



The Hon. Barnaby Joyce MP

Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England

Senator the Hon. Stephen Parry
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear Mr President *Stephen,*

Pursuant to standing order 166, relating to the presentation of documents when the Senate is not sitting, I present to you the Government Response to the Rural Affairs and Transport References Committee Report - Implications of the restriction on the use of fenthion on Australia's horticultural industry.

Yours sincerely

Barnaby Joyce MP

15 SEP 2016

Received by me pursuant to standing order 166 authorising the presentation of documents to the President when the Senate is not sitting. Publication of this document is authorised.

CKett

Temporary Chair of Committees
(Senator Ketter).....*9.58 am*.....5 October 2016



Australian Government

Australian Government response to the
Rural and Regional Affairs and Transport References
Committee report:

Implications of the restriction on the use of fenthion on
Australia's horticultural industry

SEPTEMBER 2016

GOVERNMENT RESPONSE TO THE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE REPORT

Implications of the restriction on the use of fenthion on Australia's horticultural industry

This response has been prepared by the Department of Agriculture and Water Resources in consultation with the Australian Pesticides and Veterinary Medicines Authority (APVMA), Department of the Environment and Energy, Department of Health and Food Standards Australia New Zealand (FSANZ). The Government would like to thank the Rural and Regional Affairs and Transport References Committee (the Committee) for the time and effort contributed to this inquiry.

Introductory Statement

On 12 December 2013, the Senate referred the following matter to the Committee for inquiry and report by 25 June 2014:

The implications of the restriction on the use of fenthion on Australia's horticultural industry, including:

- the roles and responsibilities of relevant departments and agencies of Commonwealth, state and territory governments in relation to the regulation of pesticides and veterinary chemicals
- the short- and long-term impact of the decision on stakeholders
- the effectiveness and sustainability of chemicals other than fenthion to manage fruit fly
- transition arrangements following the restriction on the use of fenthion, including Area Wide Management, and
- any related matters.

The report *Implications of the restriction on the use of fenthion on Australia's horticulture industry* (the Report) was published on 31 July 2014.

The Report outlined eight recommendations, to which the Government provides the following response.

Recommendation and response

Recommendation 1

2.65 The Committee recommends that all relevant Commonwealth, state and territory agencies be encouraged to cooperate to better convey their respective roles and responsibilities in relation to the regulation of agvet chemicals to stakeholders.

Recommendation 2

2.66 The Committee recommends that all relevant Commonwealth, state and territory agencies be encouraged to undertake a collaborative communications program which clearly and simply communicates their respective roles and responsibilities in relation to the regulation of agvet chemicals to stakeholders.

The Government agrees in principle to the recommendations.

The Government agrees clear communication of roles and responsibilities for the regulation of agricultural chemicals and veterinary medicines (agvet chemicals) is important.

There are a number of forums for strategic policy discussions between the Department of Agriculture and Water Resources, APVMA and the state and territory governments, including the Agvet Chemical Task Group established under the Agriculture Senior Officials Committee. Roles and responsibilities of the various agencies are considered through these forums. These forums can also consider the most effective way of communicating information to stakeholders and the broader community.

The APVMA is conducting information sessions with user groups to explain recent changes to legislation, the impact of those changes on the conduct of chemical reconsiderations and how user industries can be involved in contributing information to the APVMA when it is planning or carrying out reconsiderations.

The APVMA will continue to consult regularly with state and territory chemical coordinators about any reviews undertaken by the APVMA, including possible actions that may be taken.

The Department of Agriculture and Water Resources has updated its website to include clearer information on roles and responsibilities (agriculture.gov.au/ag-farm-food/ag-vet-chemicals/regulation). FSANZ has also recently updated information on its website pertaining to the respective roles and responsibilities of the APVMA and FSANZ (foodstandards.gov.au/code/changes/limits/Pages/default.aspx). The roles of the Department of Agriculture and Water Resources and state and territory governments in the monitoring and enforcement of agvet chemical residues in foods are also mentioned at (foodstandards.gov.au/consumer/chemicals/maxresidue/pages/default.aspx).

Recommendation 3

2.67 The Committee recommends that the Commonwealth, state and territory governments review arrangements, legislation and regulations relating to agvet chemicals, with the aim of simplifying and streamlining, but not weakening, the regulation of agvet chemicals, and providing greater certainty and transparency to stakeholders.

The Government agrees in principle to the recommendation.

The Australian Government's *Agricultural Competitiveness White Paper 2015* outlines its commitment to reforming regulation of agvet chemicals, including \$20.4 million to streamline approvals.

The Government is putting in place a new approach for the APVMA to streamline access to products and better manage the risks these products can pose, while ensuring human health protection. Through these changes, the Government will cut unnecessary and excessive costs for industry. This will reduce delays for users and remove disincentives for registering chemicals for more uses in the Australian market.

The Government in consultation with industry is scoping changes, with the aim of:

- improving access to agvet chemicals
- improving regulatory efficiency
- better protecting human, animal and environmental health, and
- better aligning regulatory effort with chemical risk.

Legislative reforms have already been achieved delivering on the recommendation of the Committee. Beginning from 21 July 2014 reforms through the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013* provided improved transparency and certainty in chemical review processes. These included publication of work plans for all chemical reviews identifying the opportunities for stakeholder input. Reforms introduced in the *Agricultural and Veterinary Chemicals Legislation Amendment (Removing Re-approval and Re-registration) Act 2014*:

- improved the APVMA's ability to secure information about the safety of chemicals supplied in the market
- streamlined access to information about approvals and registration in the APVMA's files
- gave effect to the Government's commitment to remove the requirement for administrative requirement agvet chemicals to be periodically re-approved and re-registered in the absence of any identifiable concern, and
- provided for less frequent renewal.

