

Agricultural and Veterinary Chemicals Code Regulations 1995

Statutory Rules No. 27, 1995

made under the

Agricultural and Veterinary Chemicals Code Act 1994

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**About this compilation**

**This compilation**

This is a compilation of the *Agricultural and Veterinary Chemicals Code Regulations 1995* that shows the text of the law as amended and in force on 1 July 2016 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

Division 1.1A—Name and commencement 1

1 Name of Regulations 1

2 Commencement 1

Division 1.1—Definitions 2

3 Interpretation 2

3A Meaning of *reference active constituent* 8

3B Meaning of *reference chemical product* 8

3C Definition of *confidential commercial information—*section 3 of the Code 8

4 Definition of *date‑controlled chemical product—*section 3 of the Code 8

5A Meaning of *lodged* 9

7 Definition of *agricultural chemical product—*section 4 of the Code 9

8 Definition of *veterinary chemical product—*section 5 of the Code 9

8AA Safety criteria—active constituents 9

8AB Safety criteria—chemical products 9

8AD Trade criteria 10

8AE Labelling criteria 10

8AF Standards made by APVMA 11

Division 1.2—General provisions about applications 13

8AFA Application requirements—chemical product registration renewal applications 13

8AFB Application requirements—application for prescribed variations 13

8AG Application requirements—timeshift applications 13

8AH Application requirements—copies of applications 13

Division 1.3—General provisions about notices 14

8AHA Published notice of approvals of labels and variations of relevant particulars or conditions of approvals 14

8AK Information to be given in notice to holder 14

8AL Information to be given on refusal of application to vary prescribed relevant particular 15

8AM Publication requirements—approvals and variations of approvals of active constituents 15

8AN Publication requirements—registrations, variations of registrations and approval of labels 16

8AO Matters for notice following preliminary assessment 17

8AP Matters for notice for technical assessment 18

8AQ Matters for notice in relation to extension of permit 18

Division 1.6—Listed chemical products 20

8AR Listed chemical products 20

Part 2—Approvals and registration 21

Division 2.1A—Pre‑application assessments and assistance 21

8AS APVMA may provide technical assessments 21

8AT APVMA may provide pre‑application assistance 21

Division 2.1—Granting or refusing approvals and registrations 22

Subdivision 2.1.1—Preliminary applications—summaries of applications 22

8B Summaries of applications for active constituents for chemical products 22

8D Summaries of applications for chemical products that are not the same as a registered chemical product 22

8E Summaries of applications for chemical products that are the same as a registered chemical product 23

Subdivision 2.1.3—Particulars for approvals, registrations and labelling 23

15 Particulars of approved active constituents to be recorded 23

16 Particulars of registered chemical products to be recorded 24

17 Particulars for label 24

Subdivision 2.1.4—Conditions of approval—active constituents and chemical products 25

17C Conditions of approval or registration—active constituents and chemical products 25

18 Conditions of registration of chemical products—containers 27

Subdivision 2.1.6—Conditions of approval—labels 27

18B Prescribed conditions for approval of labels 27

18C Label must be attached to containers for chemical products 27

18D Information on label 27

18E Labelling standards and requirements 28

18F Requirements for information on labels 28

18G Requirements about claims inconsistent with labels 28

18H Retention of label and information about label 29

18I Providing label and information about label to APVMA 29

18J Identifying information recorded for holder and nominated agent 30

Subdivision 2.1.6A—Incorrect particulars and conditions 30

18K Incorrect particulars and conditions APVMA must correct 30

Division 2.2—Granting or refusing applications for variation of relevant particulars, or conditions, of approvals or registration 31

Subdivision 2.2.1—Variation applications—summaries of applications 31

19AD Summaries of applications for variation for chemical products 31

Subdivision 2.2.2—Notifiable variations 32

19AE Notifiable variations 32

19AEA Interchangeable constituent determinations 33

19AEB Applying for an interchangeable constituent determination 34

19AEC Limits on information that may be used for interchangeable constituent determinations 35

Subdivision 2.2.3—Prescribed variations 36

19AF Prescribed variations 36

Division 2.3—Reconsideration of approval or registration 39

20 Reconsideration work plan 39

21 Period for giving information, reports, results or samples 40

22 Notice of decision on reconsideration 40

22AA Reconsideration by APVMA of approval of label 40

Division 2.6—Late applications 41

23 Late applications for renewal of registration of chemical product 41

Division 2.7—Renewal of registration 42

23A When renewed registration ends 42

Part 2B—Reserved chemical products 43

23G Reserved Schedule 43

23H Conditions for dealing with reserved chemical product—containers for supply 43

23I Conditions for dealing with reserved chemical product—labels 43

Part 3—Compensation for provider of certain information in respect of continued registration of certain chemical products 45

Division 3.1—Notices 45

24 Protected registered information—notice to primary holder 45

25 Protected registered information—notice to secondary holder 45

Division 3.2—Conduct of arbitration 46

26 Rules governing the conduct of an arbitration 46

27 Notice of appointment of arbitrator 46

28 Parties to give information to arbitrator 46

29 Mediator to submit report 46

30 Arbitrator to conduct a hearing 46

31 Arbitrator to give parties notice of hearing 46

32 Arbitrator’s powers if holder does not attend hearing 47

33 Procedure at the hearing 47

34 Representation at the hearing 47

35 Arbitrator may require information etc 47

36 Fair proportion of cost of providing protected registration information 48

37 Arbitrator’s costs 48

38 Holders’ cost of arbitration 48

39 Arbitrator exonerated from liability 48

Part 4—Control of chemical products 49

Division 4.1—General 49

40 Supply of substances for research etc for chemical products 49

41 Supply etc of substances with constituents differing from registered particulars 50

42 Prescribed standards for chemical products 50

43 When statements about chemical products can be made or reported 51

43A Division 3 of Part 4 of the Code does not apply to listed chemical products or reserved chemical products 52

44 Record of manufacture or import of date‑controlled chemical product 52

45 Restricted chemical products 53

46 Supply of chemical product—batch number or record of supply 53

Division 4.2—Supply of hormonal growth promotants 55

47 Notice of intention to supply hormonal growth promotant 55

47A Notification number may be replaced or withdrawn 55

47AB Review of decision withdrawing assigned notification number 55

47B Notification number to be renewed annually 55

47C Hormonal growth promotant not to be supplied etc 56

48 Supply of hormonal growth promotant—purchaser’s declaration 56

49 Record of supply of hormonal growth promotant—manufacturer and supplier 57

50 Record of supply of hormonal growth promotant—importer and supplier 57

51 Record of supply of hormonal growth promotant—other suppliers 58

52 Record of supply of hormonal growth promotant—general requirements 59

53 Copy of records to be given to APVMA 59

54 Copy of records etc to be kept 60

Part 5—Analysis 61

55 Analysis of chemical products—tests 61

55A Prescribed standards for supplied substances 61

56 Analysis at an accredited laboratory 62

Part 6—Permits 63

57 Requirements for issue of permit on application 63

57A Requirements for issue of permit on APVMA’s own initiative 63

57B Duration of permit—extension for further period 63

Part 7—Manufacture of chemical products 65

59 Part 8 of the Code does not apply to listed chemical products, reserved chemical products and certain other products 65

59A Manufacture of chemical products—exempt persons—single step 66

59B Manufacture of chemical products—exempt persons—chemical product that ceases to be prescribed 66

59C Manufacture of chemical products—exempt persons—legal personal representative etc of licence holder 67

59D Manufacture of chemical products—exempt persons—person that acquires business including transfer of licence 68

59E Requirements for issue of licence 68

60 Licence condition—holder to give information about manufacture 68

61 Licence conditions—general 69

61A Determination following GMP audit 71

62 Licence condition—naming persons in control of production etc 72

Part 8—Enforcement 73

63 Method of securing samples 73

64 Infringement notices 73

Part 9—Miscellaneous 74

Division 9.1—Information 74

65 Information that must be given electronically 74

65A Period for giving additional information, report or sample—applications 74

65B Period for giving additional information, report or sample—suspensions and cancellations 75

66 Disclosure of confidential commercial information about toxicity etc 75

67 Disclosure of confidential commercial information about chemical products not yet registered etc 76

68 Disclosure of confidential commercial information to international organisations 76

69 Disclosure of confidential commercial information—records 76

69AAA Disclosure of information given with applications under these Regulations 77

Division 9.2—Fees 79

69A Payment of fees 79

69AA Prescribed fee for notices of notifiable variations 79

69B Fees for pre‑application assistance 79

70 Fees for applications 79

70A Modular assessment fees 81

70B Recategorised applications 81

71A Fees for continued registration of chemical product 83

71B Overseas GMP compliance assessment 83

71C Fees for applications relating to holder or nominated agent 84

72 Remission and waiver of fees for applications 85

72A Fees for licences 85

73 Fees for copies and extracts 87

73A Fees for converting information and documents into electronic form 88

Division 9.3—Notification, assessment periods and review 89

75 Notification that application has been received 89

76 Period within which APVMA is to determine application 89

76A Extended assessment periods 90

76B Extension of assessment period or extended assessment period for recategorised applications 90

77 Modular assessment period 90

78 Commencement of assessment period 91

78A Period for determining applications relating to holders and nominated agents 91

78AA Period for determining applications for renewal of registration 91

78B Period within which APVMA is to conclude reconsiderations 91

78C Review of decisions by Administrative Appeals Tribunal 93

Division 9.4—Logo of APVMA 94

79 Logo of the APVMA 94

Part 9A—Review of prescribed matters 95

80A Purpose of Part 9A 95

80B Definitions for Part 9A 95

80C Repeal of Part 9A 95

80D Reconsideration participation review 95

80E Work health and safety duplication review 96

Part 10—Transitional and application provisions 99

Division 10.1—Transitional provisions for Agricultural and Veterinary Chemicals Legislation Amendment Act 2013 99

80 Definitions 99

82 Continuation of old Code requirements for old Code applications 99

83 Preliminary notices issued under old Code 99

84 Assessment periods for old Code applications 100

85 Reconsiderations commenced under old Code 101

Division 10.2—Amendments made by the Agricultural and Veterinary Chemicals Legislation Amendment Regulation 2014 103

86 Operation of Schedule 1 to the *Agricultural and Veterinary Chemicals Legislation Amendment Regulation 2014* 103

Division 10.3—Application of amendments made by the Agricultural and Veterinary Chemicals Code Amendment (Removal of Re‑approvals and Re‑registrations) Regulation 2014 104

87 Application of amendments in relation to existing approvals of labels 104

Division 10.5—Amendments made by the Agricultural and Veterinary Chemicals Legislation Amendment (Simplified Formulation Variations and Other Measures) Regulation 2015 105

90 Operation of amendments to applications for the renewal of the registration of a chemical product 105

91 Repeal of this Division 105

Schedule 1—Date‑controlled agricultural chemical products 106

Schedule 3—Definition of agricultural chemical product 107

Part 1—Preliminary 107

1 Definitions 107

Part 2—Substances or mixtures declared to be agricultural chemical products 108

Part 3—Substances or mixtures declared not to be agricultural chemical products 109

Schedule 3AA—Definition of veterinary chemical product 111

Part 1—Preliminary 111

1 Definitions 111

Part 2—Substances or mixtures declared to be veterinary chemical products 112

2 Substances or mixtures declared to be veterinary chemical products 112

Part 3—Substances or mixtures declared not to be veterinary chemical products 113

Division 3.1—Substances or mixtures declared not to be veterinary chemical products—general 113

3 Substances or mixtures declared not to be veterinary chemical products 113

Division 3.2—Excluded nutritional or digestive products 115

4 Excluded nutritional or digestive products 115

5 Ingredient requirements for excluded nutritional or digestive products 115

6 Claims requirements for excluded nutritional or digestive products 117

7 Labelling requirements for excluded nutritional or digestive products 118

8 Manufacturing requirements for excluded nutritional or digestive products 119

Division 3.3—Ingredient determinations 121

9 Ingredient determinations 121

10 Applying for ingredient determinations 122

11 Information that may be used for ingredient determinations 123

Schedule 3B—Listed chemical products 125

Part 1—Preliminary 125

1 Particulars of listed chemical products 125

2 Active constituents in listed chemical products 125

Part 2—Listed chemical products 126

Part 3—Active constituents in listed chemical products 127

Division 3.1—Agricultural chemical products 127

Subdivision 3.1.1 Home swimming pool and spa products 127

Division 3.2—Veterinary chemical products 129

Subdivision 3.2.1 Joint health products for dogs and horses 129

Schedule 3C—Reserved Schedule 131

Part 1—Preliminary 131

1 Definitions 131

2 Particulars of reserved chemical products 131

3 Active constituents in reserved chemical products 131

Part 2—Reserved chemical products 133

Part 3—Active constituents in reserved chemical products 135

Division 3.1—Agricultural chemical products 135

Subdivision 3.1.1 Disinfectants 135

Division 3.2—Veterinary chemical products 139

Schedule 4—Restricted chemical products 140

Schedule 5A—Infringement notices 141

Schedule 6—Application fees and assessment periods 145

Part 1—Preliminary 145

1.1 Definitions 145

1.2 When chemical products are closely similar 145

1.3 When chemical products are similar 147

1.4 When chemical products are *the same* 148

1.5 Meaning of *protected information* 148

1.6 Effect of Part 2 where information is protected information 148

1.7 Fee when application for registration preceded by application for permit 148

Part 2—Table of fees and assessment periods 149

Schedule 7—Table of fees and periods for completion of modules, levels and types of assessments 163

Schedule 8—Logo of the Australian Pesticides and Veterinary Medicines Authority (APVMA) 165

Endnotes 166

Endnote 1—About the endnotes 166

Endnote 2—Abbreviation key 167

Endnote 3—Legislation history 168

Endnote 4—Amendment history 170

Part 1—Preliminary

Division 1.1A—Name and commencement

1 Name of Regulations

These Regulations are the *Agricultural and Veterinary Chemicals Code Regulations 1995*.

2 Commencement

These Regulations commence on the same day as the *Agricultural and Veterinary Chemicals Code Act 1994*.

Division 1.1—Definitions

3 Interpretation

(1)In these Regulations, unless the contrary intention appears:

***Act*** means the *Agricultural and Veterinary Chemicals Code Act 1994*.

***active constituent number***, for an active constituent for a proposed or existing chemical product for which approval is sought in an application under section 10 of the Code, means the number that the APVMA gives to the active constituent after the application is lodged.

***application information details***, for an item of information contained in or accompanying an application, means the following details:

(a) the title shown on the item of information;

(b) the name of the author, or each of the authors, of the information;

(c) the date shown on the item of information (if any);

(d) if no date is shown on the item of information—the date when the preparation of the information was completed;

(e) if the information was published:

(i) the date when it was published; and

(ii) the name of the publication in which it was published;

(f) a unique identifier for the item of information that indicates the location of the item in the application;

(g) the name and address of the authorising party for the information.

Example: An example for paragraph (f) is the volume and page number where the item of information is located in the application.

***application number***, for an application under section 10 or 27 of the Code, means the number that the APVMA gives to the application after the application is lodged.

***APVMA CEO*** means the Chief Executive Officer of the APVMA.

***Australian GMP Code*** means the *Australian Code of Good Manufacturing Practice for Veterinary Chemical Products*,published by the APVMA.

***biological pesticide*** means an agricultural chemical product containing, or derived from, a living organism, whether or not the organism is genetically modified.

***block*** or ***lick*** means a blend or mixture of one or more stockfood ingredients compressed or poured into a solid block form for voluntary consumption by livestock.

***British Pharmacopoeia*** means the book of that name published for the British Pharmacopoeia Commission.

***British Pharmacopoeia (Veterinary)*** means the book of that name published on the recommendation of the Medicines Commission of the United Kingdom.

***category 1 licence*** means a licence issued under Part 8 of the Code to carry out steps in the manufacture of a veterinary chemical product that is:

(a) registered as being, represented to be, or required to be sterile; or

(b) an immunobiological product;

whether or not the licence also authorises the carrying out of steps in the manufacture of other chemical products.

***category 2 licence*** means a licence issued under Part 8 of the Code to carry out steps in the manufacture of a veterinary chemical product, other than a veterinary chemical product mentioned in the definition of:

(a) category 1 licence; or

(b) category 3 licence; or

(c) category 4 licence; or

(d) category 6 licence.

***category 3 licence*** means a licence issued under Part 8 of the Code to carry out steps in the manufacture of a veterinary chemical product that is an externally applied ectoparasiticide.

***category 4 licence*** means a licence issued under Part 8 of the Code to carry out steps in the manufacture of a veterinary chemical product that is a premix or stockfood supplement.

***category 6 licence*** means a licence issued under Part 8 of the Code to carry out only one or more of the following steps in the manufacture of a veterinary chemical product:

(a) processing;

(b) assembling;

(c) packaging;

(d) labelling;

(e) storage;

(f) sterilising;

(g) testing;

(h) releasing for supply.

***chemical product number***, for a chemical product for which registration is sought in an application under section 10 of the Code, means the number that the APVMA gives to the chemical product after the application is lodged.

***Code*** has the same meaning as ***this Code*** in section 3 of the Schedule to the Act.

***collecting agency*** has the meaning given by subsection 3(1) of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994*.

***CSIRO*** means the Commonwealth Scientific and Industrial Research Organisation established by the *Science and Industry Research Act 1949*.

***current Poisons Standard*** has the meaning given by subsection 52A(1) of the *Therapeutic Goods Act 1989*.

***EDTA*** means ethylenediaminetetraacetic acid.

***emergency use***, in relation to a chemical product or an active constituent, means a use of the product or constituent in the genuine belief that the use is required because of an emergency or impending emergency.

***European Pharmacopoeia*** means the book of that name published for the European Pharmacopoeia Commission.

***FAO and WHO Specifications for Pesticides*** means specifications for pesticides or plant protection products published by the Food and Agriculture Organization of the United Nations or the World Health Organization of the United Nations.

***formulation change***, in relation to a chemical product, means:

(a) a change in the source of any active constituent of the product; or

(b) a variation in the amount or concentration of one or more of the active constituents, or other constituents, of the product; or

(c) the addition to the product, or removal from the product of one or more of the active constituents, or other constituents, of the product.

***formulation type*** means:

(a) for an agricultural chemical product—the formulation code and description that:

(i) are set out in guidelines made under section 6A of the Code as in force from time to time; and

(ii) apply to the product; and

(b) for a veterinary chemical product—the form of the product.

Examples:A capsule, emulsifiable concentrate, injectable solution, implant, intramammary treatment, oral drench or tablet.

***GMP audit*:**see subregulation 61(8).

***hormonal growth promotant*** means a veterinary chemical product containing a substance that is, or a mixture of substances that are, responsible for oestrogenic, androgenic or gestagenic activity to enhance growth or production in bovines or bubalines.

***identifying information***, for a person, means the following information:

(a) if the person is an individual—the person’s name;

(b) the person’s ABN or ACN (if any);

(c) the person’s trading name (if any);

(d) whether the person is an individual or a body corporate;

(e) the person’s street address;

(f) if the person’s postal address is different from the person’s street address—the person’s postal address.

***immunobiological product*** means a chemical product which, when administered to a vertebrate or invertebrate living creature, provides, induces or changes an immune response to a particular chemical or biological entity in that creature.

***interchangeable constituent determination*** means a determination under regulation 19AEA.

***labelling standard*** means a standard made by the APVMA under paragraph 6E(1)(c) of the Code.

***legal practitioner*** means a person who is admitted, and entitled to practise, as a barrister or solicitor in a State or Territory.

***lodged***: see regulation 5A.

***medical practitioner*** means a person registered or licensed as a medical practitioner under a law of a State or Territory.

***minor use***, in relation to a chemical product or an active constituent, means 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).

***modular assessment fee*** has the meaning given by subregulation 70A(4).

***modular assessment period*** has the meaning given by subregulation 77(2).

***multi‑category licence*** means a licence issued under Part 8 of the Code to carry out steps in the manufacture of a veterinary chemical product mentioned in the definition of one of the following terms:

(a) category 2 licence;

(b) category 3 licence;

(c) category 4 licence;

at the same premises as are used to carry out steps in the manufacture of veterinary chemical products mentioned in the definition of at least one other of those terms.

***NATA*** means the National Association of Testing Authorities, Australia, a company having the Australian Company Number 004379748.

***notification number***, means a notification number assigned to a person under regulation 47.

***nutritional ingredient*** includes, but is not limited to, the following:

(a) protein meals (as a protein source);

(b) fermentation products from human foods, (including brewer’s grains, yeasts and yeast extracts);

(c) hay, including lucerne hay and peanut hay;

(d) chaff;

(e) straw;

(f) grains, other similar seeds and the products of those grains or seeds;

(g) vitamins, minerals and amino acids at normal nutritional levels;

(h) salt, limestone and inorganic phosphorus sources;

(i) fats and oils;

(j) milk by‑products;

(k) non‑protein nitrogen sources;

(l) molasses.

***poison schedule classification***, in relation to a chemical product, means classification of the product or any of its constituents in the current Poisons Standard.

***pool or spa hypochlorite*** means a chemical product that:

(a) is for use in a swimming pool or spa that is for use by human beings; and

(b) is a formulation of calcium hypochlorite, lithium hypochlorite or sodium hypochlorite that complies with the standard (if any) last published for that formulation by the National Registration Authority for Agricultural and Veterinary Products in the *Gazette* and in force on 31 October 1999.

Note: The National Registration Authority for Agricultural and Veterinary Products is the former name of APVMA.

***premix*** means a mixture that:

(a) contains vitamins, minerals, amino acids or other substances; and

(b) is intended to be added to stockfood to form a finished feed for feeding to a group of animals.

***purchaser declaration number*** means a distinguishing number issued in respect of premises by a State or Territory or by an authority of a State or Territory, for the purpose of identifying those premises as premises where animals to be treated with a hormonal growth promotant are, or are to be, kept.

***reference active constituent*** has the meaning given by regulation 3A.

***reference chemical product*** has the meaning given by regulation 3B.

***stockfood*** means a basic food or food mixture that:

(a) contains one or more nutritional ingredients; and

(b) is intended to be fed to animals for the maintenance of life, normal growth, production, work, reproduction or performance.

***stockfood supplement*** means any substance or mixture of substances in the form of tablets, sachets or measures added to stockfood for administration to animals individually in order to supplement or balance that stockfood, but does not include a substance or mixture of substances in an injectable dose form, an intraruminal bolus, a block or a lick.

***supply***, in relation to any product or thing, includes cause or permit the supply of the product or thing.

Note: Section 3 of the Code provides that ***supply*** includes do, or cause or permit the doing of, any of the following:

(a) sell;

(b) expose for sale;

(c) send or deliver for sale or on sale;

(d) dispose of under a hire purchase agreement;

(e) exchange;

(f) give;

(g) offer to do an act that would be a supply (including an act referred to in any of the above paragraphs).

***timeshift application*** means an application that:

(a) is for:

(i) approval of an active constituent that is not a previously endorsed active constituent; or

(ia) registration of a chemical product which contains a previously endorsed active constituent and for which a full assessment is required; or

(ii) registration of a chemical product containing an active constituent that is not an active constituent contained in any other registered chemical product; and

(b) will, by agreement of the applicant and the APVMA, be assessed in accordance with assessment periods set out in a project plan for the application agreed to by the applicant and the APVMA.

***total leviable value*** has the same meaning as in the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994*.

***United States Pharmacopeia*** means the book of that name published by the United States Pharmacopeia Convention.

Note: Several other words and expressions used in these Regulations have the meaning given by section 3 of the Code in the Schedule to the Act. For example:

• active constituent

• agricultural chemical product

• approved label

• holder

• label

• relevant particulars

• veterinary chemical product.

(1A)Unless the contrary intention appears, an expression used in both these Regulations and the Code has the same meaning in these Regulations as in the Code.

(2)Unless the contrary intention appears, a reference in these Regulations to a book or other publication is a reference to the latest edition of that book or publication as modified or amended from time to time, and includes any addendum or other addition to the book or publication.

3A Meaning of *reference active constituent*

For these Regulations, ***reference active constituent***, for an application under section 10 or 27 of the Code (the ***primary application***), means an active constituent that:

(a) is or was the subject of another application, being an application under section 10 or 27 of the Code that was lodged before the primary application; and

(b) is referred to in the primary application because information that is relevant to the active constituent is also relevant to the primary application.

3B Meaning of *reference chemical product*

For these Regulations, ***reference chemical product***, for an application under section 10 or 27 of the Code (the ***primary application***), means a chemical product that:

(a) is or was the subject of another application, being an application under section 10 or 27 of the Code that was lodged before the primary application; and

(b) is referred to in the primary application because information that is relevant to the chemical product is also relevant to the primary application.

3C Definition of *confidential commercial information—*section 3 of the Code

For paragraph (e) of the definition of ***confidential commercial information*** in section 3 of the Code, the following information is prescribed:

(a) the name of the applicant;

(b) the application number;

(c) the chemical product number;

(d) the name of each of the active constituents of the chemical product;

(e) a short description of the application and its purpose, including a description of the way in which the chemical product is intended to be used.

4 Definition of *date‑controlled chemical product—*section 3 of the Code

For the purposes of the definition of ***date‑controlled chemical product*** in section 3 of the Code, the following are declared to be date‑controlled chemical products:

(a) each veterinary chemical product;

(b) an agricultural chemical product specified in Schedule 1.

Note: Division 3 of Part 4 of the Code dealing with date‑controlled chemical products does not apply to listed chemical products or reserved chemical products: see regulation 43A.

5A Meaning of *lodged*

(1) For the definition of ***lodged*** in subsection 3(1) of the Code, an application is lodged when the applicant gives:

(a) the information in the approved form for the application; and

(b) any other information specified for the application under section 8B of the Code;

to the APVMA, in the manner (if any) required by regulation 65.

(2) However, if the applicant does not give the information mentioned in paragraph (1)(b) to the APVMA within 7 days of giving the information mentioned in paragraph (1)(a) to the APVMA, the applicant is taken to have lodged the application 7 days after giving the APVMA the information mentioned in paragraph (1)(a).

7 Definition of *agricultural chemical product—*section 4 of the Code

(1) For subsection 4(3) of the Code, a substance or mixture of substances included in a class of substances or mixtures of substances listed in Part 2 of Schedule 3 is declared to be an agricultural chemical product.

(2) For paragraph 4(4)(b) of the Code, a substance or mixture of substances included in a class of substances or mixtures of substances listed in Part 3 of Schedule 3 is declared not to be an agricultural chemical product.

8 Definition of *veterinary chemical product—*section 5 of the Code

(1) For paragraph 5(3)(b) of the Code, a substance or mixture of substances included in a class of substances or mixtures of substances listed in Part 2 of Schedule 3AA is declared to be a veterinary chemical product.

(2) For paragraph 5(4)(b) of the Code, a substance or mixture of substances included in a class of substances or mixtures of substances listed in Division 3.1 of Part 3 of Schedule 3AA is declared not to be a veterinary chemical product.

8AA Safety criteria—active constituents

For subparagraph 5A(2)(a)(vii) of the Code, the method of analysis (if any) of the chemical composition of the active constituent concerned is a prescribed matter.

