Stakeholder meeting: Peak chemicals industry bodies

22 July 2021

10-11am

Participants

s. 11C(1)(a) (s. 11C(1)(b)), s. 11C(1)(a) (s. 11C(1)(b)), s. 11C(1)(a) (s. 11C(1)(b) s. 11C(1)(a) (s. 11C(1)(b)), s. 11C(1)(a) (s. 11C(1)(b)), s. 11C(1)(a) (s. 11C(1)(b))

Department: s. 22(1)(a)(ii), Alan Norden, ``s. 22(1)(a)(ii) and s. 22(1)(a)(ii)

Introduction

The Department of Agriculture, Water and the Environment (the department) provided an overview of the process and timeframes for the government response.

Participants questioned which proposals the Minister and the department had views on as well as the desired outcomes of this meeting.

The department stated that the Minister is keen on a sizeable reform package however he is not sold on the humaneness score. The Minister is also not convinced about the Commissioner but is supportive of the proposed functions they would undertake.

The department also advised that the purpose of this meeting is to work with stakeholders on the feasibility of some of the reforms and where they could be adjusted to allow for increased support, and where there were reforms that in their opinion, were simply 'red line' issues or deal breakers.

Single National Law

This reform is supported and was identified as the biggest opportunity in the final report.

Licensing of internationally registered products

There was significant opposition to this proposal, and it was described by one attendee as 'a move towards a third world level of rigor', 'fatal to innovation' and 'the one proposal that could completely bring down Australia's regulatory system'.

All Attendees agreed that there are global systems already in place that could be further utilised such as JECFA, Codex and VICH. It was suggested that many aspects of the licensing scheme for internationally registered products could already be undertaken through more judicious use of existing mechanisms.

Attendees suggested this proposal came from a 'fake problem' whereby users are claiming a lack of access that simply doesn't exist. This flowed into broader conversation around how the Panel arrived at some of the reform ideas for areas not actually requiring change.

Participants expressed concerns around the creation of a second regulator to implement this scheme. The government response to this recommendation needs to reflect the primacy of the APVMA and protect its integrity as well as community confidence in the regulatory system.

The department responded that it is not the intention of government to undermine the APVMA in anyway. The department noted that there is yet to be a decision on where the licensing scheme will sit e.g. within the department or the APVMA.

General feedback regarding the final report

- Little change from draft report to final report.
- It is difficult to give any credit to the report when there are so many fundamental errors. E.g., the stats referenced about the proportion of products sold domestically opposed to imported.
- The industry is satisfied with how the APVMA is working now.
- Deregulation is not wanted in the animal health space, (not to be confused with regulatory efficiency).
- Lack of inconsistency in the report. E.g., the concept is supported but the messaging and proposals in the report directly contradict the concept.
- Treating the reforms as a package will reduce the possibility of it being supported due to some reforms being 'deal breakers'.

ACTIONS:

s. 11C(1)(b) to provide summary to the department on areas they see as potential opportunities in the final report. s. 11C(1)(b) clarified this would be brief.

Australian Government
Department of Agriculture, Water and the Environment

COMMONWEALTH INTERDEPARTMENTAL COMMITTEE

GOVERNMENT RESPONSE TO THE *INDEPENDENT REVIEW OF THE PESTICIDES AND VETERINARY MEDICINES REGULATORY SYSTEM*

MINUTES – MEETING 2

Thursday 23 September 2021 ⇔ 10 am to 10.52 am
Via Microsoft Teams

Members: Lara Purdy (Department of Health), Jody Anderson (Attorney-General's Department), s. 47F(1) (Department of Finance)

Observers: s. 47F(1) (Department of Health), s. 47F(1) (Department of the Prime Minister and Cabinet), s. 47F(1) (Department of the Prime Minister and Cabinet), Christel Leemhuis (FSANZ)

Department of Agriculture, Water and Environment: Emma Campbell (Chair), Julie Gaglia, s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii) , s. 22(1)(a)(ii)

Apologies: The Treasury

Secretariat: s. 22(1)(a)(ii), s. 22(1)(a)(ii)

1. **Welcome**

The Chair opened the meeting at 10 am. The minutes from meeting 1 were agreed by members. The Department of Agriculture, Water and Environment (DAWE) provided an update on recent consultation with the enHealth committee.

