

**VMDA (INC)**

**ABN 29 819 231 380**

**The Veterinary Manufacturers and Distributors Association (Inc)**

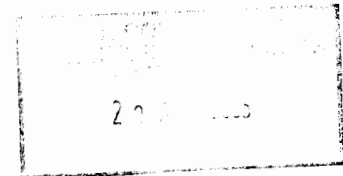
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22 April 2005

FILE No.	
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Mr Scott Gregson  
A/g General Manager  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2601



Dear Mr Gregson

**Application for revocation of authorisation and substitution by Replacement authorisation lodged by Agsafe Ltd**

I refer to your letter of 31 March 2005 seeking this Association's comment in relation to the above-mentioned Agsafe proposal as a potentially interested party. In our email to you of 11 April, we have given our support for the interim authorisation of the Agsafe scheme combining DrumMuster and ChemClear, pending final authorisation. We did however indicate that we will be making a submission outlining a number of reservations concerning Agsafe's application for authorisation submitted on its behalf by Snedden, Hall and Gallop on 17 March 2005. The following is our submission.

The Veterinary Manufacturers & Distribution Association (VMDA) represents 38 Australian manufacturers and distributors of Animal Health products. Most of our members are in the top 50 Veterinary products manufacturers in Australia.

VMDA has been very supportive of the Agsafe Accreditation Programme since its inception. However, we have strong concerns regarding the interpretation and implementation by Agsafe of the recent amended Authorisation from ACCC. We will elaborate on these concerns later in this letter.

In conformity with the monitoring sequence our comments are as follows:

1. The Progress of Personnel Accreditation

VMDA strongly supports the objective of professional training of Industry personnel who handle, sell or advise on the usage of Veterinary Products. VMDA has developed and is in an advanced stage of upgrading a training course on Veterinary Products which is recognised for accreditation purposes by Agsafe for personnel who are solely in the Animal Health Industry.

This specialist course has been widely used. Agsafe is to be commended for their support, encouragement and cooperation in meeting this segment need.

2. The Progress of Premises Accreditation

The intent of Premises Accreditation within Agsafe has always been to improve the storage of farm chemicals in premises, which store commercial quantities of these farm chemicals.

The Agsafe interpretation of the amended Authorisation has been published.

- a. to align the definition of agricultural and veterinary products covered by the scope of accreditation to effectively include almost all products within the Agricultural and Veterinary Chemicals Code 1988
- b. to reduce the quantity of products held to effectively a zero level threshold

These changes have broken the intent of Premises Accreditation by:

- i. extending the scope to beyond farm chemicals to include professional veterinary products, pet products, aquarium products, caged bird products, horse products etc. etc;
- ii. reducing the threshold, thus incorporating premises that hold occasional and/or non-commercial quantities of products.

Already Agsafe has sent letters to Veterinary Wholesalers who supply professional Veterinary Practices with their medicines. An example is attached.

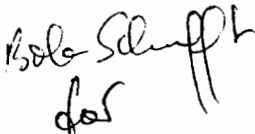
This is not within the objectives and intent of Agsafe nor is it acting in the public interest. Veterinarians are professional and do not need the overview/interference from Agsafe. The Agsafe objectives in this matter appear to broaden its reach and power and to increase its income rather than fulfil an industry requirement. Furthermore, there is no history of problems to justify extending its jurisdiction over veterinary medicines.

VMDA strongly recommends:

- ACCC re-establish the prior definition of Agricultural and Veterinary products to be included in the Agsafe authorisation
- ACCC re-establish the prior threshold
- ACCC limit the scope of the authorisation to Farm Chemicals as defined in the original agreements

VMDA looks forward to your response.

Yours sincerely



Neil Sammons  
President

cc: Agsafe letter to Provet VMS

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21 February 2005

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The Manager  
Parvet VMS Pty Ltd (BUTSELVILLE)  
PO Box 78  
WEST WALLSEND NSW 2286

Dear Sir/Madam,

### **ANNOUNCEMENT OF THE NEW ACCC AUTHORISATION**

This letter is to advise you that AgSafe Limited has been granted a modification to our ACCC Authorisation. The new Authorisation, based upon industry consultation conducted in 1999, provides for the premises accreditation program to cover all locations, from point of manufacture through to point of sale, who store any quantity of agricultural and veterinary chemicals, effectively reducing the thresholds for storage to zero.

The AgSafe accreditation program has now been operating for more than ten years and is an established and effective compliance scheme that ensures personnel and provides safety transport, store, handle and provide appropriate advice from point of manufacture to point of sale. More than 18,000 personnel have successfully completed the AgSafe Personnel Accreditation and Training (basic) course and over 9,000 personnel have completed update modules (reaccreditation courses).