8AB Safety criteria—chemical products

(1) For subparagraph 5A(3)(a)(vii) of the Code, the following are prescribed matters for a chemical product:

(a) for all chemical products—the method of analysis (if any) of the chemical composition and form of the constituents of the chemical product;

(b) for a product manufactured in Australia—whether each step in the manufacture of the product complies, or will comply, with the manufacturing principles and the Australian GMP Code;

(c) for a product manufactured outside Australia—whether each step in the manufacture of the product complies, or will comply, with a standard that the APVMA has determined is comparable to the manufacturing principles and the Australian GMP Code;

(d) for a molluscicide in the form of a bait and of which the active constituent is metaldehyde:

(i) whether the product contains sufficient green pigment or dye to colour the bait a distinctive green colour; and

(ii) whether the product contains, in the bait, any bone meal or other product of animal origin;

(e)for a molluscicide in the form of a bait and of which the active constituent is methiocarb:

(i) whether the product contains sufficient blue pigment or dye to colour the bait a distinctive blue colour; and

(ii) whether the product contains, in the bait, any bone meal or other product of animal origin;

(f)for an agricultural chemical product to be applied to seeds to be stored before planting or sowing—whether the product contains sufficient pigment or dye to colour the seed to enable the seed to be readily distinguished from seed to which the product has not been applied.

(2) However, paragraphs (1)(b) and (c) do not apply if the product is prescribed under subregulation 59(1) for the purposes of section 120A of the Code.

8AD Trade criteria

(1) For subsection 5C(3) of the Code, this regulation sets out the extent to which the APVMA is required to have regard to the matters set out in subsections 5C(1) and (2) of the Code in determining whether a chemical product meets the trade criteria.

(2) If it can be reasonably expected that the chemical product will be used in relation to:

(a) a crop or animal, a product of which might be provided to a place outside Australia; or

(b) a crop that will be fed to an animal mentioned in paragraph (a);

the APVMA must have full regard to all of the matters set out in subsections 5C(1) and (2) of the Code.

(3) In any other case, the APVMA is to have regard to the matters set out in subsections 5C(1) and (2) of the Code to the extent that the APVMA thinks is relevant.

8AE Labelling criteria

(1) For paragraph 5D(1)(j) of the Code, the following are prescribed matters:

(a) for a chemical product that is a veterinary chemical product—the duration of any treatment using the product;

(b) the prevention of undue prejudice to trade or commerce between Australia and places outside of Australia;

(c) the appropriate signal words (if any) required by the current Poisons Standard;

(d) for a chemical product that is a date‑controlled chemical product—the storage of containers for the product;

(e) any other matter determined by the APVMA CEO under subregulation (2).

(2) For paragraph 6(2)(c) of the Act, the APVMA CEO may determine matters in relation to which a label must contain adequate instructions.

8AF Standards made by APVMA

(1) Before making or varying a standard under section 6E of the Code, the APVMA must:

(a) consider whether it is necessary to make the standard or variation, having regard to any relevant standards specified in any of the following:

(i) the British Pharmacopoeia;

(ii) the British Pharmacopoeia (Veterinary);

(iii) the European Pharmacopoeia;

(iv) the United States Pharmacopeia;

(v) the FAO and WHO Specifications for Pesticides; and

(b) publish a notice in the *Gazette* and on the APVMA’s website stating:

(i) that it proposes to make or vary the standard; and

(ii) the reasons that the APVMA considers it is necessary to make the standard or variation; and

(iii) how to obtain more information about the proposed standard or variation; and

(c) prepare a draft of the standard or variation the APVMA proposes to make; and

(d) publish on the APVMA’s website:

(i) the draft standard or variation; and

(ii) if the APVMA determines that the standard or variation is necessary to prevent imminent risk to persons of death, serious injury or serious illness—a statement to that effect; and

(iii) an invitation to the public to make a written submission on the draft standard or variation within the period stated in the invitation.

(2) The period mentioned in subparagraph (1)(d)(iii) must be not less than 28 days after the publication of the invitation, unless the APVMA determines that the standard or variation is necessary to prevent imminent risk to persons of death, serious injury or serious illness.

(3) In deciding whether to make the standard or variation, the APVMA must consider any submissions received in accordance with the invitation mentioned in subparagraph (1)(d)(iii).

(4) If the APVMA makes or varies a standard under section 6E of the Code, the APVMA must publish a notice in the Gazette and on the APVMA’s website stating:

(a) that it has made the standard or variation; and

(b) its reasons for making or varying the standard; and

(c) how to obtain more information about the standard or variation.

(4A) For the purposes of subparagraph 6(2)(a)(iii) of the Act, a labelling standard must include requirements relating to one or more of the following:

(a) the presentation of the label, including the size, colour, legibility, dimensions, layout and format of the label;

(b) the display of the label;

(c) the information contained on the label.

Note: A label can contain information in addition to the information required by legislation.

(5) If the APVMA decides, after taking into account the matters mentioned in subregulation (3), not to make the standard or variation, the APVMA must publish a notice in the *Gazette* stating:

(a) that it has abandoned the development of the standard or variation; and

(b) the reasons for abandoning the development of the standard or variation; and

(c) how to obtain more information about the decision to abandon the development of the standard or variation.

Division 1.2—General provisions about applications

8AFA Application requirements—chemical product registration renewal applications

For subparagraph 8A(a)(v) of the Code, an application for the renewal of the registration of a chemical product must nominate whether the application is for a 5 year or 12 month renewal period.

8AFB Application requirements—application for prescribed variations

For subparagraph 8A(a)(v) of the Code, an application for a prescribed variation of the kind set out in item 3 of the table in regulation 19AF must include a statement that the applicant holds:

(a) evidence that the physical properties and storage stability of the product, as varied and relevant to the product’s formulation type or dosage form, are the same as the product’s existing physical properties and storage stability, when measured using the same methodology used for the product before being varied; and

(b) if the application relates to a veterinary chemical product—the following evidence about the product, as varied:

(i) a dissolution profile (if relevant) of at least 2 pilot scale batches that is comparable to the formulation of the product immediately before the application is made;

(ii) at least 3 consecutive months of data on the storage stability of the product.

8AG Application requirements—timeshift applications

(1) For paragraph 8A(d) of the Code, a timeshift application must include a project plan agreed to by the applicant and the APVMA that includes:

(a) timeframes for the applicant to provide information; and

(b) assessment periods for assessing the application.

(2) The applicant and the APVMA may, at any time, agree to vary a timeframe or assessment period set out in the project plan.

8AH Application requirements—copies of applications

For paragraph 8A(d) of the Code, if the APVMA gives an applicant a notice under regulation 8AO, 8AP or 8AQ asking the applicant to provide copies of the application, the applicant must provide the requested number of copies, in the form requested, to the APVMA within 28 days of the date of the notice.

Division 1.3—General provisions about notices

8AHA Published notice of approvals of labels and variations of relevant particulars or conditions of approvals

(1) If the APVMA approves a label for a container for a chemical product, or varies the relevant particulars or conditions of the approval, it must, unless it thinks that in the circumstances it is unnecessary to do so, publish notice of the approval or variation.

(2) The notice must:

(a) be published in the Gazette, as soon as practicable, and in any other manner that the APVMA thinks appropriate; and

(b) for an approval—state that the label has been approved, and the date of the approval as provided by section 22 of the Code; and

(c) for a variation—state that the relevant particulars or conditions of the approval have been varied and the day on which the variation took place; and

(d) include any information set out under regulation 8AN.

8AK Information to be given in notice to holder

For paragraph 8F(2)(e) of the Code, the following information is prescribed for a notice given to a holder under subsection 8F(1) of the Code:

(a) for the approval of an active constituent:

(i) the information required by section 8H of the Code in relation to the approval; and

(ii) the date of the approval under section 22 of the Code; and

(iii) the date on which the notice is given to the holder; and

(iv) any other details entered in the Record about the active constituent that the APVMA thinks appropriate;

(b) for the registration of a chemical product:

(i) the information required by section 8H of the Code in relation to the registration; and

(ii) the date of the registration under section 22 of the Code; and

(iii) the distinguishing name of the chemical product; and

(iv) the date on which the notice is given to the holder; and

(v) any other details about the chemical product, entered in the Register, that the APVMA thinks appropriate;

(c) for the approval of a label:

(i) the date of the approval under section 22 of the Code; and

(ii) the distinguishing number of the label; and

(iii) the date on which the notice is given to the holder; and

(iv) any other details about the label, entered in the relevant APVMA file, that the APVMA thinks appropriate;

(d) for the variation of a relevant particular or condition:

(i) the information required by section 8J of the Code in relation to the variation; and

(ii) the date of the variation under section 22 of the Code; and

(iii) the date on which the notice is given to the holder; and

(iv) for a variation of a relevant particular or condition of an approval of an active constituent—any other details entered in the Record about the active constituent that the APVMA thinks appropriate; and

(v) for a variation of a relevant particular or condition of a registration of a chemical product—any other details about the chemical product, entered in the Register, that the APVMA thinks appropriate; and

(vi) for a variation of a relevant particular or condition of an approval of a label—any other details about the label, entered in the relevant APVMA file, that the APVMA thinks appropriate.

8AL Information to be given on refusal of application to vary prescribed relevant particular

For paragraph 8G(2)(c) of the Code, a notice of refusal of an application to vary a prescribed relevant particular of an approval or registration, made under Division 2A of Part 2 of the Code, must inform the holder of the approval or registration that the holder may apply to have the particular varied under Division 3 of Part 2 of the Code.

8AM Publication requirements—approvals and variations of approvals of active constituents

(1) For paragraphs 8H(2)(e) and 8J(2)(d) of the Code, this regulation sets out the information that must be included in a notice published in the *Gazette* under those sections in relation to:

(a) the approval of an active constituent; or

(b) the variation of the relevant particulars or conditions of the approval of an active constituent.

(2) The information is:

(a) the name of the applicant for the approval or variation; and

(b) the application number for the application for approval or variation; and

(c) the name of the active constituent; and

(d) the distinguishing number given to the active constituent by the APVMA when the APVMA approved the active constituent; and

(e) a short description of the application and its purpose, including the way in which the active constituent is intended to be used.

(3) The following information must also be published by the APVMA on the APVMA website:

(a) the information mentioned in paragraphs (2)(a) to (e);

(b) brief details about the APVMA’s decision.

(4) For each item of information relied on by the APVMA in making its decision, the following details must also be published by the APVMA on the APVMA website:

(a) the details for the information mentioned in paragraphs (a) to (e) of the definition of ***application information details*** in subregulation 3(1);

(b) if the item of information was given to the APVMA in connection with the application by the applicant or a person on behalf of the applicant:

(i) the data number given to the item of information by the APVMA; and

(ii) unless the information is publicly available—the name and address of the authorising party for the item of information.

8AN Publication requirements—registrations, variations of registrations and approval of labels

(1) For the purposes of paragraphs 8H(2)(e) and 8J(2)(d) of the Code and paragraph 8AHA(2)(d) of these Regulations, this regulation sets out the information that must be included in the Gazette in relation to:

(a) the registration of a chemical product; or

(b) the approval of a label for containers for a chemical product; or

(c) the variation of the relevant particulars or conditions of:

(i) the registration of a chemical product; or

(ii) the approval of a label for a container for a chemical product.

(2) The information is:

(a) the name of the applicant for the registration, approval or variation; and

(b) the application number for the application for registration, approval or variation; and

(c) the name of the chemical product; and

(d) for a registration of a chemical product or variation of the relevant particulars or conditions of the registration of a chemical product—the distinguishing number given to the product by the APVMA when the APVMA registered the product; and

(e) for approval of a label or variation of the relevant particulars or conditions of the approval of a label—the distinguishing number given to the label by the APVMA when the APVMA approved the label; and

(f) the name of the active constituents of the chemical product; and

(g) a short description of the application and its purpose, including the way in which the chemical product is intended to be used.

(3) The following information must also be published by the APVMA on the APVMA website:

(a) the information mentioned in paragraphs (2)(a) to (e);

(b) brief details about the APVMA’s decision.

(4) For each item of information relied on by the APVMA in making its decision, the following details must also be published by the APVMA on the APVMA website:

(a) the details for the information mentioned in paragraphs (a) to (e) of the definition of ***application information details*** in subregulation 3(1);

(b) if the item of information was given to the APVMA in connection with the application by the applicant or a person on behalf of the applicant:

(i) the data number given to the item of information by the APVMA; and

(ii) unless the information is publicly available—the name and address of the authorising party for the item of information.

8AO Matters for notice following preliminary assessment

(1) For subparagraphs 11(2)(a)(ii) and 28(2)(a)(ii) and paragraph 110A(2)(b) of the Code, this regulation prescribes the matters that must be set out in a notice under subsection 11(2), 28(2) or 110A(2) of the Code.

(2) The matters are the following:

(a) that the application to which the notice relates has passed preliminary assessment;

(b) the section of the Code under which the application will be determined;

(c) the date on which the assessment of the application will commence;

(d) if an amount of application fee payable in relation to the application under subregulation 70(2) is unpaid:

(i) the balance of the application fee that is payable; and

(ii) that the balance must be paid within 28 days of the date of the notice;

(e) that the APVMA may determine that:

(i) the application is more correctly categorised as an application mentioned in a different item in Part 2 of Schedule 6 to the item in relation to which any fee has been paid; or

(ii) different modules, levels and types mentioned in Schedule 7 are necessary for the application;

and that if it does so, a further amount of application fee may be payable and the assessment period may change;

(f) the number of copies (if any) of the application that must be given to the APVMA and the form in which those copies must be given;

(g) that if copies of the application are required, the copies must be given to the APVMA within 28 days of the date of the notice;

(h) the assessment period for the application and the expected date by which the application will be determined;

(i) if the modular assessment period applies to the application—the modules to be completed in relation to the application;

(j) that if the APVMA or another prescribed authority makes a request under section 159 of the Code, the assessment period will be extended;

(k) for an applicant who is a nominated agent for an approval or registration—the applicant’s obligations under subsection 152(2) of the Code;

(l) that if the applicant becomes aware of any information (***new information***) that contradicts any information given to the APVMA or shows that the constituent or product to which the application relates may not meet the safety criteria, the trade criteria or the efficacy criteria, the applicant must give the new information to the APVMA in accordance with sections 160A and 161 of the Code;

(m) that if the APVMA does not determine the application within the assessment period for the application and any extension to the assessment period, the applicant may notify the APVMA that it wishes to treat the application as having been refused, and may seek review of the refusal in accordance with subsection 165(3) of the Code;

(n) that the applicant may withdraw the application in accordance with section 8D of the Code.

8AP Matters for notice for technical assessment

(1) This regulation applies to an application for a technical assessment under regulation 8AS.

(2) Within 1 month of receiving the application, the APVMA must give the applicant a notice setting out the following:

(a) that a technical assessment will be provided for that regulation;

(b) the date on which the technical assessment will commence;

(c) if an amount of application fee payable in relation to the application under subregulation 70(2) is unpaid:

(i) the balance of the application fee that is payable; and

(ii) that the balance must be paid within 28 days of the date of the notice;

(d) the number of copies (if any) of the application that must be given to the APVMA and the form in which those copies must be given;

(e) that any copies must be given to the APVMA within 28 days of the date of the notice;

(f) the assessment period for the application and the expected date by which the application will be determined;

(g) the modules to be completed in relation to the application;

(h) that the assessment period will be extended if the APVMA or another prescribed authority makes a request under section 159 of the Code;

(i) that if the APVMA does not determine the application within the assessment period for the application and any extension to the assessment period, the applicant may notify the APVMA that it wishes to treat the application as having been refused, and may seek review of the refusal in accordance with subsection 165(3) of the Code;

(j) that the applicant may withdraw the application in accordance with section 8D of the Code.

8AQ Matters for notice in relation to extension of permit

(1) This regulation applies to an application for an extension or extensions of a permit under subsection 115(3) of the Code.

(2) Within 1 month of the application being lodged, the APVMA must give the applicant a notice setting out the following:

(a) that the application will be determined under section 115 of the Code;

(b) the date on which the assessment of the application will commence;

(c) if an amount of application fee payable in relation to the application under subregulation 70(2) is unpaid:

(i) the balance of the application fee that is payable; and

(ii) that the balance must be paid within 28 days of the date of the notice;

(d) the number of copies (if any) of the application that must be given to the APVMA and the form in which those copies must be given;

(e) that any copies must be given to the APVMA within 28 days of the date of the notice;

(f) the assessment period for the application and the expected date by which the application will be determined;

(fa) that the assessment period will be extended if the APVMA or another prescribed authority makes a request under section 159 of the Code;

(g) if the modular assessment period applies to the application—the modules to be completed in relation to the application;

(h) that if the applicant becomes aware of any information (***new information***) that contradicts any information given to the APVMA or shows that the constituent or product to which the application relates may not meet the safety criteria, the trade criteria or the efficacy criteria, the applicant must give the new information to the APVMA in accordance with sections 160A and 161 of the Code;

(i) that if the APVMA does not determine the application within the assessment period for the application and any extension to the assessment period, the applicant may notify the APVMA that it wishes to treat the application as having been refused, and may seek review of the refusal in accordance with subsection 165(3) of the Code;

(j) that the applicant may withdraw the application in accordance with section 8D of the Code.

Division 1.6—Listed chemical products

8AR Listed chemical products

For subsection 8T(1) of the Code, the chemical products, or classes of chemical products, specified in Schedule 3B are listed chemical products for the purposes of the Code.

Part 2—Approvals and registration

Division 2.1A—Pre‑application assessments and assistance

8AS APVMA may provide technical assessments

If a person applies to the APVMA for an assessment of a technical nature (a ***technical assessment***) before making an application, the APVMA may provide the technical assessment.

Examples: Assessment of a trial protocol.

Assessment of data an applicant is considering submitting to the APVMA as part of a proposed application for registration of a chemical product or approval of an active constituent.

Note: Regulation 70 provides for fees for making an application for a technical assessment.

8AT APVMA may provide pre‑application assistance

(1) A person may apply to the APVMA for assistance (***pre‑application assistance***) in preparing or making an application to the APVMA under the Code or these Regulations.

(2) If a person makes an application for pre‑application assistance in accordance with subregulation (1), the APVMA may provide the pre‑application assistance.

Note: Regulation 69B prescribes the fees payable for pre‑application assistance.

Division 2.1—Granting or refusing approvals and registrations

Subdivision 2.1.1—Preliminary applications—summaries of applications

8B Summaries of applications for active constituents for chemical products

(1) This regulation applies to an application for the approval of an active constituent for a proposed or existing chemical product.

(2) For paragraph 11(2)(b) of the Code, the details are:

(a) the name of the applicant; and

(b) the application number; and

(c) the name of the active constituent; and

(d) the active constituent number; and

(e) a short description of the application and its purpose, including the way in which the active constituent is intended to be used; and

(f) for any reference active constituent mentioned in the application:

(i) the name of the reference active constituent; and

(ii) if the active constituent is an approved active constituent—the distinguishing number that the APVMA gave to the active constituent when the approval was granted; and

(g) a short description of each item of information contained in, or accompanying, the application in compliance with subparagraph 8A(a)(v) of the Code, including the application information details for the item of information; and

(h) any other information that the APVMA considers to be relevant to its decision on the application.

8D Summaries of applications for chemical products that are not the same as a registered chemical product

(1) This regulation applies to an application for:

(a) registration of a chemical product that is not a chemical product mentioned in paragraph 8E(1)(a); or

(b) approval of a label for a container for a chemical product mentioned in paragraph (a).

(2) For paragraph 11(2)(b) of the Code, the details are:

(a) the name of the applicant; and

(b) the application number; and

(c) the name of the chemical product; and

(d) the chemical product number; and

(e) the name of each of the active constituents of the chemical product; and

(f) a short description of the application and its purpose, including the way in which the chemical product is intended to be used; and

(g) for any reference active constituent mentioned in the application:

(i) the name of the reference active constituent; and

(ii) if the active constituent is an approved active constituent—the distinguishing number that the APVMA gave to the active constituent when the approval was granted; and

(h) for any reference chemical product mentioned in the application:

(i) the name of the reference chemical product; and

(ii) if the chemical product has been registered—the distinguishing number that the APVMA gave to the chemical product when the APVMA decided to register the product; and

(i) a short description of each item of information contained in, or accompanying, the application in compliance with subparagraph 8A(a)(v) of the Code, including the application information details for the item of information; and

(j) any other information that the APVMA considers to be relevant to its decision on the application.

8E Summaries of applications for chemical products that are the same as a registered chemical product

(1) This regulation applies to an application for:

(a) registration of any kind of chemical product that is:

(i) the same as a registered chemical product; and

(ii) intended to be marketed under a brand name that is different from the brand name used for the registered chemical product; or

(b) approval of a label for a container for a chemical product mentioned in paragraph (a).

(2) For paragraph 11(2)(b) of the Code, the details prescribed are:

(a) the name of the applicant; and

(b) the application number; and

(c) the chemical product number; and

(d) the name of each of the active constituents of the chemical product; and

(e) a short description of the application and its purpose, including the way in which the chemical product is intended to be used.

Subdivision 2.1.3—Particulars for approvals, registrations and labelling

15 Particulars of approved active constituents to be recorded

(1) For paragraph 19(c) of the Code, the following particulars are prescribed:

(a) if a name is given to the active constituent by the International Union of Pure and Applied Chemistry—that name;

(b) if no name is given to the active constituent by the International Union of Pure and Applied Chemistry—the name given to the active constituent in an order, publication or approval referred to in regulation 42 that specifies the standard for the active constituent for the purposes of that regulation;

(c) the name of the active constituent;

(d) the composition and purity of the active constituent;

(e) the name of the manufacturer of the active constituent;

(f) the address of each site at which the active constituent is manufactured by the manufacturer;

(g) identifying information for the holder of the approval of the active constituent;

(h) the date of entry of these particulars in the Record of Approved Active Constituents;

(j) identifying information for any nominated agent for the approval.

(2) A particular mentioned in paragraphs (1)(c) to (j) is only prescribed for an active constituent approved in accordance with section 14A of the Code if the particular is readily available to the APVMA.

16 Particulars of registered chemical products to be recorded

For paragraph 20(1)(c) of the Code, the following particulars are prescribed:

(a) the distinguishing name of the chemical product;

(b) the constituents of the chemical product;

(c) the concentration of each constituent of the chemical product;

(d) if possible, the composition and purity of each active constituent of the chemical product;

(da) the formulation type for the chemical product;

(db) the net contents for the chemical product;

(e) identifying information for the holder of the registration of the chemical product;

(g) the name of each manufacturer of the chemical product;

(h) the address of each site at which the chemical product is manufactured by the manufacturer;

(j) the date of entry of these particulars in the Register of Chemical Products;

(k) identifying information for any nominated agent for the registration.

17 Particulars for label

(1) For paragraph 21(a) of the Code, the following particulars are prescribed:

(a) the appropriate signal words required by the current Poisons Standard;

(b) the name of the chemical product that is to appear on a label for containers of the chemical product;

(c) the name of each active constituent of the product;

(d) the proportion of each active constituent of the product;

(e) the name of each constituent for the product that is:

(i) not an active constituent; and

(ii) classified as a poison in the current Poisons Standard;

(f) the proportion of each constituent referred to in paragraph (e);

(h) the net contents of the product;

(j) particulars determined by the APVMA CEO under subregulation (2).

(2) For paragraph 6(2)(c) of the Act, the APVMA CEO may determine additional particulars to be placed on a label for a product.

(3) For subparagraph 21(c)(iva) of the Code, the following information is prescribed in relation to the approval of a label for a chemical product, unless the information has already been recorded for the approval of the label as part of the registration of the chemical product:

(a) identifying information for the holder of the approval;

(b) identifying information for any nominated agent for the approval;

(c) the distinguishing name of the chemical product that is prescribed under paragraph 16(a) and entered in the Register;

(d) the distinguishing number of the chemical product that is entered in the Register.

Subdivision 2.1.4—Conditions of approval—active constituents and chemical products

17C Conditions of approval or registration—active constituents and chemical products

(1) For paragraph 23(1)(a) of the Code, the table sets out conditions to which the approval of an active constituent for a proposed or existing chemical product is subject.

| Conditions for approval of active constituent | |
| --- | --- |
| Item | Condition |
| 1 | The active constituent must be manufactured in accordance with the composition and purity entered for the active constituent in the Record in accordance with paragraph 15(1)(d) |
| 2 | The active constituent must be manufactured by the manufacturer whose name is entered for the active constituent in the Record in accordance with paragraph 15(1)(e) |
| 3 | The active constituent must be manufactured at a site of manufacture entered for the active constituent in the Record in accordance with paragraph 15(1)(f) |
| 4 | The identifying information for the holder of the approval, and the nominated agent (if any), of the active constituent must be the identifying information for the holder and nominated agent (if any) entered for the active constituent in the Record |

(2) For paragraph 23(1)(a) of the Code, the table sets out conditions to which the registration of a chemical product is subject.

| Conditions for registration of chemical product | |
| --- | --- |
| Item | Condition |
| 1 | The chemical product must contain each of the constituents entered for the chemical product in the Register in accordance with paragraph 16(b) |
| 2 | The chemical product must be manufactured:  (a) in accordance with the particulars entered for the chemical product in the Register in accordance with paragraphs 16(b), (c), (d) and (da); and  (b) by a manufacturer whose name is entered for the chemical product in the Register in accordance with paragraph 16(g); and  (c) at a site of manufacture entered for the chemical product in the Register in accordance with paragraph 16(h) |
| 3 | A chemical product manufactured in Australia must not be supplied unless the APVMA has determined it is satisfied that each holder of a licence to carry out steps in the manufacture of the product is complying with the following conditions of the licence:  (a) any conditions imposed on the licence under subsections 126(1) and (2) of the Code;  (b) the condition mentioned in paragraph 126(4)(a) of the Code, if the licence is subject to that condition;  (c) any of the conditions mentioned in subregulations 61(3) to (7A) to which the licence is subject |
| 4 | A chemical product manufactured outside Australia must not be supplied unless:  (a) the holder of the registration of the product has, on request by the APVMA, given the APVMA, or arranged for the manufacturer of the product to give the APVMA, evidence that each step in the manufacture of the product complies with a standard that the APVMA has determined is comparable to manufacturing principles and the Australian GMP Code (an ***overseas GMP compliance assessment***); and  (b) the APVMA has assessed the overseas GMP compliance assessment and is satisfied that each step in the manufacture of the product complies with a standard that the APVMA has determined is comparable to manufacturing principles and the Australian GMP Code |
| 5 | The formulation type of the chemical product as supplied must be the formulation type entered for the chemical product in the Register in accordance with paragraph 16(da) |
| 6 | The net contents for the chemical product as supplied must be the net contents entered for the chemical product in the Register in accordance with paragraph 16(db) |
| 7 | The identifying information for the holder of the registration, and the nominated agent (if any), for the chemical product as supplied must be the identifying information for the holder and nominated agent (if any) entered for the chemical product in the Register |

(3) Items 3 and 4 of the table in subregulation (2) do not apply in relation to a chemical product if:

(a) the chemical product is prescribed under subregulation 59(1) for the purposes of section 120A of the Code; or

(b) the holder of the registration of the product is an exempt person within the meaning given by regulation 59A, 59B, 59C or 59D.

18 Conditions of registration of chemical products—containers

(1) For paragraph 23(1)(a) of the Code, the registration of a chemical product is subject to the condition that the product is supplied only in a container that meets the requirements mentioned in subregulation (2).

