

# Department of Agriculture and Water Resources

## Senate Finance and Public Administration References Committee

### The operation, effectiveness, and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016

Public Hearing: Tuesday 11 April 2017

#### Questions Taken on Notice

#### Questions:

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#### 1. HANSARD, Page 37

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**CHAIR:** Can I take you back to May 2015, when it was announced that there were plans to move the APVMA to either Toowoomba or Armidale. How were those locations chosen?

**Mr Williamson:** You are referring to an announcement by the minister?

**CHAIR:** There is a media release I can take you to. A media release on 15 May indicated that Mr Joyce was seeking to move the APVMA to Armidale or Toowoomba.

**Mr Williamson:** Yes, that was a media release in our submission—I apologise for that. Those locations came from the Deputy Prime Minister.

**CHAIR:** Were you speaking to stakeholders about that relocation prior to that?

**Mr Williamson:** Pretty much since the 2013 election the coalition has had a broad policy of looking to relocate agencies and entities within our portfolio. So there had been ongoing discussions relating not just to APVMA but several of our research and development corporations as well. There was, if you like, an iterative process for several years on those issues.

**CHAIR:** And had you provided advice that the two most suitable locations would be Toowoomba or Armidale?

**Mr Williamson:** I would have to take that on notice, but I do not believe so.

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#### 2. HANSARD, Page 38

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**CHAIR:** My question was on whether there was any analysis undertaken or provided to the minister that narrowed the selection from what had previously been two sites to just one—Armidale.

**Mr Williamson:** Not that I am aware of. I can take it on notice and check. My understanding is that the Deputy Prime Minister had undertaken various consultations, including the correspondence you have just referred to, with APVMA but also with industry and some of the universities as well. Following that, the announcement that you have alluded to in early 2016 was made.

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### 3. HANSARD, Page 41

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**CHAIR:** Can I just ask you on notice about whether you can support us by providing some of the documentation around the creation of the APVMA? I understand it was created by agreement of the states and territories. That process will have been documented, including the sorts of memorandums of understanding, minutes and the agreement.

**Mr Williamson:** Yes. There are a couple of key documents that we could track down for you. We will do that.

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### 4. HANSARD, Page 44, 55

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**Senator McKENZIE:** Just for the department: how much correspondence has the department had about the relocation? Specifically, I would like to know if we have had many letters that have supported the relocation or not?

**Mr Williamson:** I might defer to my colleagues on that.

**Mr McDonald:** There is a volume of correspondence. We do not have those numbers with us right now, we would have to take it on notice—

**Senator McKENZIE:** Okay, thank you.

**Mr McDonald:** but there was a mixture of views put forward by members of the public.

**Senator McKENZIE:** Any former staff or board members in that cohort?

**Mr McDonald:** I would have to go back to the records to be sure about my answer, so I will take that on notice.

**Senator McKENZIE:** If you could, and then provide us with their position.

**Mr McDonald:** Yes.

...

**Mr Williamson:** I just want to say something on one question earlier around correspondence. I have a very diligent officer who has checked, and the department has had 64 pieces of correspondence since 26 January this year. That includes correspondence from a former member of the APVMA executive—I think that is what you asked about—that reflected positively on the relocation.

**Senator McKENZIE:** Can you table that correspondence?

**Mr Williamson:** Yes. I do not have it with me, but I can take that on notice.

**CHAIR:** All of it or just that single piece?

**Senator McKENZIE:** That single piece.

**Mr Williamson:** Okay.

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### 5. HANSARD, Page 46

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**Senator GALLAGHER:** I am taking it as read that the only way to get the APVMA to move to Armidale is by issuing this GPO. Is that correct? Does anyone want to answer that? I do not mind which agency it is. I am taking the letter that you wrote on 31 July—five pages of significant concerns—as an unwillingness to move voluntarily because of your statutory obligations. So I am taking it as agreed that the only way to enact this move was to issue a GPO. Is that correct?

**Mr Williamson:** I am not sure that it was the only option. It was certainly an available option.

**Senator GALLAGHER:** What were the other options, then, if it was not the only one?

**Mr Williamson:** I can come back to you on that on notice, but certainly the government can always legislate.

**Senator GALLAGHER:** It could have a standalone, specific piece of legislation for that?

**Mr Williamson:** That is—

**Senator GALLAGHER:** Was that examined?

**Mr Williamson:** I would have to take that on notice.

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## **6. HANSARD, Page 48–49**

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**CHAIR:** From your evidence, it sounds like—and you may correct me—that there are two levels of documentation. One is the strategic enterprise risk document, and the other is the yet to be developed risk register—is that correct?

**Ms Arthy:** There are actually three. If you want to go through our risk management framework—

**CHAIR:** I do.

**Ms Arthy:** It all starts at the top where we have a strategic—

**CHAIR:** Really quickly, though.

**Ms Arthy:** enterprise risk framework, which covers those very high-level risks that as CEO I look at and that management look at, where it clearly states what the risk appetite is from the CEO, in terms of how we manage it. That is one level. We then have for business as usual a very detailed process of identifying risks and mitigation strategies and monitoring. We are now adding a third element to this, which is a specific one focused only on relocation, and we are looking at how we bring it all together as well.

**CHAIR:** Right. So that relocation documentation is yet to be completed?

**Ms Arthy:** The detailed one, yes. But we have certainly been providing people with what we have at the moment.

**CHAIR:** Could we have copies provided? It may be that they need to be provided in confidence, but would that be possible?

