



THE CABINET OFFICE
NEW SOUTH WALES



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Mr Stephen Carr
Director
Standing Committee on
State Development
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

- 7 APR 2000

Dear Mr Carr

I refer to the Standing Committee on State Development's Report on the Use and Management of Pesticides in New South Wales.

I am advised that under Legislative Council Standing Orders for the establishment of the Standing Committee, the Government is required to report to the House what action, if any, it proposes to take in relation to the recommendations of the Committee. Accordingly, attached is the Government's Response to the Standing Committee on State Development's Report on the Use and Management of Pesticides in NSW.

Yours sincerely

Roger B Wilkins
Director-General

**GOVERNMENT RESPONSE TO THE RECOMMENDATIONS OF THE
STANDING COMMITTEE ON STATE DEVELOPMENT REPORT ON
PESTICIDE MANAGEMENT IN NSW**

Recommendation 1

The Standing Committee recommends that a freestanding definition of "pesticides" be included in the *Pesticides Act 1978*.

Response: This recommendation has been adopted in Section 5 of the Pesticides Act 1999 where the meaning of "pesticide" is clearly stated.

Recommendation 2

The Standing Committee recommends that the NSW Government establish Regional Inter-Agency Committees on Pesticides. The Regional Inter-Agency Committees on Pesticides would have a purview to:

- Identify regionally specific impacts of pesticides on public health, environment and property;
- Transfer information and coordinate resources in relation to pesticides and the impact of pesticides;
- Conduct research and advisory programs;
- Provide advice to the proposed Statutory Advisory Committee where the Regional Inter-Agency Committees on Pesticides considers it appropriate (See discussion on a Statutory Advisory Committee at Recommendation 42); and
- Source information from other government agencies.

Response: A Pesticides Implementation Committee has been established under the provisions of the Pesticides Act 1999 and will provide statewide coordination between agencies and other stakeholders.

It is not proposed to establish regional inter-agency committees on pesticides. Regional pesticide committees of all stakeholders have already been established by communities in a number of areas in the State where pesticide use results in conflict. Various government agencies attend and provide advice to these committees.

Recommendation 3

The Standing Committee recommends that NSW Health expand its research into the impacts of pesticide exposure on human health.

Response: There are two main loci for pesticide and human health research within the NSW Health Department Public Health Network, the Australian Centre for Agricultural Health and Safety (ACAHS), Moree and the Northern Rivers Institute of Health and Research (NRIHR), Lismore.

NSW Health has granted the ACAHS research and development infrastructure funds of \$200,000 for the present financial year and for each of the following two years. This will help support ACAHS research into injury and illness associated with life and work in

agriculture. The ACAHS is presently investigating exposure to endosulfan by applicators, cotton workers, cotton chippers and bug checkers.

The Director of the NRIHR is currently completing research into the health of cattle tick dip workers who may have been exposed to arsenic or DDT pesticides.

Funds have also been allocated to the Health Department's Division of Analytical Laboratories in 2000 to monitor pesticide exposure from drinking water at five closely defined project sites. The project sites are local government areas where moderate to high pesticide usage occurs and there is a level of community concern about pesticides in the environment. The sites include: Leeton Shire (rice); Coffs Harbour City (horticulture); Orange City (vineyards, development); Moree Plains Shire (cotton, grains) and Tweed Shire (horticulture). Results and a report on the projects will be publicly available when completed.

A key component to expansion of research into the impacts of pesticide exposure on human health is an appropriate mix of state-of-the-art toxicology/chemicals databases. The Health Department's Environmental Health Branch has funded such databases for each of the 16 NSW Public Health Units (PHU). Each PHU has immediate access to current information on pesticide toxicology when required.