(2) The container must:

(a) be impervious to, and incapable of chemical reaction with, its contents when under conditions of temperature and pressure that are likely to be encountered in normal service; and

(b) have sufficient strength and impermeability to prevent leakage of its contents during handling, transport and storage under normal handling conditions; and

(c) if it is intended to be opened more than once—be able to be securely and readily closed and reclosed; and

(d) have sufficient excess capacity to prevent it from breaking if its contents expand during handling, transport or storage; and

(e) enable all or any part of its contents to be removed or discharged in such a way that, with the exercise of no more than reasonable care, the contents cannot:

(i) harm any person; or

(ii) have an unintended effect that is harmful to the environment.

(3) Nothing in subregulation (2) is intended to affect the operation of any other law that applies in relation to containers for chemical products.

Subdivision 2.1.6—Conditions of approval—labels

18B Prescribed conditions for approval of labels

For paragraph 23(1)(a) of the Code, the approval of a label for containers for a chemical product is subject to the conditions prescribed by this Subdivision.

18C Label must be attached to containers for chemical products

The label must be attached to the container for the chemical product to which it relates before the supply of the product.

Note: For ***supply***, see section 3 of the Code.

18D Information on label

(1) Unless authorised by a permit, the label must state the following information:

(a) the information recorded for the label in the relevant APVMA file under subparagraphs 21(c)(iii) and (iv) of the Code;

(b) the batch number of the chemical product;

(c) the expiry date of the chemical product (if applicable);

(d) the date of manufacture of the chemical product (if applicable);

(e) the name and address of the person primarily responsible for marketing the product.

Note: A label can contain information in addition to the information required by legislation.

(2) The label must not contain information that is contrary to the information mentioned in subregulation (1).

(3) The information mentioned in subregulation (1), on the label, must not be altered, defaced, obliterated, obscured or destroyed.

18E Labelling standards and requirements

The label must comply with the requirements of:

(a) if a labelling standard has been made by the APVMA—the labelling standard; or

(b) if a labelling standard has not been made by the APVMA—either:

(i) if the product is a veterinary chemical product—the *Veterinary Labelling Code* made by the APVMA, as in force from time to time; or

(ii) if the product is an agricultural chemical product—the *Agricultural Labelling Code* made by the APVMA, as in force from time to time.

Note: The *Veterinary Labelling Code* and the *Agricultural Labelling Code* are available at http://www.apvma.gov.au.

18F Requirements for information on labels

(1) The label must not contain misleading or deceptive information about either:

(a) the information required by subregulation 18D(1) to be stated on the label; or

(b) the use, safety, environmental impact or efficacy of the chemical product to which the label relates.

(2) If the label is, or is required to be, attached to a container, information must not accompany or be placed on the container, including in the form of another label, if the information expressly or impliedly:

(a) negates or varies information required by subregulation 18D(1) to be stated on the label; or

(b) qualifies or minimises the substance or effect of the information required by subregulation 18D(1) to be stated on the label.

(3) To avoid doubt, the label must not contain instructions about the circumstances in which, or the purposes for which, the chemical product can be used, if those instructions are inconsistent with the instructions for use approved for the label by the APVMA.

18G Requirements about claims inconsistent with labels

(1) The holder of the approval of the label in relation to the label must not make any claim, or cause or permit any claim to be made, about:

(a) a registered chemical product; or

(b) a chemical product that contains a registered chemical product;

that is inconsistent with an instruction on the label for a container for the chemical product.

(2) Subregulation (1) does not apply to:

(a) a claim exempted by the APVMA from the operation of section 84 of the Code; or

(b) a claim made in a notice published under paragraph 45A(1)(b) of the Code; or

(c) a claim permitted to be made under a law of the Commonwealth; or

(d) a claim about conduct the person is authorised to engage in by a permit issued by the APVMA.

18H Retention of label and information about label

(1) The holder of the approval of the label must:

(a) retain a copy of each form of the label that is attached to a container, or a series of containers, released for supply; and

(b) record either:

(i) if the form of the label states a sequential batch number of the chemical product—the first batch number in the sequence for the form of label; or

(ii) if the form of the label does not state a sequential batch number of the chemical product—each batch number for the form of label; and

(c) record the day on which the series of containers on which the form of the label is attached is first released for supply.

(2) The label and information mentioned in subregulation (1) must be retained:

(a) in a secure manner; and

(b) for a 5 year period commencing on the last day on which the chemical product is supplied in a container with the label attached.

(3) For paragraphs (1)(a) and (c), a container is ***released for supply*** on the day when the container is sent from a manufacturing or packaging facility for the purposes of distribution or sale.

18I Providing label and information about label to APVMA

(1) The holder of the approval of the label must, on a written request by the APVMA for:

(a) a copy of a form of the label mentioned in paragraph 18H(1)(a); and

(b) information about the label mentioned in paragraphs 18H(1)(b) and (c);

provide the label and information requested to the APVMA.

(2) If the request is for a copy of a form of a label, the copy must be accompanied by a declaration that the copy is of a form of label that has been attached to a container to which it relates.

(3) The label and information must be provided to the APVMA on the earlier of the following:

(a) within 10 days of the day on which the request for the label and information is received;

(b) on a day advised by the APVMA.

(4) The APVMA must not advise a date for paragraph (3)(b) unless:

(a) the APVMA believes it is necessary to receive the label or information before the end of the period mentioned in paragraph (3)(a) to prevent imminent risk to persons of death, serious illness or serious injury; and

(b) the APVMA provides the reasons for the early date in the written request.

18J Identifying information recorded for holder and nominated agent

The approval of a label for containers for a chemical product is subject to the condition that the identifying information for the holder of the approval, and the nominated agent (if any) for the holder, must be the identifying information for the holder, and the nominated agent (if any), recorded for the label in the relevant APVMA file.

Subdivision 2.1.6A—Incorrect particulars and conditions

18K Incorrect particulars and conditions APVMA must correct

For paragraph 26(1)(b) of the Code, the following kinds of relevant particulars or conditions are prescribed:

(a) the signal words required by the current Poisons Standard in relation to an approved label;

(b) the following information about the holder of an approval or registration or the nominated agent (if any) for the approval or registration:

(i) the name of the holder or agent;

(ii) the ABN (if any) of the holder or agent;

(iii) the trading name (if any) of the holder or agent;

(iv) the street address of the holder or agent;

(v) the postal address of the holder or agent, if it is different from the street address.

Division 2.2—Granting or refusing applications for variation of relevant particulars, or conditions, of approvals or registration

Subdivision 2.2.1—Variation applications—summaries of applications

19AD Summaries of applications for variation for chemical products

(1) This regulation applies to an application for variation of the relevant particulars or conditions of:

(a) the registration of a chemical product; or

(b) the approval of a label for a container for a chemical product.

(2) For  paragraph 28(2)(b) of the Code, the details are:

(a) the name of the applicant; and

(b) the application number; and

(c) the name of the chemical product; and

(d) if the application is in relation to the registration of a chemical product—the distinguishing number that the APVMA gave to the product when it decided to register the product; and

(e) the name of each of the active constituents of the chemical product; and

(f) a short description of the application and its purpose, including the way in which the chemical product is intended to be used; and

(g) for any reference active constituent mentioned in the application:

(i) the name of the reference active constituent; and

(ii) if the active constituent is an approved active constituent—the distinguishing number that the APVMA gave to the active constituent when the approval was granted; and

(h) for any reference chemical product mentioned in the application:

(i) the name of the reference chemical product; and

(ii) if the chemical product has been registered—the distinguishing number that the APVMA gave to the chemical product when the APVMA decided to register the product; and

(i) a short description of each item of information contained in, or accompanying, the application in compliance with subparagraph 8A(a)(v) of the Code, including the application information details for the item of information; and

(j) any other information that the APVMA considers to be relevant to its decision on the application.

Subdivision 2.2.2—Notifiable variations

19AE Notifiable variations

(1) The following table prescribes, as notifiable variations for the purposes of subparagraph 26AB(3)(a)(ii) of the Code, variations of the relevant particulars that are listed in an item in the table, for approvals or registrations listed in the table for that item.

| Notifiable variations | | |
| --- | --- | --- |
| Item | Notifiable variation of relevant particular | Approval or registration |
| 1 | A variation of the name of the manufacturer of an active constituent for a chemical product | any approval of an active constituent |
| 2 | A variation of the distinguishing name of a chemical product | any registration of a chemical product |
| 3 | A variation of the net contents of an agricultural product, but only if:  (a) the variation will not result in the instructions for use, or disposal, of the product or containers for the products, being modified or affected; and | any registration of an agricultural chemical product |
|  | (b) the net contents is in the range recorded in the Register for the product |  |
| 4 | A variation of the instructions for a use of a chemical product if:  (a) the variation is to remove the use of the chemical product from the instructions; and  (b) the variation of the instructions will not otherwise modify or affect the instructions for another use of the product | any registration of a chemical product |
| 5 | A variation of either or both of the following particulars:  (a) the name of a manufacturer of a chemical product;  (b) the address of each site at which the product is manufactured by a manufacturer | any registration of a chemical product that is prescribed under subregulation 59(1) |
| 6 | A variation of an approved label as a result of a notifiable variation mentioned in items 3 and 4, but only if a label for the chemical product as varied would not include any misleading or deceptive information about the use, safety, environmental impact or efficacy of the chemical product | any approval of a label for containers of chemical products |
| 7 | A variation of the name of a chemical product that is to appear on an approved label as mentioned in paragraph 17(1)(b), but only if a label for the chemical product as varied would not include any misleading or deceptive information about the use, safety, environmental impact or efficacy of the chemical product | any approval of a label for containers of chemical products |
| 8 | A variation of one or more constituents of a chemical product if:  (a) the variation is to replace one or more constituents with a constituent or constituents listed for the product in an interchangeable constituent determination; and  (b) in the case of a product that has 9 or more constituents entered in the Register for the product—the variation is to no more than 25% of the number of constituents entered in the Register for the product; and  (c) in the case of a product that has less than 9 constituents entered in the Register for the product—the variation is to one or 2 of the constituents entered in the Register for the product | any registration of a chemical product |

(2) However, a variation listed in item 3 or 4 of the table is only a notifiable variation for a product listed in the item if, at the time the notice for the notifiable variation is lodged, notice is also lodged for a notifiable variation listed in item 6 of the table for any approved label for the product.

19AEA Interchangeable constituent determinations

APVMA may determine interchangeable constituents

(1) The APVMA may, by legislative instrument, determine that one or more constituents of a chemical product or a class of chemical products may be interchanged with another constituent.

(2) Without limiting subregulation (1), the interchangeable constituent determination may authorise a constituent being interchanged with another constituent if one or more requirements specified in the determination are met.

(3) The power under subregulation (1) may be exercised on the APVMA’s own initiative or on application under regulation 19AEB.

(4) If an interchangeable constituent determination can be made in relation to a class of chemical products, or varied so that it applies to a class of chemical products, the APVMA must make or, if varying a determination, vary the determination accordingly.

APVMA to be satisfied of certain matters

(5) Before making or varying an interchangeable constituent determination, the APVMA must be satisfied that:

(a) the constituent to be interchanged is not an active constituent of the product; and

(b) the interchange of the constituents does not introduce material of human or animal origin into the product; and

(c) the interchange of the constituents would not require variation to:

(i) the signal words required by the current Poisons Standard to be contained on the label of the product; or

(ii) the formulation type of the product entered in the Register; and

(d) after the constituents are interchanged, the chemical product would continue to:

(i) meet the safety criteria, the trade criteria and the efficacy criteria; and

(ii) comply with any requirements prescribed for the purposes of paragraph 8A(b) or 41(1)(c) of the Code.

(6) For the purposes of being satisfied of the matters mentioned in subregulation (5), the APVMA must have regard to any requirements to which the interchange of a constituent is, or could be, subject.

Variation or revocation of an interchangeable constituent determination

(7) If the APVMA proposes to vary or revoke an interchangeable constituent determination, the APVMA must:

(a) publish on its website a notice setting out the proposed variation or reasons for the proposed revocation; and

(b) invite written submissions on the variation or revocation to be made on or before a specified date (the ***consultation period***).

(8) The notice must:

(a) be published at least 28 days before the interchangeable constituent determination is so varied or revoked; and

(b) remain on the APVMA’s website until the determination is so varied or revoked.

(9) The APVMA must consider submissions made during the consultation period.

(10) The APVMA may make a submission public, unless the person that made the submission has requested that the submission, or a part of it, be kept confidential.

19AEB Applying for an interchangeable constituent determination

(1) A person may apply to the APVMA for the making of an interchangeable constituent determination in relation to a chemical product or a class of chemical products.

(2) The application must specify the following for each constituent covered by the application:

(a) the identity of the constituent, including:

(i) the common name of the constituent; and

(ii) if a name is given to the constituent by the International Union of Pure and Applied Chemistry—that name; and

(iii) the chemical abstract service number for the constituent;

(b) the purpose of the constituent in the chemical product;

(c) any requirements (including, for example, minimum purity or other quality specifications) for the constituent.

(3) The APVMA must make an interchangeable constituent determination if the APVMA is satisfied:

(a) that the application meets the application requirements; and

(b) of the matters mentioned in subregulation 19AEA(5).

(4) The APVMA must, within 14 days of making an interchangeable constituent determination:

(a) inform the applicant, in writing, of that fact; and

(b) provide the applicant with a copy of the determination.

Note: For notification requirements if the APVMA refuses an application, see section 8G of the Code.

(5) The following provisions of the Code apply in relation to an application under subregulation (1) as if the application were an application made under the Code in relation to an active constituent for a proposed or existing chemical product:

(a) section 157 (samples to be given for analysis);

(b) section 159 (requiring information to determine an application).

Note 1: A number of provisions in the Code apply automatically in relation to applications made under it (including applications made under these Regulations). See, for example, sections 8B to 8D, and sections 8G, 8S, 156A, 164 and 165, of the Code.

Note 2: Regulation 19AEC applies certain other provisions in relation to applications made under this regulation.

19AEC Limits on information that may be used for interchangeable constituent determinations

Overseas trials and experiments, consultation and information, reports or samples

(1) The following provisions apply in relation to the making, variation or revocation of an interchangeable constituent determination as if the constituent to which the determination relates were an active constituent for a proposed or existing chemical product:

(a) section 159 of the Code (requiring information to determine an application);

(b) subsections 160(2) and (3) of the Code (overseas trials and experiments);

(c) section 8 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (consultation).

Limits on use of information

(2) The APVMA must not use information given to it in connection with an application under the Code:

(a) to assess an application made under regulation 19AEB; or

(b) to make any other decision in relation to the making, variation or revocation of an interchangeable constituent determination;

unless the information was given to it in connection with the application mentioned in paragraph (a) or the decision mentioned in paragraph (b).

(3) A person or body consulted under section 8 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, as that section applies under subregulation (1), must not, for the purposes of providing information or advice in relation to the making, variation or revocation of an interchangeable constituent determination, use information that the APVMA must not, under subregulation (2), use in relation to the interchangeable constituent determination.

(4) The following provisions of the Code apply in relation to subregulations (2) and (3) in the same way as they apply in relation to subsections 34G(1) and (3) of the Code:

(a) subsections 34G(1B) and (2);

(b) sections 34H to 34M.

(5) For subregulation (4), the condition in subsection 34J(4) of the Code is taken to be replaced by the condition that:

(a) the information relates to the making, variation or revocation of an interchangeable constituent determination in relation to a constituent; and

(b) the information shows that a matter mentioned in subregulation 19AEA(5) may not be satisfied in relation to the constituent.

(6) For subregulation (4), if the APVMA relies on information to make, vary or revoke an interchangeable constituent determination, a limitation period is taken to apply to the information under section 34M of the Code that ends 3 years after the day the determination is made, varied or revoked.

Subdivision 2.2.3—Prescribed variations

19AF Prescribed variations

The following table prescribes, as prescribed variations for the purposes of paragraph 26B(4)(b) of the Code, variations of the relevant particulars that are listed in an item in the table, for the registrations listed in the table for that item.

| Prescribed variations | | |
| --- | --- | --- |
| Item | Prescribed variation of relevant particular | Registration |
| 1 | A variation of either or both of the following particulars:  (a) the name of a manufacturer in Australia of a chemical product;  (b) the address of each site in Australia at which the product is manufactured by a manufacturer;  but only if, under the varied particulars:  (c) the manufacturer and the address of each manufacturing site are in Australia; and | any registration of a chemical product other than a chemical product that is prescribed under subregulation 59(1) |
|  | (d) either:  (i) the manufacturer is the holder of a valid licence under Part 8 of the Code that authorises carrying out a step in the manufacture of the product at premises at a site mentioned in paragraph (b); or  (ii) the manufacturer is an exempt person as mentioned in paragraph 121(4)(a) of the Code in relation to the manufacture of the product |  |
| 2 | A variation of the name of a manufacturer of a chemical product, if the manufacturer is outside Australia | any registration of a chemical product other than a chemical product that is prescribed under subregulation 59(1) |
| 3 | A variation of one or more constituents of a chemical product if:  (a) the constituent (the ***original constituent***) is replaced with another constituent (the ***replacement constituent***); and  (b) the original constituent is not an active constituent of the product; and  (c) the replacement constituent will not be an active constituent of the product; and  (d) the original and replacement constituents have the same purpose in the product; and  (e) the original and replacement constituents differ only in solvates or hydrates; and  (f) the original and replacement constituents have the same:  (i) pH; and  (ii) dissolution profile; and  (iii) hydrophilic or hydrophobic behaviour; and  (iv) hygroscopic behaviour; and  (g) neither the original nor replacement constituent are a nanomaterial; and  (h) in the case of the original and replacement constituents being a straight or branched unsaturated hydrocarbon—the change in the length of the hydrocarbon chain is not more than 33% of the length of the original constituent’s hydrocarbon chain; and  (i) the replacement constituent does not introduce material of human or animal origin into the product; and  (j) the variation does not require variation to the signal words required by the current Poisons Standard to be on the label of the product; and  (k) in the case of a product that is a molluscicide in the form of a bait or a product applied to seeds to be stored before planting or sowing—the variation does not change the colour of the product; and  (l) the variation does not require the formulation type entered in the Register for the product to be varied; and  (m) in the case of a product that has 9 or more constituents entered in the Register for the product—the variation is to no more than 25% of the number of constituents entered in the Register for the product; and  (n) in the case of a product that has less than 9 constituents entered in the Register for the product—the variation is to one or 2 of the constituents entered in the Register for the product | a registration of a chemical product, other than a chemical product that is:  (a) an antibiotic product; or  (b) an immunobiological product; or  (c) a product that is administered through direct injection into an animal |

Division 2.3—Reconsideration of approval or registration

20 Reconsideration work plan

(1) For subsection 31(2) of the Code, a work plan for a proposed reconsideration must include the following:

(a) the date of any relevant notice published under section 30 of the Code;

(b) the date on which the APVMA will commence the reconsideration;

(c) the proposed timeframe for the reconsideration and how the timeframe has been calculated for regulation 78B;

(d) the matters the APVMA proposes dealing with in the reconsideration;

(e) the expected date on which a notice will be given to the holder under subsection 32(1) of the Code;

(f) both:

(i) the expected date on which the APVMA proposes to inform persons about the reconsideration; and

(ii) the persons proposed to be informed;

(g) the expected date on which a notice (if any) will be given to the holder under subsection 33(1) of the Code, and a summary of the type of information, report, result or sample it is anticipated will be required by the notice;

(h) the expected date on which a notice (if any) will be given under section 34AB of the Code, and the anticipated recipients of the notice;

(i) the expected date on which a decision will be made in relation to the reconsideration under section 34 of the Code.

(2) For paragraph 31(3)(a) of the Code:

(a) the APVMA must review and update the work plan at least once a year; and

(b) if the APVMA issues a notice or information mentioned in paragraph (1)(e), (f), (g) or (h), the APVMA must update the work plan to include the date the notice or information was issued; and

(c) if the APVMA makes a decision in relation to the reconsideration under section 34 of the Code, the APVMA must include in the work plan details of the decision and the date of the decision; and

(d) if the APVMA varies the instructions on a label for containers for a chemical product under section 34A of the Code in relation to the reconsideration—the APVMA must include in the work plan details of the variation; and

(e) if the APVMA issues a permit in relation to the reconsideration—the APVMA must include in the work plan details of the permit; and

(f) if the APVMA takes any suspension, cancellation or recall action, in relation to the reconsideration, under section 34AA, 41, 101, 102 or 103 of the Code, the APVMA must include in the work plan details of the action taken and the date of the action.

21 Period for giving information, reports, results or samples

(1) For subsection 33(1A) of the Code, the period stated in a notice issued under subsection 33(1) of the Code must not exceed the period that is half of the period in which the APVMA is required, under regulation 78B, to conclude the reconsideration to which the notice relates.

(2) For subregulation (1), the period in which the APVMA is required, under regulation 78B, to conclude the reconsideration, is to be calculated as at the date of the notice.

(3) For subsection 33(1B) of the Code, the APVMA may allow a further period if an extraordinary event or circumstance beyond the control of the holder prevents the holder from fulfilling the holder’s obligations in the notice.

22 Notice of decision on reconsideration

For paragraph 34AC(2)(d) of the Code, the following information is prescribed:

(a) particulars of the notice published under paragraph 34AC(1)(b) of the Code in relation to the affirmation;

(b) the date on which the notice is given to the holder;

(c) the date the APVMA affirmed the approval or registration;

(d) for an affirmation of a registration of a chemical product—the distinguishing name of the chemical product;

(e) for an affirmation of an approval of a label—the distinguishing number of the label;

(f) any other details entered in the Record, Register or relevant APVMA file for the active constituent, chemical product or label that the APVMA thinks appropriate.

22AA Reconsideration by APVMA of approval of label

For subsection 34AF(1) of the Code, the prescribed matters are either or both of the following:

(a) the matters mentioned in paragraphs 5D(1)(g), (h) and (i) of the Code;

(b) the matters mentioned in paragraphs 8AE(1)(a), (b), (c) and (d) of these Regulations.

Division 2.6—Late applications

23 Late applications for renewal of registration of chemical product

(1)For the purposes of subsection 48(3) of the Code, the APVMA may accept a late application for the renewal of the registration of a chemical product:

(a) if:

(i) before the end of the period for making an application referred to in subsection 48(2) of the Code, the applicant requests in writing that the APVMA accept a late application; and

(ii) the APVMA agrees to that request; or

(b) if:

(i) after the end of the period for making an application referred to in subsection 48(2) of the Code and before the registration of the product ends, the applicant requests in writing that the APVMA accept a late application; and

(ii) the APVMA agrees to that request.

(2) The fee payable for acceptance of a late application for the renewal of the registration of a chemical product (other than an application to which paragraph (1)(a) applies) is $50.

Division 2.7—Renewal of registration

23A When renewed registration ends

For paragraph 50(2)(b) of the Code, the method for working out the date the registration of a chemical product (as renewed) ends is:

(a) if the holder applies for the registration of the product to be renewed, or further renewed, as the case may be, for a period of 5 years—add 5 years to the date on which the registration would otherwise end; or

(b) if the holder applies for the registration of the product to be renewed, or further renewed, as the case may be, for a period of 12 months—add 12 months to the date on which the registration would otherwise end.

Part 2B—Reserved chemical products

23G Reserved Schedule

For subsection 56ZU(1) of the Code, Part 2 of Schedule 3C specifies chemical products or classes of chemical products that are reserved chemical products for the purposes of the Code.

23H Conditions for dealing with reserved chemical product—containers for supply

(1) For subsection 56ZU(3) of the Code, a container used for the supply of a chemical product mentioned in Part 2 of Schedule 3C must:

(a) be impervious to, and incapable of chemical reaction with, its contents when under conditions of temperature and pressure that are likely to be encountered in normal service; and

(b) have sufficient strength and impermeability to prevent leakage of its contents during handling, transport and storage under normal handling conditions; and

(c) if it is intended to be opened more than once—be able to be securely and readily closed and reclosed; and

(d) have sufficient excess capacity to prevent it from breaking if its contents expand during handling, transport or storage; and

(e) enable all or any part of its contents to be removed or discharged in such a way that, with the exercise of no more than reasonable care, the contents cannot:

(i) harm a person; or

(ii) have an unintended effect that is harmful to the environment.

(2) Nothing in subregulation (1) affects the operation of any other law that applies in relation to containers for chemical products.

23I Conditions for dealing with reserved chemical product—labels

(1) For subsection 56ZU(3) of the Code, a label for a chemical product mentioned in Part 2 of Schedule 3C must not contain a claim about the product and its active constituents that is inconsistent with:

(a) the definition of ***disinfectant*** in section 1 of Part 1 of Schedule 3C; and

(b) the particulars of the product, and active constituents of the product, set out in Schedule 3C.

(2) For subsection 56ZU(3) of the Code, a label for a chemical product of the kind mentioned in Part 2 of Schedule 3C must include any first aid instructions and safety directions that apply to the product, based on its type and formulation, in accordance with the document entitled *Handbook of First Aid Instructions, Safety Directions, Warning Statements and General Safety Precautions for Agricultural and Veterinary Chemicals*, published by the Office of Chemical Safety in the Therapeutic Goods Administration of the Department of Health and Ageing, as in force from time to time.

Note: The *Handbook of First Aid Instructions, Safety Directions*, *Warning Statements and General Safety Precautions for Agricultural and Veterinary Chemicals*can be found on the Therapeutic Goods Administration website at http://www.tga.gov.au.

Part 3—Compensation for provider of certain information in respect of continued registration of certain chemical products

Division 3.1—Notices

24 Protected registered information—notice to primary holder

For the purposes of subparagraph 60(3)(a)(i) of the Code, a notice to each primary holder must contain the following information about the secondary holder and the secondary chemical product:

(a) if the secondary chemical product is a registered chemical product:

(i) the name and business address of the secondary holder entered in the Register; and

(ii) the particulars of the secondary chemical product entered in the Register or, if each primary holder so requests, the particulars of the approved active constituent entered in the Record; and

(iii) the matters about the approved label recorded in the relevant APVMA file for paragraph 21(c) of the Code.

(b) if the secondary chemical product is not a registered chemical product—the name and business address of the secondary holder contained in the application for registration of the secondary chemical product.

25 Protected registered information—notice to secondary holder

For the purposes of subparagraph 60(3)(a)(ii) of the Code, the information about each primary holder and primary chemical product that must be contained in a notice to the secondary holder is:

(a) the name and business address of each primary holder; and

(b) the particulars of each primary chemical product, entered in the Register or, if the secondary holder so requests, the particulars of each approved active constituent, entered in the Record; and

(c) the matters about the approved label recorded in the relevant APVMA file for paragraph 21(c) of the Code.

Division 3.2—Conduct of arbitration

26 Rules governing the conduct of an arbitration

(1)For the purposes of section 71 of the Code (which deals with the conduct of an arbitration), regulations 27 to 39 apply to an arbitration under Division 3 of Part 3 of the Code.

(2)A law that relates to the conduct of commercial arbitration, to the extent that it is inconsistent with any regulation mentioned in subregulation (1), does not apply to an arbitration under Division 3 of Part 3 of the Code.

27 Notice of appointment of arbitrator

(1)When an arbitrator is appointed for a purpose of the Code, the APVMA must give notice in writing of the appointment, stating the arbitrator’s name and address, to:

(a) each primary holder in the matter to be arbitrated; and

(b) the secondary holder in the matter; and

(c) the mediator in the matter.

