queensland's primary producers substantially benefit from access to new chemical products. Whilst there are some improvements in the process proposed, a large number of the amendments simply provide a legislative basis for current assessment practices and are unlikely to result in significant efficiencies.

DAFF supports the improved data protection measures proposed to provide registrants and permit holders greater protection of their scientific data (that is, intellectual property) and encourage investment in new and existing agricultural and veterinary chemicals.

DAFF supports proposed changes to amend the Levy Act to enable any Commonwealth agency to collect the levy. The APVMA have been criticised for an apparent conflict of interest in collecting monies directly from those it seeks to regulate. Greater public confidence in the regulation of agricultural and veterinary chemicals provides for greater confidence in Queensland agricultural produce.

Yours sincerely

**Jack Noye**  
**Director-General**  
**Department of Agriculture, Fisheries and Forestry**