Recommendation 4

The Standing Committee recommends that adequate additional financial resources be provided to the Department of Urban Affairs and Planning to enable the expeditious development of Regional Agricultural Plans. In formulating these plans, the Department of Urban Affairs and Planning should consult with the community and, move to incorporate provisions for:

- A minimum lot size that can result from a subdivision of prime agricultural land, unless development consent provides otherwise;
- Identification of prime agricultural land with a view to maintaining land use strictly for agricultural purposes;
- Identification of areas incompatible with pesticide use, eg. schools, organic farms;
- Inclusion of accredited environmental management systems and best management practices for agricultural operations, particularly in relation to pesticide application. Such mechanisms should include:
 - Site specific buffer zone measures; and
 - Calibrated weather and wind monitoring equipment operated at the time of professional and commercial pesticide application.

Response: There is merit in developing a strategic planning approach for sustainable agriculture as has been shown with the development of the North Coast Sustainable Aquaculture Strategy. Options for the development of such an approach in the planning process are being considered by Government.

Recommendation 5

The Standing Committee recommends that no amendment be made to the *Pesticides Act 1978* delegating regulatory authority to industry.

Response: The Government has adopted this recommendation in the Pesticides Act 1999 which assigns regulatory powers to the Environment Protection Authority only.

Recommendation 6

The Standing Committee recommends that education and training in the use and management of pesticides be compulsory for applicators who conduct application activities for professional purposes and that other commercial applicators undertake education and training regimes that correspond with user needs and toxicity of chemicals applied. The mechanisms to implement an education and training program may include pamphlets, video instruction or course attendance where appropriate and be funded by a levy on agricultural chemical sales.

Response: The Pesticides Act 1999 provides regulation making powers. One of the high priority tasks of the Pesticides Implementation Committee (established under this Act) is to develop, in consultation with stakeholders, regulations relating to training for all the various classes of commercial users of pesticides.

Recommendation 7

The Standing Committee recommends that the outmoded provisions of the *Pesticides Act 1978* be repealed including those concerning registration and approval of pesticides.

Response: The Pesticides Act 1999 allows for effective and cooperative integration with the National Registration Scheme which was established in 1995 to evaluate and register pesticides and to control their supply up to the point of sale. Those provisions of the Pesticides Act 1978 which were redundant as a result of the establishment of this scheme have been left out of the new Act.

Recommendation 8

The Standing Committee recommends that wherever the term "Registrar of Pesticides" appears in the Act should be replaced with references to the NSW Environment Protection Authority.

Response: This recommendation has been fully adopted under the Pesticides Act 1999.

Recommendation 9

The Standing Committee will, as part of its review process (refer to Recommendation No.45), consider the issues of growers from non-English speaking backgrounds or with low literacy levels, developments in compliance with pesticide labelling by these growers and the progress of the Premier's Taskforce.

Response: One of the priority tasks for the Pesticides Implementation Committee (established under the Pesticides Act 1999) is the development of educational programs relevant to the implementation of the new legislation. The education program will include material to assist growers from non-English speaking backgrounds or those with low literacy levels. The Environment Protection Authority will, in its annual report to the Standing Committee (see recommendation 46), update the committee on progress with the educational program. This may be of assistance to the Standing Committee in its review.

Regarding the Premier's Taskforce, the Government is implementing the recommendations of the Taskforce. This includes the proposed appointment of a project officer based at NSW Agriculture's Windsor office. Funds have been allocated by a number of Government agencies to provide for the engagement of an officer for the first year of a three year project.

Recommendation 10

The Standing Committee recommends that the *Pesticides Act 1978* be amended to create an offence for use of a pesticide contrary to the directions on a pesticide label or permit.

Response: This recommendation has been adopted under sections 13 and 15 of the Pesticides Act 1999 and creates clear offences for the use of a pesticide contrary to an approved label or permit.

Recommendation 11

The Standing Committee recommends that pesticide labels provide clear instructions for use, and that until a consistent standard for labels is implemented, purchasers of pesticide products with non-compliant labels should be provided with material safety data in the form of durable sheets or other relevant media.