(2) The notice must be given within 14 days after the appointment.

28 Parties to give information to arbitrator

As soon as practicable after being notified of the arbitrator’s appointment, a holder must tell the arbitrator in writing about any proposal as to the terms of compensation that was made by the holder in the course of negotiations.

29 Mediator to submit report

As soon as practicable after being notified of the arbitrator’s appointment, the mediator must give a written report to the arbitrator:

(a) setting out the proposals and counter proposals (if any) made by the holders during the mediation; and

(b) summarising the issues raised during the mediation.

30 Arbitrator to conduct a hearing

Before determining the terms of compensation (if any), the arbitrator must conduct a hearing.

31 Arbitrator to give parties notice of hearing

(1)The arbitrator must give written notice of a hearing to each party to the arbitration, at least 14 days before the hearing.

(2)The notice must specify the date, time and place of the hearing.

32 Arbitrator’s powers if holder does not attend hearing

If the arbitrator has given a party to the arbitration notice of a hearing in accordance with regulation 31, the arbitrator may determine terms of compensation in accordance with Division 3 of Part 3 of the Code even if the holder does not attend the hearing.

33 Procedure at the hearing

The arbitrator may determine the procedure to be observed at a hearing.

34 Representation at the hearing

(1)Subject to subregulation (2), a party to an arbitration must not be represented by a legal practitioner at the hearing.

(2)Subject to subregulation (3), the arbitrator may permit a party to be represented by a legal practitioner if, in the opinion of the arbitrator:

(a) legal representation is likely to shorten the proceedings or reduce costs; or

(b) the party would be unfairly disadvantaged if the party were not represented.

(3)The arbitrator must not permit a holder to be represented by a legal practitioner if, in the opinion of the arbitrator, another party would be unfairly disadvantaged as a result.

35 Arbitrator may require information etc

(1)If the arbitrator reasonably believes that a person is able to give information or produce a document that may be used for the purpose of determining:

(a) an amount referred to in subparagraph 69(1)(b)(i) or (ii) of the Code (each of which deals with the amount of the cost of obtaining protected registration information); or

(b) what, for the purposes of paragraph 69(1)(b) of the Code, is a fair proportion of that amount; or

(c) any other matter relevant to the determination of what is a reasonable proposal as to the terms of compensation;

the arbitrator may give notice in writing to the person in accordance with subregulation (2).

(2)A notice under subregulation (1) may require the person:

(a) to give the information to the arbitrator within the time and in the manner specified in the notice; or

(b) to attend before the arbitrator at a specified time and place and answer any question; or

(c) to produce the document to the arbitrator in accordance with the notice.

(3)A person must not fail to comply with a notice given to the person under subregulation (1).

Penalty: 5 penalty units.

(3A) It is a defence to a prosecution under subregulation (3) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(3B) An offence under subregulation (3) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4)An arbitrator may require evidence to be given on oath or affirmation, and for that purpose, the arbitrator may administer an oath or affirmation.

36 Fair proportion of cost of providing protected registration information

For the purposes of subsection 69(2) of the Code, the matters to which the arbitrator must have regard in determining what is a fair proportion of an amount of the cost incurred by each primary holder are as follows:

(a) the time that has elapsed since the protected registered information was obtained by each primary holder;

(b) the value of sales of the primary chemical product concerned since the registration of the product;

(c) whether each primary holder has already received compensation for the use of the protected registered information by the APVMA;

(d) the cost of obtaining the protected registered information if it were to be compiled at the time of the arbitration.

37 Arbitrator’s costs

(1)The parties to an arbitration are jointly and severally liable to pay any costs reasonably incurred by the arbitrator in relation to the arbitration.

(2)The APVMA may elect to pay the arbitrator’s costs mentioned in subregulation (1).

(3)If the APVMA pays the arbitrator’s costs, the APVMA may recover the costs from all or any of the holders as a civil debt in a court of competent jurisdiction.

38 Holders’ cost of arbitration

Each party to an arbitration must bear the party’s own costs relating to the arbitration.

39 Arbitrator exonerated from liability

No action lies against an arbitrator for anything done in the course of an arbitration, if it is done in accordance with the Code and these Regulations.

Part 4—Control of chemical products

Division 4.1—General

40 Supply of substances for research etc for chemical products

(1)Subsections 74(1) and 75(1) of the Code (which deal with the possession of chemical products and active constituents for supply) do not apply to a person in relation to an amount of:

(a) a substance that is likely to be used as an active constituent for a chemical product; or

(b) an active constituent for a chemical product; or

(c) a chemical product;

to which subregulation (2) applies.

(2)This subregulation applies to a substance, constituent or chemical product in the possession or custody of a person if:

(a) the substance, constituent or product is to be used only for the purposes of research in connection with a chemical product; and

(b) the amount of the substance, constituent or product does not exceed the amount specified in subregulation (5); and

(c) the person complies with subregulations (6) and (8) in respect of the substance, constituent or product.

(3)Subsections 76(1), 77(1), 78(1) and 79(1) of the Code (which deal with the supply of chemical products and active constituents) do not apply to a person in relation to an amount of:

(a) a substance that is likely to be used as an active constituent for a chemical product; or

(b) an active constituent for a chemical product; or

(c) a chemical product;

to which subregulation (4) applies.

(4)This subregulation applies to a substance, constituent or chemical product supplied by a person if:

(a) the substance, constituent or product is to be used only for the purposes of research in connection with a chemical product; and

(b) the amount of the substance, constituent or product supplied in any 12 month period does not exceed the amount specified in subregulation (5); and

(c) the person complies with subregulations (7) and (8) in respect of the substance, constituent or product.

(5)For the purposes of subregulations (2) and (4), the amount of the substance, constituent or chemical product is:

(a) in the case of a substance or constituent—3 kilograms; or

(b) in the case of a chemical product—6 kilograms.

(6) A person referred to in subregulation (2) must make a record stating the amount of the substance, constituent or chemical product in the person’s possession or custody at any time.

(7)A person referred to in subregulation (4) must make a record that shows, at any time, the amount of the substance, constituent or chemical product supplied by the person in the preceding 12 month period.

(8)A record made under subregulation (6) or (7):

(a) must be in a form that is readily accessible for the purposes of Parts 9 and 9A of the Code (which deal with investigative powers and enforcement); and

(b) must be kept at the business premises of the person who made it for at least 2 years after it is made.

41 Supply etc of substances with constituents differing from registered particulars

(1) This regulation has effect for the purposes of sections 83 and 102 of the Code.

(2) For the purposes of paragraphs 83(1)(a) and 102(1)(b) of the Code, the prescribed extent, in the case of an active constituent of a registered chemical product, is nil.

(3)For the purposes of paragraphs 83(1)(b) and 102(1)(c) of the Code, the prescribed extent, for a constituent of a registered chemical product:

(a) that is an active constituent; and

(b) in respect of which a standard is prescribed under section 87 of the Code;

is the extent (if any) of variation of concentration permitted by that standard.

42 Prescribed standards for chemical products

(1)For the purposes of subparagraph 87(1)(b)(ii) of the Code (which deals with standards for chemical products), all chemical products are prescribed.

(2) Section 7 of the Act (which deals with the power to make orders) applies to the specification of standards in respect of:

(a) a chemical product; and

(b) a constituent contained in a chemical product.

(3) For paragraph 87(1)(a) of the Code, the standard prescribed for a chemical product, or a constituent contained in a chemical product, is:

(a) for a product or constituent in respect of which a standard is specified in an order under section 7 of the Act—that standard; or

(b) for a product or constituent (other than a product or constituent to which paragraph (a) applies) in respect of which a standard has been made under section 6E of the Code—that standard; or

(c) for a listed chemical product (other than a product to which paragraph (a) or (b) applies) mentioned in column 2 of item 1 of Part 2 of Schedule 3B—the established standard for the product; or

(d) for a listed chemical product (other than a product to which paragraph (a) or (b) applies) mentioned in column 2 of item 2 of Part 2 of Schedule 3B—the established standard for the product; or

(e) for a veterinary chemical product or a constituent (other than a product or constituent to which paragraph (a), (b), (c) or (d) applies) in respect of which a standard is specified in:

(i) the British Pharmacopoeia; or

(ii) the British Pharmacopoeia (Veterinary); or

(iii) the European Pharmacopoeia; or

(iv) the United States Pharmacopoeia;

the standard specified in the first of those publications, in the order set out in this paragraph, that applies to the product or constituent; or

(f) for a product or constituent (other than a product or constituent to which paragraph (a), (b), (c), (d) or (e) applies) in respect of which a standard is specified in the FAO and WHO Specifications for Pesticides—that standard; or

(g) for a product or constituent (other than a product or constituent to which paragraph (a), (b), (c), (d), (e) or (f) applies) in respect of which the APVMA approved a standard before 1 July 2014 and the approval is still in force—that standard.

(4)If no standard is prescribed under subregulation (3) in respect of the concentration of an active constituent of a particular chemical product, the standard in respect of the concentration of that active constituent is the standard set out in the following table:

| Concentration of each active constituent as specified on the product label (g/kg or g/L at 20˚C) | **Standard (allowable variation)** |
| --- | --- |
| 500 or more | ± 25 g/kg or g/L of the active constituent |
| From 250 up to but not including 500 | ± 5% of the content of the active constituent |
| From 100 up to but not including 250 | ± 6% of the content of the active constituent |
| Less than 100 | ± 10% of the content of the active constituent |

43 When statements about chemical products can be made or reported

(1)For the purposes of subsection 89(3) of the Code, a person is not prevented from making or reporting a statement about a chemical product if the statement is not made for the purpose of promoting the product and is one of the following kinds of statement:

(a) a statement made:

(i) in a scientific paper or other scientific literature, or in a scientific report or presentation; or

(ii) at a conference or seminar, or in an address, meeting or discussion, concerning chemical products;

being a statement based on data published in a reputable, refereed scientific journal or of a standard publishable in such a journal;

(b) a statement made on radio or television or in a newspaper, journal or newsletter, as fair comment on any material:

(i) published for the purposes of a conference or seminar; and

(ii) based on data referred to in paragraph (a).

(2)Nothing in subregulation (1) is taken to permit a statement that would, apart from that subregulation, contravene section 84 of the Code.

43A Division 3 of Part 4 of the Code does not apply to listed chemical products or reserved chemical products

For the purposes of section 89A of the Code, listed chemical products and reserved chemical products are prescribed.

Note: Listed chemical products are specified in Schedule 3B and reserved chemical products are specified in Schedule 3C.

44 Record of manufacture or import of date‑controlled chemical product

(1)For the purposes of paragraph 90(1)(a) of the Code, a record in relation to a date‑controlled chemical product:

(a) must be made:

(i) in written or electronic form; and

(ii) in such a way as to ensure that the record is readily accessible for the purposes of Parts 9 and 9A of the Code (which deal with investigative powers and enforcement); and

(b) must include the following particulars:

(i) the name and business address of the manufacturer;

(ii) if the product is imported—the name and business address of the importer;

(iii) the distinguishing name of the product;

(iv) if the product is a registered chemical product—the distinguishing number given to the product under section 20 of the Code;

(v) the volume or quantity manufactured or imported;

(vi) the batch number.

(2) For the purposes of paragraph 90(1)(b) of the Code, the period for keeping a record of a date‑controlled chemical product is the period that begins when the record is made and ends 12 months after the expiry date of the product to which it relates.

45 Restricted chemical products

For the purposes of subsection 93(1) of the Code (which deals with restricted chemical products), a chemical product specified in Column 2 of Schedule 4 is declared to be a restricted chemical product, the APVMA having certified in writing, in respect of the product, under subsection 93(2) of the Code, that it is in the public interest for the product to be so declared.

46 Supply of chemical product—batch number or record of supply

(1)A person may supply a chemical product only if:

(a) the container for the product has attached to it a label containing a batch number, in a form approved by the APVMA, that enables the APVMA to identify the batch of that chemical product from which the contents of the container were taken; or

(b) the person makes a record, in respect of the supply, in accordance with subregulation (2).

Penalty: 10 penalty units.

(2)For the purposes of paragraph (1)(b), a person who supplies a chemical product must make, as soon as practicable, a record:

(a) in a form approved by the APVMA; and

(b) in such a way as to ensure that the record is readily accessible for the purposes of Parts 9 and 9A of the Code (which deal with investigative powers and enforcement); and

(c) including the following particulars:

(i) the name and address of the person who supplied the product;

(ii) the name and address of the person to whom the product was supplied;

(iii) the date of supply;

(iv) the quantity of the product supplied or, if the product is supplied as part of a mixture of chemical products, the quantity of the mixture of products supplied;

(v) the identification number of the container in which the product was transported or stored for the purpose of supply or, if the container is a bulk tank, the location of the container;

(vi) the distinguishing name of the product supplied or, if the product is supplied as part of a mixture of chemical products, the distinguishing name of each of those products;

(vii) if the batch number of the product supplied or, if the product is supplied as part of a mixture of chemical products, the batch number of each of those products supplied, is known to the person who supplied the product—that batch number, or as the case requires, those batch numbers;

(viii) if the product is supplied in a refillable container—the date on which the product was placed in the container.

(3)A person who makes a record under subregulation (2) must keep the record for 3 years after it is made.

Penalty: 10 penalty units.

(4) It is a defence to a prosecution under subregulation (1) or (3) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(5) An offence under subregulation (1) or (3) is an offence of strict liability.

Note: For ***strict liability,***see section 6.1 of the *Criminal Code.*

Division 4.2—Supply of hormonal growth promotants

47 Notice of intention to supply hormonal growth promotant

(1)If a person gives notice in writing to the APVMA:

(a) declaring the person’s intention to supply a hormonal growth promotant; and

(b) specifying each premises from which the person intends to supply the promotant;

the APVMA must assign, on payment of the prescribed application fee, a unique notification number to the person for each of those premises.

(2) The prescribed application fee is $305 for each premises specified in the notice.

47A Notification number may be replaced or withdrawn

(1)The APVMA may, at any time, by notice in writing to the assignee of a notification number for particular premises:

(a) without payment of a fee, assign a notification number for the premises in place of a notification number previously assigned; or

(b) if it appears to the APVMA that the premises are no longer used for the supply of hormonal growth promotant—inform the assignee that it intends, after a specified period, to withdraw the assigned notification number.

(2) If, within the specified period, the assignee does not satisfy the APVMA that the premises are still used for the supply of hormonal growth promotant, the APVMA may withdraw the assigned notification number.

47AB Review of decision withdrawing assigned notification number

Application may be made under the *Administrative Appeals Tribunal Act 1975* to the Administrative Appeals Tribunal for review of a decision of the APVMA under subregulation 47A(2) withdrawing an assigned notification number.

47B Notification number to be renewed annually

(1)Assignment of a notification number:

(a) begins to have effect on the day of the assignment; and

(b) unless continued under subregulation (2)—ceases to have effect at the end of 1 year after that day.

(2)A person to whom a notification number has been assigned for premises may continue the assignment of that number for those premises by giving notice in accordance with subregulation 47(1), and paying the prescribed fee under subregulation 47(2), on or before the day on which the assignment ceases to have effect.

47C Hormonal growth promotant not to be supplied etc

(1)A person may supply a hormonal growth promotant only if:

(a) a notification number has been assigned to the person for the premises from which the supply occurs; and

(b) the notification number has not been withdrawn; and

(c) the assignment of the notification number has not ceased to have effect.

Penalty: 10 penalty units.

(1A) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(1B) An offence under subregulation (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(2)For the purposes of subregulation (1), premises from which supply occurs are premises from which the promotant is first taken:

(a) in response to a particular request for supply; and

(b) in the form and container in which it is supplied.

48 Supply of hormonal growth promotant—purchaser’s declaration

(1) A person may supply a hormonal growth promotant only if:

(a) the recipient gives to the supplier, at the time of acquisition, a declaration that:

(i) is in a form approved by the APVMA; and

(ii) states:

(A) the total quantity and type of the promotant acquired; and

(B) the batch number of the promotant; and

(C) the purchaser declaration number for the premises where animals proposed to be treated with the promotant are to be kept; and

(iii) acknowledges that the recipient is aware that an animal treated with a hormonal growth promotant must be marked as an animal so treated, as required by the law of this jurisdiction (that is, by making in its ear an equilateral triangular hole 20 millimetres on each side); or

(b) the recipient has been assigned a notification number that has not ceased to have effect and has not been withdrawn.

Penalty: 10 penalty units.

(2) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(3) An offence under subregulation (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

49 Record of supply of hormonal growth promotant—manufacturer and supplier

(1) A person who manufactures and supplies a hormonal growth promotant must make, on each occasion on which the promotant is supplied to another person (in this regulation called ***the recipient***), a record containing the following particulars:

(a) the distinguishing name of the promotant entered in the Register of Chemical Products;

(b) the name and address of the manufacturer;

(c) the notification number assigned to the premises from which the promotant was supplied to the recipient;

(d) the quantity of the promotant supplied;

(e) the date of manufacture of the promotant;

(f) the batch number of the promotant;

(g) the quantity of promotant manufactured in that batch;

(h) the date of supply of the promotant;

(i) the name and address of the recipient;

(j) if 1 or more notification numbers have been allotted to the recipient:

(i) the notification number, and address, of each premises to which the promotant is supplied; and

(ii) the quantity of the promotant supplied to each of those premises;

(k) if no notification number has been allotted to the recipient—the purchaser declaration number for the premises where animals treated with the promotant are to be kept.

Penalty: 10 penalty units.

Note: Regulation 52 sets out further requirements regarding the form of the record.

(2) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(3) An offence under subregulation (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

50 Record of supply of hormonal growth promotant—importer and supplier

(1) A person who imports and supplies a hormonal growth promotant must make, on each occasion on which the promotant is supplied to another person (in this regulation called ***the recipient***), a record containing the following particulars:

(a) the distinguishing name of the promotant entered in the Register of Chemical Products;

(b) the name and address of the importer;

(c) the notification number assigned to the premises from which the promotant was supplied to the recipient;

(d) the quantity of the promotant supplied;

(e) the date of importation of the promotant;

(f) the batch number of the promotant;

(g) the quantity of promotant imported from that batch;

(h) the date of supply of the promotant;

(i) the name and address of the recipient;

(j) if 1 or more notification numbers have been allotted to the recipient:

(i) the notification number, and address, of each premises to which the promotant is supplied; and

(ii) the quantity of the promotant supplied to each of those premises;

(k) if no notification number has been allotted to the recipient—the purchaser declaration number for the premises where animals treated with the promotant are to be kept.

Penalty: 10 penalty units.

Note: Regulation 52 sets out further requirements regarding the form of the record.

(2) An offence under subregulation (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

51 Record of supply of hormonal growth promotant—other suppliers

(1)This regulation applies to a person (in this regulation called ***the supplier***) who:

(a) receives a hormonal growth promotant from another supplier (in this regulation called ***the previous supplier***); and

(b) supplies the promotant to another person (in this regulation called ***the recipient***).

(2) When the promotant is supplied, the supplier must make a record containing the following particulars:

(a) the distinguishing name of the promotant entered in the Register of Chemical Products;

(b) the name and address of the supplier;

(c) the notification number assigned to the premises from which the promotant was supplied to the recipient;

(d) the batch number of the promotant;

(e) the name and address of the recipient;

(f) the date of supply of the promotant to the recipient;

(g) the quantity of the promotant supplied to the recipient;

(h) the total quantity of the promotant remaining in the supplier’s possession after supply;

(i) the name and address of the previous supplier;

(j) the notification number (if any) assigned under this Division to the previous supplier for the premises from which the promotant was supplied by the previous supplier;

(k) the date of supply of the promotant by the previous supplier;

(l) the total quantity of the promotant supplied by the previous supplier;

(m) if 1 or more notification numbers have been allotted to the recipient:

(i) the notification number, and address, of each premises to which the promotant is supplied; and

(ii) the quantity of the promotant supplied to each of those premises;

(n) if no notification number has been allotted to the recipient—the purchaser declaration number for the premises where animals treated with the promotant are to be kept.

Penalty: 10 penalty units.

Note: Regulation 52 sets out further requirements regarding the form of the record.

(3) It is a defence to a prosecution under subregulation (2) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(4) An offence under subregulation (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code.*

52 Record of supply of hormonal growth promotant—general requirements

For the purposes of regulations 49, 50 and 51, a record must be made:

(a) in written or electronic form; and

(b) in such a way as to be readily accessible for the purposes of Parts 9 and 9A of the Code (which deal with investigative powers and enforcement).

53 Copy of records to be given to APVMA

(1)A person who makes a record under regulation 49, 50 or 51 must give a copy of the record to the APVMA within 14 days after the end of the month in which it was made.

(2) A person must not fail to comply with subregulation (1).

Penalty: 10 penalty units.

(3) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(4) An offence under subregulation (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

54 Copy of records etc to be kept

(1)A person who makes a record under regulation 49, 50 or 51 must keep the record for 2 years after it is made.

(2)A person to whom a declaration is given under subparagraph 48(1)(a) must keep the declaration for 2 years after it is given.

(3)A person must not fail to comply with subregulation (1) or (2).

Penalty: 10 penalty units.

(4) It is a defence to a prosecution under subregulation (1) or (2) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(5) An offence under subregulation (3) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

Part 5—Analysis

55 Analysis of chemical products—tests

(1)Section 7 of the Act (which deals with the power to make orders) applies to prescribing tests for the analysis of samples of substances or mixtures of substances for the purposes of the Code.

(2)For the purposes of Part 5 of the Code, a sample of a substance or mixture of substances must be analysed by means of any of the following tests that apply to the substance or mixture:

(a) a test prescribed in an order made under section 7 of the Act;

(c) a test specified in:

(i) the CIPAC Handbook and Addenda published by the Collaborative International Pesticides Analytical Council Limited; or

(ii) the AOAC Manual and Addenda published by the Association of Official Analytical Chemists;

(iii) the British Pharmacopoeia; or

(iv) the British Pharmacopoeia (Veterinary); or

(v) the European Pharmacopoeia; or

(vi) the US Pharmacopoeia;

(d) any other test approved by the APVMA in writing.

55A Prescribed standards for supplied substances

For the purposes of subparagraph 99(3)(j)(i) of the Code, the standard prescribedfor an active constituent contained in a chemical product, or a chemical product, is:

(a) for an active constituent or chemical product in respect of which a standard is specified in an order under section 7 of the Act—that standard; or

(b) for an active constituent or chemical product (other than a constituent or product to which paragraph (a) applies) in respect of which a standard has been made under section 6E of the Code—that standard; or

(c) for a listed chemical product (other than a product to which paragraph (a) or (b) applies) mentioned in item 1 of Part 2 of Schedule 3B in respect of which there is an established standard—the established standard for the product; or

(d) for a listed chemical product (other than a product to which paragraph (a) or (b) applies) mentioned in item 2 of Part 2 of Schedule 3B—the established standard for the product; or

(e) for a veterinary chemical product or an active constituent (other than a product or constituent to which paragraph (a), (b), (c) or (d) applies) in respect of which a standard is specified in:

(i) the British Pharmacopoeia; or

(ii) the British Pharmacopoeia (Veterinary); or

(iii) the European Pharmacopoeia; or

(iv) the United States Pharmacopeia;

the standard specified in the first of those publications, in the order set out in this paragraph, that applies to the product or constituent; or

(f) for an active constituent or chemical product (other than a constituent or product to which paragraph (a), (b), (c), (d) or (e) applies) in respect of which a standard is specified in the FAO and WHO Specifications for Pesticides—that standard; or

(g) for an active constituent or chemical product (other than a constituent or product to which paragraph (a), (b), (c), (d), (e) or (f) applies) in respect of which the APVMA approved a standard before 1 July 2014 and the approval is still in force—that standard.

56 Analysis at an accredited laboratory

For the purposes of paragraph 99(4A)(c) of the Code (which deals with requirements for analysis), a prescribed laboratory, in relation to the analysis of a substance or mixture of substances, is a laboratory accredited by NATA, or approved by the APVMA, to carry out an analysis of that kind.

Part 6—Permits

57 Requirements for issue of permit on application

(1) Subregulation (2) applies to the issue by the APVMA of a permit on application for a person to do, or omit to do, any thing which would, apart from the permit, be an offence against an eligible law of this jurisdiction.

(2) For paragraph 112(2)(e) of the Code, the use of the active constituent or chemical product, as proposed in the application for the issue of the permit, must be:

(a) a minor use; or

(b) an emergency use; or

(c) for the purpose of research.

Note: Subregulation (2) does not affect permits issued in relation to an offence mentioned in paragraph 109(a) of the Code or a contravention mentioned in paragraph 109(c) of the Code.

(3) For paragraph 112(2)(e) of the Code, if the permit is issued for a person to do, or omit to do, any thing which would, apart from the permit, be:

(a) an offence against section 121 of the Code; or

(b) a contravention of the civil penalty provision referred to in section 121 of the Code;

the permit must be expressed to be in force for a period of not more than 90 days.

57A Requirements for issue of permit on APVMA’s own initiative

For paragraph 112A(2)(b) of the Code, if a permit issued by the APVMA on its own initiative would permit a person to do, or omit to do, any thing which would, apart from the permit, be:

(a) an offence against section 121 of the Code; or

(b) a contravention of the civil penalty provision referred to in section 121 of the Code;

the permit must be expressed to be in force for a period of not more than 90 days.

57B Duration of permit—extension for further period

For paragraph 115(3A)(b) of the Code, the APVMA must be satisfied that:

(a) the requirements mentioned in paragraphs 112(2)(e) and (f) of the Code will continue to be met in respect of the permit; and

(b) for a permit in respect of an active constituent where the APVMA considers that its assessment for paragraph 112(2)(c) of the Code in relation to the issue of the permit is no longer valid—that the requirement mentioned in paragraph 112(2)(c) of the Code is met in respect of the permit; and

(c) for a permit in respect of a chemical product where the APVMA considers that its assessment for paragraph 112(2)(d) of the Code in relation to the issue of the permit is no longer valid—that the requirement mentioned in paragraph 112(2)(d) of the Code is met in respect of the permit; and

(d) the holder will continue to be able to comply with the conditions of the permit unless the APVMA is satisfied that special circumstances make the extension for a further period appropriate despite this requirement not being met; and

(e) none of subparagraphs 112(4)(b)(iv) to (xi) of the Code applies to:

(i) the holder; or

(ii) any other person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the holder’s affairs; or

(iii) if the holder is a body corporate—a major interest holder of the body corporate;

unless the APVMA is satisfied that special circumstances make the extension for a further period appropriate despite this requirement not being met; and

(f) the permit is not a permit to which paragraph 112(2)(g) of the Code applied at the time the permit was issued; and

(g) the permit is not a permit that was taken to have been issued under section 45B or 47D of the Code; and

(h) if an application has not been made by any person for variation of a relevant particular or condition of approval or registration for the active constituent or chemical product in respect to which the permit is issued—that there are reasonable grounds for the application not having been made.

