

Agricultural and Veterinary Chemicals Code Regulations 1995 No. 27

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 27

Issued by the Authority of the Minister for Primary Industries and Energy

Agricultural And Veterinary Chemicals Code Act 1994

Agricultural and Veterinary Chemicals Code Regulations

Section 6 of the Agricultural and Veterinary Chemicals Code Act 1994 (the Act) provides that the Governor-General may make regulations for the purpose of the Act.

The Agricultural and Veterinary Chemicals Code Bill 1993 was passed in March 1994 as part of the package of legislation to implement the National Registration Scheme for agricultural and veterinary

The purpose of the regulations is to provide the necessary support to this new legislation.

The Code Act and its supporting regulations set out precise details of how the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) is to operate in its day-to-day dealings with applicant companies, and in regard to the assessment of applications received from those companies. As the approval process is very complex and frequently scientific in nature, the Act and regulations reflect these features.

The regulations cover a range of matters of an operational nature, the main areas being as follows:

- definition, additional to that in the Act, as to the scope of products that are covered by the Act
- arrangements for the operation of commercial protection, or "ownership", (for periods ranging from 2 to 7 years), for companies supplying scientific data which is requested by the NRA. Such data must be in respect of a chemical for which patent protection has expired, The regulations also set out arbitration arrangements for the right to use such data to be sold to other parties
- the setting out of fees for all the functions performed by the NRA
- the setting out of the maximum times allowed for the NRA to complete the various functions it undertakes. After this period has expired, the NRA forfeits a financial penalty
- listing of particulars that must be recorded by the NRA when an active ingredient, a product, or a label is approved
- requirements that holders of a licence to manufacture must comply with (this applies only to veterinary, chemicals and a very small number of agricultural chemicals)
- certain matters relating to chemical testing, warrants etc in connection with the legal enforcement/prosecution role of the NRA
- arrangements for the recording of information relating to the supply of hormonal growth promotants

- arrangements for the issue of "permits" to allow the doing of certain things that would otherwise be illegal under this legislation
- provision for fairly comprehensive "citizen access" to confidential commercial information held by the NRA.