**Ms Arthy:** Absolutely. We can certainly provide you with the high-level one in confidence. The more detailed one will not be done for another six weeks. I am not sure how that fits with your timing.

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## **7. HANSARD, Page 54**

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**CHAIR:** I have no doubt that we will have opportunities to further debate this in other forums. Before we close, I just want to place a question on notice for APVMA and your department, Mr Williamson. Can I please have a list of all of the contracts with service providers associated with the relocation since January 2016? I am interested in the relevant AusTender number and the value of each of those contracts. That includes, but is not limited to, any contracts assigned to Pegasus Economics, Bull & Bear Special Assignments and Seftons and any contracts associated with the development of the digital strategy. Those are the contracts mentioned in your submission, Ms Arthy. Mr Williamson, I am also interested in anything—

**Mr Williamson:** If we have anything to add, we will.

**CHAIR:** that has been commissioned by the department.

## Answers:

1. In July 2014, the Department of Agriculture and Water Resources (the department) sought information from the Australian Pesticides and Veterinary Medicines Authority (APVMA) to inform a proposal, for government's consideration, about the proposed relocation. In its response, the APVMA identified a number of potential locations to which it could relocate, including Armidale and Toowoomba, based on proximity to tertiary institutions offering related courses. The department reflected this information in its advice to the Deputy Prime Minister about options and issues relating to the APVMA's relocation.
2. No.
3. The then National Registration Authority for Agricultural and Veterinary Chemicals (NRA), now the APVMA, was established by the Commonwealth through the *Agricultural and Veterinary Chemicals (Administration) Act 1992 (the Act)*. The Act received Royal Assent on 24 December 1992 and commenced on 15 June 1993. It is available at [www.legislation.gov.au/Details/C2004C01705](http://www.legislation.gov.au/Details/C2004C01705).

Resolutions from Agricultural and Resource Management Council of Australia and New Zealand Meeting 2 (April 1994) and Meeting 4 (October 1994) relating to the establishment of the National Registration Scheme for Agricultural and Veterinary Chemicals are provided at [Attachment A](#) and [Attachment B](#).

An intergovernmental agreement between the Commonwealth and the Australian Capital Territory (ACT) to provide for the administration of agricultural and veterinary chemicals legislation of the Commonwealth in the ACT is provided at [Attachment C](#).

An Intergovernmental Agreement between the Commonwealth, States and the Northern Territory reflected ministerial agreements to enact legislation, including the *Agricultural and Veterinary Chemicals Code Act 1994*, is provided at [Attachment D](#).

The department understands other records relating to the establishment of the NRA may be available from the National Archives of Australia. They have advised the standard timeframe for accessing these records can be up to 90 days. Should the committee wish, the department can commence this process.

4. See [Attachment E](#).
5. The department confirms that options were considered, including legislation and the government policy order instrument.
6. A copy of the Enterprise Risk Statement, provided by the APVMA, is at [Attachment F](#).
7. See Table 1 for relevant contracts administered by the department. The APVMA has provided a list of its contracts separately.

**Table 1: Department of Agriculture and Water Resources Contracts for APVMA Relocation since January 2016**

<b>Name of Contractor</b>	<b>AusTender Number</b>	<b>Contract Start date</b>	<b>Contract Finish date</b>	<b>Services under Contract</b>	<b>Amount of Contract</b>
Ernst & Young	CN3349255	03/05/2016	02/08/2016	Prepare independent cost benefit and risk analysis for relocation of the APVMA to Armidale.	\$280,000 (GST inclusive)
JLL Corporate Solutions	N/A *	Sep 2016	Dec 2016	Preparation of a project brief for the APVMA's relocation to Armidale and management of options identification through an expression of interest process.	Scope of works approved up to \$57,500 (GST exclusive) for four work phases.  \$20,955 (GST exclusive) paid for delivery of phases one and two.

\*JLL was engaged through an existing agreement with the department to provide strategic property advisory services.

<b>Agriculture and Resource Management Council of Australia and New Zealand</b>	MEETING NUMBER: 2
	LOCATION: HOBART
	DATE: 29 APRIL 1994
<b>RESOLUTION</b>	<b>No: 2F</b>

#### **NATIONAL AGRICULTURAL AND VETERINARY CHEMICAL REGISTRATION SCHEME**

- 1) Council was advised that Standing Committee had considered a progress report from the Commonwealth on development of the National Registration Scheme for Agricultural and Veterinary Chemicals and a supplementary paper from Victoria concerning the Commonwealth and State/Territory Agreement and related matters.
- 2) The report identified the considerable progress which has been achieved with implementation of the Scheme and the establishment of the National Registration Authority. It was also noted in the report that Commonwealth legislation relating to the Scheme was passed by Parliament on 1 March 1994.
- 3) The report identified the three further steps necessary to ensure implementation of the Scheme:
  - a) a firm commitment from the Commonwealth, States and Territories to an early commencement to the Scheme;
  - b) finalisation of the Commonwealth and States/ Territories Agreement concerning arrangements to the Scheme; and
  - c) transmission of relevant ARMCANZ (including its predecessor) policy decisions to the National Registration Authority for Agricultural and Veterinary Chemicals.
- 4) Standing Committee also considered a paper from Victoria on this matter. The Victorian paper, *inter alia*, emphasised the importance of finalising the Agreement between the Commonwealth and States/Territories and sought an extension of the commencement date for the Scheme to 1 January 1995.
- 5) As foreshadowed at the previous meeting of ARMCANZ, a draft Agreement has been prepared following consultation between the Commonwealth, States and Territories. Standing Committee noted that there were some issues, including those raised in the Victorian paper, still to be resolved and requested a final draft be prepared as a matter of urgency for consideration of Ministers.
- 6) It was accepted that under the National Registration Scheme for Agriculture and Veterinary Chemicals, the Commonwealth would be responsible for regulation of these products up-to-the point of retail sale while States and Territories would be responsible for regulating their control-of-use.
- 7) In relation to the commencement date, it was argued by the Commonwealth that there are a number of practical reasons why the National Registration Scheme should come into effect on a common date and why that date should be 1 July 1994. A number of States indicated that they may have difficulties in achieving the planned commencement date, but all agreed that vigorous efforts should be made in attempting to achieve it.