2. **Surveillance and monitoring systems for pesticides and veterinary medicines**

The Chair introduced the paper. DAWE provided an overview of the proposed surveillance and monitoring systems, including establishing national environmental and domestic produce monitoring and streamlining adverse experience reporting.

The Department of Finance noted that there are still questions regarding cost recovery that need to be addressed, including which costs should be recovered, and from whom.

The Department of Health supported the recommendations and proposed government response but noted that the FSANZ Australian Total Diet Study (ATDS) had been omitted from the agenda paper and encouraged DAWE to engage with FSANZ if they had not already done so. Health welcomed improvements to standardised data (Recommendation 13) and raised that the TGA already has a good system for reporting adverse experiences. DAWE noted that they are currently investigating the TGA model and that they had previously spoken with FSANZ in relation to the ATDS during the development of the final report.

3. **Changes to the registration scheme for pesticides and veterinary medicines**

The Chair introduced the paper. DAWE provided an overview of the proposed reforms and explained the scope of the proposed regulatory system.

The Department of Health were broadly supportive of a risk-based/tiered approach and noted that similar principles have been used for regulating industrial chemicals. Health suggested that ongoing discussions be held regarding implementation and the impacts for regulation of industrial chemicals.

Health raised a number of points on behalf of their portfolio agencies:

- TGA has concerns about the loss of APVMA assessments for human health risks and subsequent loss of data that is then used for scheduling for poisoning standards. The TGA had queried how data from products that are excluded from the regulatory scope will be provided to inform the scheduling process.
- FSANZ requested more detail about the interface between the agvet and food safety regulatory systems.
- AICIS notes that it regulates ingredients, rather than products, and that each ingredient needs to be listed individually with AICIS.

Health also noted that they support the proposal to have one decision maker in Recommendation 35 but raised concerns that resistance management to non-GM crops is not in the OGTR's remit and they are concerned about taking control of that. DAWE noted that the intention is not to make the OGTR responsible for regulating resistance management, and that mechanisms to address resistance management in GM crops were being considered.

DAWE noted that they would be happy to speak with Health's portfolio agencies directly about these issues. DAWE also committed to providing a list of goods to be excluded from the scope of the proposed regulatory scheme to Health.

ACTION: DAWE to send members the list of goods excluded from the scope of the proposed regulatory scheme.

4. Changes to the labelling requirements for pesticides and veterinary medicines

The Chair introduced the paper. DAWE provided an overview of the proposed reforms.

The Attorney-General's Department noted the need to be mindful about ensuring labelling doesn't go below GHS standards, and that Safe Work Australia would be happy to engage in further discussions.

The Department of Health raised concerns on behalf of the TGA with the proposed responses to Recommendations 26 and 29. The TGA is concerned that some first aid and safety standards are not equivalent between schemes and are not kept up to date, and that the GHS is a hazard-based labelling system and doesn't consider human exposure. There is concern that the proposal for applicants to use their discretion may cause a loss of consistency. The TGA's view is that the agvet chemical handbook is the most up to date and reliable guide.

DAWE noted that there will be some inconsistency in language used on labels, however, this occurs currently and has not posed significant issues over many years.

Members noted that no concerns regarding Recommendations 27 had been identified across their portfolios.

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5. Other issues

The Department of the Prime Minister and Cabinet provided an update on pursuing the international licensing pathway through the deregulation taskforce. s. 47C(1)

6. Next meeting

The Chair noted that the secretariat had suggested that the next Commonwealth IDC meeting be held during the week commencing 25 October, but that it may need to occur at another time due to senate estimates.