Response: The National Registration Authority is responsible for the approval of pesticide labels and the instructions for use contained in these. The Environment Protection Authority has raised the Standing Committee's concerns with the National Registration Authority.

Recommendation 12

The Standing Committee recommends that lower concentrations or lower usage rates of pesticides be permitted by way of a "Pesticide Order" under the *Pesticides Act 1978* where the usage is not inconsistent with label directions and is approved by the National Registration Authority.

Response: This recommendation has been adopted in the Pesticides Act 1999 rather than through a "pesticide order". Section 15 (3)(c) of the Act allows the use of pesticides at a lower concentration than that specified on the approved label provided that the label instructions do not specifically disallow such use and provided that an EPA pesticide control order has not been issued specifically prohibiting use at lower rates for that pesticide.

Recommendation 13

The Standing Committee recommends that the NSW Environment Protection Authority commence consultation with the National Registration Authority and Avcare to address the issue of minor use, intellectual property rights and impediments to the registration process. The consultation should be conducted with a view to increasing the accessibility of pesticides suitable for minor use.

Response: Both the Environment Protection Authority and NSW Agriculture are already engaged at a national level in a consultation process which addresses the issues raised in this recommendation. The national committee with carriage of these issues is the Agricultural and Veterinary Chemicals Policy Committee, a sub-committee of the Agricultural and Resource Management Council for Australia and New Zealand (ARMCANZ).

Recommendation 14

The Standing Committee recommends that the *Pesticides Act 1978* be amended to create an offence to use or dispose of a pesticide so as to cause harm or damage to people or property. (See Recommendations 20 and 22 for discussion of "harm")

Response: Section 7 of the Pesticides Act 1999 provides a strict liability offence for using a pesticide in a way which causes or is likely to cause injury to any person or damage to any property of another person. A due diligence defence applies where the offence occurs due to causes over which the person had no control and the person took all reasonable precautions and exercised all due diligence to prevent the commission of the offence.

The offence does not apply on the farm where the pesticide is used as there are other laws that apply in such circumstances.

The Act does not provide a specific offence for pesticide disposal as the Protection of the Environment (Operations) Act 1997 already provides general waste disposal offence provisions.

Recommendation 15

The Standing Committee recommends that the NSW Environment Protection Authority cooperate with industry to develop initiatives that encourage responsible container disposal. As part of its review (Recommendation 45), the Standing Committee will consider the Authority's progress in this area.

Response: This recommendation is already in the early stages of implementation under the industry and local government drumMuster program. The program's progress will be reviewed by the Environment Protection Authority and, at the national level, by Environment Australia.

Recommendation 16

The Standing Committee recommends that the *Pesticides Act 1978* be amended to create an offence for inappropriate disposal of a pesticide container.

Response: The Protection of the Environment (Operations) Act 1997 already provides general waste disposal offence provisions.

Recommendation 17

The Standing Committee recommends that the *Pesticides Act 1978* be amended to create an offence for the intentional or negligent pesticide use or disposal resulting in harm to people or property. (See Recommendations 20 and 22 for discussion of "harm")

Response: Section 7 of the Pesticides Act 1999 provides an offence for wilfully or negligently using a pesticide in a way that causes or is likely to cause: injury to any person, or damage to any property.

The offence does not apply on the farm where the pesticide is used as there are other laws that apply in such circumstances.

Recommendation 18

The Standing Committee recommends that the NSW Environment Protection Authority, investigate methods to institute an unwanted chemical container disposal system in urban and rural environments.

Response: The national collection of farm chemical containers is already in the early stages of implementation under the industry and local government drumMuster program.

Recommendation 19

The Standing Committee recommends that the *Pesticides Act 1978* be amended to create an offence for the intentional or negligent pesticide use or disposal that threatens or harms the environment.

Response: Section 8 of the Pesticides Act 1999 provides an offence for wilfully or negligently using a pesticide in a way which causes harm to any non-target animal or non-target plant. An exception applies where the harm occurs only on the farm or the residential premises where the pesticide was used.