- 8) Standing Committee advised Council that it had considered the relevant policy decisions previously made by ARMCANZ on the National Registration Scheme and recommended they be transmitted to the National Registration Authority. These decisions dealt with issues such as efficacy reviews, the compliance program, off-label use and information technology.

## **RESOLUTIONS**

- 9) Council:
- a) NOTED the considerable progress which has been made with the implementation of the National Registration Scheme for Agricultural and Veterinary Chemicals;
  - b) NOTED that the Commonwealth, States and Northern Territory have agreed to finalise the draft Agreement for its consideration;
  - c) AGREED that the Commonwealth, States and Territories would pursue vigorously the 1 July 1994 commencement date, recognising that some parties may have difficulty in meeting this deadline; and
  - d) AGREED to the transmission of relevant policy decisions to the National Registration Authority for Agricultural and Veterinary Chemicals.



<b>Agriculture and Resource Management Council of Australia and New Zealand</b>	MEETING NUMBER: 4
	LOCATION: Adelaide
	DATE: 28 OCTOBER 1994
<b>RESOLUTION</b>	<b>No: 2E</b>

#### **NATIONAL REGISTRATION SCHEME FOR AGRICULTURAL AND VETERINARY CHEMICALS - OUTSTANDING MATTERS**

- 1) ARMCANZ 2 (April 1994) noted that the Commonwealth, States and Territories agreed to finalise drafting of the Ministerial Agreement on Agricultural and Veterinary Chemicals for its consideration.
- 2) Council was advised that a new draft agreement (at Annex A) had been developed which incorporates amendments agreed between the Commonwealth and States. It was, however, recognised that Ministers may be required to seek endorsement through appropriate Cabinet processes before signing the Agreement.
- 3) On the categories of product to be covered by the National Registration Scheme, Standing Committee advised that all categories of agricultural and veterinary chemicals previously registered by the States would now be covered under the National Scheme. Council noted that the Commonwealth legislation for agricultural and veterinary chemicals included a broad definition of chemical products and agreed that all currently registered product categories be regulated up to the point of sale by the Commonwealth except for the list of products to be excluded from the scope of the Scheme as set out in the schedule at Annex B.

#### **RESOLUTIONS**

- 4) Council:
  - a) NOTED that the present draft Agreement on the Agricultural and Veterinary Chemicals National Registration Scheme is acceptable to all participants (Annex A)
  - b) AGREED that individual Ministers sign the Agreement
  - c) AGREED to all agricultural and veterinary chemical products as defined in the attached schedule (at Annex B), being regulated up to the point of sale by the National Registration Authority for Agricultural and Veterinary Chemicals.

ANNEX A: Agreement between the Commonwealth and States/Territories on the Agriculture and Veterinary Chemicals National Registration Scheme

ANNEX B: Products to be excluded from, and included in, the scope of National Registration Scheme

**ANNEX A: AGREEMENT BETWEEN THE COMMONWEALTH AND STATES/TERRITORIES ON THE  
AGRICULTURE AND VETERINARY CHEMICALS NATIONAL REGISTRATION SCHEME**

[Record not found]

## **ANNEX B PRODUCTS TO BE EXCLUDED FROM, AND INCLUDED IN, THE SCOPE OF NATIONAL REGISTRATION SCHEME**

Products to be Specifically Excluded from the National Registration Scheme for Agricultural and Veterinary Chemicals

- 1) Mould inhibitors for the production of paper, glue, plywood, carpets, paints & surface coatings (where the surface coating is part of the process) and, where no pesticidal claims are made for the final commodity.
- 2) Fungicides, bactericides and deodorants used in footwear and clothing.
- 3) Soil ameliorants, conditioners and fertilisers provided no plant growth regulator claims are made
- 4) Vertebrate pest management lures and solely food based invertebrate pest management lures.
- 5) Disinfectants, mould inhibitors and sanitisers sold through, presented or promoted essentially through retail outlets to consumers to use in domestic situations.
- 6) Cyanuric acid for use as a swimming pool chlorine stabiliser.
- 7) Cut flower preservatives
- 8) Silage, hay and legume inoculants based upon bacteria, enzymes or both.
- 9) Predatory insects and mites and macroscopic parasites.
- 10) The nematode *Deladenus siricidicola* for the control of *Sirex* sp. wood wasp in pine plantations.
- 11) Industrial biocides used in the manufacture of paper pulp.
- 12) Headlice treatments for humans.
- 13) Items listed in Subregulation 8(3) of the current draft Agricultural and Veterinary Chemicals Code Regulations dated 6/10/94:
  - a) stockfoods;
  - b) blocks and licks other than medicated blocks or licks;
  - c) medicated stockfoods to which subregulation (4) applies;
  - d) medicated premixes to which subregulation (4) applies;
  - e) premixes to which subregulation (5) applies;
  - f) stockfood supplements to which subregulation (5) applies; and
  - g) colour intensifiers for aviary birds.