Part 7—Manufacture of chemical products

59 Part 8 of the Code does not apply to listed chemical products, reserved chemical products and certain other products

(1)For the purposes of section 120A of the Code, the following chemical products are prescribed:

(aa) any listed chemical product;

(ab) any reserved chemical product;

(a) any agricultural chemical product;

(b) an ingredient used in the manufacture of a chemical product if the ingredient:

(i) does not have a therapeutic or biological effect on a plant or animal; or

(ii) is a herb, or an oil extracted from a herb, the sole use of which is as a starting material for use in the manufacture of a chemical product;

(c) any product prepared in a research facility or pilot plant solely for experimental use;

(d) any veterinary homeopathic preparation that:

(i) is more dilute than a one thousandfold dilution of a mother tincture; and

(ii) is not required to be sterile;

(e) any skin cleanser or shampoo;

(f) any coat conditioner intended for external use only;

(g) any equine hoof protectant;

(h) any sheep branding substance;

(i) a substance of any of the following kinds that is intended to be added to stockfood:

(i) organic acids;

(ii) antioxidants;

(iii) pellet‑binding products;

(iv) mould inhibitors;

(v) preservatives;

(vi) feed handling improvers;

(vii) colouring agents;

(viii) anticaking agents;

(ix) deodorising agents;

(x) flavours;

(xi) flavour enhancers;

(xii) sweeteners;

(xiii) aromatic substances;

(xiv) appetising substances.

Note: Listed chemical products are specified in Schedule 3B and reserved chemical products are specified in Schedule 3C.

(2)In paragraph (1)(d):

***mother tincture*** means a liquid prepared by the process of solution, extraction or trituration.

***veterinary homeopathic preparation*** means a preparation:

(a) formulated for use on the principle that it is capable of producing in a healthy animal symptoms similar to those which it is administered to alleviate; and

(b) prepared according to the practices of homeopathic pharmacy using the method of:

(i) serial dilution and succussion of a mother tincture in water, ethanol, aqueous ethanol or glycerol; or

(ii) serial trituration in lactose.

59A Manufacture of chemical products—exempt persons—single step

For the purposes of paragraph 121(4)(a) of the Code, a person who performs only a single step in the manufacture of a product is an exempt person in relation to the manufacture if:

(a) the step consists only of:

(i) packaging or labelling, or both packaging and labelling, the product; or

(ii) analysing or testing the product; and

(b) either:

(i) the licence that authorises the manufacture of the product (being a licence held by another person) permits the first‑mentioned person to perform the step for the product; or

(ii) the step consists only of applying a label that contains only a name and address, or the registration number of the product, or both, to a package, or packages, of the product.

59B Manufacture of chemical products—exempt persons—chemical product that ceases to be prescribed

For the purposes of paragraph 121(4)(a) of the Code, if a product ceases to be prescribed for the purposes of section 120A of the Code, each person that:

(a) performs a step in the manufacture of that product; and

(b) is not the holder of a licence authorising the performance of that step in relation to the product; and

(c) applied, before the product ceased to be prescribed for the purposes of section 120A of the Code, for a licence authorising the performance of that step in relation to the product;

is an exempt person in relation to that product during the period beginning when the product ceases to be prescribed for the purposes of section 120A of the Code and ending when the APVMA gives notice of its decision on the application.

59C Manufacture of chemical products—exempt persons—legal personal representative etc of licence holder

(1)For paragraph 121(4)(a) of the Code, the legal personal representative of a licence holder who dies is an exempt person in relation to the manufacture of a product the production of which is authorised by the licence, subject to the following conditions:

(a) that he or she gives the APVMA notice, in writing, of the grant of probate or administration not later than 3 months after it occurs;

(b) that he or she complies with the terms of the licence as if he or she were the holder of the licence;

(c) that he or she complies with the Code and these Regulations as if he or she were the holder of the licence.

(2)The trustee in bankruptcy of a licence holder is an exempt person in relation to the manufacture of a product the production of which is authorised by the licence, subject to the following conditions:

(a) that he or she gives the APVMA notice, in writing, of the bankruptcy not later than 3 months after it occurs;

(b) that he or she complies with the terms of the licence as if he or she were the holder of the licence;

(c) that he or she complies with the Code and these Regulations as if he or she were the holder of the licence.

(3) An exemption under this regulation has no effect if the licence issued to the deceased person or the bankrupt (as the case may be) is not in force.

(4) If the APVMA reasonably requires the legal personal representative or trustee in bankruptcy to provide further information, or documents, relating to a grant of probate or letters of administration, or a trusteeship (as the case requires), and that request is not complied with within the time allowed by the APVMA, the exemption ceases to have effect at the end of that time.

(5)The time allowed to comply with a request under subregulation (4) must not be shorter than 1 month from the date of the request.

59D Manufacture of chemical products—exempt persons—person that acquires business including transfer of licence

(1)For paragraph 121(4)(a) of the Code, a person who is the transferee of a business:

(a) involving the manufacture of chemical products; and

(b) in relation to which a licence has been issued;

is an exempt person in relation to the manufacture of a product the production of which is authorised by the licence, subject to the following conditions:

(c) that the person notifies the APVMA, in writing, of the transfer not later than 6 weeks after it is agreed;

(d) that the person complies with the terms of the licence as if he or she were the holder of the licence;

(e) that the person applies for a licence in relation to the business, in accordance with section 122 of the Code, within 3 months after acquiring the business.

(2)An exemption under subregulation (1):

(a) ceases to have effect if the person’s application under paragraph (1)(e) is refused by the APVMA; and

(b) has no effect if the licence referred to in paragraph (1)(b) is not in force.

59E Requirements for issue of licence

For paragraph 123(1)(b) of the Code, it is a requirement for the issue of a licence that, if directed to do so by the APVMA CEO, the applicant for the licence:

(a) undergoes an audit by an APVMA inspector, or another person authorised in writing by the APVMA, of the facilities, equipment, systems, processes, procedures and personnel to be used in the manufacture of the chemical products; and

(b) demonstrates to the satisfaction of the APVMA that the applicant will comply with the conditions to be imposed on the licence if the licence is issued.

60 Licence condition—holder to give information about manufacture

For the purposes of paragraph 126(4)(b) of the Code (which deals with additional conditions of a licence), it is a condition of each licence that the holder of the licence must give the APVMA on or before each anniversary of the day on which the licence comes into force:

(a) the name, qualifications and details of the relevant experience of any person nominated by the holder of the licence as the person having control of:

(i) the production of the chemical products manufactured by or on behalf of the holder of the licence; and

(ii) the quality control measures that are, or are to be, employed in the manufacture of the chemical products; and

(b) if the APVMA so requests—details of chemical products manufactured by or on behalf of the holder of the licence during the previous 12 months.

61 Licence conditions—general

(1)For the purposes of paragraph 126(4)(b) of the Code (which deals with conditions in licences), the following subregulations set out conditions to which each licence to manufacture chemical products is subject.

(2) A holder of a licence must display publicly, at the premises to which the licence relates, a copy of the licence and of any notice issued by the APVMA imposing, varying or removing the conditions applicable to the licence.

(3)A holder of a licence must make records showing:

(a) the materials used in the manufacture of the chemical products, the supplier and quantities of the materials used and details of the tests performed on those materials; and

(b) the procedures and controls employed in the manufacture of the chemical products, including the results of tests carried out during the processing of the chemical products; and

(c) details of the tests performed on the chemical products and the results of those tests; and

(d) the stability studies (if any) that validate the recommended shelf life and appropriate storage conditions of the chemical products;

(e) any complaint or product failure in relation to the chemical products, and the investigations and actions undertaken in relation to the complaint or product failure.

(3A) The holder of a licence must manufacture the chemical products in accordance with:

(a) the manufacturing principles; and

(b) the Australian GMP Code.

(4)If the chemical products are produced in identifiable batches, the holder of the licence must assign a batch number to each batch of the finished products.

(5)A holder of a licence must keep at the premises to which the licence relates:

(a) the records specified in subregulation (3); and

(b) if it is not unreasonable in the circumstances—a sample from each batch of the finished products;

for at least 12 months after the expiry date of the products to which they relate or, if there is no expiry date, for at least 6 years after the date on which the manufacture of the products was completed.

(6)The holder of the licence must ensure that a person nominated by the holder as having control of the production of the chemical products or of the quality control measures that are to be employed in the manufacture of the products maintains that control.

(7)If a licence allows a person other than the licence holder (in this subregulation called ***the contractor***) to perform a step of a kind set out in paragraph 59A(a) in the manufacture of a chemical product, the licence holder:

(a) must supervise the performance of that step; and

(b) must ensure that the respective responsibilities of the contractor and the licence holder in relation to the step are recorded in writing; and

(c) must ensure that the contractor maintains any records that, under the licence condition imposed by subregulation (3), the licence holder would be required to maintain if the licence holder performed the step; and

(d) must ensure that:

(i) the premises at which the contractor performs the step; and

(ii) the records referred to in paragraphs (b) and (c);

are made accessible to a person appointed by the APVMA to inspect the operations of the licence holder.

(7A) The holder of a licence may sub‑contract the manufacture of the chemical products only to:

(a) a manufacturer, or laboratory, licensed by the APVMA to perform a step in the manufacture of the chemical products; or

(b) a manufacturer or laboratory located outside Australia that the APVMA has determined complies with a standard of manufacture comparable to the manufacturing principles and the Australian GMP Code.

(8) If directed by the APVMA CEO, the holder of a licence must:

(a) undergo an audit by an APVMA inspector, or another person authorised in writing by the APVMA (an ***auditor***), of the facilities, equipment, systems, processes, procedures and personnel used in the manufacture of the chemical products (a ***GMP audit***); and

(b) demonstrate to the satisfaction of the APVMA that the holder is complying with the following conditions of the licence:

(i) any conditions imposed on the licence under subsections 126(1) and (2) of the Code;

(ii) the condition mentioned in paragraph 126(4)(a) of the Code, if the licence is subject to that condition;

(iii) any of the conditions mentioned in subregulations (3) to (7A) to which the licence is subject.

(8A) For the purposes of a GMP audit, the holder of the licence:

(a) must give the auditor access to all facilities, equipment, systems, processes, procedures and personnel used in the manufacture of the chemical products, and any information relevant to the GMP audit; and

(b) must not conceal or withhold relevant information from the auditor.

(8B) If the audit identifies a non‑conformance by the holder of the licence that, in the auditor’s opinion, is a critical non‑conformance, the holder must notify the APVMA in writing of the critical non‑conformance within 3 working days of being told of the critical non‑conformance by the auditor.

(8C) Following a GMP audit of the holder of a licence, the holder must:

(a) within the period determined by the APVMA, give to the APVMA:

(i) the original audit report, signed by the auditor, and any associated audit report supplements; and

(ii) details of the corrective action the holder proposes to take in relation to any non‑conformance identified in the audit report; and

(iii) a proposed period for taking the corrective action; and

(b) implement the corrective action within the period agreed to or specified by the APVMA; and

(c) give to the APVMA evidence demonstrating that the holder is complying with the following conditions of the licence:

(i) any conditions imposed on the licence under subsections 126(1) and (2) of the Code;

(ii) the condition mentioned in paragraph 126(4)(a) of the Code, if the licence is subject to that condition;

(iii) any of the conditions mentioned in subregulations (3) to (7A) to which the licence is subject.

(9)If the holder of a licence:

(a) changes his, her or its name; or

(b) being a corporation that has amalgamated with another corporation, carries on business under a name that is different from the name of the holder stated on the licence;

the holder must give notice in writing to the APVMA of the new name, and the circumstance giving rise to it, within 3 months after the occurrence of the circumstance.

(10)If a body corporate that is the holder of a licence becomes an externally‑administered body corporate, within the meaning of the Corporations Law, the person responsible for its administration must notify the APVMA, in writing, that the body corporate has become an externally‑administered body corporate within 3 months after that occurrence.

61A Determination following GMP audit

(1) For paragraph 6(2)(c) of the Act, this regulation applies if the holder of a licence is directed by the APVMA CEO to undergo a GMP audit under subregulation 61(8).

(2) On receipt of the information mentioned in subregulation 61(8C), the APVMA must:

(a) assess the information, having regard to the following:

(i) whether the audit report identified any non‑conformances;

(ii) whether any non‑conformances identified in the audit report have been rectified following corrective action;

(iii) any other matters the APVMA considers relevant; and

(b) determine whether the APVMA is satisfied that the holder is complying with the following conditions of the licence:

(i) any conditions imposed on the licence under subsections 126(1) and (2) of the Code;

(ii) the condition mentioned in paragraph 126(4)(a) of the Code, if the licence is subject to that condition;

(iii) any of the conditions mentioned in subregulations 61(3) to (7A) to which the licence is subject.

62 Licence condition—naming persons in control of production etc

For the purposes of paragraph 126(4)(b) of the Code (which deals with conditions in licences), if:

(a) an applicant for a licence to manufacture chemical products nominates a person as the person having control of the production of chemical products or of the quality control measures to be employed in the manufacture of the chemical products; and

(b) the licence is granted; and

(c) the applicant wishes to replace the nominated person with another person;

it is a condition of the licence that the licence holder must inform the APVMA as soon as practicable of the name, qualifications and experience of that other person.

Part 8—Enforcement

63 Method of securing samples

(1) This regulation applies to an inspector who exercises the power mentioned in paragraph 131A(1)(g) or 132A(1)(g) of the Code to take and keep samples of any thing on any premises.

(2) The inspector must ensure that:

(a) the sample is contained and sealed in an appropriate vessel or package; and

(b) the vessel or package is so marked as to clearly identify the sample; and

(c) the vessel or package cannot be opened, or the identification of the sample removed, without breaking the seal; and

(d) the sample is stored and transported in such a way that the composition of the sample is not altered.

64 Infringement notices

(1) For subsection 145DA(1) of the Code, each civil penalty provision mentioned in Schedule 5A is prescribed.

(2) For subsection 145DB(3) of the Code:

(a) the amount (in penalty units) mentioned for an individual in an item of Schedule 5A is the amount that applies for an alleged contravention by the individual of the provision mentioned in the item in the circumstances (if any) mentioned in the item; and

(b) the amount (in penalty units) mentioned for a corporation in an item of Schedule 5A is the amount that applies for an alleged contravention by the corporation of the provision mentioned in the item in the circumstances (if any) mentioned in the item.

Part 9—Miscellaneous

Division 9.1—Information

65 Information that must be given electronically

(1) For subsection 156A(2) of the Code, the information mentioned in an item in column 2 of the following table, given to the APVMA in relation to an application or a notice mentioned in column 1 for the item, must be given to the APVMA electronically.

| Information that must be given electronically | | |
| --- | --- | --- |
| Item | Column 1  Application | Column 2  Information |
| 1 | Application to which paragraph 10(1)(c) or 27(1)(c) of the Code relates | Information required by the APVMA about a label for a container for the chemical product to which the application relates |
| 1A | Notice under section 26AB of the Code | Information given in relation to the notice |
| 1B | Application under section 26B of the Code | Information given in relation to the application |
| 2 | Application to which regulation 8AT applies | Information given in relation to the application |
| 3 | Application to which regulation 8B relates | The information mentioned in paragraph 8B(2)(g) |
| 4 | Application to which regulation 8D relates | The information mentioned in paragraph 8D(2)(i) |
| 5 | Application to which regulation 19AD relates | The information mentioned in paragraph 19AD(2)(i) |

(2) For subsection 156A(2) of the Code, all information required or permitted to be given to the APVMA in an approved form mentioned in subparagraph 8A(a)(i) of the Code or paragraph 26AD(1)(a) or 122(1)(a) of the Code must be given to the APVMA electronically.

65A Period for giving additional information, report or sample—applications

(1) For subsection 159(1AA) of the Code, subregulations (2) to (4) set out the maximum period that may be stated as the period in which the applicant or holder to whom a notice is issued under section 159 of the Code (the ***recipient***) must respond to the notice.

(2) For an application (other than a timeshift application) for approval, registration, or a permit (other than a permit for emergency use), the maximum period is to be worked out as follows:



where:

***MP*** means the maximum period.

***XP*** means the extended assessment period mentioned for the application in column 3 of Part 2 of Schedule 6 minus the assessment period mentioned for the application in column 2 of Part 2 of Schedule 6.

(3) For a timeshift application, the maximum period is the period agreed to by the APVMA and the applicant.

(5) For subsection 159(1AB) of the Code, the APVMA may allow a further period if an extraordinary event or circumstance beyond the control of the recipient prevents the recipient from complying with the notice in the period stated in the notice.

65B Period for giving additional information, report or sample—suspensions and cancellations

For subsection 159(1AA) of the Code, the period of 28 days is prescribed for a notice for the purposes of paragraph 159(1)(d) of the Code to suspend or cancel an approval, registration or permit.

66 Disclosure of confidential commercial information about toxicity etc

(1)For the purposes of subparagraphs 162(3)(a)(iii) and 162(3)(b)(iii) of the Code, this regulation prescribes the conditions under which confidential commercial information of a kind described in those subparagraphs may be disclosed by the authorised person about a chemical product or any of its constituents.

(2) Information about a protected chemical product that is compensatable protected registration information may be disclosed to a person (***the requesting person***) on request if the requesting person signs and gives to the APVMA, before the information is disclosed, a declaration stating that the information will not be used in connection with an application for registration, in Australia or elsewhere, of another chemical product, except with the consent of the holder of the registration of the protected chemical product.

(3)Information about a chemical product that is not compensatable protected registration information, may be disclosed to a person on request by making it available to that person, for the purpose of reading only, at the premises of the APVMA or, if the APVMA thinks it appropriate, at other premises.

(4)Despite subregulations (2) and (3), information about a constituent of a chemical product other than an active constituent may be disclosed to a medical practitioner, in connection with his or her professional duties.

(5)In this regulation, ***compensatable protected registration information*** means protected registration information in respect of which compensation for provision of the information would be payable under Part 3 of the Code.

67 Disclosure of confidential commercial information about chemical products not yet registered etc

For the purposes of subparagraph 162(3)(c)(iii) of the Code a prescribed person is:

(a) in the case of a chemical product in respect of which an application for registration has been made—a person who is expressly authorised to obtain the information by the applicant for registration; or

(b) in the case of an active constituent in respect of which an application for approval has been made—a person who is expressly authorised to obtain the information by the applicant for approval.

68 Disclosure of confidential commercial information to international organisations

For the purposes of subparagraph 162(3)(d)(ii) of the Code, the following organisations are prescribed:

(a) the World Health Organization;

(b) the Food and Agriculture Organization of the United Nations;

(c) the International Labour Organization;

(d) the United Nations Environment Programme;

(e) the United Nations International Programme on Chemical Safety;

(f) the Organization for Economic Co‑operation and Development;

(g) any international organisation established jointly by 2 or more of the international organisations mentioned in paragraphs (a), (b), (c), (d), (e) and (f);

(h) any international organisation that is an agency or committee of an international organisation mentioned in paragraph (a), (b), (c), (d), (e), (f), or (g).

69 Disclosure of confidential commercial information—records

(1)The APVMA must make a record, on each occasion on which confidential commercial information is disclosed, of:

(a) the name and address of the person to whom the information is disclosed; and

(b) the nature of the information disclosed; and

(c) the date on which the information was disclosed.

(2) A record made under subregulation (1) must be kept for a period of 10 years.

(3)A person must not disclose any information contained in a record made under subregulation (1) to a person who is not a member of the staff of the APVMA.

Penalty: 10 penalty units.

(3A) It is a defence to a prosecution under subregulation (3) if the defendant:

(a) has a reasonable excuse; or

(b) has the permission in writing of the Minister or a person authorised under subregulation (4).

Note: A defendant bears an evidential burden in relation to the matters mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

(3B) An offence under subregulation (3) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4)The Minister may, in writing, authorise a person for the purposes of subregulation (3).

69AAA Disclosure of information given with applications under these Regulations

(1) Section 162 of the Code applies, with the modifications set out in this regulation:

(a) in relation to the disclosure of information, about an ingredient in a substance or in a mixture of substances, that is given to the APVMA in connection with an application under these Regulations—as if:

(i) the ingredient were an active constituent for a proposed or existing chemical product; and

(ii) subparagraphs (3)(a)(i) and (ii) of that section were omitted; and

(b) in relation to the disclosure of information, about a substance or a mixture of substances, that is given to the APVMA in connection with an application under these Regulations—as if:

(i) the substance or mixture were a chemical product; and

(ii) subparagraphs (3)(b)(i) and (ii) of that section were omitted; and

(c) if either paragraph (a) or (b) of this subregulation applies—as if subsections (11), (13) and (13A) of that section were omitted.

(2) The maximum penalty for an offence committed against subsection 162(1), (8) or (9) of the Code, as those subsections apply under subregulation (1), is 50 penalty units.

(3) For subregulation (1), a reference in section 162 of the Code to confidential commercial information is taken to be a reference to:

(a) a trade secret relating to the substance, mixture or ingredient; or

(b) any other information relating to the substance, mixture or ingredient that has a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or

(c) any other information that:

(i) concerns the lawful commercial or financial affairs of a person, organisation or undertaking; and

(ii) relates to the manufacture, distribution or supply of the substance, mixture or ingredient; and

(iii) if it were disclosed, could unreasonably affect the person, organisation or undertaking in an adverse manner.

(4) Section 8X of the Code applies in relation to conduct engaged in, in the performance of a function or duty or the exercise of a power, under a provision mentioned in subsection (1) of that section (to the extent that the provision applies in relation to an application made under these Regulations), as if:

(a) the reference in that section to confidential commercial information were a reference to information covered by paragraph (3)(a), (b) or (c) of this regulation; and

(b) the reference in that section to section 162 of the Code were a reference to section 162 of the Code as it applies under subregulation (1); and

(c) the reference in that section to subsection 162(1A) of the Code were a reference to that subsection as it applies under subregulation (1).

Division 9.2—Fees

69A Payment of fees

A fee prescribed by these Regulations and payable under the Code:

(a) is payable to the APVMA; and

(b) must be paid by electronic means.

Note: Unless otherwise specified, GST is not payable in respect of fees prescribed by these Regulations.

69AA Prescribed fee for notices of notifiable variations

For the purposes of paragraph 26AD(1)(c) of the Code, a fee of $50 is prescribed for a notice of a notifiable variation:

(a) of a kind determined by the APVMA under subsection 26AB(5) of the Code; or

(b) mentioned in item 1, 2, 3, 4, 5 or 7 of the table in subregulation 19AE(1).

Note: There is no fee for a notifiable variation mentioned in item 6 of the table in subregulation 19AE(1).

69B Fees for pre‑application assistance

(1)For section 164 of the Code, this regulation provides for the fees payable in respect of pre‑application assistance provided by the APVMA under regulation 8AT.

(3) The fee for one unit, or a part of one unit, of pre‑application assistance is $192.50 (GST inclusive).

(4) A person applying for pre‑application assistance under regulation 8AT must pay the fee that would be payable for 2 units of pre‑application assistance (regardless of the assistance to be given by APVMA) when the application is lodged.

(5) If more than 2 units of pre‑application assistance are provided by the APVMA to the person in relation to the application, the person must pay the fee for each additional unit, or part of a unit, of pre‑application assistance provided to the person when the APVMA issues an invoice for the fee.

Note: Regulation 70 provides for pre‑application assistance fees to be rebated from fees payable for certain applications, up to a maximum rebate amount.

70 Fees for applications

(1) For section 164 of the Code, this regulation provides for the fees payable in respect of applications under the Code or these Regulations.

Note: Regulations 70A, 70B, 71A, 72 and 72A make further provision regarding fees payable in respect of applications under the Code.

(2) The fee (the ***application fee***) payable for an application of a kind mentioned in column 1 of an item in Part 2 of Schedule 6 is as follows:

(a) for an application lodged on or after 1 July 2014 but before 1 January 2015—the fee (if any) mentioned for the item in Column 5 of Part 2 of Schedule 6;

(b) for an application lodged on or after 1 January 2015—the fee (if any) mentioned for the item in Column 6 of Part 2 of Schedule 6.

(3) If any pre‑application assistance fee is paid in relation to an application, the application fee for the application is reduced by the amount of pre‑application assistance fee paid (excluding GST).

(4) However, the maximum amount by which the application fee may be reduced under subregulation (3), for an application of a kind mentioned in Column 1 of an item in Part 2 of Schedule 6, is the amount mentioned in column 4 for the item.

(4A) Subject to subregulation (4), the reduction in application fee provided by subregulation (3) in relation to an application lodged by an applicant may be applied in respect of any application lodged by the applicant.

(5) A reference in Column 5 or 6 of an item in Part 2 of Schedule 6 to a modular assessment fee is a reference to the modular assessment fee in respect of the application to which that item refers, worked out in accordance with regulation 70A.

(6) The minimum amount of the application fee that is required to be paid at the time of making an application (the ***minimum assessment fee***) is as follows:

(a) for an application lodged on or after 1 July 2014 and before 1 January 2015:

(i) if the application fee for the application is less than $620—the minimum assessment fee is the total amount of the application fee; and

(ii) in any other case—the minimum assessment fee is $620;

(b) for an application lodged on or after 1 January 2015:

(i) if the application fee for the application is less than $710—the minimum assessment fee is the total amount of the application fee; and

(ii) in any other case—the minimum assessment fee is $710.

Note: Subparagraph 8A(a)(iii) of the Code states that an application must be accompanied by so much of the prescribed fee as is required to be paid when the application is made.

(7) The balance, if any, of the application fee is payable within 28 days of the date of the notice given to the applicant in relation to the application under regulation 8AO, 8AP or 8AQ.

(8)No fee is payable in respect of an application for a permit:

(a) if:

(i) the applicant is:

(A) the Commonwealth, a State or Territory; or

(B) an authority or agency of the Commonwealth, a State or a Territory; or

(C) an officer or employee of the Commonwealth, a State or a Territory, or of an authority or agency of the Commonwealth, a State or a Territory; and

(ii) the permit is in support of the Commonwealth’s, State’s or Territory’s core activities; and

(iii) the permit is for a use that does not have a commercial benefit; or

(b) in respect of an emergency use of a chemical product.

70A Modular assessment fees

(1) Schedule 7 sets out the assessment modules that may be necessary to determine an application for which a modular assessment fee is payable.

(2) An assessment module may have different levels or types of assessment.

(3) The fee payable for a module, level or type of assessment mentioned in an item in Schedule 7, in relation to an application, is the fee (if any) mentioned for the item in column 3 of Schedule 7.

(4) The ***modular assessment fee*** for an application is the sum of the fees payable for:

(a) the preliminary assessment module in item 1 in Schedule 7; and

(b) the other modules, levels and types of assessment that the APVMA considers necessary for the application to undergo; and

(c) the type of finalisation assessment module in items 11.1 to 11.3 in Schedule 7 that the application must undergo.

70B Recategorised applications

(1) This regulation applies if:

(a) both of the following apply:

(i) the fee mentioned in subregulation 70(2) (the ***application fee***) has been paid in relation to an application on the basis that the application is of a kind mentioned in an item of the table in Part 2 of Schedule 6 (the ***original item***);

(ii) the APVMA determines, at any time after preliminary assessment of the application, that the application is more correctly categorised as an application of a kind mentioned in a different item of the table (the ***recategorised item***); or

(b) both of the following apply:

(i) the application fee has been paid in relation to an application on the basis that particular modules, levels and types mentioned in Schedule 7 (the ***original modules***) are necessary for the application;

(ii) the APVMA considers, at any time after preliminary assessment of the application, that different modules, levels and types mentioned in Schedule 7 (the ***recategorised modules***) are necessary for the application.

(2) If the application fee is the same as the fee payable under subregulation 70(2) for the recategorised item or recategorised modules, the APVMA must notify the applicant, in writing:

(a) that the APVMA has recategorised the application and will proceed with the assessment of the application; and

(b) if the assessment period for the recategorised item or recategorised modules is different from the assessment period for the original item or original modules—of the assessment period for the application.