The Commission stated that the public benefits of the scheme as previously recognised by the Commission may be more fully realised under the new changes.

#### **Authorisation**

*New Target: agricultural and veterinary chemicals which are defined in the Agricultural and Veterinary Chemicals Code 1994 Sections 4 (agricultural chemical product) and Section 5 (veterinary chemical product) and Section 7 and 8 of the Agricultural and Veterinary chemical code regulations which are:*

- Schedule 5 Poisons;
- Schedule 6 Poisons;
- Schedule 7 Poisons;
- Hazardous Substances;
- Dangerous Goods;

*and which are not:*

- Dairy sanitizers or cleaners in outlets which do not supply any other agricultural or veterinary chemical products;

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AgSafe Limited is a subsidiary of

Avance Limited  
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Telephone: (02) 6248 4994. Facsimile: (02) 6230 6716  
Email: info@agsafe.com.au  
Website: www.agsafe.com.au

- > Products exclusively for home use including those for companion animals when sold in outlets catering exclusively for home use;
- > Nutritional pre-mixes and supplements for animals;
- > Substances used in conjunction with an agricultural chemical product to identify areas treated with that product;
- > Insect repellents for use on human beings;
- > Substances listed in Schedule 3 of the Agricultural and Veterinary Chemical Regulations (examples are mould inhibitors used in paper and glue manufacture, fungicides, bactericides or deodorants in footwear or clothing, soil ameliorants if there is no claim to have effects as regulators of plant growth, invertebrate pest management (used on food, cut flower preservatives, hay inoculants, predatory insects, industrial biocides);
- > Swimming pool products.

The accreditation program does not cover veterinarians or veterinary chemical wholesalers where the quantity of agricultural and veterinary chemical products (as defined above) held by the veterinarian or the veterinary chemical wholesaler does not at any time exceed 500L or 500kg, and they do not hold on their premises other chemical products which are the subject of the program.

***New Premises Accreditation Threshold:***

All new premises will be accredited against the industry standard (Code of Practice). The threshold includes all premises which store agricultural and veterinary chemicals within the scope of the target (as described above) which are hazardous substances. Agsafe can now provide high level risk management services to the entire distribution and retail network helping them achieve compliance with the mixed bag of state and federal regulations at an affordable cost.

***Costs***

There will be a two tiered approach to premises accreditation based upon the minor storage threshold in AS 2307—1998. The two tiered approach provides a lesser impact upon those premises which have lower requirements under the regulations and thus less under accreditation allowing a reduction in fees for minor storage premises.

Please inform Agsafe of your business details, so your accreditation needs can be determined, by Tuesday 29 March 2006. After this date Agsafe will be initiating the sanctions process on businesses which are not meeting their accreditation obligations. To avoid any unnecessary complications we encourage you to respond to Agsafe by use of the attached form.

Further information on the new authorisation is available on the Agsafe web page at [www.agsafe.com.au](http://www.agsafe.com.au). We continue to look forward to working with you to make your industry risk management program a further success.

Yours sincerely,



Sam Ponder  
General Manager

# Agsafe Response Form



.....  
(full name)

.....  
(occupation)

of Provet VMS Pty Ltd (MISTRI, VILLE)  
WEST WALLINGTON NSW

do solemnly and sincerely declare that the following is an accurate representation of the business (Mark boxes as applicable)

The business stores agricultural and/or veterinary chemicals classified as Schedule 5, 6, or 7 Poisons, Dangerous Goods or Hazardous Substances, and falls within Agsafe's scope of accreditation.

OR the business does not fall within the Agsafe scope of accreditation. Please tick the option that describes the business;

A retail outlet which ONLY supplies for home chemical uses for both garden use and domestic pets.

A farmer or other end user

A Spray Contractor or seed treatment operator who does not actually supply agricultural or veterinary chemicals.

Buying group or contractor who is not involved in SUPPLY, SELLING, ADVISING, HANDLING or TAKING RESPONSIBILITY for the SAFETY of FARM CHEMICALS

The business does NOT advise, sell, store or handle agricultural and/or veterinary chemicals classified as Schedule 5, 6, or 7 Poisons, Dangerous Goods or Hazardous Substances.

OTHER:.....  
.....  
.....  
.....  
.....

Signature: ..... Date: .....

Please return the form to Agsafe by fax on (02) 6230 6730, or by mail to  
Agsafe Limited  
GPO Box 816  
CANBERRA CITY ACT 2601