The APVMA is developing a policy on use of international data, assessments, standards and decisions to provide guidance on the use of assessments conducted by similar international regulators to help reduce the time taken to conduct assessments.

The APVMA has also commenced a risk assessment framework project to identify and implement practical improvements and incorporate more efficient processes in the way the APVMA manages applications.

The APVMA recognises the potential impact of chemical reviews on user groups and is seeking to implement greater stakeholder engagement as part of planning for reviews before they commence. The APVMA is currently consulting on the chemical review priorities for future reviews. In addition, the legislative reforms for the conduct of chemical reviews have been implemented and include:

- mandatory time frames for chemical reviews, and
- work plans with dates of expected milestones to be provided to all affected holders.

FSANZ consults regularly with its stakeholders regarding agvet chemicals and has recently developed guidance for submitting requests to amend Standard 1.4.2 – Maximum Residue Limits (foodstandards.gov.au/publications/Pages/Guide-for-Submitting-Requests-for-MRL-Proposals.aspx). This guidance helps in providing greater certainty and transparency to stakeholders.

Recommendation 4

4.94 The Committee recommends that the maximum twelve month transition period allowed under the *Agricultural and Veterinary Chemicals Code Act 1994* be initiated by the APVMA, that fenthion be permitted for sale during the first half of that period, and that the APVMA allow fenthion to be used during the full transition period, subject to appropriate 'conditions of use'.

The Government agrees to the recommendation.

On 16 October 2014 the APVMA published its final regulatory decision into the reconsideration of the insecticide fenthion. The decision removed all uses for fenthion products other than post-harvest dipping of tropical and subtropical inedible peel fruits and as an insecticide dust in cracks and crevices. Subsequently, following the finalisation of the fenthion review, the active constituent 44383-Fenthion was cancelled at the request of the registration holder on 3 November 2014. Consequently, the registrations of all remaining products containing fenthion were also cancelled.

The APVMA applied a 12 month transition period for the possession or use of fenthion and products containing fenthion after consultation with the product registration holder, states and territories. The active constituent and all remaining products were cancelled on 3 November 2014 and on 3 November 2015 it became an offence to supply fenthion or to have possession or custody of fenthion with the intention to supply.

Recommendation 5

4.102 The Committee recommends that state and territory governments consider developing legislation which enables relevant authorities to compel landowners to manage their properties to an acceptable standard that does not pose a biosecurity risk to neighbouring properties and surrounding regions.

The Government notes the recommendation.

Current legislative arrangements provide that states and territories are responsible for on farm matters.

Recommendation 6

4.103 The Committee recommends that, when undertaking its review of the National Fruit Fly Strategy, the Advisory Committee take into consideration the following important issues:

- **abandoned orchards;**
- **encouraging community involvement in fruit fly management;**
- **ways of providing funding for local government initiatives (in relation to fruit fly management); and**
- **the value of conducting research into minor use programs.**

The Government agrees to the recommendation.

The National Fruit Fly Strategy Advisory Committee, of which the Commonwealth Government was a member, considered these issues in its review of the National Fruit Fly Strategy Implementation Action Plan. The revised Action Plan includes specific projects to:

- develop an online forum that provides the ability to obtain input from stakeholders (more than just a public forum)
- investigate efficacy of current field control and pre-harvest measures and post-harvest disinfestation measures
- investigate systems approaches for fruit fly management, and
- develop a national communications program.

In addition, the National Fruit Fly Strategy Advisory Committee oversaw the finalisation by the Plant Biosecurity Cooperative Research Centre, of the National Fruit Fly Research, Development and Extension Plan. This plan provides a comprehensive assessment of challenges for managing fruit fly in Australia and recommends a number of areas for research, development and extension investment, including:

- registration of new chemicals and new uses for existing registered chemicals
- integrating infield controls into an integrated pest management framework, and
- engaging the broader community in fruit fly management.

Implementation of the Action Plan and monitoring progress against the National Fruit Fly Research, Development and Extension Plan is now the responsibility of the National Fruit Fly Council, which superseded the Advisory Committee in October 2015.

Recommendation 7

4.104 The Committee recommends that the findings of the National Fruit Fly Strategy Advisory Committee be considered by government in a timely fashion, to allow the implementation phase to go ahead without delay.

The Government agrees to the recommendation.

The Commonwealth, state and territory governments are represented on the National Fruit Fly Council (the successor body of the National Fruit Fly Strategy Advisory Committee) which is responsible for implementing the Action Plan in a timely manner.

Council members are required to provide updates at each Council meeting to ensure momentum in implementing the Action Plan is maintained.

Recommendation 8

4.105 The Committee recommends that, following the National Fruit Fly Strategy Advisory Committee's review, the Commonwealth Government provide adequate ongoing funding – and seek matching funds from states, territories and industry – to promote an immediate implementation of the Strategy.

The Government agrees to the recommendation.

The National Fruit Fly Strategy Advisory Committee was co-funded by the Commonwealth Government, state and territory governments and industry for an 18 month period through to the end of September 2015.

The successor group—the National Fruit Fly Council—continues the collaboration between Commonwealth, state and territory governments, industry, research bodies and funding organisations. The Commonwealth has provided funding for the Council through Horticulture Innovation Australia. The Council will continue to promote implementation of the National Fruit Fly Strategy.

