

Code of Conduct



Endorsed by the CropLife Australia Board

18 November 2016



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INTRODUCTION

CropLife Australia represents the innovators, developers, registrants, manufacturers and formulators of plant science solutions for use in agriculture and the management of pests in other settings.

CropLife Australia's member companies produce the crop protection and crop biotechnology products used by Australian primary producers. These products protect plant yields and improve their quality by controlling weeds, insects and diseases, leading to the production of high quality, affordable, nutritious and abundant food, feed and fibre. Crop protection products are also used by the nation's environmental land managers to assist protect our native environment from invasive species and to protect public health and well-being by controlling weeds and pests on public lands.

CropLife Australia and its members are committed to safety, stewardship and quality:

- **Safety** - protecting human health and the environment through a rigorous and science based regulatory process, the adoption and promotion of Good Agricultural Practice and the correct use of products according to label directions.
- **Stewardship** – the responsible and ethical management of industry products throughout their lifecycle.
- **Quality** – the production of products of the highest standards that meet registration specifications.

CropLife members are global leaders in their whole-of-lifecycle approach to industry stewardship contributing millions of dollars each year towards stewardship activities to ensure the safe and sustainable use of their products. All members are encouraged to participate fully in industry wide dialogue on contemporary issues to ensure that CropLife Australia is a truly representative organisation.

This Code of Conduct has been developed to ensure all CropLife Australia members meet the highest of industry standards and sets CropLife Australia member companies apart from others in the sector.

The Code of Conduct sets out a series of obligations. Meeting these obligations is a mandatory condition of CropLife Australia membership. The Code of Conduct also details a number of policies and programs that member companies are encouraged to adopt, implement or participate in. Failure to meet the Code of Conduct obligations may result in cancellation of membership.

The CropLife Australia Board is responsible for ensuring compliance with the CropLife Australia Constitution, By-Laws and Code of Conduct. Rule 4 of the Constitution details the membership admission and disciplinary procedures. The process for lodging a complaint in relation to this Code of Conduct is outlined in the final section of this document.

MEMBER COMPANY OBLIGATIONS

As a member of CropLife Australia your company must:

- comply with relevant Australian legislation;
- participate in a range of stewardship activities;
- ensure relevant company personnel are familiar with the provisions of this Code;
- provide information and data as agreed by the Board;
- make only accurate statements in product claims and publicity material; and
- act ethically when conducting market research.

In addition, your company is encouraged to adopt and implement a range of other policies and programs promoted by CropLife Australia.

Crop protection member companies must also comply with the International Code of Conduct on Pesticide Management.

As a member of CropLife Australia your company must:

1. Objectives of the Code

- 1.1. Act in the best interests of the industry by acting at all times ethically, with integrity and honesty.
- 1.2. Comply with legislation and regulations by:
 - 1.2.1. Complying with all relevant federal and state legislation and regulations including, but not limited to, the *Agricultural & Veterinary Chemicals Code Act 1994* and its regulations, the *Gene Technology Act 2000*, *Trade Practices Act 1974*, *Corporations Act 2001*, *Australia New Zealand Food Standards Code* and *The Australian Dangerous Goods Code*;
 - 1.2.2. Ensuring that company staff participating in CropLife Australia activities do not discuss or exchange information that may in fact, or give the appearance of an agreement that would violate Trade Practice compliance laws; and
 - 1.2.3. Ensuring that company staff participating in CropLife Australia Board, committee or working group meetings declare any material or personal interest, if and when a conflict of interest arises relating to the affairs of CropLife Australia.
- 1.3. Promote understanding of this Code by ensuring the provisions of this Code are both understood and complied with by appropriate company staff.

2. Advertising and marketing

- 2.1 Use information responsibly in publicity material:
 - 2.1.1. Ensure that promotional, public relations and advertising material is consistent with the approved label claims for the product, or use and safety information approved by the Australian Pesticides and Veterinary Medicines Authority and/or licence issued by the Gene Technology Regulator or other permit or special approval, and comply with relevant consumer protection and state/territory legislation;
 - 2.1.2. Ensure that public statements do not misuse research results, quotations from technical and scientific literature or scientific jargon to make claims appear to have a scientific basis they do not possess;
 - 2.1.3. Ensure that visual images show appropriate personal protective equipment and correct and safe application;
 - 2.1.4. Ensure that any comparisons between products in advertising are factual and capable of substantiation; and
 - 2.1.5. Ensure that any claims made about a company product do not discredit another registered product on the grounds of safety, hazard or risk.
- 2.2. Make accurate product claims:
 - 2.2.1. Ensure that all public claims for products made by the company are consistent with the product registration, approved label or permit and safety information approved by the Australian Pesticides and Veterinary Medicines Authority and Gene Technology Regulator; and
 - 2.2.2. Ensure that all crop protection product claims are at all times consistent with the approved label and also relevant CropLife Australia Fungicide, Herbicide or Insecticide Resistance Management Strategies.
- 2.3. Use ethical market research methods that do not bring discredit upon, or reduce confidence in the industry. Interviews must not be gained without consent.

