

28 June 2010

Dr Richard Chadwick  
General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

By email: [ben.davis@accc.gov.au](mailto:ben.davis@accc.gov.au)

Dear Dr Chadwick

**Re: Agsafe Limited Application for Revocation and Substitution of Authorisations – Interested Party Consultation**

The NSW Farmers' Association (the 'Association') welcomes the opportunity to make a submission in support of Agsafe Limited's ('Agsafe') application for revocation and substitution of authorisations, that would allow Agsafe to continue to enforce the Agsafe Code of Conduct ('the Code') for a further three years.

The Association is Australia's largest state farming organisation representing the interests of the majority of commercial farm operations throughout the farming community in NSW. Through its commercial, policy and apolitical lobbying activities it provides a powerful and positive link between farmers, the Government and the general public.

The Association strongly supports programs that aid in the safe handling, distribution, transport and storage of agricultural and veterinary chemicals. The Code requires that persons and premises involved in these activities are accredited through the Agsafe Accreditation and Training Program ('the Program'). This provides benefits to end users such as farmers through assurance that they:

- are being provided with product that has been properly stored, transported and handled to minimise the risk of product degradation and of damage to packaging;
- are being supplied by personnel who understand all relevant safety and regulatory obligations; and
- have access to personnel who can deliver appropriate advice on chemical use, consistent with legal obligations and with advice from Departments of Primary Industries (retails outlets are one communication channel often used by Government Departments).

A key benefit of the Program provided to retailers and manufacturers is that it assists farmers to meet their own industry quality assurance requirements. Many farmers are members of quality assurance programs, e.g. Freshcare. These quality assurance programs require farmers to purchase chemicals from accredited locations and Agsafe accreditation meets this need.

If the ACCC does not grant authorisation to Agsafe for the proposed arrangements, resulting in Agsafe no longer being able to impose trading sanctions, the above benefits to farmers may not continue to be available. If the trading sanctions were removed immediately, before consideration of the new, incentive based scheme, some agricultural chemical suppliers (in particular smaller businesses) may choose to discontinue participation in the Agsafe Accreditation and Training Program. This has the potential to impact on the availability of accredited suppliers, particularly in smaller and isolated rural communities, therefore impacting on the ability of farmers to meet their own quality assurance requirements and limiting access to particular agricultural chemical products (those supplied by businesses that are members of CropLife Australia).

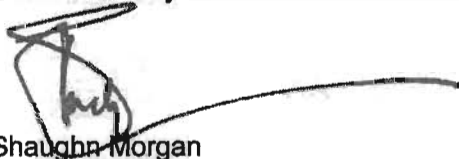
The Association sees merit in the transition to a new, incentive based scheme and looks forward to being able to provide comment to Agsafe once the details of the scheme are made public. The new scheme needs to be transparent and cost effective and the Association urges Agsafe to consult with industry during the developmental stages of the new scheme.

An incentive based scheme will need to ensure that it encourages personnel and premises that deal with the supply of agricultural chemicals to remain accredited. In particular the Association would like to see an incentive-based scheme reward highly qualified personnel through reaccreditation cost savings and recognition for their experience and knowledge if they can show current competency.

It has been identified that the current training, accreditation and premises accreditation is very expensive and can sometimes be hard to access as Agsafe is the sole provider of the Program. There are other training providers that have the skills and qualifications to deliver the Program. These concerns need to be addressed in the planned new incentive based scheme and all training and assessment should be according to the Australian Qualifications Framework.

If you have any questions with respect to this letter, please feel free to contact the Association's Policy Officer for Horticulture and Agricultural Chemicals, Alison Anderson, on 02 8251 1872.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shaughn Morgan', with a long horizontal line extending to the right.

Shaughn Morgan  
**CHIEF EXECUTIVE**