Products to be Specifically Included in the National Registration Scheme for Agricultural and Veterinary Chemicals

- 1) Dairy cleansers for on-farm use.
- 2) Items listed in Subregulation 8(1) of the current draft Agricultural and Veterinary Chemicals Code Regulations dated 6/10/94:
  - a) allergenic substances;
  - b) medicated blocks or licks;
  - c) enzymes;

- d) stockfood non-active constituents except stockfood non-active constituents excluded from this class by an order under Section 7 of the Act;
- e) direct-fed microbial products; and
- f) sheep branding substances.

**AGREEMENT**

**BETWEEN**

**THE AUSTRALIAN CAPITAL TERRITORY**

**AND**

**THE COMMONWEALTH OF AUSTRALIA**

**TO**

**PROVIDE FOR THE ADMINISTRATION  
OF AGRICULTURAL AND VETERINARY CHEMICALS  
LEGISLATION OF THE COMMONWEALTH  
IN THE AUSTRALIAN CAPITAL TERRITORY**

Australian Government Solicitor  
Robert Garran Offices  
BARTON ACT 2600

THIS AGREEMENT is made the 13th day of April 1994.

BETWEEN

the AUSTRALIAN CAPITAL TERRITORY ("the ACT")

AND

the COMMONWEALTH OF AUSTRALIA, ("the Commonwealth")

#### RECITALS

- A. The Australian Agricultural Council agreed in August 1991 to the establishment of a national system for registering agricultural and veterinary chemicals;
- B. The Commonwealth, with the consent of the Legislative Assembly for the Australian Capital Territory, will seek to enact Agricultural and Veterinary Chemicals legislation that will apply in the Australian Capital Territory as the model on which the pertinent law of the States and the Northern Territory will be based;
- C. On 16 September 1993 the Legislative Assembly for the Australian Capital Territory consented to the enactment by the Commonwealth of Agricultural and Veterinary Chemicals legislation for the Australian Capital Territory;

NOW IT IS AGREED by the Parties as follows:

#### COMMENCEMENT

- 1. This Agreement shall come into force upon its execution.

#### DEFINITIONS

- 2. "Agricultural and Veterinary Chemicals legislation" means legislation in substantially the same form as the legislation appearing in Schedule 1.

"State" means any State of the Commonwealth or the Northern Territory that enacts legislation based on the Agricultural and Veterinary Chemicals legislation.

## CONDITIONAL CONSENT OF THE AUSTRALIAN CAPITAL TERRITORY

3. Provided the Commonwealth submits, where necessary, to the Commonwealth Parliament such legislation as will enable the ACT to administer the Agricultural and Veterinary Chemicals legislation as it applies in the ACT to the same extent that a State will administer the Agricultural and Veterinary Chemicals legislation as it applies in that State, the ACT shall consent to the enactment by the Commonwealth of Agricultural and Veterinary Chemicals legislation that will apply in the ACT as the model on which the pertinent law of the States will be based.

## DATE OF OPERATION OF COMMONWEALTH AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION

4. (1) The Commonwealth agrees that it shall not proclaim the Agricultural and Veterinary Chemicals legislation to come into operation unless the conditions in clause 3 are satisfied.
- (2) The Commonwealth agrees to proclaim the Agricultural and Veterinary Chemicals legislation on the same date that the States (including New South Wales) and the Northern Territory, or a majority (including New South Wales) of the States and the Northern Territory, declare their legislation to come into operation.

## RENEGOTIATION

5. If the State of New South Wales does not enact or at any time repeals, amends or does not amend Agricultural and Veterinary Chemicals legislation resulting in substantially different laws applying in the State of New South Wales and the ACT, the ACT may renegotiate with the Commonwealth the form of the Agricultural and Veterinary Chemicals legislation as it applies in the ACT and may seek from the Commonwealth any financial assistance that may be necessary arising from that event.

Signed by ROSEMARY FOLLETT,  
MLA, Chief Minister of the  
Australian Capital Territory

) Rosemary Follett  
)  
)

D. K. Wedgwood  
in the presence of:

D. K. WEDGWOOD  
Witness

Signed by the Honourable PAUL JOHN  
KEATING, Prime Minister of the  
Commonwealth of Australia

Paul Keating

C. MORTON  
in the presence of:

C. MORTON  
Witness



## **SCHEDULE 1**

**Clause 2: Agricultural and Veterinary Chemicals legislation**

30 March 1994

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

Presented and read a first time

*(Primary Industries and Energy)*

**A BILL**

FOR

**An Act to make provision for the evaluation, registration  
and control of agricultural and veterinary chemical  
products, and for related matters, for the purposes of the  
*Agricultural and Veterinary Chemicals Act 1993***

**RECOGNISING:**

- (a) that the protection of the health and safety of human beings, animals and the environment is essential to the well-being of society and can be enhanced by putting in place a system to regulate agricultural chemical products and veterinary chemical products; and
- (b) that the principle of ecologically sustainable development requires a regulatory system that is designed to ensure that the use of such products at the present time will not impair the prospects of future generations; and

An AGREEMENT made the

29 day of Sept. 1994 1995

Between:

The COMMONWEALTH OF AUSTRALIA ("the Commonwealth")

and

The States of: NEW SOUTH WALES

VICTORIA

QUEENSLAND

SOUTH AUSTRALIA

WESTERN AUSTRALIA

TASMANIA (collectively called "the States") and the

NORTHERN TERRITORY OF AUSTRALIA ("the Northern Territory")

WHEREAS:

- A. The Commonwealth, each of the States, and the Northern Territory have enacted or propose to enact legislation that provides for the evaluation, registration and control of agricultural and veterinary chemical products, and for related matters, and establishes a Code to be called an Agvet Code which will among other things prohibit supply, or possession for supply, of unregistered agricultural or veterinary chemical products.
- B. The Commonwealth has enacted the Agricultural and Veterinary Chemicals (Administration) Act 1992 which established a National Registration Authority for Agricultural and Veterinary Chemicals ('NRA').
- C. The Commonwealth, each of the States, and the Northern Territory agreed at a meeting of the Australian Agricultural Council (now called the Agriculture and Resource Management Council of Australia and New Zealand) ("ARMCANZ") held on 2 August 1991 to establish a National Registration Scheme to provide for the registration of agricultural and veterinary chemicals under which the Commonwealth will be responsible for the registration of agricultural and veterinary chemicals with each State and the Northern Territory remaining responsible for the control of use of such chemicals.

NOW IT IS HEREBY AGREED AS FOLLOWS:

1. In this Agreement, unless the contrary intention appears:
  - (a) words importing a gender include every other gender; and
  - (b) words in the singular number include the plural number and words in the plural number include the singular number.
2. On the date when this Agreement comes into effect the Agreement made between the Commonwealth and the States which is in the Schedule to the Agricultural and Veterinary Chemicals Act 1988 shall cease to have effect.
3. (1) The Commonwealth has enacted Commonwealth legislation which makes provision for the following:-
  - (a) the establishment of the Agvet Code;
  - (b) the implementation of the Agvet Code in the Australian Capital Territory and in any other Territory that is declared by regulations to be a participating Territory;
  - (c) any necessary consequential amendments to legislation that are necessary because of the enactment of such legislation.
- (2) Each State and the Northern Territory shall include in the legislation enacted by their Parliaments a provision empowering the NRA to approve active constituents for proposed or existing chemical products and to register agricultural chemical products and veterinary chemical products, and any consequential amendments that are necessary because of the enactment or consequential amendments of the Commonwealth legislation.
4. Each State and the Northern Territory shall take such steps as are appropriate to secure the passage of legislation which shall provide for the Agvet Code to be in force in the State or the Northern Territory as the case may be which legislation shall be in accordance with the general Model

State Bill which has been prepared following the meeting of ARMCANZ held 2 August 1991.

5. (a) The relevant Ministers will not submit to their respective Parliaments any Bill to amend or repeal legislation, or enact legislation which modifies or otherwise affects the Agvet Code, which is enacted without first giving at least 3 months notice, or such other agreed period, to the other parties of its intention to do so accompanied by a draft of the proposed amending, modifying or repealing legislation and consulting with the other parties concerning terms of the proposed amendment.
  - (b) Each party to this Agreement shall give at least 3 months notice, or such other agreed period, to each of the other parties of its intention to make regulations pursuant to the Agvet Code enacted by the Parliament of the Commonwealth, the States, or the Northern Territory, and provide particulars of the proposed regulations.
  - (c) Concerning legislation in addition to that covered by clause 5(b) which may affect the application of the Agvet Code, each party to this Agreement shall notify the other parties of any regulations which have been made or which are intended to be made to the legislation of that party as soon as practicable and provide particulars of the regulations or proposed regulations.
6. Each party shall use its best endeavours to procure the commencement of the legislation enacted by it not later than [date to be determined].
7. (a) If any party to this Agreement intends to withdraw from this Agreement it shall give not less than 12 months notice in writing to each of the other parties of its intention to withdraw.
  - (b) Notwithstanding clause 7(a), if any party to this Agreement withdraws from this Agreement without having given at least 12 months notice in writing to each of the other parties of its intention to withdraw or if any party has failed to give the period of notice required by clause 5(a) or 5(b) any other party to this Agreement will be at liberty to withdraw from this Agreement in respect of the first mentioned party

on giving the same period of notice as was given by the first mentioned party.

- (c) The Commonwealth may withdraw from this Agreement in accordance with clause 7(a) or clause 7(b) in respect of one or more parties without withdrawing from this Agreement in respect of the other parties.
- 8. The State Minister and the Northern Territory Minister responsible for the administration of matters relevant to this Agreement shall be the Minister who administers the legislation enacted pursuant to clause 4 or any other Minister acting on behalf of, or for the time being acting for, that Minister.
- 9. The Commonwealth Minister responsible for the administration of matters relevant to this Agreement shall be the Minister who administers the Commonwealth legislation enacted pursuant to clause 3 or any other Minister acting on behalf of, or for the time being acting for, that Minister.
- 10. This Agreement is an agreement for the purposes of section 9A of the Agricultural and Veterinary Chemicals (Administration) Act 1992.
- 11. (a) The parties agree to give effect to the policies as determined by ARMCANZ or such other body as may be established as a successor to ARMCANZ performing substantially the same functions as those which are now performed by ARMCANZ.  
(b) The parties further acknowledge that decisions which have been taken by ARMCANZ and its predecessor since June 1991 in respect of matters of the type mentioned in this Agreement will be given effect by the NRA pursuant to section 9A of the Agricultural and Veterinary Chemicals (Administration) Act 1992.
- 12. (1) The legislation which is to be enacted by the States and the Northern Territory will empower the NRA:
  - (a) to register agricultural and veterinary chemical products;
  - (b) to approve active constituents for chemical products, and to approve labels for chemical products;

