



Member Code of Conduct

*"Safety for people and the environment through
education and responsibility"*

Agsafe Limited

ACN 057 112 062
A subsidiary of CropLife
Australia

CONTENTS

	Page
Preface	2
<i>Introduction</i>	
<i>Purpose, Principles and Scope of the Code</i>	
<i>Agsafe Membership Fee and Services</i>	
<i>Agsafe Accreditation and Training Program</i>	
<i>Obligations of the Non-member Parties to the Code</i>	
<i>Disclaimer</i>	
Articles of the Code	
Article 1: Objectives of the Code	4
Article 2: Terms and Definition	4
Article 3: Training and Accreditation Requirements	6
Article 4: Storage, Handling, Transport and Distribution	6
Article 5: Marketing	7
Article 6: Provision of Advice	7
Article 7: Observance of the Code	8
Article 8: Compliance with the Code	8

PREFACE

Introduction

Agsafe Limited is a wholly owned, independent subsidiary of CropLife Australia Ltd and was established to provide stewardship for agricultural and veterinarian (agvet) chemicals to protect health, safety and the environment. Agsafe supports the safe and compliant handling, supply and disposal of agvet chemicals and their containers through:

- Personnel training
- Premises accreditation
- End-user waste management systems
- Communications and awareness.

Agsafe is a not for profit, non-government organisation and is overseen by a Board of Directors comprising representatives from CropLife Australia, the animal health industry and the agvet chemical distribution industry.

Purpose of the Code

This Code of Conduct, and the Agsafe Accreditation program, have been developed to assist Agsafe Members meet a suite of Australian laws and industry standards – particularly in relation to work health & safety, environment protection and trade practices. All Agsafe Members are required to abide by this Code as a demonstration of their commitment to those laws and standards, in the supply of agvet chemical products.

The Code also provides context for the work of Agsafe staff, trainers and facilitators, as well as for other key stakeholders.

Principles of the Code

The sustainability of the agvet chemical industry is dependent on Agsafe Members adhering to the following principles:

- Members should provide a safe working environment for their staff, by providing appropriate training for staff and abiding by applicable work health and safety standards and legislation
- Members should ensure all necessary safeguards are in place to protect the air, water and land of the wider environment from pollution and damage
- Members should comply with the *Competition and Consumer Act* and all advice they provide must be accurate, fair, objective and based on scientific evidence.

Scope of the Code

This Code applies to businesses and individuals who sell, handle, transport, store and or take responsibility for the safety of agricultural and veterinary chemicals, as defined in the Agricultural and Veterinary Chemicals Code 1994 Section 4 (agricultural chemical product) and Section 5 (veterinary chemical product) and Section 7 and 8 of the Agricultural and Veterinary Chemical Code Regulations which are:

- Schedule 5 Poisons; Schedule 6 Poisons; Schedule 7 Poisons;
- Hazardous Substances;
- Dangerous Goods;

and which are not:

- dairy sanitisers or cleansers in outlets which do not supply any other agricultural or veterinary chemical products;
- products exclusively for home use including those for companion animals when sold in outlets catering exclusively for home use;
- nutritional pre-mixes and supplements for animals;
- substances used in conjunction with an agricultural chemical product to identify areas treated with that product;
- insect repellents for use on human beings;
- substances listed in Schedule 3 of the Agricultural and Veterinary Chemical Regulations (examples are mould inhibitors used in paper and glue manufacture, fungicides, bactericide or deodorants in footwear or clothing, soil ameliorants if there is no claim to have effects as regulators of plant growth, invertebrate pest management lures based on food, cut flower preservatives, hay inoculants, predatory insects, industrial biocides);
- swimming pool products.

The Code does not cover:

- products used and sold by veterinarians and where these products in the supply chain are being wholesaled to veterinary practices;
- veterinarians and veterinary wholesalers where the quantity of non-exempt agricultural and veterinary chemicals does not exceed 500 litres or 500 kilograms.