(3) If the application fee is less than the fee payable under subregulation 70(2) for the recategorised item or recategorised modules:

(a) the APVMA must notify the applicant, in writing:

(i) that the APVMA has recategorised the application; and

(ii) that the applicant must pay the difference between the application fee and the fee payable under subregulation 70(2) for the recategorised item or recategorised modules (the ***additional amount***) before the APVMA can determine the application; and

(iii) that the additional amount is payable within 28 days of the date of the notice; and

(iv) that the APVMA must refuse the application if the additional amount is not paid by that date; and

(v) that the applicant may withdraw the application; and

(vi) if the assessment period for the recategorised item or recategorised modules is different from the assessment period for the original item or original modules—of the assessment period for the recategorised item or recategorised modules; and

(b) for section 164 of the Code, the applicant must pay the additional amount within 28 days of the date of the notice; and

(c) for paragraph 164(8)(b) of the Code, the APVMA may waive the additional amount if the application is refused on the basis that the additional amount has not been paid within 28 days of the date of the notice.

(4) If the application fee is more than the fee payable under subregulation 70(2) for the recategorised item or recategorised modules:

(a) the APVMA must notify the applicant, in writing:

(i) that the APVMA has recategorised the application; and

(ii) of the amount of the fee for the recategorised item or recategorised modules; and

(iii) that the applicant is entitled to a refund of the difference between the application fee and the fee payable under subregulation 70(2) for the recategorised item or recategorised modules; and

(iv) that the APVMA will proceed with the assessment of the application; and

(v) if the assessment period for the recategorised item or recategorised modules is different from the assessment period for the original item or original modules—of the assessment period for application; and

(b) the APVMA must, as soon as practicable, remit to the applicant the difference between the application fee and the fee payable under subregulation (2) for the recategorised item or recategorised modules.

71A Fees for continued registration of chemical product

(1) For section 164 of the Code, the fee payable for an application for the renewal of the registration of a chemical product is:

(a) if the application is for the renewal, or further renewal, of the product for a period of 5 years—$2 150; or

(b) if the application is for the renewal, or further renewal, of the product for a period for 12 months—$430.

(2) In addition, for section 164 of the Code, an annual fee (the ***overseas GMP compliance assessment fee***) is payable by the holder, in relation to the registration of a veterinary chemical product, for each site outside Australia at which:

(a) the product is manufactured; or

(b) a step in the manufacture of the product occurs.

(3) However, the overseas GMP compliance assessment fee is not payable:

(a) in relation to a site if the holder has, in the financial year in respect of which the fee is payable, already paid an overseas GMP compliance assessment fee in relation to another chemical product manufactured at the same site; or

(b) in relation to a chemical product that is prescribed under regulation 59 for the purposes of section 120A of the Code.

(4) The amount of the overseas GMP compliance assessment fee is $1 000 for each financial year for which the registration is in force.

(5) The overseas GMP compliance assessment fee for a financial year is payable on or before the last day for payment of the fee shown on an invoice issued for the fee by the APVMA for the financial year.

(6) A fee payable under this regulation is not refundable if the registration of the chemical product is subsequently suspended or cancelled.

71B Overseas GMP compliance assessment

(1) This regulation applies in relation to the registration of a veterinary chemical product if:

(a) the product is manufactured outside Australia; and

(b) the product is not prescribed under regulation 59 for the purposes of section 120A of the Code; and

(c) the registration of the product is subject to a condition that each step in the manufacture of the product complies with any of the following:

(i) the Code;

(ii) the manufacturing principles;

(iii) the Australian GMP Code;

(iv) any standards that apply to the chemical products;

(v) any standard determined by the APVMA to be comparable to the manufacturing principles or the Australian GMP Code; and

(d) the registration of the product is subject to a condition that the holder in relation to the registration must, if directed by the APVMA CEO, give to the APVMA, or arrange for the manufacturer of the product to give to the APVMA, evidence of compliance with the condition mentioned in paragraph (c).

(2) For paragraph 6(2)(c) of the Act, subregulations (3) and (4) apply if the APVMA CEO has directed the holder to provide evidence of compliance with the condition mentioned in paragraph (1)(c).

(3) If a GMP audit was carried out, and a report of the audit has been given to the APVMA, the APVMA must assess the report having regard to:

(a) whether the audit report identified any non‑conformances; and

(b) whether any non‑conformances identified in the audit report have been rectified following corrective action; and

(c) any other matters that the APVMA considers relevant.

(4) The APVMA must:

(a) assess any evidence of compliance with the condition given to the APVMA by the holder or on behalf of the holder; and

(b) determine whether the APVMA is satisfied that the condition has been complied with.

(3) In this regulation:

***GMP audit*** has the meaning given by paragraph 61(8)(a).

71C Fees for applications relating to holder or nominated agent

For section 164 of the Code, the following fees are prescribed:

(a) for an application under section 8L of the Code to change the holder of an approval or registration—$50;

(b) for an application under section 8M of the Code to nominate a nominated agent—$50;

(c) for an application under section 8P of the Code to change a nominated agent—$50.

72 Remission and waiver of fees for applications

(1) For paragraph 164(8)(b) of the Code, this regulation prescribes circumstances in which the APVMA may remit the whole or part of a fee that has been paid, or waive a fee that is payable.

(2) The APVMA may remit the whole or part of a fee paid in respect of an application if:

(a) the APVMA refuses the application under subsection 11(3), 28(3) or 110A(4) of the Code; or

(b) the APVMA refuses the application under paragraph 8A(d) of the Code on the basis that:

(i) the applicant failed to give the APVMA the number of copies of the application required by the notice issued for the application under regulation 8AO, 8AP or 8AQ; or

(ii) failed to give the APVMA the copies in the form required by that notice.

Note: The APVMA may also waive a fee that is payable, or remit a fee that was paid, in respect of an application to the APVMA that is to be or has been withdrawn—see paragraph 164(8)(a) of the Code.

(3) The APVMA may remit the whole or part of a fee paid in respect of an application, other than an application for the renewal of the registration of a chemical product or for a permit, if the application is not determined within the period worked out for the application under regulation 76.

(4) The APVMA may remit the whole or part of a fee paid in respect of a module of assessment specified in Schedule 7 if the module is not completed within the time specified for the module in Schedule 7.

(5) If the APVMA refuses an application on the basis that the applicant failed to pay the balance of the application fee for the application, as required by a notice issued for the application under regulation 8AO, 8AP or 8AQ, the APVMA may waive the balance of the application fee.

(6) In any other circumstances, the APVMA may waive or remit the whole or part of a fee payable or paid under the Code or these Regulations, if the APVMA considers it desirable to do so.

(7) In this regulation:

***application fee*** has the meaning given by subregulation 70(2).

72A Fees for licences

(1) For section 164 of the Code, this regulation prescribes matters relating to fees payable in respect of licences issued under Part 8 of the Code.

Fee for licence application

(2) The fee payable for an application for the issue of a licence is $900.

Annual licence fee

(3) The holder of a licence must pay an annual licence fee, for each financial year in which the licence is held, as follows:

(a) for a category 1 licence—$7 500;

(b) for a category 2, 3 or 4 licence—$5 000;

(c) for a category 6 licence—$1 800;

(d) for a multi‑category licence—$7 500.

(4) However, if a licence is issued on a date other than on 1 July in a financial year, the annual licence fee payable for the first financial year of the licence is a pro rata amount of the fee mentioned for the licence in subregulation (3) for the number of whole months of the financial year remaining on the date the licence is issued.

(5) The annual licence fee payable for a licence for the second financial year, and each subsequent financial year, in which the licence is held is reduced by 50% if the licence holder gives the APVMA satisfactory evidence that the total notional wholesale value of the chemical products manufactured under the licence in the previous financial year was less than $50 000.

(6) If a licence is not in force on 1 July of a financial year because the licence is suspended:

(a) an annual licence fee is not payable for the licence for that financial year unless the suspension is revoked later in the financial year; and

(b) the amount payable is a pro rata amount of the fee mentioned for the licence in subregulation (3) for the number of whole months of the financial year remaining on the date of the revocation.

(7) The annual licence fee is payable on receipt of an invoice for the fee issued by the APVMA.

Fee for variation of licence

(8) An additional fee of $1 800 is payable in respect of a licence if:

(a) the holder of the licence requests that the APVMA vary the licence; and

(b) the APVMA determines that a GMP audit is required in order to assess the request.

(10) In this regulation:

***GMP audit*** has the meaning given by paragraph 61(8)(a).

***notional wholesale value*** has the same meaning as in the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994.*

(11) In subregulation (5):

(a) the notional wholesale value of a batch of a veterinary chemical product is the notional wholesale value at the time of completion of manufacture of the batch; and

(b) a reference to the chemical products manufactured does not include veterinary products that are prescribed under regulation 59 for the purposes of section 120A of the Code.

Note: Section 3 of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* has the following definition:

“***notional wholesale value***, in relation to a chemical product at a particular time, means the amount that the APVMA determines would have been received:

(a) if the product is an Australian product—by the manufacturer; or

(b) if the product is an imported product—by the importer;

in respect of the product if, at that time, the product had been sold by the manufacturer or importer, as the case may be, by wholesale to a person with whom the manufacturer or importer was dealing at arm’s length.”

73 Fees for copies and extracts

(1)Subject to subregulation (3), the prescribed fee:

(aa) under subsection 8W(2) of the Code—for a copy of, or extract from, a document (other than a document in any part of the Record or Register) in the possession or custody of the APVMA in relation to an approved active constituent or registered chemical product; or

(a) under subsection 17(5) of the Code—for a copy of, or extract from, a part of the Record of Approved Active Constituents in respect of an active constituent; or

(b) under subsection 18(5) of the Code—for a copy of, or extract from, a part of the Register of Agricultural and Veterinary Chemical Products in respect of a chemical product; or

(d) under subsection 97(4) of the Code—for a copy of a certificate in respect of an analysis; or

(e) under subsection 113(6) of the Code—for a copy of a permit; or

(f) for the disclosure, under section 162 of the Code, of confidential commercial information:

(i) of a kind described in subparagraphs 162(3)(a)(iii) or 162(3)(b)(iii) of the Code, other than to a medical practitioner referred to in subregulation 66(4); or

(ii) to a person referred to in subparagraph 162(3)(c)(ii);

is the fee worked out in accordance with subregulation (2).

(2)For the purposes of subregulation (1), the fee is the sum of the following:

(a) $95; and

(b) $95 for each additional hour or part of an hour, after the first hour, of work done by the APVMA to make the copy or extract available; and

(c) 20 cents for each photocopied page in excess of the first 100 pages; and

(d) $4.40 for each page of a copy, other than a photocopy, of a document; and

(e) $4.40 for each page of a transcript of:

(i) a sound recording; or

(ii) a document in shorthand.

(3)No fee is payable, in respect of any matter referred to in subregulation (1), by:

(i) an authority in this jurisdiction having any function or power in relation to a matter referred to in paragraph 159(1)(a), (b), or (d) of the Code; or

(ii) the collecting agency.

73A Fees for converting information and documents into electronic form

(1) This regulation applies if, on or after 1 July 2015:

(a) a person gives to the APVMA information or documents (***required material***) in hard copy form that, under the Code or these Regulations, must or may accompany an application; and

(b) under the Code or these Regulations the required material is not required to be given electronically.

(2) The APVMA must notify the person that:

(a) the APVMA will convert the required material into electronic form; and

(b) the person will be required to pay the prescribed fee, as worked out under subregulation (6), for the conversion of the required material.

(3) If the APVMA converts the required material into electronic form it must give the person a written notice specifying the prescribed fee to be paid for the conversion and the period within which the fee must be paid.

(4) The person must pay the prescribed fee specified in the notice under subregulation (3) within the period specified in the notice.

(5) The period specified in the notice under subregulation (3) must not be more than 14 days after the day the notice is given.

(6) The prescribed fee is the sum of:

(a) $90; and

(b) $90 for each hour or part of an hour, after the first hour, of work done by the APVMA to convert the required material into electronic form.

Division 9.3—Notification, assessment periods and review

75 Notification that application has been received

Within 10 days of receiving an application under the Code, the APVMA must notify the applicant that the application has been received.

76 Period within which APVMA is to determine application

(1) For subsections 26C(1) and 165(1) of the Code, the APVMA must determine an application of a kind specified in column 1 of an item in Part 2 of Schedule 6 within the period (if any) specified for the item in column 2 of that Schedule, plus any extension to the assessment period applying to the application under regulation 76B.

(1A) However, if subregulation 76A(2) applies to the application, the APVMA must determine the application within the period (if any) specified for the item in column 3 of Part 2 of Schedule 6, plus any extension to the assessment period applying to the application under regulation 76B.

(1B) If:

(a) an application is of the kind mentioned in section 10 or 27 of the Code (the ***primary application***); and

(b) the applicant makes another application of the same kind as the primary application (the ***secondary application***); and

(c) the secondary application is made at the same time as the primary application; and

(d) the applicant nominates the secondary application as an application related to the primary application; and

(e) the chemical products to which the primary and secondary applications relate would have, if the applications were approved:

(i) the same identifying information for the holder of the registration of the chemical products; and

(ii) the same manufacturer; and

(iii) the same address at which the chemical products are manufactured; and

(iv) the same active constituent on the label of the chemical products;

then, the period mentioned in subregulation (1) or (1A) and applicable to the primary application also applies to the secondary application.

(2)A reference in column 2 or 3 of an item in Part 2 of Schedule 6 to a modular assessment period, is a reference to the modular assessment period in respect of the application to which that item refers, worked out in accordance with regulation 77.

(4) Despite subregulation (1), if:

(a) the APVMA receives an application for a permit in respect of a chemical product; and

(b) the application is in respect of an emergency use of the chemical product;

the APVMA must determine the application as soon as is practicable in the circumstances of the case.

76A Extended assessment periods

(1) For subregulation 76(1A), this regulation specifies extended assessment periods that apply to applications.

(2) An extended assessment period applies to an application of a kind mentioned in an item in Part 2 of Schedule 6 (other than a timeshift application) if the APVMA gives a notice to the applicant under section 159 of the Code in relation to the application.

(3) However subregulation (2) does not apply to an application if the application is an application to which an extended assessment period has previously applied under subregulation (2).

Note: The assessment period for an application for re‑approval or re‑registration does not include the period starting when the APVMA makes a requirement of the applicant in connection with the application and ending when the requirement is complied with—see subparagraph 165(2)(a)(i) of the Code.

(4) The extended assessment period for an application to which subregulation (2) applies is the period mentioned in column 3 of Part 2 of Schedule 6 for the item.

76B Extension of assessment period or extended assessment period for recategorised applications

(1) The assessment period or extended assessment period for an application is extended if:

(a) the APVMA recategorises the application under regulation 70B; and

(b) an additional amount is payable by the applicant under subregulation 70B(3).

(2) The extension of the assessment period or extended assessment period for the application is the period:

(a) starting on the date of the notice given by the APVMA under subregulation 70B(3); and

(b) ending on the date on which the applicant pays the additional amount.

77 Modular assessment period

(1) In addition to setting out the fees for modules, levels and types of assessment, Schedule 7 sets out in Column 2 of the Schedule the period within which some of those modules, levels and types must be completed.

(2) The ***modular assessment period*** referred to in Column 2 or Column 3 of an item in Part 2 of Schedule 6 (that is, the period within which an assessment of an application must be completed) is the sum of:

(a) the longest of the periods for such other modules or levels of assessment in other items in Schedule 7 that the APVMA considers necessary for the application to undergo; and

(b) the period for the type of finalisation assessment module in items 11.1 to 11.3 in Schedule 7 that the application must undergo.

78 Commencement of assessment period

(1) For an application of a kind mentioned in an item in Part 2 of Schedule 6 (other than item 13A or 26), the period specified in column 2 or 3 of the item commences on the following date:

(a) if the notice issued in relation to the application under regulation 8AO, 8AP or 8AQ required the applicant to pay an amount of application fee for the application, or provide a number of copies of the application, or both—the date on which the applicant complies with all requirements in the notice;

(b) in any other case—on the date of the notice issued under regulation 8AO, 8AP or 8AQ in relation to the application.

(2) For an application of a kind mentioned in item 13A of Part 2 of Schedule 6, the period specified in column 2 or 3 of the item commences when the application is lodged.

78A Period for determining applications relating to holders and nominated agents

For subsection 165(1) of the Code, the APVMA must determine an application made under section 8L, 8M or 8P of the Code within 1 month after the application is lodged.

78AA Period for determining applications for renewal of registration

For the purposes of subsection 165(1) of the Code, the APVMA must determine an application for the renewal of the registration of a chemical product within 1 month after the application is lodged.

78B Period within which APVMA is to conclude reconsiderations

(1) This regulation is made for subsection 165A(1) of the Code.

(2) The reconsideration period starts immediately after the end of the period specified in the notice given by the APVMA in relation to the reconsideration under paragraph 32(1)(b) of the Code.

(3) A reconsideration of an approval or registration is concluded when the APVMA:

(a) gives a notice in relation to the reconsideration under paragraph 34AC(1)(a) of the Code; or

(b) suspends or cancels the approval or registration under section 34AA of the Code.

(4) The period in which the APVMA must conclude a reconsideration of an approval or registration (the ***reconsideration assessment period***) is to be worked out in accordance with the formula in subregulation (5).

(5) The formula is:



where:

***A*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 3.1, 3.2, 3.3, 4.1, 7.1, 7.2, and 7.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

Example: If the APVMA determines that items 3.1, 4.1 and 7.3 of Schedule 7 are necessary for the reconsideration, ***A*** is the longest of the periods in column 2 for those items, which is 13 months (the period for item 3.1).

***B*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 2.1 to 2.3, 5.1, 5.2, 5.4, 6.1 to 6.3, 9, and 10.1 to 10.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

***C*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 11.1, 11.2 or 11.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

***D*** means 4 months.

***E*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 8.1, 8.2 or 8.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

***J*** means:

(a) if the APVMA must consult each coordinator designated for a jurisdiction about the reconsideration in accordance with subsection 34A(3) of the Code—3 months; and

(b) in any other case—nil.

***X*** means:

(a) if the APVMA appoints an arbitrator under section 64 of the Code—3 months; and

(b) in any other case—nil.

78C Review of decisions by Administrative Appeals Tribunal

For paragraph 167(1)(y) of the Code, the following decisions are prescribed:

(a) a decision to refuse an application under subsection 8L(3) of the Code;

(b) a decision to refuse an application under subsection 8M(3) of the Code;

(c) a decision to refuse an application under subsection 8P(3) of the Code;

(ca) a decision to refuse an application, in whole or part, made under regulation 19AEB;

(d) a decision to refuse an application under subclause 10(4) of Schedule 3AA.

Division 9.4—Logo of APVMA

79 Logo of the APVMA

For the definition of ***protected symbol*** in subsection 170A(5) of the Code, the logo of the APVMA is set out in Schedule 8 of these Regulations.

Part 9A—Review of prescribed matters

80A Purpose of Part 9A

For sections 5 and 6 of the Amendment Act, this Part prescribes matters for reviews relating to the powers and functions of the APVMA.

80B Definitions for Part 9A

In this Part:

***Amendment Act*** means the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013.*

***user industries***means industries that use chemical products.

80C Repeal of Part 9A

This Part ceases to have effect 5 years after the day the Amendment Act receives the Royal Assent.

80D Reconsideration participation review

(1) A review (a ***reconsideration participation review***) must be conducted in relation to strategies to encourage participation by industry in reconsiderations under Division 4 of Part 2 of the Code.

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, including:

(i) any obstacles or disincentives to the provision of information to support ongoing registration of chemical products; 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 2017.

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.

80E Work health and safety duplication review

(1) A review (a ***work health and safety duplication review***) must be conducted in relation to any duplication of effort, and unnecessary costs, caused by the need to comply, in relation to chemical products, with both of the following kinds of legislation:

(a) work health and safety legislation;

(b) agricultural and veterinary chemical legislation.

Terms of reference

(2) The terms of reference for the work health and safety duplication review must include terms that require the following:

(a) the identification of any duplication of effort arising from the need to comply with both work health and safety legislation and agricultural and veterinary chemical legislation;

(b) the identification and analysis of options for streamlining the regulation of work health and safety in relation to chemical products, and addressing any identified duplication, including an analysis of:

(i) the costs and benefits of options; and

(ii) the consequences of options for the safe use of chemical products;

(c) the making of recommendations, relating to matters within the APVMA’s functions and powers, for preferred options to:

(i) address any identified duplication; and

(ii) improve the regulation of work health and safety in relation to chemical products.

Persons conducting review

(3) The review is to be conducted by the Department, with input from other relevant government agencies.

Use of external expertise

(4) The Department may draw on external expertise where necessary for the review.

Submissions to review

(5) The Department must request 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 Department; 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 Department must complete the review, and give a written report of the review to the Minister, no later than 30 September 2016.

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.

(10) In this regulation:

***agricultural and veterinary chemicals legislation*** means the following:

(a) the Code;

(b) these Regulations;

(c) the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* and regulations made under that Act;

(d)the *Agricultural and Veterinary Chemicals (Administration) Act 1992* and regulations made under that Act*.*

***work health and safety legislation*** means legislation that user industries must comply with that is enacted as required by the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety made by the Council of Australian Governments on 3 July 2008.

Part 10—Transitional and application provisions

Division 10.1—Transitional provisions for Agricultural and Veterinary Chemicals Legislation Amendment Act 2013

80 Definitions

In this Division:

***Amendment Act*** means the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013.*

***commencement time*** means the time when item 1 of Schedule 1 to the Amendment Act commences.

***old Code application*** means an application:

(a) lodged with the APVMA before 1 July 2014; and

(b) in respect of which a notice was given to an approved person under section 11A of the old Code before 1 July 2014; and

(c) not determined before 1 July 2015.

82 Continuation of old Code requirements for old Code applications

For subitem 58(1) of Schedule 6 to the Amendment Act, and despite item 47 of Schedule 6 to the Amendment Act, the requirements of paragraphs 11(1)(b), 28(1)(b), 56J(1)(b), 56T(1)(b), 110(2)(b) and 122(1)(b) of the old Code continue to apply to an old Code application on and after 1 July 2015.

83 Preliminary notices issued under old Code

(1) This regulation applies to an old Code application if:

(a) a notice was issued under subsection 11A(3) of the old Code requiring the applicant to rectify defects in the application; and

(b) the period for rectifying the defects (the ***rectification period***)ends after 30 June 2015; and

(c) the applicant has not rectified the defects before 1 July 2015.

Note: Paragraph 11A(3)(a) of the old Code provides that the notice must require the applicant to rectify the defects within 1 month or such further period as the APVMA allows.

(2) For subitem 58(1) of Schedule 6 to the Amendment Act, the APVMA must:

(a) for an application made under section 10 of the old Code:

(i) complete a preliminary assessment of the application under section 11 of the new Code within 1 month of the earlier of the following dates:

(A) the day the applicant has rectified all of the defects;

(B) the last day of the rectification period; and

(ii) comply with the requirements of subsection 11(2) and (3) of the new Code; and

(b) for an application made under section 27 of the old Code:

(i) complete a preliminary assessment of the application under section 28 of the new Code within 1 month of the earlier of the following dates:

(A) the day the applicant has rectified all of the defects;

(B) the last day of the rectification period; and

(ii) comply with the requirements of subsection 28(2) and (3) of the new Code.

84 Assessment periods for old Code applications

(1) For subitem 58(1) of Schedule 6 to the Amendment Act, the remaining period, after 30 June 2015, within which the APVMA must determine an old Code application (the ***remaining period***) is to be worked out in accordance with the following formula:



where:

***O*** means the number of days in the period starting on the day the assessment period for the application commenced under regulation 78 or 78A of the old Code (the ***commencement date***), and ending on 30 June 2015.

***P*** means the number of months within which the APVMA would have been required to determine the application, under subregulation 76(1) or (1A), if the application had been made on or after 1 July 2014.

***R*** means the number of days in the period starting on the commencement date and ending on 30 June 2015 to which no regard was to be had, under paragraph 165(2)(a) of the old Code, in working out the period within which the application was to be determined under the old Code.

(2) If the remaining period worked out under subregulation (1) for an application is zero or less than zero, no remaining period applies to the application.

(3) The remaining period (if any) within which the APVMA must determine the application, worked out in accordance with subregulation (1), commences on 1 July 2015.

(4) However, if:

(a) the APVMA issues a notice under subsection 159(1) of the old Code before 1 July 2015 requiring the applicant to comply with a requirement; and

(b) the applicant has not, before 1 July 2015, complied with the notice; and

(c) the time specified in the notice for complying with the notice, or extended by the APVMA under subsection 159(1) (the ***compliance date***) ends on or after 1 July 2015;

the remaining period does not commence until the earliest of the following dates:

(d) the day the applicant complies with the notice;

(e) the compliance date.

(5) This regulation has effect despite regulations 76, 76A, 76B and 78.

85 Reconsiderations commenced under old Code

(1) This regulation applies to a reconsideration begun under Division 4 of Part 2 of the old Code before 1 July 2014, but not concluded by 1 July 2015.

(2) Section 31 of the new Code applies to the reconsideration as if the reference in subsection 31(2) to “commencing the reconsideration” were a reference to “1 July 2015”.

Note: Section 31 of the new Code requires the APVMA to prepare and maintain a work plan for each reconsideration.

(3) For subsection 165A(1) of the Code, the remaining period, after 30 June 2015, within which the APVMA must conclude the reconsideration (the ***reconsideration assessment period***) is to be worked out in accordance with the formula:



where:

***A*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 3.1, 3.2, 3.3, 4.1, 7.1, 7.2, and 7.3 of Schedule 7 that the APVMA determines are necessary after 1 July 2015 for the reconsideration.

Example: If the APVMA determines that items 3.1, 4.1 and 7.3 of Schedule 7 are necessary after 1 July 2015 for the reconsideration, ***A*** is the longest of the periods in column 2 for those items, which is 13 months (the period for item 3.1).

***B*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 2.1 to 2.3, 5.1, 5.2, 5.4, 6.1 to 6.3, 9, and 10.1 to 10.3 of Schedule 7 that the APVMA determines are necessary after 1 July 2015 for the reconsideration.

***C*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 11.1, 11.2 or 11.3 of Schedule 7 that the APVMA determines are necessary after 1 July 2015 for the reconsideration.

***D*** means 4 months.

***E*** means the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 8.1, 8.2 or 8.3 of Schedule 7 that the APVMA determines are necessary after 1 July 2015 for the reconsideration.

***J*** means:

(a) if the APVMA must, after 1 July 2015, consult each coordinator designated for a jurisdiction about the reconsideration in accordance with subsection 34A(3) of the Code—3 months; and

(b) in any other case—nil.

***X*** means:

(a) if the APVMA appoints an arbitrator under section 64 of the Code after 1 July 2015—3 months; and

(b) in any other case—nil.

(4) The remaining period within which the APVMA must conclude the reconsideration, worked out in accordance with subregulation (3), commences on 1 July 2015.

(5) However, if:

(a) the APVMA issues a notice in relation to the reconsideration under subsection 33(1) or 159(1) of the old Code before 1 July 2015; and

(b) the holder of the approval or registration under reconsideration has not, before 1 July 2015, complied with the notice; and

(c) the time specified in the notice for complying with the notice (the ***compliance date***) ends on or after 1 July 2015;

the remaining period does not start until the earliest of the following dates:

(a) the day the holder complies with the notice;

(b) the compliance date.