Section 9 provides an offence for wilfully or negligently using a pesticide in a way which causes harm to any threatened or protected animal species. There is no on-farm or residential defence for this offence.

Recommendation 20

The Standing Committee recommends that clear and unambiguous definitions be provided for the words "harm" and "environment" in the *Pesticides Act 1978*.

Response: Clear definitions of 'harm' and 'environment' are provided in Section 4 of the Pesticides Act 1999.

Recommendation 21

The Standing Committee recommends that the *Pesticides Act 1978* reflect the greater sensitivity of children to pesticide exposure within the definition of harm.

Response: Health impacts of particular pesticide products are assessed by the National Registration Authority in the registration process.

The Pesticides Act 1999 provides a definition of injury to a person which "includes any kind of physical or psychological injury whether temporary or permanent, including conditions such as nausea, allergic reaction, dizziness, headache, stress, and running nose or eyes." This definition encompasses injury to any person including children and other sensitive groups.

Recommendation 22

The Standing Committee recommends that in defining the concepts of "harm" and "harm to the environment", the NSW Environment Protection Authority consider relevant provisions in the *Tasmanian Agricultural and Veterinary Chemicals (Control of Use) Act 1995*, the *Victorian Agricultural And Veterinary Chemicals (Control Of Use) Act 1992* and the *New South Wales Protection of the Environment (Operations) Act 1997*.

Response: Careful consideration was given to the legislation recommended by the Standing Committee in proposing definitions of "harm" and the "environment" which now appear in the Pesticides Act 1999.

Recommendation 23

The Standing Committee recommends that the penalties for serious breaches of the *Pesticides Act 1978* be amended to introduce penalty levels consistent with the *Protection of the Environment (Operations) Act 1997*.

*Response: The Pesticides Act 1999 has increased penalty levels for strict liability offences from \$22,000 to \$60,000 for individuals and from \$44,000 to \$120,000 for corporations. For the wilful and negligent offences penalties have risen from \$22,000 to \$120,000 for individuals and from \$44,000 to \$250,000 for corporations. While lower than the level of penalties in the *Protection of the Environment (Operations) Act 1997*, these increases are substantial and in terms of their differential levels are consistent with the tiered approach of the *Protection of the Environment (Operations) Act 1997*.*

Recommendation 24

The Standing Committee recommends that the *Pesticides Act 1978* be amended so that maximum penalties for minor offences imposed by a Local Court are consistent with the relevant provision under the *Protection of the Environment (Operations) Act 1997*.

Response: This is reflected in the Pesticides Act 1999.

Recommendation 25

The Standing Committee recommends that the *Pesticides Act 1978* be amended to introduce a system of penalty infringement notices that are clearly defined from offences applicable for serious pesticide misuse. For example, failure to read instructions on a label may draw an offence under both provisions.

Response: A feature of the new Pesticides Act 1999 is that the Environment Protection Authority (EPA) may issue a penalty notice for less serious offences and those that do not cause serious harm, rather than commence prosecution action. In a case which involves the use of a pesticide contrary to label instructions, it is appropriate that it would depend on the seriousness of the specific contravention and its consequences in determining whether to prosecute or issue a penalties notice.

Recommendation 26

The Standing Committee recommends that the *Pesticides Act 1978* be amended to provide the NSW Environment Protection Authority and Local Courts with discretionary powers to compel an offender, where appropriate, to undertake penalty measures such as education or remediation in addition to, or instead of fines.

Response: Section 99 of the Pesticides Act 1999 implements this recommendation by providing options for courts to issue non-monetary penalties such as requiring offenders to undertake specific training.

Recommendation 27

The Standing Committee recommends that the *Pesticides Act 1978* be amended to provide guidelines to the courts on matters to consider for determining penalties.

