

Streamlining Regulation of Agricultural and Veterinary Chemicals  
Agvet Chemicals Branch  
Department of Agriculture and Water Resources  
GPO Box 858  
CANBERRA ACT 2601

Email: [agvetreform@agriculture.gov.au](mailto:agvetreform@agriculture.gov.au)

Dear Madam/Sir

Accord provides this submission to the Department's *Consultation on Streamlining Regulation of Agricultural and Veterinary Chemicals* (the Consultation) and the Exposure Draft Agricultural and Veterinary Chemicals Legislation (Streamlining Regulation) Bill (Exposure Bill).

Accord is the peak national industry association representing the manufacturers and marketers of formulated hygiene, cosmetic and specialty products, their raw material suppliers, and service providers. Accord member companies make and/or market fast-moving consumer and commercial goods including hygiene, cosmetics and specialty products, sunscreens, food contact sanitisers, industrial and agricultural sanitisers, household pesticides, disinfectants and specialty commercial products. Member companies include large global consumer product manufacturers as well as small dynamic Australian-owned businesses with 45%<sup>1</sup> of members operating as SMEs (<200 employees). A list of Accord member companies is available on our website: <http://accord.asn.au/about/members>.

Approximately 27%<sup>2</sup> of our members have dealings with the APVMA. Most of which are small to medium enterprises operating in low margin businesses that are susceptible to input cost-pressures. Products are either fast moving, low risk consumer goods or low risk, well characterised products which represent a low regulatory burden on the agvet sector and are not the core focus of the APVMA's regulatory activities.

Accord members have an interest in the efficient and effective operation of the APVMA through its administration of legislation as well as implementation of reform initiatives. While the aim of the Consultation is to streamline regulatory requirements for a more efficient and effective regulatory system to reduce the compliance burden on industry, disappointingly the proposed implementation strategies for the reforms will not achieve this goal. The proposed implementation strategies appear overly bureaucratic, risk averse and complex. This approach will not lead to the intended outcomes of reducing red tape, encouraging innovation and promoting sustainable industry, offering solutions to agriculture.

Australian industry is suffering from reform fatigue. While there have been a multitude of consultations from various regulatory agencies, industry is yet to see a significant improvement in the overall regulatory landscape for chemicals management in Australia. Accord is particularly disappointed that the reform as proposed by the National Commission of Audit for rationalising and streamlining government bodies:

*The National Industrial Chemicals Notification and Assessment Scheme (currently in the Department of Health) could be merged with the Australian Pesticides and Veterinary Medicines Authority to create a new Chemicals Australia body in the Industry Portfolio.*<sup>3</sup>

was not openly pursued.

---

<sup>1</sup> Results from Accord Industry Size and Scale Survey 2018

<sup>2</sup> *ibid*

<sup>3</sup> National Commission of Audit, *Towards Responsible Government*, February 2014

Accord's comments on the specific proposals for change are at Attachment 1.

I trust our comments are of assistance. The contact person for this matter is Ms Dusanka Sabic, Accord's Director of Regulatory Reform. Ms Sabic can be contacted on 02 9281 2322 or by email at [dsabic@accord.asn.au](mailto:dsabic@accord.asn.au).

Yours sincerely



Bronwyn Capanna  
**Executive Director**

August 2018



## ATTACHMENT 1

### Accord comments on the Consultation proposals for change

**Proposal 1** - Provisional registration or variation with conditions for efficacy (provisional registration of chemical products)

**Comment** – Accord members have been strongly supportive of introducing provisional registration. However, the proposed implementation approach as outlined in the Consultation is disappointing and we do not believe will deliver the intended outcomes. Of particular concern is the requirement to leave the implementation of the proposed measure to the APVMA’s discretion. It is our experience that the APVMA is an extremely risk averse agency, and such a discretionary approach provides no certainty or predictability for industry when it has met the requirements for any provisional registration.

Provisional registration should be available to all applicants and for all product types to enable additional data to be generated. The trigger for provisional registration could be in response to questions raised by the APVMA during assessment of an application, in response to an applicant’s request for pre-application assistance or at the request of the applicant.