Agsafe Membership Fee and Services

Agsafe membership is available for any organisation that:

- is involved in the manufacture of agricultural and veterinary chemical products; or
- is involved in the sale of agricultural and veterinary chemical products; or
- is involved in the distribution of agricultural and veterinary chemical products.

Agsafe membership enables businesses to access a number of products and services. Principal amongst these is Agsafe Accreditation and the support in complying with a number of State and federal laws, through:

- regular store assessment visits by Agsafe Facilitators
- access to the *Industry Code of Practice for the Safe Transport, Handling & Storage of Packed Agricultural & Veterinary Chemicals* and other resource material
- direct access to a range of industry experts.

Agsafe members are required to pay an annual membership fee, based on the membership year starting 1 July and concluding 30 June. Regardless of when a store visit is undertaken, all members incur an annual liability for the membership fee.

Agsafe Subscribers

At its discretion, Agsafe may accept businesses that trade in only small amounts of agvet chemicals as *Subscribers* to Agsafe. Agsafe Subscribers will not be recognised as Members and cannot achieve Agsafe Accreditation.

The annual fee for Subscribers will be commensurate with the services provided by Agsafe, which includes periodic visits by Agsafe Facilitators and access to professional advice and information.

Agsafe Accreditation & Training Program

A central requirement of this Code is the ongoing participation in the Agsafe Accreditation & Training (A&T) Program, which aims to improve safety management and environment protection in the agvet chemical

industry. All Agsafe members are required to participate in the A&T Program. The objectives of the A&T program are:

- to ensure that agricultural and veterinary chemicals within the distribution chain are stored, handled and transported in accordance with relevant statutory regulations and standards; and
- to ensure that all individuals who sell, handle, transport or offer advice on agricultural and veterinary chemicals, from point of manufacture through to point of sale have received proper training in the principles of safe, effective and legal use of those products.

Agsafe Accreditation & Training's objectives are achieved by:

- training and accrediting all industry personnel who handle sell, recommend, advise or take responsibility for the safety of agricultural and veterinary chemicals;
- assessing and accrediting agricultural and veterinary chemical storage and retail premises;
- communicating information and advice on safety and environment protection.

Commitment of the Parties to this Code

All parties to this Code of Conduct are committed to its wide-spread compliance:

- Agsafe members will abide by all elements of the Code;
- Agsafe staff will develop and administer effective and up-to-date training and accreditation programs, and provide members with other services to assist their compliance with laws, regulations and standards;
- Agsafe contractors will deliver professional and engaging training courses, and provide expert and up-to-date advice on compliance issues and government regulations;
- Members of CropLife Australia and the Animal Health Alliance will participate in Agsafe Accreditation and Training where relevant, and actively encourage their supply chain partners to do the same;
- Members of the Agsafe Board will ensure their company and member stores maintain Agsafe membership, and regularly promote the benefits of Agsafe membership through publications, conferences and other avenues.

Disclaimer

While the advice provided by Agsafe is designed to assist compliance with relevant legislation, the responsibility for compliance rests with each member. Before relying on the advice, or any other information provided by Agsafe in the course of its programs, businesses should carefully evaluate the accuracy, completeness and relevance of the information for their purposes and should obtain other appropriate professional advice relevant to their particular circumstances. In this regard, Agsafe accepts no responsibility for any adverse outcomes associated with its programs.