3. *Transport and Security*

3.1. Support correct product transportation and application:

- 3.1.1. Ensure that company products are classified according to the requirements of the National Transport Commission regulations and ensure company owned products that are classified as dangerous goods are transported prior to end point sale by persons that are licensed dangerous goods transporters; and
- 3.1.2. Actively promote the correct use and application of products.

3.2. Mitigate security risks:

- 3.2.1. Ensure all manufacturing, storage and distribution facilities within Australia under the control of the member company meet government requirements and have adequate systems in place to manage foreseeable security risks, and that all relevant staff are appropriately trained in those systems; and
- 3.2.2. Ensure that all manufacturing, storage or distribution facilities in Australia under contract to the member company have adequate systems in place to manage foreseeable security risks and that all relevant staff are appropriately trained as a condition of contract and that this contract is audited at least once every two years.

4. *Membership fees and reporting*

4.1. Annually declare to CropLife Australia actual sales details for the purpose of calculating membership fees. An additional declaration may include, but is not limited to, a set of industry statistics and membership profile data, as approved by the Board after consultation with members. CropLife Australia undertakes to at all times keep this information confidential to the Company Secretary.

4.2. Ensure that CropLife Australia membership fees are paid on time and in full.

4.3. Report biannually on compliance with this Code in a form agreed by the Board.

5. *Principles for the responsible management of crop protection products*

5.1. Encourage responsible and generally accepted trade practices with respect to crop protection products.

5.2. Promote practices that reduce risks in the handling of crop protection products, including minimising adverse effects on humans and the environment, and preventing accidental poisoning resulting from improper handling.

5.3. Ensure that crop protection products are used effectively and efficiently for the improvement of agricultural production and of human, animal and plant health.

5.4. Adopt the 'lifecycle' concept to address all major aspects related to the development, regulation, production, management, packaging, labelling, distribution, handling, application, use and control, including post registration activities and disposal or all types of crop protection products, including used crop protection product containers.

5.5. Promote Integrated Pest Management (IPM) (including integrated vector management for public health pests).

6. Pesticide Management

CropLife Australia members must observe the following practices in crop protection products management:

- 6.1. Supply only crop protection products of high quality, packaged and labelled in accordance with Australian regulatory requirements.
- 6.2. Pay special attention to the choice of crop protection products formulations and to presentation, packaging and labelling in order to reduce risks to users and minimise adverse effects on the environment.
- 6.3. Be capable of providing effective technical support, backed up by full product stewardship to a field level, including advice on disposal of crop protection products and used crop protection product containers.
- 6.4. Retain an active interest in following products to the end user, keeping track of major uses and the occurrence of any problems arising from the use of their products, as a basis for determining the need for changes in labelling, direction for use, packaging, formulation or product availability.
- 6.5. Not supply crop protection products whose handling and application require the use of personal protective equipment that is uncomfortable, expensive or not readily available. Preference should be given to crop protection products that require inexpensive personal protective equipment and to procedures appropriate to the conditions under which the crop protection products are to be handled and used.
- 6.6. Take coordinated action with other stakeholders, including Australian governments, to disseminate educational materials of all types to crop protection products users, farmers, farmer organisations, agricultural workers, unions and other interested parties.

7. Testing of crop protection products

CropLife Australia members must:

- 7.1. Ensure that each crop protection product is adequately and effectively tested by recognised procedures and test methods so as to fully evaluate its efficacy, behaviour, fate, hazard and risk with regard to the various anticipated Australian uses.
- 7.2. Ensure that such tests are conducted in accordance with sound scientific procedures and the principles of good laboratory practice.
- 7.3. Make available the copies or summaries of the original reports of such tests for assessment by the Australian Pesticides and Veterinary Medicines Authority. Evaluation of data should be carried out by qualified experts.
- 7.4. Ensure that the proposed use pattern, label claims and directions, packages, technical literature and advertising truly reflect the outcome of these scientific tests and assessments.
- 7.5. Where requested by the Australian Pesticides and Veterinary Medicines Authority, provide the methods for the analysis of any active ingredient or formulation manufactured, and provide the necessary analytical standards.
- 7.6. Conduct residue trials prior to marketing, at least in accordance with the Codex Alimentarius and FAO guidelines on good agricultural practice and on crop residue data in order to provide a basis for establishing appropriate maximum residue limits.

