

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

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Agricultural and Veterinary Chemicals (Administration) Regulations 1995 2

Agricultural and Veterinary Chemicals Code Regulations 1995 3

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.