Response: Section 109 of the Pesticides Act 1999 implements this recommendation by providing guidance to courts on the matters to consider for determining penalties.

Recommendation 28

The Standing Committee recommends that the *Pesticides Act 1978* be amended to empower the NSW Environment Protection Authority, through pesticide orders, to control ground based application of pesticides.

Response: This recommendation has been implemented through Section 38 of the Pesticides Act 1999 which empowers the EPA, with the approval of the Minister for the Environment to make pesticide orders which may apply to both aerial and ground applications of pesticides.

Recommendation 29

The Standing Committee recommends that the *Pesticides Act 1978* be amended to empower the NSW Environment Protection Authority to issue site specific compliance notices where urgent action is required to prevent harm and/or remediate contamination from pesticides.

Response: The Government has fully adopted this recommendation in Part 3 of the Pesticides Act 1999 which enables the EPA to issue pesticide control notices.

Recommendation 30

The Standing Committee recommends that aircraft used for aerial spraying purposes must be accredited by the Civil Aviation Safety Authority of Australia as suitable for aerial spraying purposes. Further, that the Civil Aviation Safety Authority of Australia conduct a comprehensive consultation process to evaluate the suitability of aircraft such as ultra light aircraft for pesticide application.

Response: The Government has adopted this recommendation in Section 43 of the Pesticides Act 1999 which makes it an offence to attach any aerial spraying equipment to an aircraft unless the aircraft is approved by the Civil Aviation Safety Authority for agricultural operations.

The suitability of aircraft for pesticide applications is a Commonwealth matter and the Civil Aviation Safety Authority is the responsible agency.

Recommendation 31

The Standing Committee recommends that WorkCover Authority of NSW's administrative responsibility for licensing of urban pest and weed controllers be transferred to the NSW Environment Protection Authority. The transfer should not only include the transfer of responsibility from WorkCover Authority of NSW to the NSW Environment Protection Authority but also the corresponding resources including funding, persons or positions, records and data needed to maintain existing responsibilities.

Response: The roles of the two agencies in this area are distinct. The EPA enforces the proper use (control of use) of pesticides by all users, including pest control operators, to safeguard health, property and the environment. The focus of the Workcover activity is administration of the Occupational Health and Safety (Pest Control) Regulation 1988 which sets training and competency standards and administrative procedures for the licensing of pest controllers. Workcover is proposing to administer this function under the Occupational Health and Safety Regulation 2000 which will ensure that the licensing of pest control operators is consistent with the way in which competency is certified by WorkCover for all other industries.

Workcover undertook to consult with their primary consultative body, the Occupational Health and Safety Council, on the transfer proposal. The Council has given preliminary consideration to this matter and is of the view that they would need to have more information about the practical issues raised by the proposal before they could endorse it.

Recommendation 32

The Standing Committee recommends that the Pesticides Act 1978 be amended to provide inspectors with stronger powers to permit them to more effectively conduct their duties.

Response: The Pesticides Act 1999 implements this recommendation by providing pesticides officers with the powers of authorised officers under the Protection of the Environment (Operations) Act 1997 plus some specific notice powers to prohibit the use of defective equipment used for pesticide applications and to require the destruction of pesticides in certain circumstances.

Recommendation 33

The Standing Committee recommends that the NSW Environment Protection Authority consult with corresponding Commonwealth, State and Territory agencies with regard to inter-state mutual recognition of licences for pilots and reciprocal powers for interstate inspectors when pursuing investigations across borders.

Response: A scheme already exists under the Mutual Recognition (New South Wales) Act 1992 whereby interstate licences may be recognised in NSW, provided that a person applies for a licence in NSW. Under the Pesticides Regulation 1995, there is no application fee if an applicant for a licence holds an interstate licence.

The Pesticides Act 1999 provides regulation-making powers to recognise the licence of someone in another state without the requirement for that person to formally apply within this State. However, given the effectiveness of the current mutual recognition arrangements, there are no immediate proposals to make such a regulation.