8. Reducing health and environmental risks

CropLife Australia members must:

- 8.1. Cooperate in the periodic reassessment or review of crop protection products that are marketed.
- 8.2. Provide poison control centres and medical practitioners with information about crop protection products hazards and on suitable treatment of crop protection products poisoning.
- 8.3. Make every effort to reduce risks posed by crop protection products by:
 - 8.3.1. Making less toxic formulations available;
 - 8.3.2. Introducing products in ready to use packages;
 - 8.3.3. Developing application methods and equipment that minimise exposure to crop protection products ;
 - 8.3.4. Using returnable and refillable containers where effective container collection systems are in place;
 - 8.3.5. Using containers that are not attractive to, or easily opened by children; and
 - 8.3.6. Using clear and concise labelling.

9. Regulatory and technical requirements

CropLife Australia members must:

- 9.1. Provide an objective data assessment, together with the necessary supporting data on each product, including sufficient data to support risk assessment and to allow a risk management decision to be made.
- 9.2. Provide the Australian Pesticides and Veterinary Medicines Authority with any new or updated information that could change the regulatory status of the crop protection product, as soon as it becomes available.
- 9.3. Ensure that the active ingredient and other ingredients of crop protection products being marketed correspond in identity, quality, purity and composition to the substances tested, evaluated and cleared for toxicological and environmental acceptability.
- 9.4. Ensure that active ingredients and formulated products for crop protection products for which international specifications have been developed conform with the relevant FAO specifications for agricultural pesticides, and with the World Health Organization's (WHO) pesticide specification for public health pesticides.
- 9.5. Verify the quality and purity of crop protection products offered for sale.
- 9.6. When problems occur, voluntarily take corrective action and, when requested by the Australian governments, help find solutions to difficulties.

10. Availability and use

CropLife Australia members must ensure that all crop protection products made available to the general public are packaged and labelled in a manner that is consistent with the FAO guidelines on packaging and labelling and with appropriate national regulations.

11. Distribution and trade

CropLife Australia members must:

- 11.1. Ensure that all crop protection products entering international trade conform to all WHO or FAO classification guidelines, as well as UN Recommendations on the Transport of Dangerous Goods.
- 11.2. Ensure that crop protection products manufactured for export are subject to the same quality requirements and standards as those applied to comparable domestic products.
- 11.3. Ensure that crop protection products manufactured by a subsidiary company, or through a contractual supply arrangement, meet appropriate quality requirements and standards.
- 11.4. Recognise that a crop protection product may need to be recalled by a manufacturer and distributor when its use, as recommended, represents an unacceptable risk to human or animal health or the environment and act accordingly.
- 11.5. Ensure that persons involved in the sale of crop protection products are adequately trained, hold necessary government licences and accreditations, and have access to sufficient information such as Material Safety Data Sheets, so that they are capable of providing buyers with advice on risk reduction and efficient use.
- 11.6. Provide, consistent with national regulatory requirements, a range of pack sizes and types that are appropriate for the needs of small scale farmers and other local users, in order to reduce risks and discourage sellers from repackaging products into unlabelled or inappropriate containers.

12. Information exchange

CropLife Australia and its members should support the process of information exchange and facilitate access to information regarding crop protection product residues in food and related regulatory actions.

13. Labelling, containers, packaging, storage and disposal

CropLife Australia members must:

- 13.1. Strive to be industry leaders in the quality, design and effectiveness of product labels, containers and packaging, and seek continual improvement to deliver beneficial worker health and safety, and environmental outcomes.
- 13.2. Ensure that only labels that have been properly approved by the Australian Pesticides and Veterinary Medicines Authority, and that are compliant with all Australian regulation regarding the transport, storage, handling and use of chemicals, are applied.
- 13.3. Ensure crop protection containers:
 - 13.3.1. Comply with the relevant requirements of the Australian Code for the Transport of Dangerous Goods by Road and Rail;
 - 13.3.2. Comply with the conditions prescribed in the Agricultural and Veterinary Chemicals Code Regulations 1995 for chemical product containers, and all other relevant legislation;
 - 13.3.3. Comply with any Australian Pesticides and Veterinary Medicines Authority guidelines for packaging, storage and stability; and
 - 13.3.4. Are designed to be easy to handle and where appropriate assist pouring to minimising the risk of worker exposure

