



14/12/12

Committee Secretary Senate Rural and Regional Affairs and Transport
Legislation Committee
PO Box 6100 Parliament House
Canberra ACT 2600 Australia

Dear Committee Secretary,

Summerfruit Australia Limited (SAL) welcomes the opportunity to provide input.

As stated in a previous submission to DAFF (February 2012) SAL supports the aims of the reforms, but maintains reservations as to their delivery. In particular, SAL considers that the legislative reforms will fail to provide any measurable benefit to farmers. From the outset, the over-arching aims of the reforms have been to **“increase the efficiency and effectiveness of the APVMA and to enable more effective regulation of agricultural and veterinary chemicals”**. SAL sees the efficiency and effectiveness advocated has been more about ‘improving’ systems of management and administration from the perspective of government, with no attempt to address the regulatory burden on chemical users. This is despite the Minister stating that the reforms were also aimed at cutting “unnecessary red tape for farmers”.

In response to the issue highlighted by the Committee SAL would also like to offer the following specific responses.

Ensure the ongoing safety of agvet chemical approvals, registrations and reconsideration arrangements by implementing a mandatory re-approval and re-registration regime, designed to identify any potentially problematic chemicals while minimising any negative impacts on affected businesses.

Re-approval and re-registration
Hazard Criteria

SAL has significant reservations over the application of the Globally Harmonized System, GHS, criteria in the proposed priority based matrix approach for determining reapproval. Farm chemicals, as applied by farmers, are formulated

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products carrying risk management information via labels. As a consequence SAL is concerned at the proposed use of GHS hazard criteria, which relates to the pure active ingredient, in determining the priority for re-approval. The GHS criteria provide no guidance on the potential risk (or consequence) associated with the use of a particular farm chemical. SAL believes the use of criteria such as poison scheduling, which relates to the formulated product, is a more appropriate tool.

Reconsideration assessment period

A number of farm chemicals, used by summer fruit growers, have recently been subject of APVMA reviews. In response to these reviews the summer fruit industry has sought to provide information where the APVMA have identified a data shortfall. SAL is concerned that in such cases industry effort to generate and report could be compromised by a lack of flexibility in the legislation. This is a problem when seasonal conditions and limited industry funding capacity can conspire to prolong the time required to generate data that meets APVMA requirements. The Summerfruit industry face the review of multiple chemicals that have no alternative and fear the loss of whole classes of chemical within the next decade

Foreign regulators

In line with previous submissions SAL has misgivings over aspects of the new chemical review arrangements. In particular, SAL questions the basis for the review 'trigger', in which a decision by two or more of the nominated foreign regulators would prompt the APVMA to vary the end date for an approval and registration (subsection 47A(1)). SAL believes that the legislation should be more explicit and specify that the decision of the foreign regulators must be the result of a science based risk assessment. SAL is concerned that in some foreign jurisdictions, such decisions could be made on the basis of policy, e.g., through the application of the precautionary principle or exceptional hazard criteria, rather than science. As a result SAL believes a step should be included in which decisions by foreign regulators are vetted to ensure they are science-based and comply with the Australian risk framework.

Improve the efficiency and effectiveness of assessment processes for agvet chemicals applications for approval, registration and variation and providing the timeliness of agvet chemical approvals,

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registrations and reconsiderations.

SAL sees the drive for efficiency and effectiveness have been focused on 'improving' systems of management and administration from the perspective of government, with no attempt to address the regulatory burden on users. This is highlighted in the area of minor use permits. Under the legislation a specific process is prescribed for the handling of permit applications. SAL is concerned that the result of this prescription will be an increased likelihood of permit applications being rejected given the subjective nature of whether an assessor believes defects can be "***reasonably rectified***". SAL understand that the possibility of electronic submissions, where applications can only be lodged when complete, have been mooted, but to date with no effect. The availability of such an option would negate the need for legislation.

Improve the ability of the APVMA to enforce compliance with its regulatory decisions by introducing a power to apply statutory conditions to registrations and approvals.

Suitable person test

The Summerfruit industry also queries the basis for the development and inclusion of a 'suitable person' test with regards to holders of minor use permits. Summerfruit is not aware of compliance problems with those relying on minor use permits and believes the test is disproportionate given that no comparable test applies to chemical registrants. SAL would suggest that the introduction of the test is in fact a misalignment of regulatory effort with regards to chemical risk.

I thank you for this opportunity to lodge these comments.

Yours Sincerely

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Chair Summerfruit Australia Limited



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