



Submission on the Exposure Draft of the Agricultural and Veterinary Chemicals Legislation Amendment (Operational Efficiency) Bill 2017

Section A: General information

Purpose of this form For individuals and organisations to provide submissions on the Exposure Draft of the Agricultural and Veterinary Chemicals Legislation Amendment (Operational Efficiency) Bill 2017.

Use this form to provide a submission or to write a long-form response. You can also attach a separate response.

Before applying See [Agriculture and Veterinary Chemicals Legislation Amendment \(Operational Efficiency\) Bill 2017](#).

Closing date 19 July 2017

To complete this form Save the document to your computer.

Your submission must include a completed and signed submission form
 where relevant, supporting information from organisations, written on their official letterhead.

Post or email (preferred) your submission Agvet Chemicals
Sustainable Agriculture, Fisheries & Forestry Division
Department of Agriculture and Water Resources
GPO Box 858
Canberra ACT 2601
Email agvetreform@agriculture.gov.au

Section B: Applicant

1 Organisation name (if applicable): [Horticulture Innovation Australia Limited](#)

2 Contact address

Postal address: [Level 8, 1 Chifley Square](#)

Suburb/town/city: [Sydney](#) State/territory [NSW](#) Postcode [2000](#)

3 Contact person

Given name(s) David Family name Moore

Work phone XX XXXX XXXX Mobile phone XXXX XXX XXX

Email XXXXXXXX@XXXXXXXXXXXXX

Section C: Confidentiality

4 Is all of your submission confidential?

No

Yes Clearly mark the submission 'In confidence'

5 Is part of your submission confidential?

No

Yes Clearly mark the relevant section(s) 'In confidence'

Section D: Publication of submissions on the department website

Unless you request otherwise, the department will publish your name, organisation and the title of your submission on its website. Your contact information will not be made available.

6 Do you agree to your submission being made publicly available?

No Go to question 8

Yes Go to question 7

7 Do you agree to your name and state/territory being listed?

No

Yes

8 Do you agree to the department contacting you about your submission if required?

No

Yes

Section E: Submission type

9 What type of submission are you making? (select one box only)

Response to key topics in the draft report → Go to section F

Long-form response to the whole draft report → Go to section G

Separate response in an attached document → Go to section H

Section F: Response to key topics in the consultation paper

Support your answers with references.

10 Comment on clarifying confidential commercial information provisions.

Hort Innovation has concerns over how data submitted in support of minor use permit (MUP) applications is to be managed given the proposed changes. Hort Innovation understands that data submitted in support of a MUP is not considered confidential commercial information (CCI) under the Act. However, as Hort Innovation is, on occasion, being asked by the APVMA to provide full studies to support MUP renewals, questions have arisen over the status and management of such data, i.e., could submitted data be disclosed to third parties given the data is not considered confidential commercial information? When seeking such data from collaborating registrants Hort Innovation has encountered questions over whether such data could be accessed by a third party without the authority of the data owner, given CCI does not apply. This uncertainty can impact the ability of Hort Innovation to fulfil APVMA data requirements, as such data sharing is considered problematic by registrants. Such registrant reluctance can impede the ability of Hort Innovation to retain access to much needed minor use chemicals. As a result Hort Innovation believes clarification is needed over the management of such data, i.e., whether via a policy statement or development of a legislative amendment, to ensure data submitted in support of a MUP application can't be relied upon by third parties, when seeking label amendments, without the authority of the data submitter/owner.

11 Comment on simplifying reporting requirements for annual returns.

12 Comment on increasing the APVMA's flexibility to manage minor errors in applications at preliminary assessment.

13 Comment on APVMA amendment of the relevant particulars or conditions in a variation application.

14 Comment on timeframe for notifying FSANZ about variations to the MRL Standard.

15 Comment on enabling a person to vary the particulars of a label approval that is suspended.

16 Comment on the amendments to the definition of 'expiry date'.

17 Comment on adding the potential for human exposure to antimicrobial resistant microorganisms as a specific safety consideration.

18 Comment on including civil penalty provisions for false or misleading information.

19 Comment on other minor and technical amendments to the Agvet Code and the Administration Act.

20 Other comments. This could include additional information or relevant issues to be raised.

Hort Innovation believes economic incentives are needed to help improve access to new farm chemicals in minor crops. Current government activity via Agvet chemicals grants programme, while welcomed, is unlikely to provide a long-lasting solution. Hort Innovation therefore believes downstream mechanisms, that provide strong incentives for companies to invest, are needed to boost the attractiveness of including minor crops to registrants when seeking new product approvals.

→ Go to section H

Section G: Long-form response to the consultation paper

21 Support your response with references. Attach additional sheets if necessary.

Section H: Applicant declaration

To be completed by the person listed in section B of this application.

I understand that:

- the Australian Government reserves the right to refuse to publish submissions, or parts of submissions, that contain offensive language, potentially defamatory material or copyright infringing material
- a request may be made under the *Freedom of Information Act 1982* for a submission marked confidential to be made available. Such requests will be determined in accordance with provisions under that Act
- if I provide personal information about an individual other than myself, I must make that person aware of the privacy notice in section I of this form and draw their attention to the department's privacy policy.

Signature (type or sign your name) _____ (David Moore)

Date (dd/mm/yyyy) 17 / 07 / 2017

Full name David Moore

Section I: Privacy notice

'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

The collection of personal information by the Department of Agriculture and Water Resources in relation to this submission is for the purposes of gathering information on the Exposure Draft of the Agricultural and Veterinary Chemicals (Operational Efficiency) Bill and related purposes. If you do not provide this information, the department will be unable to contact you to discuss your submission.

Under the *Freedom of Information Act 1982*, submissions marked confidential may be made available. Such requests will be determined in accordance with provisions under that Act.

Personal information may be published on the department's website, disclosed to other Australian agencies, persons or organisations where necessary for these purposes, provided the disclosure is consistent with relevant laws, in particular the *Privacy Act 1988*. Your personal information will be used and stored in accordance with the Privacy Principles.

See the department's [Privacy Policy](#) to learn more about accessing or correcting personal information or making a complaint. Alternatively, telephone the department on +61 2 6272 3933.