



Deputy Premier of Western Australia Minister for Health; Indigenous Affairs

Our Ref: 25-05400, 25-05401

Mr Wayne Monks
Chairperson
Western Region Environment Network (WREN)
wmonks@westnet.com.au

Dear Mr Monks

I refer to your e-mailed follow-up letter of 12 May 2009 regarding the concerns of your organisation with the use of the herbicide hexazinone and the effect it has had on non-target trees in the cities of Stirling and Joondalup. You also express concern with the response by Government to the various aspects of the matter. Some of these have already been addressed in my earlier correspondence.

I acknowledge the concerns of residents about the role of pesticides in the tree deaths and would like to address the significant issues that you have raised and your suggestions for improvements in the control of pesticide use in Western Australia (WA).

Your letter refers to the checklist (or Guide, as it is now called) for local government to use in their planning for weed and pest control, currently being developed by the Pesticides Advisory Committee. It is my expectation that this Guide will greatly assist local government in their decision-making on weed and pest control methods and, specifically, their decisions on pesticide use.

I will also take this opportunity to clarify the respective roles of the Commonwealth and States and the changes that are in progress for a national control of use system.

Support for pest control programs by local government (LG)

Development of the Guide is well advanced; however, as a result of the points made in your letter, I have asked for the following additions:

1. Particular reference to community consultation during the development of a LG pesticide use policy and pesticide use notification plans along the lines of the requirement in New South Wales.
2. A requirement for a LG to provide adequate opportunity for residents to request exemption of their properties from pesticide exposure.
3. A communication avenue to allow residents to report tree deaths and 'other strange events', via a nominated contact person for pesticide matters.

I expect that community groups will have an opportunity to comment on the Guide when LG formulate their weed and pest control plans. Adoption of the Guide in WA by LG is supported by the Western Australian Local Government Association and will be voluntary.

The Pesticides Code of WA, which is also well advanced in its development, will also contain voluntary requirements for the notification of pesticide use in public places and public areas in Multiple Occupancy Residential Complexes.

Both the Code and the Guide place considerable emphasis on the education and training of LG employees and contractors who apply pesticides. I fully support this and believe that training is one of the most cost effective ways of achieving beneficial and safe outcomes from the use of pesticides. There are several training organisations that provide suitable training courses in the safe and effective use of pesticides.

Alternatives to Pesticides

There are a number of alternatives to the use of pesticides for weed control, such as the use of slashing, mowing, steam application and salt and hot water treatments. These methods are not defined under either the Agvet Code or relevant State legislation as pesticides, and are therefore unregulated and will continue to be adopted by LG on an individual basis, having regard to their effectiveness and economics. These methods of weed control are entirely a matter for individual Councils to determine; however, the Guide provides a prompt for the LG to consider them when planning their weed control programs.

State and Commonwealth Legislation

At present, control of use of pesticides in WA (that is, after the point of retail sale) is principally regulated by the *Health Act 1911*, specifically by the *Health (Pesticides) Regulations 1956*. The Commonwealth *Agvet Code Act 1994* is responsible for regulating the manufacture/import of the pesticide, its formulation, registration and labelling prior to retail sale. This means that the uses and restrictions on a pesticide label are established by the Australian Pesticides and Veterinary Medicines Authority (APVMA), who also set the formulation standards of the product. The WA Department of Health and its statutory committee, the Pesticides Advisory Committee (PAC), have no involvement in the derivation of the registered use pattern of the pesticide.

However, all this is in the process of changing. The Council of Australian Governments (COAG) has decided that State and Territory pesticide control of use legislation will be more consistently and efficiently administered by their 'transfer' to new nationally uniform legislation developed as an extension of the Commonwealth *Agvet Code Act* and administered by the APVMA. It is likely that responsibility for compliance under the new legislation will be delegated to a Western Australian Government agency under agreement with the APVMA. While the implementation is required by COAG in early 2010, actual implementation and any tangible benefits flowing from it will take some years to achieve.

Government agencies with a responsibility for pesticide control of use take cases of apparent misuse very seriously. The tree deaths due to hexazinone have drawn attention to the need for additional support for LG in their decision making and their approach to pesticide use. I believe that the public interest is best served by the actions that the PAC is progressing.

Thank you again for bringing this matter to my attention and for your interest in improving pesticide use.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KH', written over a horizontal line.

Dr Kim Hames MLA
DEPUTY PREMIER
MINISTER FOR HEALTH

26 JUN 2009