



QUEENSLAND FARMERS' FEDERATION

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Submission

27 May 2021

Professor Keith McNeil
Chief Medical Officer
Department of Health
GPO Box 48
BRISBANE QLD 4001

Via email: MPAct@health.qld.gov.au

Dear Professor McNeil

Re: Consultation on the Regulations to support the Medicines and Poisons Act 2019

The Queensland Farmers' Federation (QFF) is the united voice of intensive and irrigated agriculture in Queensland. It is a federation that represents the interests of 20 peak state and national agriculture industry organisations and engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland farmers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland (NGIQ)
- Queensland Dairyfarmers' Organisation (QDO)
- Australian Cane Farmers Association (ACFA)
- Queensland United Egg Producers (QUEP)
- Turf Queensland
- Queensland Chicken Meat Council (QCMC)
- Bundaberg Regional Irrigators Group (BRIG)
- Burdekin River Irrigation Area Irrigators Ltd (BRIA)
- Central Downs Irrigators Ltd (CDIL)
- Fairbairn Irrigation Network Ltd
- Mallowa Irrigation Ltd
- Pioneer Valley Water Cooperative Ltd (PV Water)
- Theodore Water Pty Ltd
- Eton Irrigation Scheme Ltd
- Pork Queensland Inc
- Tropical Carbon Farming Innovation Hub
- Lockyer Water Users Forum (LWUF)

The united voice of intensive and irrigated agriculture



QFF welcomes the opportunity to provide comment on the Consultation on the Regulations to support the Medicines and Poisons Act 2019. QFF understands that many of our members organisations have provided submissions and, as such, we provide this submission without prejudice to any additional submission from our members or individual farmers.

QFF welcomes the consultation on the regulations to support the *Medicines and Poisons Act 2019 (the Act)*. QFF notes that the *Act* became law in Queensland in September 2019 and that the new regulatory framework is to commence this year. There are many matters pertaining to agriculture from this legislation and, as an interested stakeholder, we will be strongly encouraging our sector to review and provide feedback on the three draft regulations and their associated instruments that will support the *Act*, namely:

- Medicines and Poisons (Medicines) Regulation 2021
- Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021
- Medicines and Poisons (Pest Management) Regulation 2021.

Consultation Process

QFF and its members have not been consulted during the preparation of the Regulations nor on the development of the two supporting fact sheets. This is despite the fact that during a quick briefing on the new Act from the Department of Health in 2019, QFF was very clear in explaining the need to consult with our affected industries.

Recognising the considerable volume of materials for review and the highly complex nature of the materials, QFF did write to the Minister on 4 May to request an extension of the consultation period until 16 June 2021. A four-week consultation period was simply insufficient for review and the provision of meaningful feedback. A response to the extension request was received by QFF three hours prior to the advertised 'close of submissions' and only provided an extension to 2 June.

Queensland's agricultural sector is currently under enormous strain with ongoing drought conditions impacting 70 per cent of the state and a worker shortage of around 12,000 FTE's. Farmers and our industry association members which represent them, are struggling to provide feedback to numerous consultations.

Given current conditions, QFF has been unable to fully consult across the industry and therefore is unable to provide comprehensive detailed feedback.

In summary:

The fact sheets are misleading and for those who rely on the information therein, they may lead to incorrect assumptions about their circumstances and how the legislation applies. There needs to be greater clarity around licensing exemptions for agricultural producers, particularly with respect to contract spraying, with fee for service undertaken by growers for people other than their neighbours.

The legislation and fact sheets refer to 'pesticides' as insecticides and rodenticides, whereas the Australian Pesticides and Veterinary Medicines Authority (APVMA) and the relevant State Acts for control of use a very different definition. QFF also queries why the Act does not include herbicides as the *Agricultural Chemical Distribution Control Act 1966*, only regulates some elements of herbicide use and from a human health perspective. Herbicides such as paraquat have been responsible for many intentional and accidental poisonings in Australia.

There must be clarity and consistency around the terms used. There are other inconsistent definitions such as the use of 'compounding'. The Act should adopt the accepted APVMA definition of a pesticide¹. There is also uncertainty as to the level of poison schedule products which will require licensing for use.

As there is ambiguity about the term pesticide, it seems that those spraying fungicides and herbicides will not require a licence, but those spraying insecticides will. Regarding licencing of contractors, it is highly likely that many commercial operators already have an Agricultural Chemicals Distribution Control licence, so the regulations do nothing but add a further layer of compliance and cost which will unlikely change existing outcomes.

The proposed licencing regime for pesticides also mirrors the existing workplace health and safety requirements for anyone using ag-chemicals, which seems to be unwarranted duplication.

QFF notes and supports the animal-specific, detailed feedback provided by QFF members Queensland United Egg Producers Pty Ltd and Pork Queensland. Unfortunately, not all our intensive animal industries had either the resources or time, to respond to the consultation.

As such, QFF therefore requests again an extension to the consultation period to allow relevant parties the fullest opportunity to contribute to review.

QFF also requests the formation of two Industry Working Groups of collective industries (Animal Industries, Plant Industries) and government to address the anomalies and other matters, noting that some of our industry groups will require resources to meaningfully participate and source expert advice.

If you have any questions, please do not hesitate to contact me at georgina@qff.org.au

Yours sincerely

Dr Georgina Davis
Chief Executive Officer

¹ Any substance, or mixture of substances, other than a feed additive:

The term excludes fertilisers or other plant nutrients and agents, such as veterinary medicines and feed additives administered to animals for purposes such as stimulating their growth or modifying their reproductive behaviour, and substances added during processing of food.

- intended for preventing, destroying or controlling any pest, including unwanted species of plants or animals during the production, processing, storage, transport or marketing of food, agricultural commodities or animal feedstuffs
- administered to animals for the control of insects, arachnids or other pests in or on their bodies
- intended for use as a plant growth regulator, defoliant, desiccant or plant thinning agent, or agent preventing the premature fall of fruit and substances applied to crops, either before or shortly after harvest, to protect the commodity from deterioration during storage and transport.