



**Australian Government**  

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**Australian Pesticides and  
Veterinary Medicines Authority**



## **Updating the guide for determining a minor use**

Discussion paper

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## Background

Access to safe and effective agricultural and veterinary (agvet) chemicals is important to Australian agricultural and livestock industries, the community, and the environment.

Minor use permits are issued to allow for the legal use of agvet chemicals in situations where registration of the product would not produce sufficient economic return. A minor use may include use on a minor crop, animal or non-crop situation, or limited use on a major crop, animal or situation.

The Agricultural and Veterinary Code Regulations 1995 state that a minor use:

- a) *in relation to a chemical product or an active constituent, is a use of the product or constituent that would not produce sufficient economic return to an applicant for registration of the product to meet the cost of registration of the product, or the cost of registration of the product for that use, as the case requires (including, in particular, the cost of providing the data required for that purpose)*
- b) *in relation to a chemical product, is a use of the product where the following apply:*
  - (a) *Instructions for that use are in the Register in relation to one or more registered chemical products.*
  - (b) *None of those registered chemical products is available for sale anywhere in Australia.*

The Australian Pesticides and Veterinary Medicines Authority (APVMA) recognises that whilst the current minor use definition is embedded in legislation, additional guidance is required because the issue of 'sufficient economic return' can be difficult to determine for both the applicant and the regulator.

The APVMA has developed [guidelines](#) to assist in determining whether a particular use can be defined as a 'minor use', including a list of major crops, animal species and situations (Schedule 1). These are based on the volume of commodity production, area under cultivation, dietary consumption, value of the crop and export quantities. Anything outside this list can be considered 'minor'.

The APVMA guidance also includes information regarding limited use in a major crop, animal, or situation and sufficient economic return (Schedule 2). 'Limited use' means the use does not occur across the whole industry but is only confined to limited segments or it is only used infrequently or sporadically.

The current guidelines state:

*"Limited use within a major crop, animal or non-crop situation must not exceed:*

- *10% of the total area of crop, number of animals, or area of situation, or*
- *10,000 ha*

*(whichever results in the least amount) per annum."*

The final section of the guidance requires evidence that registration would not produce sufficient economic return (Schedule 3). This includes details of investment costs (e.g. costs associated with data generation and analysis, internal costs, and registration fees) and the potential return on investment.

## Problem/opportunity

These guidelines were first developed in the early 2000's and have since received minimal update. As the agricultural landscape has changed over time, crops that were once considered major may now command only a small market share, whereas previously minor crops may have seen a surge in popularity or value.

The APVMA has received feedback that some crops may be inappropriately included under Schedule 1 – Major crops, animals or non-crop situations. Conversely, the growth or value of other commodities may now classify them as major commodities.

There are also cases where a use would not produce sufficient economic return in a 'major' commodity but would not meet the Schedule 2 criteria of a 'limited use'.

### Case study 1 – melons

Melons (except watermelons) are listed as a major crop under Schedule 1 of the Guide. According to the *Australian Horticulture Statistics Handbook for 2020/21*<sup>1</sup>, overall melon production was 182,572 tonnes, worth \$149 million. Of these, watermelon accounted for 114,975 tonnes, to the value of \$64.9 million. This represents 63% of production volume and 44% of production value of melons overall, yet watermelon is considered a minor crop while all other melons are major crops.

### Case study 2 – minor crops versus limited use in major crops

Capsicum and sweet corn are both members of crop Group 012 – Fruiting vegetables, other than cucurbits.

Capsicum is considered a major crop under Schedule 1 of the guide. Sweet corn is not listed under Schedule 1 and is therefore considered a minor crop. According to the Australian Bureau of Statistics (ABS)<sup>2</sup> the total production area of capsicums in 2017–18 was 2,000 ha. Under Schedule 2 of the Guide, a proposed use in capsicums would be limited to 10% of the crop, or 200 ha, to qualify as a 'minor use'. On the contrary, according to the ABS, the production area of sweet corn in 2017–18 was 9,200 ha. As sweet corn is not listed as a major crop, treatment of this entire production area could be considered a 'minor use'. In this case, the area is 46 times greater than what would be considered a 'minor use' in a 'major' crop.

These examples are presented not to argue that the classifications of these crops should be changed, but to illustrate the economic nuances that should be considered and explain the motivation behind updating the guidance.

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<sup>1</sup> Horticulture Innovation Australia Limited (2021) [Australian Horticulture Statistics Handbook 2020/21](#), Horticulture Innovation Australia Limited, accessed 3 January 2023.

<sup>2</sup> Australian Bureau of Statistics [Agricultural Commodities, Australia, 2017–18](#), ABS, accessed 5 December 2022.

## Proposal

The APVMA is proposing to develop a set of well-defined parameters to classify major and minor uses and to update the list of major crops, animals and situations. Importantly, no changes to the legislative definition of ‘minor use’ are proposed.

The aim is to provide:

- updated guidance for determining a minor use, including a review of Schedule 1 and Schedule 2 of the current guidelines
- criteria to classify major and minor commodities
- a tool or framework to re-assess and review the list of major commodities as Australian agriculture evolves over time.

Factors that may be considered include:

- volume of production
- area under cultivation or numbers of trees or animals
- dietary consumption
- value of crop or animal
- export quantities
- pest/disease pressure
- data requirements for registration.

Other considerations for determining minor uses may include:

- crop grouping and new registrations
- incentives for registration (additional data protection periods)
- market factors
- global factors – export markets and major trade commodities
- consumer trends
- and also – different production methods, e.g. seed production, nursery stock, hydroponics, protected cropping, organic etc.

## Next steps/consultation

The APVMA invites written submissions on the proposed update to the [APVMA guidelines for determining a minor use](#).

Your feedback will help us to identify ways to improve the guidance for determining a minor use. The APVMA may follow up with you for further information about your submission.

Please note: submissions will be published on the APVMA's website, unless you have asked for the submission to remain confidential, or if the APVMA chooses at its discretion not to publish any submissions received (refer to the [public consultation coversheet](#)).

Please lodge your submission using the [public consultation coversheet](#), which provides options for how your submission will be published.

Note that all APVMA documents are subject to the access provisions of the *Freedom of Information Act 1982* and may be required to be released under that Act should a request for access be made.

Please send your written submission and coversheet by email or post to:

Email: [enquiries@apvma.gov.au](mailto:enquiries@apvma.gov.au)

Post:

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## Acronyms and abbreviations

Shortened term	Full term
ABS	Australian Bureau of Statistics
Agvet	Agricultural and veterinary

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