ACTION: Secretariat to organise the third IDC meeting.

Australian Government
Department of Agriculture, Water and the Environment

COMMONWEALTH INTERDEPARTMENTAL COMMITTEE

GOVERNMENT RESPONSE TO THE *INDEPENDENT REVIEW OF THE PESTICIDES AND VETERINARY MEDICINES REGULATORY SYSTEM*

MINUTES – MEETING 3

Wednesday 3 November 2021 ⇔ 11 am to 11.40 am
Via Microsoft Teams

Members: Lara Purdy (Department of Health), Elizabeth de Hoog (Attorney-General's Department), s. 47F(1) (Department of Finance), Jennifer Stace (Department of Finance)

Observers: s. 47F(1) (Department of Health), s. 47F(1) (Department of Health), s. 47F(1) s. 47F(1) (Department of the Prime Minister and Cabinet), s. 47F(1) (Department of the Prime Minister and Cabinet)

Department of Agriculture, Water and Environment: Julie Gaglia (Chair), s. 22(1)(a)(ii), s. 22(1)(a)(ii) s. 22(1)(a)(ii)

Apologies: The Treasury

Secretariat: s. 22(1)(a)(ii), s. 22(1)(a)(ii)

1. **Welcome**

The Chair opened the meeting at 11 am. The minutes from meeting 2 were agreed by members.

2. **Licensing of internationally registered products and supplemental labels for pesticides and veterinary medicines**

<u>Licensing of internationally registered products</u>

The Chair introduced the paper. The Department of Agriculture, Water and the Environment (DAWE) provided an overview of the proposed international licensing scheme (the scheme), explaining the purpose of the scheme is to reduce the barriers faced by industry in gaining access to products and uses for pest and disease management. Niche industries such as aquaculture were highlighted as having particularly limited access to pest and disease management tools when compared to their international counterparts.

The Attorney-General's Department (AGD) sought clarification as to how the scheme and supplementary labelling would interact with the registration system and existing labelling requirements. DAWE stressed that the licensing scheme has not been developed to replace registration, it would be a pathway within the APVMA and supplemental labels are intended to address the gap between permits and registration. The licensing pathway would offer some products a more efficient pathway to enable users access, but would have the same level of rigour as registration. Products brought in under licence would still be required to have safety information equivalent to a registered product on their labels.

AGD was supportive of the APVMA administering the scheme, acknowledging their existing regulatory role and established stakeholder relations. AGD sought clarification as to who DAWE

expected would utilise this pathway, and how effort and ownership of risk management data might impact early applicants, compared to later applicants who could rely on the earlier effort of others. DAWE explained that stakeholders, spanning from manufacturers (including those with Australian market presence and those for which the current market entry requirements are prohibitive) and grower groups including aquaculture, had expressed an interest in utilising this pathway. DAWE noted that the importer would need to be authorised and have consent from the international registrant to import the product. In regard to the effort of generating data and preparing risk management plans, it is expected that large chemical companies will be the first to utilise the international licensing scheme and supplementary labelling pathways. In these cases, the benefit to access would outweigh the effort of the process. In relation to supplemental labels in particular, there is also an opportunity to improve interactions between sectors, for example a partnership could be arranged between the sector creating the demand (user/grower group) and the sector to meet the demand (the chemical company).

The Department of Health (Health) discussed the criteria by which the APVMA would assess a license application and asked if the scope could be extended to capture the maintenance of human health and environmental safety. DAWE noted that human health and environmental safety were front of mind to the panel and the government, as evident in the current and proposed regulatory system objectives and principles. To this end, DAWE undertook to be explicit in the criteria against which APVMA would assess a license application to capture these points.

Supplemental labels for pesticides and veterinary medicines

DAWE provided an overview of the proposed introduction of supplementary labelling. DAWE explained that currently growers are repeatedly seeking temporary approvals through the APVMA permit scheme, leading to significant work for industry and the APVMA. Supplementary labelling would provide growers with permanent access use patterns with due consideration to risk parameters.