- (c) in accordance with sections 101 to 103 inclusive of the Agvet Code;
  - (d) to issue licences to persons to carry out steps in the manufacture of agricultural and veterinary chemical products;
  - (e) to issue permits in respect of active constituents for proposed chemical products, or in respect of chemical products.
  - (f) to ensure compliance with the Commonwealth legislation.
- (2) The States and the Northern Territory will be responsible, within their respective jurisdictions, for the control of use of chemical products.
- (3) The NRA will:
- (a) authorise as inspectors, under subsection 69F(1) of the Agricultural and Veterinary Chemicals (Administration) Act 1992 for the purposes of that Act and the Agvet Code of their respective States or the Northern Territory employees of the States or the Northern Territory and may authorise other persons for the purposes of undertaking surveillance, investigation and sampling to monitor compliance with that Act and the Agvet Code of the respective State or Northern Territory; and
  - (b) appoint as analysts, under subsection 69G(1) of Agricultural and Veterinary Chemicals (Administration) Act 1992 for the purposes of that Act and the Agvet Code of their respective States or the Northern Territory employees of the States or the Northern Territory and may authorise other persons for the purposes of undertaking testing and analysis to monitor compliance with that Act and the Agvet Code of the respective State or Northern Territory.
- (4) The NRA, each of the States and the Northern Territory will make a Compliance Agreement which will, among other matters, provide for a Compliance Program Plan which will be prepared annually by the NRA, the States and the Territories. The Compliance Agreement and

the Compliance Program Plan will, among other matters, provide for the funding by the NRA of the Compliance Program Plan and will set out the conditions of funding and reporting by the NRA and the services and reporting to be provided by the States and Territories.

- (5) The Commonwealth, each State and the Northern Territory will ensure that the respective prosecuting authorities will confer as necessary for determining what prosecutions should be commenced against persons who may have committed offences against both the Agvet Code and other legislation of a State or Territory controlling the use of agricultural and veterinary chemical products.



IN WITNESS WHEREOF this Agreement has been executed as at the day and year first written above.

SIGNED for and on behalf  
of the COMMONWEALTH OF  
AUSTRALIA by

in the presence of

Pauline Curran

SIGNED for and on behalf  
of the STATE OF NEW SOUTH  
WALES by

RICHARD AMERY  
MINISTER FOR AGRICULTURE

in the presence of

Patricia Hatch

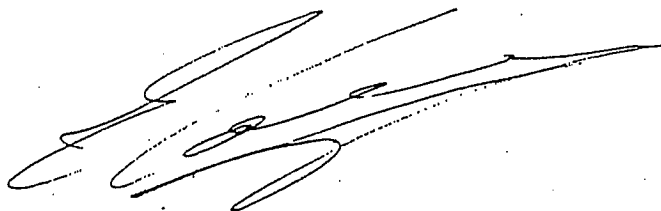
SIGNED for and on behalf  
of the STATE OF VICTORIA

by W. MCGRAITH  
MINISTER OF AGRICULTURE

in the presence of

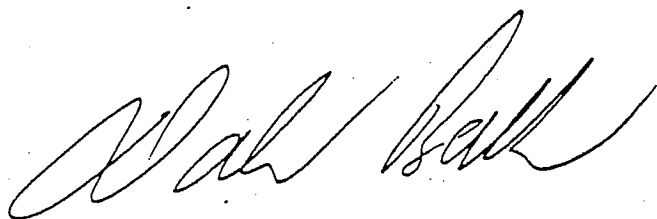
Michael J. Sp

SIGNED for and on behalf )  
of the STATE OF QUEENSLAND )  
by EDMUND DENIS CASEY )  
MINISTER FOR PRIMARY )  
INDUSTRIES )  
in the presence of )



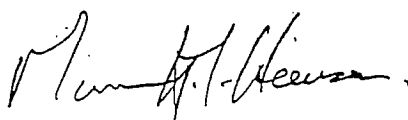
Amnagui

SIGNED for and on behalf )  
of the STATE OF SOUTH )  
AUSTRALIA by )  
DALE SPEHR BAKER )  
MINISTER FOR PRIMARY )  
INDUSTRIES )  
in the presence of )



Myhadjan

SIGNED for and on behalf )  
of the STATE OF WESTERN )  
AUSTRALIA by )  
MONTAGNE GRANT HOUSE )  
MINISTER FOR PRIMARY INDUSTRIES )  
in the presence of )



Johnson

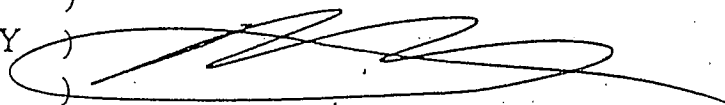
SIGNED for and on behalf )  
of the STATE OF TASMANIA )  
by ROBIN TREVOR CREAM )  
MINISTER FOR PRIMARY )  
INDUSTRY & FISHERIES )  
in the presence of )



B. M. M. M.

SIGNED for and on behalf  
of the NORTHERN TERRITORY  
OF AUSTRALIA by

Michael James Palmer )  
Minister for Primary )  
Industry and Fisheries )  
in the presence of )

  
.....