ARTICLES OF THE CODE

Article 1: Objectives of the Code

- 1.1** The objective of this Code is to set out responsibilities affecting the storage, distribution, marketing and provision of advice to the agricultural and veterinary chemical products industry.
- 1.2** The Code recognises the need for co-operative effort between governments and the agricultural and veterinary chemical industry (including the distribution chain and providers of advice) to promote practices which ensure efficient and safe use of agricultural and veterinary chemical products.
- 1.3** The Standards set forth by this Code:
 - 1.3.1** encourage responsible and generally acceptable trade practices;
 - 1.3.2** promote the safe management and regulatory responsibilities associated with the storage, transport and handling of agricultural and veterinary chemicals;
 - 1.3.3** promote the effective use of agricultural and veterinary chemical products for the improvement of agricultural production and of human, animal and crop plant health within a framework of environmental protection;
 - 1.3.4** are designed to be used within the context of Australian Legislation, Regulations, Standards, Codes of Practice and Codes of Conduct, whereby government authorities, agricultural and veterinary marketers, distributors, providers of advice, those involved in trade of any kind and any individuals concerned may judge whether their proposed actions and the actions of others constitute acceptable practices.
- 1.4** The Code specifically defines the obligations of certain persons and/or organisations to meet the ethics and behaviours expected to meet the requirements and maintenance of Agsafe Accreditation.

Article 2: Definitions

Agsafe: is a wholly owned independent subsidiary of CropLife Australia Ltd formed to provide stewardship for agricultural and veterinarian (agvet) chemicals to protect health, safety and the environment.

Agsafe Accreditation: an approval issued pursuant to meeting prescribed standards for personnel, or storage and retail premises.

Agricultural chemical product:

- (1) Subject to subsections (2) and (3), an agricultural chemical product is a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:
- (a) destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing; or
 - (b) destroying a plant; or
 - (c) modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity; or
 - (d) modifying an effect of another agricultural chemical; or
 - (e) attracting a pest for the purpose of destroying it.

(2) An agricultural chemical includes a substance or mixture of substances declared by the regulations to be an agricultural chemical product.

(3) An agricultural chemical product does not include:

(a) a veterinary chemical product; or

(b) a substance or mixture of substances declared by the regulations not to be an agricultural chemical product.

Active Constituent: the biologically active part of the agricultural or veterinary chemical product present in the formulation.

Co-regulation: a process whereby industry and government co-operate to administer prescribed legislation, requirements or standards.

Dangerous Goods: the substances and items classified as such in the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Distribution: the process by which agricultural and veterinary chemical products are supplied through channels to, and including, the retail market for final sale or supply to end users.

Distributor: person, persons or organisation(s) who conduct the process of distribution.

Environment: surroundings, including water, air, soil and their interrelationships as well as all relationships between them and any living organisms.

Formulation: the combination of various ingredients designed to render the product useful and effective for the intended purpose; the form of the agricultural or veterinary chemical product as registered and presented for sale and use.

Hazardous Substance: are substances that have the potential to harm the health of persons in the workplace and are classified by the manufacturer or importer in accordance with Safe Work Australia's *Approved Criteria for Classifying Hazardous Substances*. Hazardous Substances are identified by a generic statement on the chemical Safety Data Sheet (SDS).

Manufacturer: a corporation or other entity in the public or private sector or any individual, engaged in the business or function (whether directly or through an agent or through an entity controlled by or under contract to it) of manufacturing an agricultural or veterinary chemical active constituent or preparing its formulation or product.

Marketing: the overall process of agricultural or veterinary chemical product promotion, including advertising, product public relations and information services as well as distributing and selling in retail markets.

Registered Product: a product registered under the Agricultural and Veterinary Chemicals Act (1994) and Regulations (1995).

Registered Label: an agricultural or veterinary chemical product label registered under the Agricultural and Veterinary Chemicals Act (1994) and Agricultural and Veterinary Chemicals Code Regulations (1995).

Resistance Management: is the action taken to minimise the risk of a heritable change in the sensitivity of a pest population that is reflected in the repeated failure of a product to achieve the expected level of control when used according to the label recommendation for that pest species.

Scheduled Poisons: are chemicals which because of their toxicological properties, use patterns and potential hazard if misused, are classified according to the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP). Scheduled Poisons are identified by the signal heading on the label.

Use Pattern: the combination of all factors involved in the use of an agricultural or veterinary chemical product, including the concentration of the active constituent in the preparation being applied, the rate of application, time of treatment, number of treatments, additives recommended and other directions which determine total quantity applied, timing of treatment and withholding period.