Health indicated their support for supplemental labelling however they were conscious that interactions with other regulatory systems such as the Poisons Standard (SUSMP) may need to be further explored. Health raised concern that products restricted under the SUSMP may not be suitable for the supplemental label process, creating confusion for applicants. DAWE explained that businesses and industry groups would not be able to apply for a supplemental label directly, rather when they apply to the APVMA for an additional use to be registered the APVMA may choose to list the use on a supplemental label for a restricted period. During that period, the applicant would be required to generate data to demonstrate the chemical is safe and efficacious for the new use. At the conclusion of the set period, if the data doesn't support safe and efficacious use, there will be no 'rolling' supplemental label. DAWE went on to explain that if assessed as suitable following the 5 year period, the use would transfer to a permanent label approval and be incorporated into the product registration. DAWE undertook to clarify these aspects of supplemental labelling in the government response.

ACTION: DAWE to revise the criteria by which the APVMA would assess a license application to make it clear that it captures human health and environmental safety.

ACTION: DAWE to add detail around supplemental label application process and interactions with SUSMP in the government response.

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3. Additional measures to improve access to pesticides and veterinary medicines

The Chair introduced the paper. DAWE provided an overview of the proposed reforms captured under this item, specifically detailing:

Emergency use permits
DAWE provided a comparison between the current and proposed criteria requirements for emergency use permits. The proposal differentiates 'active' emergency permits from 'inactive emergency use permits (i.e. those prepared in advance of foreseeable emergencies) to reduce confusion for our trading partners.

Research permits
DAWE noted that under current arrangements applicants need to apply for a permit for each activity they are undertaking. Members were generally supportive of a shift to issuing a research license whereby applicants can undertake several research activities within set parameter of a risk assessment.

Nationally consistent use patterns
DAWE explained that current use patterns differ between states and territories, creating inequity for users across borders. Members were generally supportive of a shift toward nationally consistent use patterns with consideration of climatic zones.

Consideration of national benefits
DAWE provided a brief overview of the consideration of national benefits, namely that the APVMA would be empowered to consider the national benefits of a pesticide or veterinary medicine when choosing if the registration of that product should be cancelled.

Members did not raise any specific comments or concerns regarding these reforms.

4. Summary of government positions

DAWE explained the summary document is intended to provide members a high-level overview of the proposed direction DAWE is taking with the draft government response. DAWE explained that they had considered feedback received from IDC members, stakeholders, states and territories, industry, and initial reactions from the Minister (for Agriculture and Northern Australia).

The Chair noted that the items discussed across the three meetings of the IDC were broadly supported. IDC members were referred to Appendix B of the summary which captured reforms not considered to align with their portfolios or areas of their agency's expertise. The Chair welcomed members to review those reforms and the proposed government response positions and provide comment as members saw fit.

Health advised they have interests in the chemical labelling and single national law reforms captured in Appendix B but noted DAWE had engaged with them on those reforms and had no further comments.

5. Other business

The Chair invited final questions and remarks from members.

Health thanked DAWE for their ongoing engagement with their agency and portfolio regulators, stating that the open dialogue alleviated their earlier concerns. While broadly supportive, Health was interested in seeing more details about how DAWE would nuance recommendations 26, 29, 34. The Chair thanked Health for their continued responsive engagement and invited them to make any suggestions to those specific recommendations to help guide DAWE in drafting.

The chair provided an overview of next steps, advising the full draft government response would likely be emailed to members for comment in the coming week, at the same time it is being provided to the Minister's advisor.

ACTION: DAWE to circulate draft Government response to IDC members during the week of 8 November 2021.

Meeting closed 11:40am.