[REDACTED]

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**From:** Joyce, Barnaby (MP) <Barnaby.Joyce.MP@aph.gov.au>  
**Sent:** Wednesday, 30 November 2016 2:54 PM  
**To:** Minister  
**Subject:** FW: APH Website contact form - new enquiry Barnaby.Joyce.MP@aph.gov.au

**From:** contactform@aph.gov.au [mailto:contactform@aph.gov.au]  
**Sent:** Tuesday, 29 November 2016 2:49 PM  
**To:** Joyce, Barnaby (MP)  
**Subject:** APH Website contact form - new enquiry Barnaby.Joyce.MP@aph.gov.au



Parliamentarian Hon Barnaby Joyce MP

Name Ms. Alison Turner

Telephone (home) [REDACTED]

Telephone (mobile) [REDACTED]

Email [REDACTED]

Address [REDACTED]

[REDACTED]  
[REDACTED]  
Australia

Question

As CEO of the APVMA from 1997 to 2003, and CEO of other government bodies subsequently, I would like to offer a comment on the planned relocation of the APVMA. As CEO i always found it really hard to recruit specialist agricultural and veterinary staff in Canberra . If i managed to recruit good staff, they were often poached by other commonwealth agencies While i understand the concerns of current staff, and the travel complexity for industry and parliamentary relations, I do not think that it will be a long term problem moving there . I would imagine that the pay offered by the APVMA would compare very favourably with other agencies in Armidale, so that growing a good cohort of suitably qualified staff would occur in time. Australia needs a vibrant rural community so i wish you good luck .

APVMA 2017 STRATEGIC AND ENTERPRISE RISK PROFILE

as at 7 April 2017

The following are the most significant risks which threaten APVMA’s key strategies and our ability to achieve our vision and mission.

Key risks	Description	Causal factors	Potential impact	Risk Tolerance	High Level risk mitigation measures	Risk Owner
Delivery of outcomes	Failure to deliver legislative obligations and relocate the agency on time and within budget.	<ul style="list-style-type: none"><li>Staff losses, accelerated staff losses, loss of experienced staff</li><li>Inability to recruit suitably skilled staff during transition to Armidale</li><li>Attempting to do too many things</li><li>Regulatory complexity and legislative change</li><li>Complexity and diversity of agvet chemicals</li></ul>	<ul style="list-style-type: none"><li>Unable to delivery legislative obligations</li><li>Unable to implement legislative change</li><li>Unable to undertake projects to lower regulatory burden on agency and clients</li><li>Inability to relocate the APVMA to Armidale</li><li>Industry complaints</li><li>Impacts on agricultural productivity and animal welfare</li><li>Lack of business continuity in critical areas</li></ul>	<p>Best endeavours are to be made to meet legislative timeframes.</p> <p>If timeframes are not to be met, time overdue is to be kept as short as possible.</p> <p>There is a very low risk tolerance for failure to meet relocation timeframes.</p> <p>There is a low tolerance for taking on work not directly related to delivering legislative obligations.</p>	<ol style="list-style-type: none"><li>Investigate systems improvements to reduce administrative burden on regulatory scientists.</li><li>Negotiate a manageable reform agenda with DAWR</li><li>Close monitoring of delivery of relocation milestones</li></ol>	<ol style="list-style-type: none"><li>ED RME (with ED, SACR)</li><li>CEO</li><li>COO (with ED DS, ED RO)</li></ol>
Robust regulatory decision making	An inappropriate decision resulting in significant harm, loss or liability.	<ul style="list-style-type: none"><li>Complex legislation</li><li>Loss of experienced staff</li><li>High volume of applications</li><li>Failure of quality oversight mechanisms</li><li>Inconsistent risk appetite among staff</li><li>Complexity and diversity of applications and agvet chemicals</li></ul>	<ul style="list-style-type: none"><li>Harm to people, animals or the environment</li><li>Significant liability costs</li><li>Economic impacts (through lost markets and product loss)</li><li>Significant reputational impact and loss of influence domestically and internationally</li><li>Increased AAT and legal action by applicants</li><li>Focused governmental review and scrutiny</li></ul>	<p>The quality of decisions is more important than meeting timeframes.</p> <p>Nevertheless, a pragmatic approach to the level of assessment needed to make a decision is required to minimise overall effort and time taken.</p>	<ol style="list-style-type: none"><li>Extend legal team to support registration</li><li>Develop ‘Top 20’ guidance material for applications and regulatory scientists</li><li>Implement knowledge management system</li></ol>	<ol style="list-style-type: none"><li>ED L&amp;C</li><li>ED RME</li><li>COO</li></ol>
Capability, culture and wellbeing	Failure to support staff and inability to maintain APVMA’s organisational capability and culture.	<ul style="list-style-type: none"><li>Staff losses, loss of experienced staff</li><li>Limited pool of appropriately skilled staff, particularly regulatory scientists</li><li>Long lead time to train new staff</li><li>Difficulty attracting staff given the relocation</li><li>Increased pressure on remaining staff</li><li>Stress caused by uncertainty and pending major life decisions by staff</li><li>Deterioration of teamwork due to work pressures</li></ul>	<ul style="list-style-type: none"><li>Inability to retain and recruit staff.</li><li>Major capability shortfalls in key areas of the agency, particularly regulatory scientists</li><li>Increase in unplanned leave</li><li>Decrease in morale</li><li>Decrease in productivity</li></ul>	<p>Staff wellbeing is of paramount importance.</p> <p>Retaining existing staff is a high priority.</p> <p>There is a high risk tolerance for finding quicker and alternate ways to source and develop relevant expertise.</p>	<ol style="list-style-type: none"><li>Accelerated training program for regulatory scientists</li><li>Implement broader learning and development program</li><li>Continual recruitment, induction and training</li><li>Implement health and wellbeing program</li><li>Provide information to staff about relocation and options (including career management)</li><li>Monthly monitoring of HR statistics</li></ol>	<ol style="list-style-type: none"><li>COO lead (with CS)</li><li>COO</li><li>COO lead (with EDs)</li><li>COO</li><li>CEO and COO</li><li>ELT</li></ol>

