



MINISTER FOR AGRICULTURE AND FOOD; FORESTRY;
THE MID WEST AND WHEATBELT; GREAT SOUTHERN
LEADER OF THE GOVERNMENT IN THE LEGISLATIVE COUNCIL



Ref: 8-09150

Hon Kate Doust MLC
Acting Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Ms Doust

**REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS IN
RELATION TO CHEMICAL USE BY THE AGRICULTURE PROTECTION BOARD
1970-1985**

I am writing to provide a final response to the report by your Committee titled, "Report of the Standing Committee on Environment and Public Affairs in Relation to Chemical Use by the Agriculture Protection Board 1970-1985".

I note that the Standing Committee made a number of key findings that reinforced the work of the Expert Medical Panel chaired by Professor Bruce Armstrong. Firstly, the Committee identified that the legislative measures and Agriculture Protection Board (APB) practices and polices for the supply, purchase and distribution appeared to have been followed. It found that the APB had established suitable manual accountability and record keeping systems.

Secondly, no evidence was provided to, obtained or sighted by the Committee to indicate that Agent Orange was ever manufactured in, imported to, or used in Australia.

The Committee also reported that the Government tendering requirements at the time required random analytical testing results for dioxins.

I am encouraged by the Committee's statement that the Department of Agriculture's (now Department of Agriculture and Food) current regulatory mechanisms, procurement policies and accountability systems are appropriate and adequate to protect worker and community safety.

I share the Committee's frustration that it was unable to discover the final fate of the fire damaged chemical imported by Chemical Industries Kwinana in the early 1970s.

I note that the Committee made one recommendation:

"The Committee recommends that the Government regularly review legislation and regulatory standards in relation to the manufacture, importation, distribution, storage and usage of chemicals with a view to ensuring effective enforcement and compliance."

The Government has accepted this recommendation.

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The Government has acted upon the Expert Medical Panel's recommendation that changes were required to the present system of managing risks associated with pesticide use that will reduce the existing fragmentation of control between various government agencies in Western Australia.

The Department of Agriculture and Food and Department of Health are allocating more resources under the leadership of the Pesticides Advisory Committee (PeAC), which has become more proactive in reducing pesticide risks and monitoring use. The Committee has completed a process risk analysis and has identified areas to which additional attention will be applied. I have directed the Department of Agriculture and Food to use its position on PeAC to ensure that legislation and regulatory standards are regularly reviewed.

I also advise that the Western Australian Parliament has recently passed the *Biosecurity and Agriculture Management Act 2007*, which will support Agricultural Chemical Control of Use Regulations that will assist in reducing the risk of using pesticides. Some of the proposed measures under these Regulations will include mandatory training for commercial users and their advisers, mandatory record keeping, notification of use, restrictions on the use of some chemicals and adoption of a Code of Practice.

In addition, the Department of Health has recently obtained Cabinet approval to implement changes to the *Health (Pesticides) Regulations*, following a comprehensive review of these Regulations. The review made ten recommendations. These include the establishment of a new legislative structure for the control of use of pesticides in Western Australia which includes the use of an overarching Code of Practice, expanding the role and structure of the Pesticides Advisory Committee, incident reporting and waste disposal.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) has already initiated changes that address the Committee's recommendation. The APVMA independently evaluates the safety and performance of chemicals and also monitors the market for compliance. The APVMA is also reviewing older chemicals to ensure they meet contemporary high standards.

The Western Australian Government has comprehensively investigated this issue. Every effort has been made by all those involved, including the Standing Committee on Environment and Public Affairs, to pursue this matter to conclusion. Given the obstacles that surround a task such as this after more than 30 years, I have concluded that all that could reasonably be done, has been done. The State now has improved safeguards that are regularly reviewed to ensure that worker and community safety will not be compromised.

Yours sincerely



Kim Chance MLC
MINISTER FOR AGRICULTURE AND FOOD

09 OCT 2007