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Pesticide Regulatory Review
Environmental Health Directorate
Department of Health
PO Box 8172
Perth Business Centre WA 6849
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To whom it may concern,

Managing public health risks associated with pesticides in Western Australia – Discussion Paper

The Forest Industries Federation of WA (FIFWA) is the industry association for the timber industry in Western Australia. Our membership includes all the major companies and businesses that operate in the WA timber industry, including commercial plantation growers and managers, harvest and haulage operators, and timber processors in the plantation softwood and hardwood sectors, and the native forest sector.

FIFWA appreciates the opportunity to respond to the discussion paper, *Managing public health risks associated with pesticides in Western Australia*.

Our responses to the questions in the discussion paper are laid out in the attached table.

Yours sincerely,

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Question 1: Do you support the adoption of Option A: Repeal without replacement? Why or why not?

Option A: Repeal without replacement is not acceptable for the timber industry. Reasons include: Local Government Authorities (LGAs) become responsible for determining pesticide application safety in their jurisdictions. The problems with this scenario include:

- The potential for an inconsistent approach to regulation, as individual LGAs could draft local laws to regulate pesticide use within their council boundaries. Forestry companies generally operate across multiple LGAs, and any inconsistency in regulations between LGAs, means extra red tape for these companies.
- LGAs can be susceptible to activist campaigns regarding pesticides, which are usually not informed by scientific evidence. This could result in safe and effective pesticides being banned from use in particular LGAs.

Question 2: Can you identify any further advantages or disadvantages of Option A?

Option A would impose a new burden on LGAs for regulating pesticide use when they would not have the expertise, experience and resources of a single central agency. It is foreseeable that this would become a new cost which would be passed on to pesticide users.

Question 3: Do you support the adoption of Option B: Retention of the existing regulatory scheme by making new regulations identical to those in force under the Health (Miscellaneous Provisions) Act 1911? Why or why not?

Option C is preferable to Option B, given the lack of alignment of current regulations with the risk based nature of the *Public Health Act 2016*.

Question 4: Can you identify any further advantages or disadvantages of Option B?

Question 5: Do you support the adoption of Option C: Provide new, updated regulations under the Public Health Act 2016? Why or why not?

Option C: Provide new, updated regulations under the *Public Health Act 2016*, would be acceptable for the timber industry, subject to appropriate administrative safeguards, detailed below.

Option C is preferable to Option A, for the reasons outlined in response to question 1.

Question 6: Can you identify any further advantages or disadvantages of Option C?

In the event of LGAs becoming the enforcement agency for the new regulations, there should be an appeals mechanism to enable businesses to seek adjudication from the Department of Health. This would be necessary to resolve issues such as inconsistency in how LGAs are interpreting and enforcing the regulations.

Question 7: Do you support the listed recommendations to maintain registration requirements for pest management businesses? Please explain your reasoning.

Question 8: Do you believe that there are any recommendations for registration not listed that should be included? Please provide specific examples.

Question 9: Do you support the listed recommendations to maintain licensing requirements for individuals undertaking pest management treatments unless they meet the criteria to qualify for an exemption from licensing? Please explain your reasoning.

Question 10: Do you believe that there are other recommendations that should be included for licensing? Please provide specific examples.

Question 11: Do you support the proposal to expand the criteria for exemption from licensing on primary production sites in remote locations to include all forms of pesticide applications?

Without wishing to comment on licencing exemption criteria in remote locations, we believe the current exemption from licencing for *individuals employed by a registered proprietor on a casual basis to assist in pesticide treatments of broad hectare crop farming and pasture production under supervision and having completed a basic training course*, should be clarified to include exemption from licencing for individuals employed in delivering seasonal pesticide treatments for the establishment and protection of timber plantations. In this context, tree plantations should be regarded as a long-rotation agricultural crop.

Question 12: Can you identify any situations where expanding the exemption criteria from licensing for individuals on primary production sites could lead to a high risk scenario?

Question 13: Do you support the proposal to remove the current exemption from licensing for State and local government employees? Do you have further thoughts on the local and State government employee licensing exemption?

We support the proposal to remove the current exemption from licencing for State and local government employees.

Question 14: Do you believe that the recommendations for minimum standard signage indicating pesticide use in public places should be prescribed? Please explain your reasoning.

Question 15: Do you consider that any of the recommendations for prescription regarding fumigations should be excluded from regulation? Please explain your reasoning.

Question 16: Do you believe that there are any recommendations not included for fumigations that should be prescribed? Please provide specific examples.

Question 17: Do you consider that any of the recommendations for prescription regarding registered pesticides should be excluded from regulation? Please explain your reasoning.

Question 18: Do you believe that there are any recommendations not included for registered pesticides that should be prescribed? Please provide specific examples.

Question 19: Do you support the proposal that local government replaces Department of Health as the enforcement agency?

The timber industry has reservations about the proposal for LGAs to take on the enforcement role from Department of Health, to “perform all administrative, assessment, inspection and approvals tasks required under the regulations including the authorisation to issue registrations for pest management businesses and licences for pest management technicians”.

Question 20: Do you agree or disagree with any of the listed advantages and disadvantages for local government authorities as enforcement agency? Please detail any views that you have.

We agree in particular with the disadvantage cited of pest management technicians and businesses operating across jurisdictional boundaries.

The risk of inconsistent application of the regulations between LGAs is an over-riding concern.

Question 21: Do you have any suggestions about how Proposal 7 (local government authorities as enforcement agency) could be implemented?

As with our answer to question 6, a mitigating measure to potentially make this proposal more workable could be an appeals mechanism to enable adjudication by Department of Health.

Question 22: Do you support the proposal that options for registration and licence validity be amended to include a 3 year option?

The proposal for a 3 year option for licence and registration validity, instead of the current 12 month term, is supported by the timber industry. This would mean the removal of an unnecessary element of red tape.

Question 23: Do you support the proposal to include a substance management plan in the requirements for registered proprietors and any individuals exempt from licensing that use restricted chemicals? Please detail the positive and negative impacts on you or your organisation.

Question 24: Do you have any suggestions for alternative options that have not been considered? Please explain your ideas by providing examples of complaints, case studies, data or other evidence.

Question 25: Do you have any other comments to make on how public health risks associated with pesticides are managed in Western Australia?