

EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 143

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry

Agricultural and Veterinary Chemicals (Administration) Act 1992
Agricultural and Veterinary Chemicals (Administration) Amendment
Regulations 2010 (No. 2)

Agricultural and Veterinary Chemicals Code Act 1994
Agricultural and Veterinary Chemicals Code Amendment
Regulations 2010 (No. 3)

Section 73 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (the Administration Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 6(1) of the *Agricultural and Veterinary Chemicals Code Act 1994* (the Act) provides, in part, that the Governor-General may make regulations prescribing matters required or permitted by the Agricultural and Veterinary Chemicals Code (the Code) to be prescribed by regulations within the meaning of the Code.

The Regulations amend the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* and the *Agricultural and Veterinary Chemicals Code Regulations 1995* to provide for a 10 per cent increase across all annual and applications fees charged by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

The increases commence from 1 July 2010 and apply to the following range of fees charged by the APVMA:

- annual fees for continued registration of chemical product;
- fees for applications to register chemical product according to application type;
- fee for applications to supply hormonal growth promotant;
- fees for applications to issue licences under the Good Manufacturing Practices (GMP) scheme for veterinary chemical products; and
- fees for applications for export certificates of chemical products.

In early 2008 the APVMA commenced a review of its cost recovery arrangements. The APVMA sought stakeholder input into this process and released a draft Cost Recovery Impact Statement (CRIS) in December 2008. A final CRIS was produced in August 2009 which outlined a number of revised cost recovery strategies.

Following consideration of the CRIS, the Minister for Agriculture, Fisheries and Forestry (the Minister), advised that he has decided to increase all annual and application fees charged by the APVMA by 10 per cent effective from 1 July 2010. The Minister further advised that the increase is an interim measure and that further changes to the APVMA's

cost recovery arrangements will be considered within twelve months in line with expected reforms to the operation of the APVMA. In the meantime, in addition to these Regulations, this change will be given effect by a variation to an earlier CRIS developed for the APVMA by the Department of Agriculture, Fisheries and Forestry (DAFF) in 2005.

Details of the Regulations are in the Attachment.

The Act specifies no other conditions that need to be met before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on 1 July 2010.

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Details of the Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2010 (No. 2)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2010 (No. 2)*.

Regulation 2 – Commencement

This regulation provides that the Regulations commence on 1 July 2010.

Regulation 3 – Schedule 1

This regulation provides that the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1]

This item amends subregulation 3.550(1) of the Principal Regulations to prescribe the increased fees for applications for export certificates of chemical products.

Details of the Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 3)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 3)*.

Regulation 2 – Commencement

This regulation provides that the Regulations commence on 1 July 2010.

Regulation 3 – Schedule 1

This regulation provides that the *Agricultural and Veterinary Chemicals Code Regulations 1995* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1]

This item amends subregulation 47(2) of the Principal Regulations to prescribe the increased fee for applications to supply hormonal growth promotant.

Item [2]

This item amends paragraphs 70(4)(a) and 70(5)(a) to (c) of the Principal Regulations to prescribe the increased fee to be paid for applications for modular assessments and to prescribe increased not repayable preliminary assessment fees.

Item [3]

This item amends subregulation 71(4), note 1 of the Principal Regulations to reflect that the legislative instrument, *Agricultural and Veterinary Chemicals Code Instrument No.2 (Modular Assessment Fees) 2005* exists.

Item [4]

This item amends subregulation 71(4), note 2 of the Principal Regulations to prescribe the increased not repayable amount in respect of the fee paid for applications for modular assessments.

Item [5]

This item amends subregulations 71A(1) and (2) of the Principal Regulations to prescribe the increased the annual fees for continued registration of chemical product.

Items [6] to [11]

These items amend subregulation 72A(1), subparagraphs 72A(2)(a)(i) to (iii) and paragraphs 72A(2)(d) to (g) of the Principal Regulations to prescribe the increased fees to be paid for applications to issue licences under the GMP scheme for veterinary chemical products.

Item [12]

This item amends subregulation 78(3), note of the Principal Regulations to prescribe the increased balance payable for applications where a modular assessment fee is payable.

Item [13]

This item amends subregulation 78A(2), note 1 of the Principal Regulations to prescribe the increased balance payable for applications where a modular assessment fee is payable.

Item [14]

This item amends Schedule 6, Part 2, table, column 4 of the Principal Regulations to prescribe the increased fees for applications to register chemical product according to application type.

Item [15]

This item amends Schedule 7, table, column 4 of the Principal Regulations to prescribe the increased fees for applications to register chemical product by modular assessment.