Veterinary chemical product:

- (1) Subject to subsections (2) and (3), a veterinary chemical product is a substance or mixture of substances that is represented as being suitable for, or is manufactured, supplied or used for, administration or application to an animal by any means, or consumption by an animal, as a way of directly or indirectly:
 - (a) preventing, diagnosing, curing or alleviating a disease or condition in the animal or an infestation of the animal by a pest; or
 - (b) curing or alleviating an injury suffered by the animal; or
 - (c) modifying the physiology of the animal:
 - i. (veterinary) so as to alter its natural development, productivity, quality or reproductive capacity; or
 - ii. so as to make it more manageable; or
 - (d) modifying the effect of another veterinary chemical product.
- (2) A veterinary chemical includes:
 - (a) a vitamin, a mineral substance, or an additive, if, and only if, the vitamin, substance or additive is used for a purpose mentioned in paragraph (2)(a), (b), (c) or (d); and
 - (b) a substance or mixture of substances declared by the regulations to be a veterinary chemical product.
- (3) A veterinary chemical product does not include:
 - (a) a substance or mixture of substances that is:
 - i. prepared by a pharmacist in accordance with the instructions of a veterinary surgeon; or
 - ii. prepared by a veterinary surgeon or in the course of the practice, by the person preparing the substance or mixture of substances, of his or her profession as permitted by or under a law of this jurisdiction; or
 - (b) a substance or mixture of substances declared by the regulations not to be a veterinary chemical product.

Withholding Period: the minimum recommended interval that should lapse between the last application of an agricultural or veterinary chemical product to any crop, pasture or animal; and the harvesting, grazing, cutting or slaughtering thereof, or the collection of milk and eggs for human consumption, or collection of fibre, as the case may be.

Article 3: Training and Accreditation Requirements

All Agsafe members and their eligible* staff must participate in the Agsafe Accreditation and Training Program.

Agsafe accreditation applies to premises and staff involved in the storage, handling, transport, sale and provision of advice with regard to agricultural and veterinary chemical products from the point of manufacture through to the point of sale to the end-user.

Premise accreditation involves a visit by an Agsafe Facilitator, who will assess the premise's compliance with the Agsafe Code of Practice. These visits are undertaken once every two or four years, depending on whether

the store is on the *Essential* or *Advanced* cycle. Agsafe Facilitators and the Agsafe Code of Practice are resources available to Agsafe members to assist their compliance with government regulations and Australian Standards.

Staff training can be completed on-line or in a face-to-face environment. All eligible staff are required to complete the Agsafe *Basic* course to commence their personnel accreditation, and periodically complete other relevant training to maintain their accreditation.

(*eligible staff are those personnel who handle, sell, recommend, advise and/or take responsibility for the safety of agricultural and veterinary chemicals).

Article 4: Storage, Handling, Transport and Distribution

All persons and organisations involved in the storage, handling, transport and distribution of agricultural and veterinary chemical products shall:

- 4.1** adhere to all Acts, Regulations, Standards, Codes and statutory requirements pertaining to the storage, handling, transport and distribution of agricultural and veterinary chemical products;
- 4.2** ensure that the requirements for Personnel Accreditation and Premises Accreditation are maintained for all staff and premises within their control;
- 4.3** seek to use contractors or sub-contractors who meet Agsafe Accreditation requirements, where applicable and available.

Article 5: Marketing

Manufacturers, Distributors, Retailers or any other person conducting the marketing of agricultural or veterinary chemical products should ensure that:

- 5.1** products made available for sale are appropriately registered under the Agricultural and Veterinary Chemicals Act (1994) and Agricultural and Veterinary Chemicals Code Regulations (1995) and/or other legislation, as required;
- 5.2** all statements used in advertising are capable of technical substantiation;
- 5.3** advertisements do not contain any statement or visual presentation which, directly or by implication, omission, ambiguity or exaggerated claim, is likely to mislead the buyer, in particular with regard to the safety of the product, its nature, composition, or suitability for use or official recognition, approval or registration;
- 5.4** advertising does not encourage uses other than those specified on the registered product label;
- 5.5** advertisements do not misuse research results or quotations from technical and scientific literature; and scientific jargon and irrelevances are not used to make claims appear to have a scientific basis they do not possess;
- 5.6** claims as to safety, including statements such as 'safe', 'non-poisonous', 'harmless', 'non-toxic' are not made, with or without a qualifying phrase such as 'when used as directed';
- 5.7** misleading statements are not made concerning the effectiveness of a product;
- 5.8** no guarantees or implied guarantees - eg. 'more profits with...', 'guarantees high yields' - are given unless definite evidence to substantiate such claims is available;
- 5.9** advertisements do not contain any visual representation of potentially dangerous practices, such as mixing or application without sufficient protective clothing, use near food or use by or near children;
- 5.10** technical literature provides adequate information on correct practices, including the observance of registered application rates, frequency of application and withholding periods;

- 5.11 false, distorted or misleading comparisons with other agricultural or veterinary chemical products are not made (negative comparisons in advertising are discouraged but any comparisons must be factual and capable of substantiation);
- 5.12 advertisements encourage purchasers and users to read the registered label carefully;
- 5.13 advertisements, promotional materials and technical literature wherever feasible, are consistent with recognised resistance management programs or policies (eg Department of Agriculture and CropLife Australia policy documents on these matters).

Article 6: Provision of Advice or Recommendations

Any person, organisation or other entity providing advice or recommendations with regard to agricultural and veterinary chemical products should ensure that:

- 6.1 all persons who are in a position of providing advice and/or recommendations are adequately trained to provide advice consistent with label recommendations;
- 6.2 false or misleading comparisons with other agricultural or veterinary chemical products are not made;
- 6.3 misleading statements are not made concerning the effectiveness, safety or other features or characteristics of product(s);
- 6.4 advice or recommendations are accompanied with appropriate advice on warning statements or other limitations or cautions detailed on the registered label;
- 6.5 purchasers, users or other recipients of advice should be encouraged to carefully read the registered agricultural or veterinary chemical product label;
- 6.6 advice or recommendations do not misuse research or quotations from technical or scientific literature; and scientific jargon and irrelevances are not used to make claims appear to have a scientific basis they do not possess;
- 6.7 advice and/or recommendations are consistent, wherever feasible, with recognised Resistance Management programs or policies, as appropriate (eg CropLife Australia or Department of Agriculture documents on these issues).

Article 7: Observance of the Code

- 7.1 The Code should be brought to the attention of all concerned in the manufacture, marketing, sale, advice and use of agricultural and veterinary chemical products; and in the control of such activities so that governments, industry or individuals understand their responsibilities in working together to ensure that the objectives of the Code are achieved.
- 7.2 The Code should be considered a dynamic text which will be updated as required, taking into account technical, economic and social progress.

Article 8: Compliance with the Code

- 8.1 Members of Agsafe are required to adhere to all elements of the Code and achieve and maintain Agsafe Accreditation – for personnel and premises.
- 8.2 If any business location requiring accreditation of its personnel and/or premises does not comply with the accreditation program and/or those sections of this Code of Conduct which apply to the accreditation program, then its membership status may be denied, suspended or withdrawn if the non-compliance is not corrected.
- 8.3 If a member is found to be in breach of accreditation requirements, Agsafe will write to the member and seek a written undertaking to correct the breach.

- 8.4** In the absence of a satisfactory response from the member to the letter referred to in Article 8.3, Agsafe will again write to the member to show why its membership should not be cancelled.
- 8.5** In the absence of a satisfactory response from the member to the letter referred to in Article 8.4, Agsafe will make a recommendation to cancel membership to the Agsafe Board.
- 8.6** Should a business location to which suspension or denial of membership has been applied corrects a breach and hence complies with the requirements of accreditation; Agsafe will reinstate their accreditation and membership.



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