



Agricultural and Veterinary Chemicals Legislation Amendment (Reconsideration Participation Review) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 June 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Deputy Prime Minister and Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Agricultural and Veterinary Chemicals Legislation Amendment (Reconsideration Participation Review) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 June 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Agricultural and Veterinary Chemicals (Administration) Act 1992*;
- (b) section 6 of the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Agricultural and Veterinary Chemicals (Administration) Regulations 1995

1 At the end of Part 4

Add:

4.20 Reconsideration participation review

- (1) The Minister must ensure that a review (a *reconsideration participation review*) is conducted in relation to strategies to encourage participation by industry in reconsiderations under Division 4 of Part 2 of the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*.

Terms of reference

- (2) The terms of reference for the reconsideration participation review must include terms that require the following:
 - (a) the identification of any problems with the chemical industry and user industries participating in reconsiderations under that Division, including:
 - (i) any obstacles or disincentives to the provision of information to support ongoing registration of chemical products under that Division; and
 - (ii) compensation for providers of information;
 - (b) the identification of options for addressing any identified problems and for collaboratively generating information, including the following options:
 - (i) the task force approach adopted by the United States Environmental Protection Agency;
 - (ii) other relevant approaches used in comparable markets outside Australia;
 - (iii) other options to reduce the need for the generation and provision of information;
 - (c) an analysis of the costs and benefits of identified options for addressing problems, including an analysis of the impacts of the options on:
 - (i) different sectors of the chemical industry and user industries; and
 - (ii) the availability, and safe use, of chemical products;
 - (d) the making of recommendations, relating to matters within the APVMA's functions and powers, for preferred options to address any identified problems.

Persons conducting review

- (3) At least one of the persons conducting the review must not be otherwise appointed, employed or engaged in an ongoing capacity by the Commonwealth.

Use of external expertise

- (4) The persons conducting the review may draw on external expertise where necessary for the review.

Public consultation

- (5) The review must involve the publication of a public consultation document in relation to the review that includes a request for submissions in relation to the review from members of the public.
- (6) Submissions received in relation to the review must be:
 - (a) considered by the persons conducting the review; and
 - (b) made public, unless the person making the submission has requested that the submission, or a part of the submission, be kept confidential.

Time for completion of review

- (7) The review must be completed, and a written report of the review given to the Minister, no later than 30 June 2019.

Review report and response

- (8) The Minister must ensure that the report of the review is published on the Department's website within 6 weeks of receiving the report.
- (9) The Minister must ensure that the Minister's response to the report of the review is published on the Department's website within 3 months of receiving the report.

Agricultural and Veterinary Chemicals Code Regulations 1995**2 Regulation 80D**

Repeal the regulation.