(6) Subregulations (3) to (5) have effect despite regulation 78B.

Division 10.2—Amendments made by the Agricultural and Veterinary Chemicals Legislation Amendment Regulation 2014

86 Operation of Schedule 1 to the *Agricultural and Veterinary Chemicals Legislation Amendment Regulation 2014*

The amendments of these Regulations made by Schedule 1 to the *Agricultural and Veterinary Chemicals Legislation Amendment Regulation 2014* apply to acts, omissions, matters and things happening on or after the commencement of that Schedule.

Division 10.3—Application of amendments made by the Agricultural and Veterinary Chemicals Code Amendment (Removal of Re‑approvals and Re‑registrations) Regulation 2014

87 Application of amendments in relation to existing approvals of labels

(1) This regulation applies if:

(a) immediately before 1 January 2015 the distinguishing name (the ***approved product name***) of a chemical product is contained on a label for containers of the chemical product; and

(b) an approval of the label (the ***label approval***) with the approved product name was in force immediately before 1 January 2015.

(2) Subject to these Regulations, on and after 1 January 2015 the label approval continues in force as follows:

(a) the approved product name is taken to be the name of the chemical product that is to appear on a label for containers of the chemical product as prescribed under paragraph 17(1)(b);

(b) the approved product name is taken to be recorded in the relevant APVMA file in relation to the label approval in accordance with subparagraph 21(c)(iva) of the Code; and

(c) the distinguishing number of the chemical product that is entered in the Register immediately before 1 January 2015 in relation to the label approval is taken to be recorded in the relevant APVMA file in accordance with subparagraph 21(c)(iva) of the Code.

Note: The *Agricultural and Veterinary Chemicals Code Amendment (Removal of Re‑approvals and Re‑registrations) Regulation 2014* amended these Regulations by substituting a new paragraph 17(1)(b) and inserting new paragraphs 17(3)(c) and (d). The effect of the amendments was to change how approvals of labels for containers for chemical products take place. The amendments commenced on 1 January 2015.

Division 10.5—Amendments made by the Agricultural and Veterinary Chemicals Legislation Amendment (Simplified Formulation Variations and Other Measures) Regulation 2015

90 Operation of amendments to applications for the renewal of the registration of a chemical product

The amendments of these Regulations made by items 1 to 6 of Part 1 of Schedule 2 to the *Agricultural and Veterinary Chemicals Legislation Amendment (Simplified Formulation Variations and Other Measures) Regulation 2015* apply to an application for the renewal, or further renewal, of the registration of a chemical product, if the registration of the product is to end on or after 30 June 2017.

91 Repeal of this Division

This Division is repealed on 1 July 2017.

Schedule 1—Date‑controlled agricultural chemical products

(paragraph 4(b))

|  |  |
| --- | --- |
| 1 | An agricultural chemical product containing organisms (including, in particular, nematodes, bacteria, viruses, fungi, algae or protozoa) |
| 2 | An agricultural chemical product containing bacillus thuringiensis |
| 3 | An agricultural chemical product containing mancozeb |
| 4 | An agricultural chemical product containing zineb |
| 5 | An agricultural chemical product containing diazinon |
| 6 | An agricultural chemical product containing dimethoate |

Schedule 3—Definition of agricultural chemical product

(regulation 7)

Part 1—Preliminary

1 Definitions

In this Schedule:

***air conditioning*** means any cooling, heating or ventilation system that modifies the condition of the air.

***cooling tower*** means:

(a) a device for lowering the temperature of water or other liquid by evaporative cooling; and

(b) an evaporative condenser that incorporates a device containing a refrigerant or heat exchanger.

***open water cooling system*** means a water cooling system through which water flows once with no recirculation.

***ore extraction and processing*** means the crushing and separating of ore into valuable substances or waste.

***sewage*** means waste matter, including, but not limited to, household waste liquid from toilets, baths, showers, kitchens and sinks, that is disposed of using sewers.

***sewage treatment*** means the physical, chemical and biological processes applied to sewage to remove physical, chemical and biological contaminants to produce wastewater, and a solid waste or sludge, suitable for disposal or re‑use in the environment.

***wastewater*** means the water remaining at the end of sewage treatment that may be released into the environment for re‑use.

***water cooling system*** means a cooling tower and its associated equipment and pipe work.

Part 2—Substances or mixtures declared to be agricultural chemical products

| Item | **Class of substance or mixture of substances** |
| --- | --- |
| 1 | Dairy cleansers for on‑farm use |
| 2 | Any substance used in conjunction with an agricultural chemical product to identify areas treated with that product |
| 3 | Insect repellents for use on human beings |
| 4 | Sanitisers for use in swimming pool or spa water, including chlorine‑based swimming pool and spa products |
| 5 | Any biocidal substance contained or used in a device for the sanitising of swimming pool or spa water |
| 6 | Parts of a vertebrate animal, material produced from a vertebrate animal or matter the production of which involves the use of a vertebrate animal, if represented supplied or used for a purpose mentioned in subsection 4(2) of the Code |

Part 3—Substances or mixtures declared not to be agricultural chemical products

| Item | **Class of substance or mixture of substances** |
| --- | --- |
| 1 | Any mould inhibitor for use in the manufacture of paper, paper pulp, glue, plywood, carpets, plastics, glass, fabrics, domestic items, bedding material, leather goods or surface coatings (including paint but excluding antifouling paint), if:  (a) the mould inhibitor is incorporated into the product during manufacture for the protection of the goods; and  (b) the mould inhibitor is not released into the environment from the manufactured product; and  (c) the manufactured product is not claimed to have any effect as a pesticide |
| 2 | Any fungicide, bactericide or deodorant for use in footwear and clothing |
| 3 | Any soil ameliorant, conditioner or fertiliser applied to soil or other growing media if the product is not claimed to have any effect as a regulator of plant growth |
| 4 | Invertebrate pest management lures based on food and not containing any active constituent |
| 5 | Vertebrate pest management lures |
| 6 | Any disinfectant, mould inhibitor, air freshener or sanitiser sold by retailers, or presented or promoted primarily through retailers, to consumers for domestic use, except any sanitiser for use in swimming pool or spa water |
| 7 | Cyanuric acid for use in swimming pools as a chlorine stabiliser |
| 8 | Cut flower preservatives |
| 9 | Any hay inoculant, silage inoculant or legume inoculant, if the product is based on bacteria, enzymes or both |
| 10 | Any predatory insect, predatory mite or macroscopic parasite |
| 11 | The nematode *Deladenus siricidicola* for the control of *Sirex* species wood wasps in pine plantations |
| 12 | Any industrial biocide used in the manufacture of paper pulp |
| 13 | Head lice or body lice treatments for human beings |
| 14 | Substances that present a physical barrier to a pest that:  (a) do not contain a biocide; and  (b) do not otherwise affect the pest; and  (c) are not released into the environment |
| 15 | Products (such as soils and potting mixtures) that contain naturally occurring *Trichoderma* species, if the product:  (a) does not control or claim to control specific diseases; and  (b) does not claim to promote plant growth; and  (c) is not otherwise represented, supplied or used as an agricultural chemical product |
| 16 | Substances used to adjust the pH of swimming pool or spa water |
| 17 | Ozone generated on site for treatment of swimming pool or spa water |
| 18 | Hot water and steam treatments solely based on water and not containing other constituents |
| 19 | Any product for domestic use by householders in controlling a plant disease or pest, that:  (a) is a food normally consumed by human beings; and  (b) is not a plant extract or other manufactured compound; and  (c) is not claimed to have effect as an agricultural chemical product; and  (d) is not expressly supplied as an agricultural chemical product |
| 20 | Biocides used to control organisms in air conditioning or water‑cooling systems, other than open water‑cooling systems through which water flows once with no recirculation |
| 21 | Biocides used in sewage treatment to control organisms in sewage and wastewater |
| 22 | Biocides used to control organisms in water effluent from ore extraction and processing |
| 23 | Biocides to control organisms in water, used for the purpose of maintaining equipment associated with the extraction of coal seam gas in serviceable condition |
| 24 | Whole vertebrate animals if represented, supplied or used for a purpose mentioned in subsection 4(2) of the Code |

Schedule 3AA—Definition of veterinary chemical product

(regulation 8)

Part 1—Preliminary

1 Definitions

Note: A number of expressions used in this Schedule are defined in regulation 3, including the following:

(a) block or lick;

(b) premix;

(c) stockfood;

(d) stockfood supplement.

In this Schedule:

***excluded nutritional or digestive product*** has the meaning given by clause 4.

***Food Standards Code*** means the Australia New Zealand Food Standards Code as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

***ingredient determination*** means a determination under subclause 9(1).

***medicated block or lick*** means a block or lick incorporating a veterinary chemical product.

***medicated premix*** means a premix that incorporates one or more veterinary chemical products for the purpose of:

(a) preventing or treating disease; or

(b) enhancing growth, production, work or performance; or

(c) altering reproductive physiology.

***medicated stockfood*** means a ready‑to‑use stockfood that incorporates one or more veterinary chemical products for the purpose of:

(a) preventing or treating disease; or

(b) enhancing growth, production, work or performance; or

(c) altering reproductive physiology.

***quality specification*** for an ingredient includes any requirement as to the composition, quality or purity of the ingredient.

Part 2—Substances or mixtures declared to be veterinary chemical products

2 Substances or mixtures declared to be veterinary chemical products

The following table sets out the classes of substances or mixtures of substances that are declared to be veterinary chemical products:

| Item | **Class of substance or mixture of substances** |
| --- | --- |
| 1 | Allergenic substances supplied or used for administration to an animal by any means, or for consumption by an animal, except excluded nutritional or digestive products |
| 2 | Medicated blocks or licks |
| 3 | Enzymes supplied or used for administration to an animal by any means, or for consumption by an animal, except excluded nutritional or digestive products |
| 6 | Sheep branding substances |
| 7 | Teat sealants |
| 8 | Parts of a vertebrate animal, material produced from a vertebrate animal or matter the production of which involves the use of a vertebrate animal, if represented supplied or used for a purpose mentioned in subsection 5(2) of the Code |

Part 3—Substances or mixtures declared not to be veterinary chemical products

Division 3.1—Substances or mixtures declared not to be veterinary chemical products—general

3 Substances or mixtures declared not to be veterinary chemical products

The following table sets out the classes of substances or mixtures of substances that are declared not to be veterinary chemical products:

| Item | **Class of substance or mixture of substances** |
| --- | --- |
| 1 | Animal feed products that incorporate an excluded nutritional or digestive product, if:  (a) the container for the animal feed product is labelled in accordance with the instructions on the label for the container for the excluded nutritional or digestive product; and  (b) the excluded nutritional or digestive product is incorporated at a rate of use in accordance with the label for the container for the excluded nutritional or digestive product; and  (c) the claims made for the animal feed product do not exceed the claims made for the incorporated nutritional or digestive product. |
| 2 | Medicated stockfoods and medicated premixes, if:  (a) any veterinary chemical product that is incorporated in the medicated stockfood or medicated premix:  (i) is a registered chemical product; and  (ii) is incorporated at a rate of use in accordance with the approved label for containers for that registered chemical product; and  (b) the container for the medicated stockfood or medicated premix is labelled in accordance with the instructions on the approved label for that registered chemical product |
| 3 | Excluded nutritional or digestive products |
| 4 | Colour intensifiers for aviary birds |
| 5 | Any bitterant product for application to a building, piece of equipment or other object, that:  (a) is solely for reducing or preventing animals that are not food producing species from biting or chewing the building, piece of equipment or other object; and  (b) contains no antiseptic, antimicrobial, antibiotic or other active constituent other than a bitterant |
| 6 | Any product applied topically to the teeth, hair, fur or intact skin of an animal to cosmetically alter the animal’s appearance or odour, that:  (a) contains no antiseptic, antimicrobial, or antibiotic active constituent, and  (b) is solely for cosmetic purposes; and  (c) is not claimed to have any benefits other than cosmetic benefits; and  (d) is not supplied or used for any therapeutic benefit other than to cosmetically alter the animal’s appearance or odour |
| 7 | Any product for topical application to an animal to provide a physical barrier, that:  (a) is chemically inert; and  (b) does not act by biochemical means; and  (c) is not a teat sealant; and  (d) contains no antiseptic, antimicrobial, antibiotic or other active constituent; and  (e) is not claimed to have any effect other than as a physical barrier |
| 8 | Any autograft, allograft or xenograft product supplied to veterinary surgeons for surgical procedures, except blood, blood products, stem cells or stem cell products |
| 9 | Any product for use as an extender for sperm, ova or semen, if:  (a) the product contains no ingredients other than antibiotics, albumins, electrolytes, amino acids, EDTA, buffers or stabilising agents; and  (b) any antibiotic in the product is not at a concentration greater than 0.1 mg/mL or 0.1mg/g |
| 10 | Any product for topical application to an animal to act as a lubricant, that:  (a) is chemically inert; and  (b) does not act by biochemical means; and  (c) is not a teat sealant; and  (d) contains no antiseptic, antimicrobial, antibiotic or other active constituent; and  (e) is not claimed to have any effect other than as a lubricant |
| 11 | Semen, ova or embryos if represented, supplied or used for the purpose of reproduction |
| 12 | Whole vertebrate animals if represented, supplied or used for a purpose mentioned in subsection 5(2) of the Code |

Division 3.2—Excluded nutritional or digestive products

4 Excluded nutritional or digestive products

(1) A substance or mixture of substances is an ***excluded nutritional or digestive product*** if:

(a) the substance or mixture is intended for consumption by an animal; and

(b) the following requirements are met in relation to the substance or mixture:

(i) the ingredient requirements under clause 5;

(ii) the claims requirements under clause 6;

(iii) the labelling requirements under clause 7;

(iv) the manufacturing requirements under clause 8.

(2) Subparagraph (1)(b)(iv) does not apply if the substance or mixture is a block or lick that only contains one or more of the following:

(a) vitamins;

(b) minerals;

(c) amino acids;

(d) binders.

(3) Despite subclause (1), none of the following is an ***excluded nutritional or digestive product***:

(a) a substance or mixture of substances included in a class of substances or mixtures of substances set out in the table in clause 2 (substances or mixtures declared to be veterinary chemical products);

(b) an intraruminal bolus;

(c) a substance or mixture of substances intended for direct application by a person to an animal’s digestive tract.

5 Ingredient requirements for excluded nutritional or digestive products

(1) The ingredient requirements under this clause are met in relation to a substance or a mixture of substances if, at the time it is supplied:

(a) each ingredient used in the substance or mixture is covered by subclause (2) or (3); and

(b) each ingredient used in the substance or mixture meets the quality specification requirements under subclause (5); and

(c) the substance or mixture does not contain any ingredient referred to in subclause (7).

Ingredients that may be in substance or mixture

(2) An ingredient is covered by this subclause if the ingredient is a substance of plant or animal origin that is edible by an animal, including:

(a) an edible grain and a processing by‑product of an edible grain; and

(b) whey powder and any other milk by‑product.

(3) An ingredient used in a substance or a mixture of substances for a particular purpose is covered by this subclause if:

(a) the use of the ingredient in the substance or mixture for that purpose is (subject to subclause (4)) authorised in a particular country by, or in accordance with, a standard, rule, code, specification or method referred to in an item in the following table; and

(b) if the ingredient’s use for that purpose is authorised by, or in accordance with, more than one such standard, rule, code, specification or method—the ingredient’s use for that purpose is in accordance with the most stringent standard, rule, code, specification or method that is applicable.

| Ingredients authorised for use by certain standards, rules, codes, specifications or methods | |
| --- | --- |
| Item | Standards, rules, codes, specifications and methods |
| 1 | Paragraph 3(a), (b) or (c) (generally permitted processing aids) of Standard 1.3.3 of the Food Standards Code, as existing at the time of the supply |
| 2 | Clause 11 (permitted flavouring substances) or Schedule 3 or 4 (colours permitted in food for human consumption) of Standard 1.3.1 of the Food Standards Code, as existing at the time of the supply |
| 3 | A determination under section 8B of the Agricultural Compounds and Veterinary Medicines Act 1997 of New Zealand (substances generally recognised as safe for use as or in an agricultural compound), as existing on 5 March 2015 |
| 4 | Annex I (list of additives) of the *European Union Register of Feed Additives* established in accordance with Article 17 of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition, as existing at the time of the supply |
| 5 | Parts 573, 582 and 584 of Title 21 of the Code of Federal Regulations of the United States of America, as existing at the time of the supply |
| 6 | Chapter 6 (Feed Terms and Ingredient Definitions) of the *Official Publication of the Association of American Feed Control Officials*, as existing at the time of the supply |
| 7 | *Handbook of Pharmaceutical Excipients* published by the Royal Pharmaceutical Society, as existing at the time of the supply |
| 8 | An ingredient determination (see Division 3.3), as existing at the time of the supply |
| 9 | Part 1 of Schedules IV and V to the *Feeds Regulations 1983* of Canada, as existing at the time of the supply |

(4) For paragraph (3)(a):

(a) the use of an ingredient is only authorised by, or in accordance with, the Annex referred to in item 4 of the table if:

(i) the ingredient is not referred to as a category 5 substance in the Annex; and

(ii) the Annex specifies an expiry date for authorisations for the ingredient; and

(b) the use of an ingredient is only authorised by, or in accordance with, the Chapter referred to in item 6 of the table if the ingredient is not specified as a tentative listing in that Chapter; and

(c) the use of an ingredient is only authorised by, or in accordance with, the Handbook referred to in item 7 of the table if the substance or mixture in which the ingredient is used is for canine or equine consumption.

Quality specification requirements

(5) An ingredient used in a substance or a mixture of substances for a particular purpose meets the quality specification requirements under this subclause if the use of the ingredient for that purpose is, at the time it is supplied, in accordance with any quality specification under:

(a) a standard (however described) about animal feed, as existing at that time, provided for by or under a law of the Commonwealth; or

(b) if no such standard exists at that time—a law of this jurisdiction; or

(c) if neither paragraph (a) nor (b) applies—a standard about animal feed published by Standards Australia, as existing at that time.

(6) If there is no quality specification of a kind mentioned in subclause (5) that applies in relation to the use of an ingredient for a particular purpose in a substance or a mixture of substances at the time it is supplied, then the ingredient is taken to meet the quality specification requirements under that subclause in relation to its use for that purpose.

Ingredients that cannot be in substance or mixture

(7) For paragraph (1)(c), the substance or mixture must not contain any of the following:

(a) a hormone;

(b) if the substance or mixture is intended for consumption by ruminants—any of the following:

(i) any part of a vertebrate animal;

(ii) material produced from a vertebrate animal;

(iii) matter the production of which involves the use of a vertebrate animal;

other than tallow, gelatine, an oil, whey power or any other milk by‑product;

(c) an antibiotic substance listed in Schedule 2, 3, 4, 7, 8 or 9 of the current Poisons Standard;

(d) an antibiotic substance listed in Schedule 6 of the current Poisons Standard, unless the antibiotic substance is used in the substance or mixture as a preservative;

(e) an ingredient determined by the APVMA, by legislative instrument, for the purposes of this paragraph.

6 Claims requirements for excluded nutritional or digestive products

The claims requirements under this clause are met in relation to a substance or a mixture of substances if:

(a) a label for a container of the substance or mixture, and any accompanying information, does not, at the time the substance or mixture is supplied, expressly or impliedly claim or represent that it:

(i) alleviates or prevents a disease or condition in an animal; or

(ii) modifies the physiology of an animal; or

(iii) cures a disease or condition in an animal; or

(b) if such a claim or representation is made—the substance or mixture is supplied by, or in accordance with the instructions of, a veterinary surgeon, being a supply that would be permitted under a law of this jurisdiction if the substance or mixture were a chemical product; or

(c) if a claim or representation covered by subparagraph (a)(i) or (ii) is made—the claim or representation is substantiated, having regard to either or both of the following:

(i) scientific studies that are published in a reputable, refereed scientific journal, or that are of a standard publishable in such a journal;

(ii) information showing that the claim or representation would, if EU Commission Directive 2008/38/EC (as in force at the time of the supply) applied in relation to the substance or mixture, be established under that Directive.

7 Labelling requirements for excluded nutritional or digestive products

(1) The labelling requirements under this clause are met in relation to a substance or a mixture of substances if the following information is included on a label for a container of the substance or mixture, or accompanies the substance or mixture, at the time it is supplied:

(a) the name of the substance or mixture;

(b) instructions for use of the substance or mixture for each species for which it is intended to be used, including:

(i) application or dosage rates for each species; and

(ii) the length of the period during which it may be used for each species;

(c) instructions for the safe handling of the product;

(d) a crude or a key nutrient analysis relating to the claims made about the product;

(e) a list of the ingredients in the substance or mixture, ordered by decreasing mass of:

(i) the ingredients; or

(ii) if the ingredients are grouped as mentioned in subclause (3)—the grouped ingredients;

(f) the name of, and an address and telephone number for, the party primarily responsible for marketing the product;

(g) a batch number;

(h) an expiry date (or equivalent);

(i) if the claims requirements under clause 6 are met in relation to the substance or mixture only because of paragraph 6(b)—a statement that the substance or mixture is for veterinary supply only;

(j) if the claims requirements under clause 6 are met in relation to the substance or mixture only because of subparagraph 6(c)(ii)—any information required to be included on a label by a standard, rule, code, specification or method set out in EU Commission Directive 2008/38/EC (as in force at the time of the supply) in relation to a claim established under that Directive;

(k) if the current Poisons Standard requires signal words in relation to the supply of the substance or mixture:

(i) the appropriate signal words; and

(ii) first aid instructions for the substance or mixture; and

(iii) poisons information centre contact details.

(2) Paragraph (1)(b), (c), (d), (e) or (h) is taken to be satisfied in relation to a substance or a mixture of substances if:

(a) the information mentioned in that paragraph is made available for downloading from a website; and

(b) the label or information that accompanies the substance or mixture includes, at the time the substance or mixture is supplied:

(i) the URL of the website; or

(ii) another method by which a person may download that information from the website.

(3) For paragraph (1)(e), the ingredients may be grouped in accordance with any of the following standards, rules, codes, specifications or methods as existing at the time of the supply:

(a) the Collective Terms outlined in Chapter 6 (Feed Terms and Ingredient Definitions) of the *Official Publication of the Association of American Feed Control Officials*;

(b) the Group names outlined in Types 7, 8 and 11 of Section 2 “CODEX Classification of Foods and Animal Feeds” in CODEX Alimentarius Commission, *CODEX Alimentarius*, Volume 2, Pesticides Residues in Food;

(c) clauses 3, 4, 6, 7, 8, 9 and 10 of Standard 1.2.4 of the Food Standards Code;

(d) any applicable Australian industry code of practice.

8 Manufacturing requirements for excluded nutritional or digestive products

The manufacturing requirements under this clause are met in relation to a substance or a mixture of substances if the substance or mixture is manufactured in accordance with any of the following standards, rules, codes, specifications or methods as existing at the time of manufacture:

(a) both the manufacturing principles and the Australian GMP Code;

(b) any applicable Australian industry code of practice;

(c) the quality assurance requirements for animal feed products applicable to substances or mixtures of that kind in:

(i) a member state of the European Union; or

(ii) the United States of America.

Division 3.3—Ingredient determinations

9 Ingredient determinations

(1) The APVMA may, by legislative instrument, determine that one or more ingredients, or classes of ingredients, are authorised to be used in one or more classes of substances or mixtures of substances.

Note 1: An ingredient may be used in a substance or a mixture of substances if the use of the ingredient in the substance or mixture is authorised by the ingredient determination (see item 8 of the table in subclause 5(3)).

Note 2: A determination under this subclause is referred to in this Schedule as an ***ingredient determination*** (see clause 1).

Note 3: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) Without limiting subclause (1), an ingredient determination may do either or both of the following:

(a) authorise an ingredient’s use only for one or more specified purposes in a class of substances or mixtures of substances;

(b) authorise an ingredient’s use in a class of substances or mixtures of substances for a particular purpose only if one or more requirements specified in the ingredient determination are met.

(3) The power under subclause (1) may be exercised on the APVMA’s own initiative or on application under clause 10.

APVMA to be satisfied of certain matters

(4) Before making or varying an ingredient determination, the APVMA must be satisfied that the use of a substance or a mixture of substances in a class covered by the ingredient determination as made or varied:

(a) would not be an undue hazard to the safety of people exposed to it during its handling or people using anything containing its residues; and

(b) would not be likely to have an effect that is harmful to human beings; and

(c) would not be likely to have an unintended effect that is harmful to animals, plants or things or to the environment; and

(d) would not unduly prejudice trade or commerce between Australia and places outside Australia.

(5) The APVMA must revoke or vary an ingredient determination if the APVMA is no longer satisfied as to any of the matters mentioned in subclause (4) in relation to the ingredient determination.

(6) For the purposes of being satisfied as to the matters mentioned in paragraphs (4)(a), (b) and (c), the APVMA:

(a) must have regard to the following:

(i) the toxicity of substances or mixtures in the class and their residues, including metabolites and degradation products, in relation to relevant organisms and ecosystems, including human beings;

(ii) the relevant poison classification of substances or mixtures in the class under the law in force in this jurisdiction;

(iii) how substances or mixtures in the class are formulated;

(iv) the composition and form of the ingredients of substances or mixtures in the class; and

(b) may have regard to such other matters as it thinks relevant.

(7) For the purposes of being satisfied as to the matter mentioned in paragraph (4)(d):

(a) if it can reasonably be expected that a substance or mixture in a class covered by an ingredient determination will be used in relation to an animal, a product of which might be provided to a place outside Australia—the APVMA must have full regard to the matter mentioned in that paragraph; and

(b) otherwise—the APVMA is to have regard to the matter mentioned in that paragraph to the extent that the APVMA thinks is relevant.

Publishing ingredient determinations

(8) The APVMA must publish an ingredient determination, as existing from time to time, on its website.

10 Applying for ingredient determinations

(1) A person may apply to the APVMA to make or vary an ingredient determination to authorise the use of one or more ingredients in one or more classes of substances or mixtures of substances specified in the application.

(2) The application must specify the following for each ingredient covered by the application:

(a) one or more purposes for which the ingredient determination would authorise the use of the ingredient in the classes of substances or mixtures of substances specified in the application;

(b) any requirements (including quality specifications) that would need to be met for the use of the ingredient for those purposes in the classes of substances or mixtures of substances specified in the application to be authorised by the ingredient determination.

(3) The APVMA must make or vary an ingredient determination in accordance with the application if the APVMA is satisfied:

(a) that the application meets the application requirements (other than the requirement set out in paragraph 8A(b) of the Code); and

(b) of the matters mentioned in subclause 9(4), in accordance with subclauses 9(6) and (7).

(4) If the APVMA is not satisfied as mentioned in subclause (3), the APVMA must refuse the application.

(5) The APVMA must give written notice to the applicant, within 14 days of making or varying the ingredient determination, stating that it has been made or varied in accordance with the application.

(6) The following provisions of the Code apply in relation to an application under subclause (1) in relation to an ingredient as if the application were an application made under the Code in relation to an active constituent for a proposed or existing chemical product:

(a) section 157 (samples to be given for analysis);

(b) section 159 (requiring information to determine application).