Key risks	Description	Causal factors	Potential impact	Risk Tolerance	High Level risk mitigation measures	Risk Owner
<b>Relationships and influence</b>	Failure to maintain positive and constructive relationships with key stakeholders.	<ul style="list-style-type: none"> <li>Strained relationships due to inability to meet legislative obligations</li> <li>Expectations for delivery of outcomes plus continued reform plus relocation while maintaining capability</li> <li>Fewer staff to appropriately engage with industry and applicants</li> <li>Differing expectations about plans and progress relating to relocation</li> <li>Increased willingness of applicants to challenge decisions through legal pathways</li> <li>Frustration at lack of progress with continued reform</li> <li>Media attention</li> </ul>	<ul style="list-style-type: none"> <li>A reactive, non-client focussed culture</li> <li>Increased legal fees</li> <li>Loss of support for key APVMA activities</li> <li>Inability to influence APVMA's future</li> <li>Increased government scrutiny</li> <li>Reputational damage</li> </ul>	<p>There is low tolerance for staff being put under undue pressure from applicants to deliver on application timeframes.</p> <p>However, there is a low tolerance for APVMA not communicating expected due dates and being transparent with applicants.</p> <p>Maintaining positive working relationships with the Department and industry associations is a priority.</p>	<ol style="list-style-type: none"> <li>Mechanisms to provide applicants with as much certainty as possible over timing of applications.</li> <li>Communication strategy for external stakeholders about relocation, BAU and reform measures</li> <li>Ensure ARAC operates effectively</li> <li>Media monitoring and management</li> </ol>	<ol style="list-style-type: none"> <li>ED RME (with ED SACR)</li> <li>CEO (with COO)</li> <li>CEO</li> <li>CEO (with COO)</li> </ol>
<b>Digital capability</b>	Inability of APVMA's information systems and digital strategy to support APVMA's business and the needs of its clients.	<ul style="list-style-type: none"> <li>Multiple legacy systems</li> <li>Uncertain funding and resources to develop new Armidale digital strategy</li> <li>Increasing pressure from clients for more sophisticated on-line services</li> <li>Limited capacity in business areas to define user needs</li> <li>Increasing sophistication and prevalence of cyber threats</li> </ul>	<ul style="list-style-type: none"> <li>Lack of productivity due to staff dealing with multiple systems</li> <li>Inability for tight management oversight of progress of individual applications</li> <li>Potentially not having necessary digital infrastructure to operate successfully from Armidale with a remote workforce.</li> <li>Loss or compromise of information and intellectual property</li> </ul>	<p>Delivery of systems capability to support BAU and Armidale is a high priority.</p> <p>There is a low risk tolerance for system failure.</p>	<ol style="list-style-type: none"> <li>Detailed planning for digital strategy with full implementation plan</li> <li>Maintenance and continued improvement to existing services</li> </ol>	<ol style="list-style-type: none"> <li>ED DS</li> <li>ED DS (with CIO)</li> </ol>
<b>Financial sustainability</b>	Failure to secure sufficient funding, manage costs and cost recovery arrangements sustainably.	<ul style="list-style-type: none"> <li>Reliance on cost recovery for majority of funding</li> <li>Actual costs of relocation being different to those budgeted for in 2016</li> <li>Uncertainty about funding for digital strategy</li> <li>Impact on funding of potential change in rates of application submission</li> <li>Potential resistance to fee and levy increases</li> <li>Erosion of equity over time</li> <li>Impacts on budget of employment of contractors, consultants and non-ongoing staff to fill gaps during transition to Armidale</li> </ul>	<ul style="list-style-type: none"> <li>Potential for APVMA to become financially unviable and experience cash flow problems</li> <li>Inability to relocate the APVMA within budget</li> <li>Inability to develop Armidale digital strategy</li> <li>Reduced operational flexibility</li> <li>Industry pushback on possible fee increases</li> <li>Reduced autonomy and increased scrutiny</li> </ul>	<p>There is a high tolerance for moving priorities and expenditure items within BAU budget.</p> <p>There is a medium risk tolerance for using equity in 2017 to deliver results.</p> <p>Expenditure to support application assessment is highest priority.</p> <p>There is no tolerance for using BAU funds to fund relocation specific expenses.</p>	<ol style="list-style-type: none"> <li>Prepare detailed budget for relocation and digital strategy</li> <li>Review financial sustainability and cash flow arrangements</li> <li>Develop CRIS for transition period</li> <li>Monthly monitoring of financials</li> </ol>	<ol style="list-style-type: none"> <li>ED DS and ED RO</li> <li>CFO</li> <li>CFO</li> <li>ELT (with CFO)</li> </ol>