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Department of Agriculture, Water and the Environment

STATE AND TERRITORY INTERDEPARTMENTAL COMMITTEE

GOVERNMENT RESPONSE TO THE *INDEPENDENT REVIEW OF THE PESTICIDES AND VETERINARY MEDICINES REGULATORY SYSTEM*

MINUTES – MEETING 21-04

18 November 2021 ⇔ 1.00-2.35pm
Via Microsoft Teams

Members: s. 47F(1) (ACT), s. 47F(1) (SA), s. 47F(1) (NT), s. 47F(1) (VIC), s. 47F(1) (WA), s. 47F(1) (QLD)

Observers: s. 47F(1) , s. 47F(1) , s. 47F(1) (QLD), s. 47F(1) (DPI NSW), s. 47F(1) s. 47F(1) (EPA NSW), s. 47F(1) (WA), s. 47F(1) (SA)

Department: Julie Gaglia (Chair), s. 22(1)(a)(ii), s. 22(1)(a)(ii) , Alan Norden, s. 22(1)(a)(ii)

Apologies: s. 47F(1) (TAS), s. 47F(1) (QLD), s. 47F(1) (NSW)

Secretariat: s. 22(1)(a)(ii) and s. 22(1)(a)(ii)

1. **Welcome**

The Chair opened the meeting. Attendees asked whether minutes of prior meetings had been circulated. The Chair noted that minutes of meeting 2 would be recirculated, and minutes of meeting 3 were being finalised.

2. **Proposed reduction in regulatory scope and pre-market requirements**

The Chair introduced the item. DAWE provided an overview of the changes it expects will be implemented compared to the original panel recommendation.

Regulatory effort would be reduced for some products through categorisation as a Level B (exempt from assessment) or Level C (exempt from registration) product. Repacks, standardised generics, and some domestic and garden products are candidates for Level B; pool and spa chemicals, *Bt*, and Generally Recognised As Safe (GRAS) products are candidates for Level C. All would continue to be considered pesticides and veterinary medicines within the full scope of the system with the supply and control of use compliance and enforcement powers therefore still applying.

Other than plant growth regulators, all the proposed excluded products (Level D) have multiple industrial uses with the agricultural and veterinary use a minor aspect. Their industrial uses are already well managed through the industrial chemicals system. Regulation would be used to remove some additional products not excluded by the altered definitions, these will need to be considered and determined in a DAWE or APVMA legislative instrument. For example, DAWE will work with Cotton Australia who are concerned about regulatory oversight of resistance management due to GM cotton no longer falling within the definition of a pesticide.

Members suggested that the Government response make clear that products would only enter the lower regulator effort pathways as a result of a thorough understanding of the risk posed by the products as a result of the APVMA risk assessment and post market experience, and not the panel's assumptions of low-risk products. Members noted that reduced pre-market assessment is likely to have flow-on consequences for the system's on the ground activities.

Members raised concerns received from their Health portfolio colleagues about the implications, for managing human health risk from pathogens, of excluding public health-related products like pool and spa chemicals. DAWE noted that the panel's model will be changed so that no products that are essential to management of public health-risks, such as pool and spa chemicals are categorised in Level D. Only established products with well-characterised risks will be suitable for Level B and C, as there will have been sufficient historical pre-market assessments to base standards on. New actives in these categories will fall in Level A. DAWE highlighted that it has discussed this change with the Department of Health (DoH) and their state and territory colleagues. Feedback from DoH is that this change will address public health issues.

Members asked if the changes could lead to products falling into unregulated space. DAWE responded that this is not possible under Commonwealth law. The Australian Industrial Chemicals Introduction Scheme (AICIS) has indicated it is comfortable there are no gaps. The *Industrial Chemicals Act 2019* (IC Act), is constructed so that anything that is not a therapeutic or pesticide and veterinary medicine is considered an industrial chemical. The majority of the excluded (Level D) products are already in the Australian Inventory of Industrial Chemicals.

Members asked whether the assessed inventory listings only covered industrial rather than agricultural uses. DAWE responded that many of the products, like surfactants and wetters, are expected to fall within the existing industrial use. However, the IC Act also provides a mechanism for ingredients (and their uses) not on the inventory to be added based on the APVMA assessment.