It is the experience of the EPA that cross-border investigation work can usually be resolved cooperatively with inter-state agencies. It is notable that Section 113 of the Pesticides Act 1999 provides extra-territoriality in relation to offences where the impacts occur in NSW.

Recommendation 34

The Standing Committee recommends that the NSW Environment Protection Authority increase the number of pesticide inspectors servicing New South Wales and that the NSW Government provide additional funding to the Authority to meet such costs.

Response: The Environment Protection Authority currently has dedicated a team of 11 pesticide officers in 9 locations across the State which has the task of enforcing the control of use of pesticides. It is not proposed to expand this team.

Recommendation 35

The Standing Committee recommends that the *Pesticides Act 1978* be augmented to provide for joint or shared liability of all parties responsible for an offence where a breach of the Act occurs. To ensure equitable and effective implementation of this concept, the Standing Committee proposes the following:

- All parties involved in the application of a pesticide which results in the commission of an offence may be liable under the *Pesticides Act 1978*;

- The *Pesticides Act 1978* should be amended to clearly define the boundaries of responsibility of each party for the application of pesticides;
- The parties should include the grower or occupier who is responsible for the application target area, the consultant or agronomist responsible for providing specialist advice and direction on the use of a pesticide, the pesticide applicator including the pilot in an aerial spraying operation or ground based operator, and any employee, employer or contractor of the parties responsible for the offence;
- In each case, it may be a defence that, the offence committed was due to causes over which the party had no control, took all reasonable precautions and used due diligence to prevent the offence being committed.

Response: The Government has addressed this recommendation through the Pesticides Act 1999. A provision for shared liability is provided at section 111 where any person who causes or permits by act or omission another person to commit an offence under the Pesticides Act 1999 may also be guilty of that offence. Section 112 also deals with the liability of directors and persons concerned in the management of corporations.

In addition, the common law principle of vicarious liability also applies.

Recommendation 36

The Standing Committee recommends that the *Pesticides Act 1978* be amended to require all statutory, professional and commercial users of pesticides, including primary producers, keep records of pesticide applications and that these records should be available for inspection and/or copying by the NSW Environment Protection Authority. Accordingly the NSW Environment Protection Authority should develop a proforma document for recording relevant information.

Response: The Government supports this recommendation and has provided in legislation the power to implement this action through regulation under the Pesticides Act 1999, after consultation with stakeholders. The Pesticides Implementation Committee has before it as one of its priority tasks to advise on the development of regulations for record keeping by all those using pesticides in a commercial manner.

Recommendation 37

The Standing Committee recommends that the NSW Environment Protection Authority be empowered to provide records of pesticide applications for research purposes to other statutory bodies including NSW Health and the Department of Urban Affairs and Planning.

Response: The Environment Protection Authority has been empowered by Section 44 of the Pesticides Act 1999 to provide such records to other Government agencies within the constraints of: their administration of laws related to pesticides, or the communication of the records reasonably relates to the prevention of harm that has been caused by a pesticide.

Recommendation 38

The Standing Committee recommends that aerial applicators be strongly encouraged to implement Global Positioning Satellite marking systems as a record keeping device for use by aerial applicators. The Standing Committee recognises that such systems would not only provide irrefutable and time-saving evidence to investigators, but would also benefit applicators in defence of offences arising from pesticide applications.

Response: The potential for incorporating this technology will be a matter for consideration in the development of a record keeping regulation for all commercial users of pesticides.

Recommendation 39

The Standing Committee recommends that areas identified for aerial pesticide application be validated by a Global Positioning Satellite marking system (handheld or other).

Response: The potential for incorporating this technology will be a matter for consideration in the development of a record keeping regulation for all commercial users of pesticides (see recommendation 38).

Recommendation 40

The Standing Committee recommends that the NSW Environment Protection Authority conduct a public education program in the use, management and disposal of pesticides in non-farming situations.

