



Australian Government
Department of Health and Ageing
Office of Chemical Safety

GPO Box 9848 Canberra ACT 2601
Free call: 1800 720 723 Telephone: 02 6289 3200 Facsimile: 02 6289 3299
www.tga.gov.au/chemicals/ocs/

Facsimile

Date:	8 February 2007	Total pages:	4
TO:	ACCC Adjudication Branch	Telephone:	6243 1362
Attention:	Scott Gregson	Facsimile:	6243 1211
Regarding:	Agsafe's Application for Revocation and Substitution A91027 and A91028 – interested party consultation		
FROM:	Sara Rischin	Telephone:	6289 3215
Branch/Div.:	Executive	Facsimile:	6289 3299

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MESSAGE:

Dear Mr Gregson,

Please find following input from the OCS in relation to Agsafe's Guardian Program.

If you have any further queries please don't hesitate to contact me.

Kind regards,

A handwritten signature in cursive script, appearing to read 'S. Rischin'.

Sara Rischin



Australian Government
Department of Health and Ageing
Office of Chemical Safety

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission

Dear Mr Gregson

**AGSAFE'S APPLICATION FOR REVOCATION AND SUBSTITUTION A91027
AND A91028 – INTERESTED PARTY CONSULTATION**

Thank you for your letter of 5 January 2007 inviting the Department of Health and Ageing to provide comment on the ACCC's consideration of Agsafe's Code of Conduct.

The Office of Chemical Safety (OCS), within the Department of Health and Ageing, contributes to the protection of the health of the Australian community by conducting human health risk assessments (HHRA), including public and occupational health assessments, of new and existing pesticides and veterinary medicines for the Australian Pesticides and Veterinary Medicines Authority (APVMA) under a fee-for-service arrangement.

The APVMA is an Australian Government authority responsible for the assessment and registration of pesticides and veterinary medicines and for their regulation up to and including the point of retail sale under the National Registration Scheme for agricultural and veterinary chemicals.

The OCS has considered the questions provided in your correspondence of 5 January 2007 against its role in assessing the safety of agricultural chemicals and veterinary medicines and is pleased to provide its comments on behalf of the Department of Health and Ageing (Attachment A).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. L. Hartley', written in a cursive style.

Dr Margaret Hartley
Director

8 February 2007

Attachment A

1. Could you please identify the relevant legislation and provisions that your agency may administer which regulate the storage handling, transport and sale of agricultural and veterinary chemicals? What type of businesses does this legislation apply to? For example, manufacturers, distributors, retailers or consumers of agricultural and veterinary chemicals.

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The APVMA is an Australian Government authority responsible for the assessment and registration of pesticides and veterinary medicines and for their regulation up to and including the point of retail sale under the National Registration Scheme for Agricultural and Veterinary Chemicals. The National Registration legislation is the *Agricultural and Veterinary Chemicals Code* (the 'Agvet Code') scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994*, which contains the detailed operational provisions for registering chemical products, the control of the manufacture of chemical products; controls regulating the supply of chemical products; and provisions ensuring compliance with, and for the enforcement of, the 'Agvet Code'.

2. How does the agency ensure that businesses comply with this legislation? For example, are there audits or inspections conducted by the agency?

The OCS provides HHRA to the APVMA under a cost recovery arrangement as detailed in a Service Level Agreement. The responsibility for compliance with the 'Agvet Code' remains with the APVMA.

3. Is there a requirement in the legislation, regulations or practice of the agency that businesses must obtain accreditation through the Agsafe Guardian Program as a means of demonstrating compliance with the legislation?

As for question 2.

4. Does the legislation provide for sanctions to be imposed on businesses who fail to meet the legislative requirements? If yes, could you please explain what sanctions are available?

As for question 2.

5. Does the agency issue compliance certificates, or any other mechanism, to certify that a business has complied with the relevant legislative requirements?

As for question 2.

6. Does the agency receive complaints about businesses who may not be complying with the legislative requirements? If yes, what happens to these complaints and who lodges these complaints?

As for question 2.

7. Does the agency receive complaints about Agsafe's Guardian Program? If yes, please outline the nature of the complaints.

No. This is not applicable to the Department of Health and Ageing.

8. Does the agency support the ability for Agsafe and its members to boycott (through the imposition of trading sanctions) any business involved in the storage, handling, transport and distribution of agricultural and veterinary chemicals that has not been accredited under the Guardian Program? Please explain why or why not.

The National Registration Scheme for Agricultural and Veterinary Chemicals is administered by the APVMA in partnership with the States and Territories and with the involvement of other Australian Government agencies that provide advice to the APVMA, such as the OCS. It is noted that regulatory, co-regulatory and voluntary systems contribute to improving safe and sustainable chemical practices. Given that achieving safe use is governed under a regulatory framework, this question is best addressed by the APVMA and its State and Territory partners.

9. The accreditation scheme administered by Agsafe has been in operation for a number of years. What has been the agency's experience with the Agsafe accreditation scheme? Does the agency have any comments about the benefits of the Agsafe accreditation scheme?

The Department of Health and OCS do not have experience with the Agsafe accreditation scheme.