Members asked how residue risks could be managed if products used on food crops are regulated as industrial chemicals. DAWE noted the FSANZ Code requires residue standards for other chemicals on food e.g. fertilisers. MRLs if not already present would continue to be set through the other (non-APVMA) mechanisms.

Members asked how risks from impurities could be managed without a pre-market assessment of products. DAWE responded that Levels B, C and some of D (i.e. where a conditioned exemption in the Regulations) would only be available to products meeting a standard. Creating the standard would require an initial pre-market assessment. Controls on quality of ingredients would then mirror existing APMVA practices, with standards detailing limits on impurities of toxicological concern. Products would need to comply or else be subject to sanctions.

Members asked whether products in categories B-D could be subject to review. DAWE responded that products in Levels A and B are registered and can be reviewed, the standard can be reviewed for Level C products, and there will be a trigger for Level D allowing specific subsets or actives to be brought back into the system if there is an identified issue presenting unmanaged human health, environmental or trade risks. DAWE confirm the Government response will explicitly cover the ability to review and bring products back into the system if risks are not being managed.

3. Licensing schemes including internationally registered products

The Chair introduced the item and DAWE provided an overview of further work they have undertaken on how the internationally registered products licensing scheme may be implemented. The key features of the scheme being its design to:

- not provide automatic acceptance of an overseas decision
- provide equivalent consideration and management of risk as the registration scheme i.e. in terms of the safety, efficacy and trade criteria
- deliver additional assurance through a fit and proper person test
- subject all licensing decisions/assessments to public consultation.

DAWE currently expects the acceptability of a comparable regulator's decisions may be in full or in part (e.g. pesticides vs veterinary medicines, or limited to some product classes) and will depend on:

- alignment of their regulatory assessment process and criteria to Australian expectations and the Agvet code and regulations
- independence of the assessment.

Members noted that the livestock industry was a significant focus of their original concerns, as there can be big differences in how cattle are fed in Australia compared to other countries. The outlined approach may be able to mitigate these concerns, but there will be a lot to consider in developing appropriate processes.

Members commented that they were hearing that registrants are not currently overly supportive of this proposal, as it won't reduce the burden domestically. DAWE responded that it has received positive feedback directly from individual companies both with and without products in the Australian market (but not industry body representatives) that there will be internationally registered products they will bring in under licence. DAWE considers that the interest is enough to make the scheme a worthwhile complement to the registration pathway. Domestic registration should also benefit from the improved guidance on science-based situations where it is not necessary to generate local data.

Members asked about duration of licences and if they would sunset to incentivise registration. There could eventually be few registered products and a lot of licenced products. DAWE confirmed a licence could be held and renewed for the long term. Licensing products was not intended as an interim pathway to registration. There is no indication registrants would significantly shift product portfolios over to the licensing scheme. However, if the scheme is working effectively and bringing products to market then there should be no fundamental issue if this occurred.

Members asked for clarification on who would be the licensor and if they would also assess the applicant's Risk Management Plan. DAWE confirmed that the Government response would propose the APVMA undertake these roles, alongside its existing supply licensing functions. The Risk Management Plan could also be assessed by an accredited assessor. The response would propose that a state agency be given responsibility for national licences associated with control of use, e.g. applicator licensing.

Members saw some potential challenges for state and territories having to manage control of use of products coming in under both registration and licence pathways. This could have resource implications. DAWE acknowledged the pathways will have some slight differences. Some licensed products may be considerably restricted in their permitted uses, if they are brought in under licence by grower groups. The impacts on state and territory responsibilities need analysis and would be part of the consideration for Commonwealth funding of state and territory control of use.

4. Permit changes and supplemental labels

The Chair introduced the item noting that the recommendation would be agreed in the government response, but DAWE had advanced its consideration of implementation details.