**Proposal 2** – An accreditation scheme for assessors in the future (accreditation of assessors)

**Comment** – While Proposal 2 is supported, the use of external assessors should be independent experts relevant to the data being assessed. Accord is concerned with the suggestion to accredit persons for a range of other purposes in the future as this could place current regulatory consultants at a competitive disadvantage. Some of the proposed purposes as outlined in the Consultation such as preparing assessments are already undertaken by regulatory consultants. It is not appropriate for the APVMA to distort the services market by requiring accreditation and charging for accreditation when regulatory consultants have been successfully operating this function for a considerable period. While the Consultation indicates that fees or a levy may be imposed for the accreditation scheme, there is no such consideration as to the potential for discounted registration fees given that this work will not be required to be undertaken by the APVMA. A different fee structure will have to be developed for registrations utilising the accreditation scheme.

**Proposal 3** – Prescribed approvals and registrations (approval and registration for active constituents, chemical products or labels)

**Comment** – Supported. Accord has advocated for a considerable period a lighter regulatory touch for chemicals and products of low regulatory concern. While we support the principle for prescribed approvals and registration, the proposed implementation may not achieve the desired effect given that the APVMA is a risk averse regulator and the requirements for it to be “satisfied” are set at a very high level. From our experience over the last 10 years in our work to achieve a lighter regulatory pathway for dairy sanitisers and cleanser, all of which has been to no effect. Hence our serious concerns about whether this proposal could be implemented efficiently to achieve the desired outcome.

**Proposal 4** – Data protection incentives for certain uses of chemical products (limits on use of information)

**Comment** - Supported

**Proposal 5** – Prescribe certain information that can be taken into account if provided during an assessment (information to be taken into account in determining applications)

**Comment** – Accord is not opposed to this measure but is not convinced that the proposed implementation approach will deliver meaningful reform.

**Proposal 6** – Provide for computerised decision-making (computerised decision-making)

**Comment** – Supported. This measure is long overdue particularly for chemicals and products of low regulatory concern. Computerised decision-making tools should be available to the regulated community as well as the regulator. Decisions made by any computer system should be eligible for review. Any system should also allow for efficient updating of decision algorithms.

**Proposal 7** – Improve the transparency of voluntary recalls (voluntary recalls)

**Comment** - Supported

**Proposal 8** – Require relevant information to be provided in relation to label approvals and variations (notification of new information)

**Comment** – While not opposed, it is unclear what efficiency measures will be gained from this proposal unless it is married with Proposal 1 for provisional registration to allow for data generation, if the required additional data, is not readily available.

**Proposal 9** – Standards for registered chemical product constituents (definition of registered chemical product)

**Comment** -Supported. Our comments for Proposal 3 are relevant here.

**Proposal 10** – Suspension or cancellation of approvals and registrations for providing false or misleading information in an application for variation or label approval (suspension or cancellation of approval or registration for provision of false or misleading information)

**Comment** - Supported

**Proposal 11** – Addressing an inconsistency in label particulars (supply of registered chemical products with unapproved label)

**Comment** - Supported

**Proposal 12** – Improving dealings with suspended approvals and registrations (variation of approval or registration during suspension)

**Comment** - Supported

**Proposal 13** – Address anomalies in matters that can be prescribed for the statutory criteria (safety, efficacy, trade and labelling criteria)

**Comment** – While not opposed, it is unclear what efficiency measures will be gained from this proposal.

**Proposal 14** – Simplifying APVMA corporate reporting requirements (annual operational plans)

**Comment** - Supported

**Proposal 15** – Align the 2014 legislation review with the overarching review of agvet chemical legislation (other amendments)

**Comment** - Supported

**Proposal 16** – Make minor and machinery changes to the Administration Act and Agvet Code (other amendments)

**Comment** - Supported

**Proposal 17** – Other Amendments from the Agriculture and Water Resources Legislation Amendment Bill 2016 (other amendments)

**Comment** - Supported