13.4. Participate in stewardship activities:

- 13.4.1. Comply with the Agsafe Code of Conduct in storage and distribution facilities;
- 13.4.2. Ensure all company premises within Australia where crop protection products are manufactured, formulated or stored are accredited by the Agsafe Training and Accreditation program;
- 13.4.3. Actively encourage third party premises within Australia where company owned crop protection products are manufactured, formulated or stored to participate in industry stewardship programs;
- 13.4.4. Actively encourage retail distribution networks to participate in and promote industry stewardship programs;
- 13.4.5. Ensure that all company personnel handling, selling, recommending, giving advice on, or taking responsibility for the safety of crop protection products are accredited by the Agsafe Training and Accreditation Program; and
- 13.4.6. Participate in Agsafe's **drumMUSTER** and ChemClear® or similar purpose programs formally approved by the CropLife Australia Board, and support other industry waste reduction initiatives formally recognised by CropLife, which aim to:
 - reduce the number of containers entering the distribution scheme;
 - increase the reuse of containers originally intended for single use;
 - increase the recycling of containers for material recovery;
 - improve occupational health and environmental practices by promoting the adoption of easier to clean and handle packaging, the use of safer emptying and rinsing devices and management of chemical containers in an environmentally appropriate way;
 - promote research and development into new formulations, packaging, recycling and material recovery uses;
 - educate distributors and farmers to purchase environmentally friendly returnable containers and in the appropriate disposal of non-returnable containers; and
 - provide for collection and disposal of unwanted rural chemicals that achieves a high participation rate of those holding waste, is accessible by all users who may hold those chemicals and is provided at lowest possible cost.
- 13.4.7. Participate in any industry packaging audits formally recognised and approved by CropLife Australia.

MEMBER VOLUNTARY INDUSTRY ACTIVITIES

As a member of CropLife Australia your company is encouraged to:

Participate in policies and programs

1. Adopt, implement or participate in industry wide sustainability activities that build on previous Industry Environment Reports.
2. Contribute financially or in kind to alliances as agreed by the Board from time to time.

Advertise CropLife Australia membership

3. Advertise membership of CropLife Australia in promotional information through the use of the phrase 'Member of CropLife Australia'.

ADMINISTRATION OF THE CODE OF CONDUCT

These procedures are intended to assist both complainants and subject companies to ensure that a fair and full review is conducted of complaints lodged. If these general criteria are not met, the complaint may be returned to the complainant for more information, or the review may be conducted in the absence of a complete response.

Member generated complaints

Complaints by one member company against another member company, which cannot be resolved amicably between the parties concerned, should be reported in writing to the CropLife Australia Company Secretary. The complaint should include the following information to ensure a complete review:

- the company and product(s) subject of the complaint;
- a description of the complaint, itemising specific claims at issue, with a complete rationale for the alleged breach, approved or full product information for complainant's product if mentioned in a comparative context, alleged consequences (damages to complainant) and including supporting data cross referenced to specific claims, as an attachment;
- section of Code alleged to be breached;
- details of attempts to resolve the matter with the respondent company; and
- written endorsement of the Chief Executive Officer/Managing Director of the complainant company.

In addition, complainants should note that:

- dialogue with the other party is not obligatory, but unless adequate reasons for not undertaking dialogue is given, then the complaint may not be accepted for evaluation until such attempts are made;
- when challenging a claim on technical/scientific grounds, it is not sufficient to simply state that the claim is not supported. Evidence must be provided to support the complainant's case; and
- if these criteria are not met, then CropLife Australia may return the complaint to the complainant for further information.

Response by Company/Member

When a complaint has been accepted for evaluation, the respondent company is asked to state whether or not the information supporting the complaint is correct and give any answer or explanation that may be deemed necessary.

When providing this information, the company should include:

- details of attempts to resolve the matter with the complainant;
- a brief summary of the response to each alleged breach;
- substantiation of the specific claims at issue with full supporting data;
- original pieces of the promotional material at issue; and
- the signature of the Chief Executive Officer/Managing Director of the company.

Procedure for complaint resolution

The CropLife Australia Company Secretary upon receiving a complaint will refer that complaint to the CropLife Australia Corporate Governance Committee.

The Corporate Governance Committee will consider the complaint and all facts put before it and will recommend a complaint resolution to the member(s) involved. If the member(s) involved do not accept the resolution proposal the complaint will be referred to the CropLife Australia Board for resolution.

The Board will consider the details of the complaint and recommend to the member(s) involved a resolution of the matter.

If the member(s) do not accept the CropLife Australia Board's proposed resolution, then the member(s) will agree to submit the complaint to independent dispute resolution procedures.

Following any complaint resolution, the Board will consider disciplinary action against member(s) involved in any complaint. Disciplinary action may include expulsion from CropLife Australia.

Nothing in this section reduces or removes a CropLife Australia member's ability to take external legal action in relation to a complaint against another member, however, members are strongly encouraged to work within the system outlined above in the first instance.

Non-member generated complaints

Complainants are encouraged to contact the subject company prior to lodging a complaint with CropLife Australia as a satisfactory explanation or solution may be immediately available.

If a resolution with the respondent member company is not achieved, the following information may be sent to the CropLife Australia Company Secretary:

- company and product subject to complaint;
- a brief description of the complaint, itemising specific claims at issue and including supporting data and alleged consequences;
- section of this Code alleged to be breached; and
- details of attempts to resolve the matter with the respondent company.

Complaints generated from sources external to the industry shall be referred to the CropLife Corporate Governance Committee for determination as to the most appropriate action required.