DAWE sees supplemental labels as a way to incentivise the addition of uses to product labels. At least one use pattern would need to be linked to an industry priority (identified in a DAWE managed process). Rather than seek permits, the grower community could work with the registrant community to get additional uses on a supplemental label. This should reduce regulatory burden on user groups and the APVMA as a consequence of applying for and issuing less permits respectively, and potentially registrants. As supplemental labels would offer data protection (unlike permits) registrants should be incentivised to provide more supporting international data.

The APVMA would require a workplan for the registrant to obtain confirmatory data. Confirmatory data would be that necessary for, and limited to, validating the original decision e.g. the APVMA

would need enough initial data to support setting a conservative MRL unlikely to be breached given the local use pattern, with the MRL retained or refined when confirmatory data is provided.

Members asked if Joint Meeting on Pesticide Residues (JMPR) data could be used for supplemental label assessments. DAWE responded that the APVMA currently uses summary data from JMPR in permit decisions. Supplemental labels will provide data protection, so APVMA may be able to get the full dataset given to JMPR, allowing for a richer use in the assessment.

Members asked how much supplemental labels are expected to address underlying demand for off-label use as initiatives that reduces the need for off-label use will help harmonisation efforts. DAWE responded that the clear process for the use and acceptance of international data to support supplemental labels applications should create pressure on the registrant community to bring more use patterns to Australia, delivering more and earlier outcomes for minor uses.

Members asked about the likely demand, noting that a significant amount of future regulatory work will arise from efforts to meet off-label use needs. DAWE responded that the grower industry has indicated there is pent up demand. Bringing grower groups and registrants together will be important to maximise the benefits. Application processes that support combining many uses in a supplemental label application with good data, rather than run individual permit applications, should improve the APVMA assessment efficiency.

5. Other business

The Chair noted there were outstanding issues on the meeting agenda and asked if members wanted another meeting. There was support for a further meeting to discuss the overall picture of the Government response and next steps including the framework for further state and territory involvement in work on implementing the reforms. DAWE committed to circulating an overview of the draft positions for the Government response with supporting comments.

ACTION: DAWE to provide members with a summary of draft positions on reforms in the Government response including high level comments.

ACTION: DAWE to provide members with the presentations and scope paper used in support of the agenda item discussions.

The Chair indicated that the next meeting would be scheduled for early December.

The meeting closed at 2.35pm.

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STATE AND TERRITORY INTERDEPARTMENTAL COMMITTEE

GOVERNMENT RESPONSE TO THE *INDEPENDENT REVIEW OF THE PESTICIDES AND VETERINARY MEDICINES REGULATORY SYSTEM*

MINUTES – MEETING 21-02

28 September 2021 ⇔ 1.30-3.04 pm
Via Microsoft Teams

Members: s. 47F(1) (ACT), s. 47F(1) (SA), s. 47F(1) (TAS), s. 47F(1) (VIC), s. 47F(1) s. 47F(1) (QLD), s. 47F(1) (WA), s. 47F(1) (NSW)

Observers: s. 47F(1) , s. 47F(1) , s. 47F(1) , s. 47F(1) and s. 47F(1) (VIC), s. 47F(1) , s. 47F(1) and s. 47F(1) (QLD), s. 47F(1) and s. 47F(1) (NSW), s. 47F(1) s. 47F(1) (ACT), s. 47F(1) (TAS), s. 47F(1) (WA)

Department: Julie Gaglia (Chair), s. 22(1)(a)(ii), s. 22(1)(a)(ii) , Alan Norden, s. 22(1)(a)(ii)

Apologies: s. 47F(1) (NT)

Secretariat: s. 22(1)(a)(ii) , s. 22(1)(a)(ii)

1. **Welcome**

The Chair opened the meeting and attendees introduced themselves.

2. **Models for nationally consistent control of use**

The Chair introduced the item and DAWE provided an overview of the paper. DAWE confirmed that the panel did consider all the models outlined in the table and believed that the applied law model was the best one with the fewest drawbacks.