Response: The Government supports this recommendation. The Pesticides Implementation Committee will advise the Environment Protection Authority on the development of educational programs relevant to the implementation of the Pesticides Act 1999. This will include pesticide use in non-farming situations.

Recommendation 41

The Standing Committee supports the establishment of a statutory advisory committee in accordance with the revised model proposed by the NSW Environment Protection Authority.

Response: The Government has adopted this recommendation with the establishment of the Pesticides Implementation Committee under Part 8 of the Pesticides Act 1999.

Recommendation 42

The Standing Committee recommends that the NSW Environment Protection Authority review and report on the membership and structure of the statutory advisory committee in 12 months of its establishment to determine its effectiveness and the level of stakeholder satisfaction.

Response: The Environment Protection Authority will report to the Standing Committee as requested in this recommendation.

Recommendation 43

The Standing Committee recommends that the NSW Environment Protection Authority consult with the National Registration Authority to ensure labels on pesticides incorporate notification requirements where they are not already provided and where appropriate.

Response: The Environment Protection Authority has raised the notification issue with the National Registration Authority. The National Registration Authority currently requires notification of neighbours for some pesticides, notably endosulfan and 1080.

Recommendation 44

The Standing Committee is concerned to ensure that an additional obligation for notification with respect to labelling (see Recommendation 43) be required where pesticide application is planned near schools, bus routes and environmentally sensitive areas or where a reasonably foreseeable risk of chemical trespass may occur.

Response: The notification issue has been raised with the National Registration Authority (see recommendation 43).

Recommendation 45

The Standing Committee on State Development will:

- monitor the implementation of amendments to the *Pesticides Act 1978* and the impacts of such amendments for a four year period (until 30 September 2003);
- accept and consider any representations made to the Committee concerning amendments to the *Pesticides Act 1978* during that period; and
- table any additional report in the Legislative Council from time to time.

Response: This is a matter for the Standing Committee on State Development.

Recommendation 46

The Standing Committee recommends that the NSW Environment Protection Authority provide to the Standing Committee on State Development annual reviews outlining the progress and impact of any amendments to the *Pesticides Act 1978*. The first review should commence from enactment of the amendments until 30 September 2000, with reviews conducted annually thereafter to and including 30 September 2003.

Response: The Minister for the Environment has advised the Chair of the Standing Committee that the Environment Protection Authority will provide the Standing Committee with an annual report which covers:

- *Implementation achievements;*
- *Efficiency and effectiveness of the new legislation;*
- *The level and nature of enforcement activity undertaken;*
- *The extent and nature of educational activity; and*
- *Information on the pesticides that are available for use in NSW.*

Recommendation 47

The Standing Committee recommends that NSW Agriculture provide to the Standing Committee on State Development annual reviews that identify impediments and enhancements to productivity and competitiveness experienced by the New South Wales agricultural industry emanating from amendments to the Pesticides Act 1978.

The first review should commence from enactment of the amendments until 30 September 2000, with reviews conducted annually thereafter to and including 30 September 2003.

Response: Annual reviews by NSW Agriculture to identify costs related to the impact of the Pesticides Act 1999 on industry would be extremely costly and would not provide significant benefits.

Pesticide users are the major direct beneficiaries of the use of agricultural and veterinary chemicals. Any cost associated with the control of their use, such as measures to prevent drift by spraying only under appropriate conditions or the keeping of records, should reasonably be borne by pesticide users.

Recommendation 48

The Standing Committee recommends that NSW Agriculture support research with increased funding into alternative methods to control and eradicate pests, plant disease and weeds other than by pesticide application.

Response: NSW Agriculture has extensive involvement with the organic produce industry and is conducting research to reduce or remove reliance on chemical treatments. Other organisations are also involved in such research: these include activities through the Cooperative Research Centre for Weed Management Systems and the Cooperative Research Centre for Biological Control of Vertebrate Pests.