Members continue to see challenges with the single national law and suggested that it may be premature to develop legislative models when the policy for achieving greater harmonisation had not been developed.

Members asked what process the Commonwealth is considering for engaging with states and territories collectively (e.g. through the Agriculture Ministers' Forum), especially as HACCUT is disbanding shortly. Members would like the government response to outline the partnership arrangement between the Commonwealth and jurisdictions.

Members noted that this reform will require a large amount of work for states and territories, particularly in identifying, unpicking and reassembling legislation. A roadmap outlining process and decision points would help them make a meaningful contribution to the process.

It was suggested that the Commonwealth often consults with national bodies rather than state and territory bodies who hold different views. Members asked for a list of who DAWE consulted during this process.

The Chair noted that the government response will outline the government's preference for a single national law and that they will work with states and territories to determine the best way forward.

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DAWE committed to preparing some text for the draft government response to the single national law recommendation before the next meeting and circulate to members for comment. DAWE will also provide an indication on reforms that they agree with, and that are solely within Commonwealth policy and legislative remit, and reforms that will require state and territory involvement.

ACTION: DAWE to circulate a list of stakeholders consulted by the panel and during the development of the government response.

ACTION: DAWE to prepare draft response text for the single national law recommendation in the government response. This will be circulated to members for comment prior to the next IDC meeting.

ACTION: DAWE to provide members with an indication of the reforms from the final report that the Commonwealth can implement, and those that will require state and territory involvement.

3. Establishment of formal consultation mechanisms

The Chair introduced the item and DAWE provided an overview of the paper.

Members did not raise any issues with the general approach but noted that detail would need to be worked out over time. Members recommended against establishing consultation mechanisms and requirements such as membership, and terms of reference in legislation.

Members asked how decision making will occur in these forums. DAWE outlined several ways the group could exist, such as using a Safe Work Australia (WHS) or biosecurity committee style model. The forum itself would deliver information to DAWE under the single national law, and that information would go up the hierarchy as appropriate.

4. Surveillance and monitoring systems

DAWE provided an overview of the paper. Members discussed why the APVMA had not already established a single national adverse experience reporting portal. DAWE noted that the APVMA has lacked the IT capability and it is largely outside their remit as they only have responsibility for supply.

DAWE confirmed that the government will not be supporting the establishment of the Commissioner for Pesticides and Veterinary Medicines in the government response. but noted that it supported the functions of the commissioner, and that the department would take over the majority of these functions.

Members discussed the cost of establishing surveillance and monitoring systems and emphasised that monitoring is expensive. Queensland noted that they pay $500,000 per annum for their environmental monitoring around the Great Barrier Reef, but that this program does not monitor all pesticides. DAWE noted that specific systems, such as those for the Great Barrier Reef would continue and could possibly feed into the national system. DAWE noted that the costs in the final report for monitoring and surveillance were based on the cost of analysis only and did not include collection costs. Members discussed increasing voluntary compliance which could help lower the cost of the system.

DAWE noted that they will provide advice to government that if they are to support this recommendation, that financial support needs to be secure and ongoing. Members were unable to provide formal comment on the wording of the proposed response, however, did raise concerns over the non-committal phrasing in relation to funding in the current draft response.

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Department of Agriculture, Water and the Environment

5. Other business

Members raised the single national law being presented to the Council on Federal Financial Relations (CFFR). Members were concerned that information was not received from DAWE at the last meeting and that this might undermine state and territory agriculture ministers' ability to make decisions.

DAWE noted that the single national law reform was being led by the Department of the Prime Minister and Cabinet (PM&C). DAWE noted that PM&C is working towards seeking premiers' agreement that harmonisation via consistent national laws is the best way forward, and that the proposal is very high level. DAWE committed to seeking advice from PM&C on sharing the proposal with IDC members.

ACTION: DAWE to reach out to PM&C to see if the single national law proposal can be shared with IDC members.

The Chair indicated that the next meeting would be scheduled for the first week of November.

The meeting closed at 3.04 pm.