Note 1: A number of provisions in the Code apply automatically in relation to applications made under it (including applications made under these Regulations). See, for example, sections 8B to 8D, and sections 8G, 8S, 156A, 164 and 165, of the Code.

Note 2: Clause 11 applies certain other provisions in relation to applications made under this clause.

11 Information that may be used for ingredient determinations

Overseas trials and experiments, and consultation

(1) The following provisions apply in relation to the making, variation or revocation of an ingredient determination in relation to an ingredient as if the ingredient were an active constituent for a proposed or existing chemical product:

(a) subsections 160(2) and (3) of the Code (overseas trials and experiments);

(b) section 8 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (consultation).

Limits on use of information

(2) The APVMA must not use information given to it in connection with an application under the Code:

(a) to assess an application made under clause 10 in relation to an ingredient; or

(b) to make any other decision in relation to the making, variation or revocation of an ingredient determination in relation to an ingredient;

unless the information was given to it in connection with the application mentioned in paragraph (a) or the decision mentioned in paragraph (b).

(3) A person or body consulted under section 8 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, as that section applies under subclause (1), must not, for the purposes of providing information or advice in relation to the making, variation or revocation of an ingredient determination, use information that the APVMA must not, under subclause (2), use in relation to the ingredient determination.

(4) The following provisions of the Code apply in relation to subclauses (2) and (3) in the same way as they apply in relation to subsections 34G(1) and (3) of the Code:

(a) subsections 34G(1B) and (2);

(b) sections 34H to 34M.

(5) For subclause (4), the condition in subsection 34J(4) of the Code is taken to be replaced by the condition that:

(a) the information relates to the making, variation or revocation of an ingredient determination in relation to an ingredient; and

(b) the information shows that a matter mentioned in subclause 9(4) of this Schedule may not be satisfied in relation to the ingredient.

(6) For subclause (4), if the APVMA relies on information given in connection with an application under clause 10 to make or vary an ingredient determination in accordance with the application, a limitation period is taken to apply to the information under section 34M of the Code that ends 3 years after the information is given.

(7) To avoid doubt, this clause applies in relation to the making, variation or revocation of an ingredient determination whether on the APVMA’s own initiative or on application under clause 10.

Schedule 3B—Listed chemical products

Note: See regulation 8AR.

Part 1—Preliminary

1 Particulars of listed chemical products

Each chemical product, or class of chemical product, listed in this Schedule is described in a separate item in the table in Part 2 as follows:

(a) column 2 describes the product;

(b) column 3 describes the product use.

2 Active constituents in listed chemical products

(1) A substance mentioned in column 2 of an item in the table in Part 2 as an active constituent of a chemical product or class of chemical product, means the substance with that name that complies with the particulars specified for that substance in an item in a Subdivision of Part 3 of this Schedule.

(2) Each substance dealt with in a Subdivision of Part 3 is described in a separate item as follows:

(a) the first row gives the common name of the substance;

(b) the second row lists any synonyms for the substance;

(c) the third row gives the Australian approved name, if any, for the substance;

(d) the fourth row gives the chemical name or names of the substance;

(e) the fifth row gives the chemical abstract service number for the substance;

(f) the sixth row identifies the relevant monograph or compendial standard, if any, with which the substance is required to comply.

Part 2—Listed chemical products

| Item | **Chemical product or class of chemical product** | **Chemical product or class of chemical product use** |
| --- | --- | --- |
| 1 | An agricultural chemical product or class of chemical products that:  (a) destroys bacteria, viruses and protozoa; and  (b) contains only 1 of the following as an active constituent:  (i) calcium hypochlorite;  (ii) lithium hypochlorite;  (iii) sodium dichloroisocyanurate;  (iv) sodium hypochlorite;  (v) trichloroisocyanuric acid; and  (c) does not contain stabilisers, enhancers or flocculants | Used in home swimming pools and spas |
| 2 | A veterinary chemical product or class of chemical products that:  (a) provides an exogenous source of biologically active ingredients to help improve the health of joints in dogs or horses; and  (b) contains any 1 or more of the following as an active constituent:  (i) chondroitin;  (ii) glucosamine | Administered orally to dogs and horses (in the form of oral powder, chewable or non‑chewable tablets, capsules containing powder or dry medicated food) |

Part 3—Active constituents in listed chemical products

Division 3.1—Agricultural chemical products

Subdivision 3.1.1 Home swimming pool and spa products

|  |  |
| --- | --- |
| 1 Calcium hypochlorite | |
| Common name | Calcium hypochlorite |
| Synonyms | Bleaching powder  Calcium oxychloride  Chloride of lime  Chlorinated lime  Hypochlorous acid – calcium salt |
| Australian approved name | None |
| Chemical name | Calcium hypochlorite |
| Chemical abstract service (CAS) number | 7778‑53‑3 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| 2 Lithium hypochlorite | |
| Common name | Lithium hypochlorite |
| Synonym | Hypochlorous acid – lithium salt |
| Australian approved name | None |
| Chemical name | Lithium hypochlorite |
| Chemical abstract service (CAS) number | 13840‑33‑0 |
| Monograph or compendial standard with which active constituent is required to comply | None |

| **3 Sodium dichloroisocyanurate** | |
| --- | --- |
| Common name | Sodium dichloroisocyanurate |
| Synonyms | Dichloroisocyanuric acid sodium salt  Sodium 1,3‑dichloroisocyanurate |
| Australian approved name | None |
| Chemical name | 1,3‑dichloro‑1,3,5‑triazine‑2,4,6‑ (1H,3H,5H)‑trione, sodium salt |
| Chemical abstract service (CAS) number | 2893‑78‑9 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| **4 Sodium hypochlorite** | |
| Common name | Sodium hypochlorite |
| Synonyms | Hypochlorous acid – sodium salt  Sodium oxychloride |
| Australian approved name | Sodium hypochlorite |
| Chemical name | Sodium hypochlorite |
| Chemical abstract service (CAS) number | 7681‑52‑9 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| **5** **Trichloroisocyanuric acid** | |
| Common name | Trichloroisocyanuric acid |
| Synonyms | 1,3,5–trichloroisocyanuric acid,  trichloro‑s‑triazinetrione  symclosene |
| Australian approved name | None |
| Chemical name | 1,3,5‑trichloro‑1,3,5‑triazine‑2,4,6‑ (1H,3H,5H)‑trione |
| Chemical abstract service (CAS) number | 87‑90‑1 |
| Monograph or compendial standard with which active constituent is required to comply | None |

Division 3.2—Veterinary chemical products

Subdivision 3.2.1 Joint health products for dogs and horses

|  |  |
| --- | --- |
| 1 Chondroitin | |
| Common name | Chondroitin |
| Synonyms | Calcium chondroitin sulfate  Chondroitin sulfate  Chondroitin sulfate sodium  Chondroitin polysulfate  Chondroitin sulphuric acid  Potassium chondroitin sulfate  Sodium chondroitin sulfate |
| Australian approved name | Chondroitin sulfate |
| Chemical names | Chondroitin sulfate sodium—[4)‑(‑D‑ glucopyranosyluronic acid)‑(1🡒3)‑[2‑ (acetylamino)‑2‑deoxy‑‑D‑galactopyranosyl‑ 4‑sulfate]  Chondroitin sulfate sodium as sodium salt—[4)‑(‑D‑glucopyranosyluronic acid)‑(1🡒3)‑[2‑ (acetylamino)‑2‑deoxy‑‑D‑galactopyranosyl‑ 6‑sulfate] |
| Chemical abstract service (CAS) numbers | 9007‑28‑7   (Chondroitin)  9082‑07‑9   (Chondroitin sulfate sodium) |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP); or  United States Pharmacopeia (USP) for chondroitin sulfate or its salts |

| 2 Glucosamine | |
| --- | --- |
| Common name | Glucosamine |
| Synonym | None |
| Australian approved name | Glucosamine hydrochloride  Glucosamine sulfate |
| Chemical names | 2‑amino‑2‑deoxy‑D‑glucose hydrochloride  2‑amino‑2‑deoxy‑β‑D‑glucopyranose hydrochloride  Bis(2‑amino‑2‑deoxy‑D‑glucose) sulfate |
| Chemical abstract service (CAS) numbers | 66‑84‑2   (Glucosamine hydrochloride)  29031‑19‑4   (Glucosamine sulfate) |
| Monograph or compendial standard with which active constituent is required to comply | United States Pharmacopeia (USP) for glucosamine hydrochloride or glucosamine sulfate |

Schedule 3C—Reserved Schedule

(regulation 23G)

Part 1—Preliminary

1 Definitions

In this Schedule:

***disinfectant*** means a substance:

(a) that is recommended by its manufacturer for application to an inanimate object to kill micro‑organisms generally; and

(b) that is not represented by the manufacturer to be effective for any of the following:

(i) killing specific or named micro‑organisms;

(ii) use as a sterilant, dairy cleanser, or pool and spa sanitiser; and

(c) that is not represented by the manufacturer to be effective for internal use or application on food; and

(d) that is not promoted primarily through retailers to consumers for domestic use.

***sterilant*** means a chemical agent that kills microbes with the result that the sterility assurance level of a microbial survivor is less than 10‑6.

2 Particulars of reserved chemical products

The particulars of a chemical product or class of chemical product listed in this Schedule are specified in an item in the table in Part 2 as follows:

(a) column 2 sets out:

(i) the product use; and

(ii) the concentration level, if any, of the active constituent in the product;

(b) column 3 sets out the active constituent or constituents of the product.

3 Active constituents in reserved chemical products

(1) A substance mentioned in column 3 of Part 2 as an active constituent of a chemical product or class of chemical product, means the substance with that name that complies with the particulars specified for that substance in an item in a Subdivision of Part 3 of this Schedule.

(2) Each substance mentioned in a Subdivision of Part 3 is described in a separate item as follows:

(a) the first row gives the common name of the substance;

(b) the second row lists any synonyms for the substance;

(c) the third row gives the Australian approved name, if any, for the substance;

(d) the fourth row gives its chemical name;

(e) the fifth row gives the chemical abstract service number for the substance;

(f) the sixth row identifies the relevant monograph or compendial standard, if any, with which the substance is required to comply.

Part 2—Reserved chemical products

| Item | **Chemical product or class of chemical product** | **Active constituent(s) of chemical product or class of chemical product** |
| --- | --- | --- |
| 1 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 10% of the class of product | Benzalkonium chloride |
| 2 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 5% of the class of product | Glutaraldehyde |
| 3 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 6% of the class of product | Hydrogen peroxide |
| 4 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 3% of the class of product | O‑benzyl‑p‑ chlorophenol |
| 5 | An agricultural chemical product used as a disinfectant if the product contains the active constituent specified in column 3 | Ortho‑phenylphenol |
| 6 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 10% of the class of product | Peroxyacetic acid |
| 7 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 35% of the class of product | Phosphoric acid |
| 8 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 5% of the class of product | Sodium hydroxide |
| 9 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3 for this item is contained; and  (b) the active constituent specified in column 3 does not make up more than 20% of the class of product | Sodium hypochlorite |
| 10 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3; and  (b) the active constituent specified in column 3 does not make up more than 10% of the class of product | Sulfamic acid |
| 11 | An agricultural chemical product used as a disinfectant if:  (a) the product contains the active constituent specified in column 3 for this item is contained; and  (b) the active constituent specified in column 3 does not make up more than 0.5% of the product | Sulfuric acid |

Part 3—Active constituents in reserved chemical products

Division 3.1—Agricultural chemical products

Subdivision 3.1.1 Disinfectants

|  |  |
| --- | --- |
| 1 Benzalkonium chloride | |
| Common name | Benzalkonium chloride |
| Synonyms | Alkyl‑benzyl‑dimethylammonium chloride  Alkylbenzyldimethyl chloride |
| Australian approved name | Benzalkonium chloride |
| Chemical name | Benzalkonium chloride |
| Chemical abstract service (CAS) number | 8001‑54‑5 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP) |

|  |  |
| --- | --- |
| 2 Glutaraldehyde |  |
| Common name | Glutaraldehyde |
| Synonyms | Gluteraldehyde  1,3‑diformylpropane  1,5‑pentanedial  1,5‑pentanedione |
| Australian approved name | Glutaraldehyde |
| Chemical name | Glutaraldehyde |
| Chemical abstract service (CAS) number | 111‑30‑9 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP) |

| 3 Hydrogen peroxide |  |
| --- | --- |
| Common name | Hydrogen peroxide |
| Synonym | Hydrogen dioxide |
| Australian approved name | Hydrogen peroxide |
| Chemical name(s) | Hydrogen peroxide |
| Chemical abstract service (CAS) number | 7722‑84‑1 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP) |

|  |  |
| --- | --- |
| 4 O‑benzyl‑p‑chlorophenol |  |
| Common name | O‑benzyl‑p‑chlorophenol |
| Synonyms | 4‑chloro‑2‑(phenylmethyl)phenol  4‑chloro‑alpha‑phenyl‑ortho‑cresol  5‑chloro‑2‑hydroxydiphenylmethane  Benzylchlorophenol  Benzyl‑p‑chlorophenol  Chlorophenol |
| Australian approved name | None |
| Chemical name | O‑benzyl‑p‑chlorophenol |
| Chemical abstract service (CAS) number | 120‑32‑1 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| 5 Ortho‑phenylphenol |  |
| Common name | Ortho‑phenylphenol |
| Synonyms | (1,1‑biphenyl)‑2‑ol  1,1'‑biphenyl‑2‑ol  2‑biphenylol  2‑phenylphenol  Hydroxy‑2‑phenylbenzene |
| Australian approved name | Ortho‑phenylphenol |
| Chemical name | 1,1'‑biphenyl‑2‑ol |
| Chemical abstract service (CAS) number | 90‑43‑7 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| 6 Peroxyacetic acid |  |
| Common name | Peroxyacetic acid |
| Synonyms | Acetic peroxide  Acetyl hydroperoxide  Peracetic acid |
| Australian approved name | Peracetic acid |
| Chemical name | Peroxyacetic acid |
| Chemical abstract service (CAS) number | 79‑21‑0 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| 7 Phosphoric acid |  |
| Common name | Phosphoric acid |
| Synonym | Orthophosphoric acid |
| Australian approved name | None |
| Chemical name | Phosphoric acid |
| Chemical abstract service (CAS) number | 7664‑38‑2 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP) |

|  |  |
| --- | --- |
| 8 Sodium hydroxide |  |
| Common name | Sodium hydroxide |
| Synonym | Caustic soda |
| Australian approved name | Sodium hydroxide |
| Chemical name | Sodium hydroxide |
| Chemical abstract service (CAS) number | 1310‑73‑2 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP) |

| 9 Sodium hypochlorite |  |
| --- | --- |
| Common name | Sodium hypochlorite |
| Synonyms | Hypochlorous acid‑sodium salt  Sodium oxychloride |
| Australian approved name | Sodium hypochlorite |
| Chemical name(s) | Sodium hypochlorite |
| Chemical abstract service (CAS) number | 7681‑52‑9 |
| Monograph or compendial standard with which active constituent is required to comply | None |

|  |  |
| --- | --- |
| 10 Sulfamic acid |  |
| Common name | Sulfamic acid |
| Synonyms | Amidosulfonic acid  Amidosulfuric acid  Aminosulfonic acid  Sulfamidic acid  Sulphamic acid |
| Australian approved name | Sulfamic acid |
| Chemical name | Sulfamic acid |
| Chemical abstract service (CAS) number | 5329‑14‑6 |
| Monograph or compendial standard with which active constituent is required to comply | None |

| 11 Sulfuric acid |  |
| --- | --- |
| Common name | Sulfuric acid |
| Synonyms | Hydrogen sulfate  Sulphuric acid |
| Australian approved name | Sulfuric acid |
| Chemical name | Sulfuric acid |
| Chemical abstract service (CAS) number | 7664‑93‑9 |
| Monograph or compendial standard with which active constituent is required to comply | British Pharmacopoeia (BP); or  European Pharmacopoeia (EP) |

Division 3.2—Veterinary chemical products

Note: This Division is reserved for future use.

Schedule 4—Restricted chemical products

(regulation 45)

|  |  |
| --- | --- |
| 1 | A chemical product containing ethylene dibromide (also known as EDB) |
| 2 | A chemical product containing 4‑aminopropiophenone (also known as PAPP) |
| 4 | A chemical product containing sodium monofluoroacetate (also known as 1080) |
| 5 | A chemical product containing acrolein |
| 6 | A chemical product that is a pre‑construction termiticide product containing bifenthrin |
| 7 | A chemical product that is a pre‑construction termiticide product containing chlorpyrifos |
| 8 | A chemical product containing endosulfan |
| 9 | A chemical product containing pindone that is a concentrate and for which the relevant label instructions require further mixing with carriers before it is ready to use as a bait |
| 10 | A chemical product containing mevinphos |
| 11 | A chemical product containing rabbit haemorrhagic disease virus (***RHDV***) (also known as rabbit calicivirus) that is in injectable form and requires mixing with carriers such as oats or carrot before it is ready to use as a bait |
| 12 | A vertebrate pest control chemical product containing fenthion, alphachloralose or 4‑aminopyridine |
| 13 | All chemical products with formulations containing, as active constituents, all 3 of the following in various chemical forms:  (a) copper;  (b) chromium;  (c) arsenic |

Schedule 5A—Infringement notices

Note: See regulation 64.

| Infringement notice penalty amounts | | | |
| --- | --- | --- | --- |
| Item | Civil penalty provision | Amount for individual (penalty units) | Amount for corporation (penalty units) |
| 1 | A contravention of section 26 of the Code | 9 | 75 |
| 2 | A contravention of section 32 of the Code | 36 | 300 |
| 3 | A contravention of section 33 of the Code | 36 | 300 |
| 4 | A contravention of section 45C of the Code | 90 | 750 |
| 5 | A contravention of section 47E of the Code | 90 | 750 |
| 6 | A contravention of section 74 of the Code involving:  (a) at least 10 kg of an active constituent of a veterinary product; or  (b) at least 100 kg of an active constituent of an agricultural chemical product | 60 | 500 |
| 7 | A contravention of section 74 of the Code involving:  (a) at least 1 kg, but less than 10 kg, of an active constituent of a veterinary product; or  (b) at least 10 kg, but less than 100 kg, of an active constituent of an agricultural chemical product | 30 | 250 |
| 8 | A contravention of section 74 of the Code involving:  (a) less than 1 kg of an active constituent of a veterinary product; or  (b) less than 10 kg of an active constituent of an agricultural chemical product | 6 | 50 |
| 9 | A contravention of section 75 of the Code involving at least 500 containers | 60 | 500 |
| 10 | A contravention of section 75 of the Code involving at least 50 containers but fewer than 500 containers | 30 | 250 |
| 11 | A contravention of section 75 of the Code involving fewer than 50 containers | 6 | 50 |
| 12 | A contravention of section 76 of the Code involving:  (a) at least 10 kg of an active constituent of a veterinary chemical product; or  (b) at least 100 kg of an active constituent of an agricultural chemical product | 90 | 750 |
| 13 | A contravention of section 76 of the Code involving:  (a) at least 1 kg, but less than 10 kg, of an active constituent of a veterinary chemical product; or  (b) at least 10 kg, but less than 100 kg, of an active constituent of an agricultural chemical product | 45 | 375 |
| 14 | A contravention of section 76 of the Code involving:  (a) less than 1 kg of an active constituent of a veterinary chemical product; or  (b) less than 10 kg of an active constituent of an agricultural chemical product | 9 | 75 |
| 15 | A contravention of section 77 of the Code | 90 | 750 |
| 16 | A contravention of section 78 of the Code involving at least 500 containers | 90 | 750 |
| 17 | A contravention of section 78 of the Code involving at least 50 containers but fewer than 500 containers | 45 | 375 |
| 18 | A contravention of section 78 of the Code involving fewer than 50 containers | 9 | 75 |
| 19 | A contravention of section 79 of the Code | 90 | 750 |
| 20 | A contravention of section 79B of the Code | 90 | 750 |
| 21 | A contravention of section 80 of the Code involving at least 500 containers | 90 | 750 |
| 22 | A contravention of section 80 of the Code involving at least 50 containers but fewer than 500 containers | 45 | 375 |
| 23 | A contravention of section 80 of the Code involving fewer than 50 containers | 9 | 75 |
| 24 | A contravention of section 81 of the Code involving at least 500 containers | 90 | 750 |
| 25 | A contravention of section 81 of the Code involving at least 50 containers but fewer than 500 containers | 45 | 375 |
| 26 | A contravention of section 81 of the Code involving fewer than 50 containers | 9 | 75 |
| 27 | A contravention of section 83 of the Code | 90 | 750 |
| 28 | A contravention of section 84 of the Code | 90 | 750 |
| 29 | A contravention of section 85 of the Code | 90 | 750 |
| 30 | A contravention of section 86 of the Code | 90 | 750 |
| 31 | A contravention of section 87 of the Code | 90 | 750 |
| 32 | A contravention of section 88 of the Code | 15 | 125 |
| 33 | A contravention of section 89 of the Code | 15 | 125 |
| 34 | A contravention of section 90 of the Code involving at least 500 containers | 36 | 300 |
| 35 | A contravention of section 90 of the Code involving at least 50 containers but fewer than 500 containers | 18 | 150 |
| 36 | A contravention of section 90 of the Code involving fewer than 50 containers | 3 | 30 |
| 37 | A contravention of section 91 of the Code involving at least 500 containers | 36 | 300 |
| 38 | A contravention of section 91 of the Code involving at least 50 containers but fewer than 500 containers | 18 | 150 |
| 39 | A contravention of section 91 of the Code involving fewer than 50 containers | 3 | 30 |
| 40 | A contravention of section 92 of the Code | 36 | 300 |
| 41 | A contravention of section 94 of the Code | 36 | 300 |
| 42 | A contravention of section 95 of the Code | 36 | 300 |
| 43 | A contravention of section 99 of the Code | 36 | 300 |
| 44 | A contravention of section 105 of the Code | 36 | 300 |
| 45 | A contravention of section 116 of the Code | 90 | 750 |
| 46 | A contravention of subsection 121(3) of the Code | 72 | 600 |
| 47 | A contravention of subsection 121(4) of the Code relating to a step in the manufacture of a veterinary chemical product mentioned in the definition of ***category 1 licence*** | 72 | 600 |
| 48 | A contravention of subsection 121(4) of the Code relating to a step in the manufacture of a veterinary chemical product mentioned in the definition of ***category 2 licence*** or ***category 3 licence*** | 36 | 300 |
| 49 | A contravention of subsection 121(4) of the Code relating to a step in the manufacture of a veterinary chemical product mentioned in the definition of ***category 4 licence*** | 7 | 60 |
| 50 | A contravention of subsection 121(4) of the Code relating to a step in the manufacture of a veterinary chemical product mentioned in the definition of ***category 6 licence*** | 7 | 60 |
| 51 | A contravention of subsection 121(5) of the Code involving non‑compliance with a condition other than a condition mentioned in items 52, 53 or 54 | 36 | 300 |
| 52 | A contravention of subsection 121(5) of the Code involving non‑compliance with a condition mentioned in subregulation 61(4), (7) or (7A) | 18 | 150 |
| 53 | A contravention of subsection 121(5) of the Code involving non‑compliance with a condition mentioned in subregulation 61(10) | 3 | 30 |
| 54 | A contravention of subsection 121(5) of the Code involving non‑compliance with a condition mentioned in subregulation 61(2) or (9) or regulation 62 | 1 | 5 |
| 55 | A contravention of section 160A of the Code | 90 | 750 |
| 56 | A contravention of section 161 of the Code | 90 | 750 |

Note: The terms category 1 licence, category 2 licence, category 3 licence, category 4 licence and category 6 licence are defined at regulation 3.

Schedule 6—Application fees and assessment periods

Note: See regulations 70, 70B, and 76 to 78.

Part 1—Preliminary

1.1 Definitions

In this Schedule:

***closely similar***, used of 2 chemical products, has the meaning given by section 1.2.

***major change***, in relation to a registered chemical product or approved label, means a change to a registered chemical product or its approved label that is expected to require data for technical assessment of one or more of the following:

(a) efficacy;

(b) potential risks to the safety of humans, the environment or the host crop or animal;

(c) potential risks to Australian trade.

***maximum residue limit*** means the maximum concentration of a residue, resulting from the officially authorised safe use of an agricultural or veterinary chemical, that is recommended to be legally permitted or recognised as acceptable in or on a food, agricultural commodity, or animal feed.

***minor change*** means a change that is not a major change.

***protected information*** has the meaning given by section 1.5.

***similar***, used of 2 chemical products, has the meaning given by section 1.3.

***the same***, used of 2 chemical products, has the meaning given by section 1.4.

1.2 When chemical products are closely similar

(1) Subject to subsection (2), an agricultural chemical product (the ***proposed chemical product***) and a reference chemical product are ***closely similar*** if:

(a) the active constituents in the proposed chemical product are the same as the approved active constituents in the reference chemical product; and

(b) the concentration of the active constituents referred to in paragraph (a) are the same; and

(c) either:

(i) the other ingredients in the formulations of the proposed and reference chemical products are the same; or

(ii) if the other ingredients in the formulations of the proposed and reference chemical products are different, those other ingredients perform similar functions (for example, as emulsifiers, surfactants, dyes or solvents); and

(d) the formulation type of the proposed and reference chemical products are the same; and

(e) the label of the proposed chemical product refers to the same crops, situations and pests as the approved label of the reference chemical product (that is, the proposed chemical product must have no uses additional to those of the reference chemical product); and

(f) the label of the proposed chemical product includes similar instructions on how to use the product, and precautionary or safety instructions, as the approved label of the reference chemical product; and

(g) either:

(i) the claims on the labels of the proposed and reference chemical products are the same; or

(ii) if the claims are different, the claims on the label of the proposed chemical product are fewer or reduced compared to the claims on the approved label of the reference chemical product.

(2) However, the proposed agricultural chemical product and the reference chemical product are taken not to be closely similar if information about the reference chemical product is protected information.

(3) Subject to subsection (4), a veterinary chemical product (the ***proposed chemical product***) and a reference chemical product are ***closely similar*** if:

(a) the active constituents in the proposed chemical product are the same as the approved active constituents in the reference chemical product; and

(b) the concentration of the active constituents referred to in paragraph (a) are the same; and

(c) either:

(i) the non‑active constituents in the formulations of the proposed and reference chemical products are the same, or are equivalent substances, at the same or equivalent concentrations; or

(ii) if the non‑active constituents in the formulations of the proposed and reference chemical products are neither the same nor equivalent, the differences in the formulations are minor and are not expected to have adverse implications on product quality or biological activity in terms of efficacy, safety or residues; and

(d) either:

(i) the proposed and reference chemical products specifications (including release and expiry limits and test methods) and physico‑chemical properties (including pH, particle size, crystal form and, where applicable, dissolution profile, payout rate and payout period) are the same or equivalent; or

(ii) if the specifications and physico‑chemical properties of the proposed and reference chemical products are neither the same nor equivalent, the differences in the specifications and properties are minor and are not expected to have adverse implications for product quality or biological activity in terms of efficacy, safety or residues; and

Note for paragraphs (c) and (d):Efficacy, safety and residues data are not required to demonstrate similarity of the proposed chemical product to the reference chemical product.

(e) the dose form and formulation type of the proposed and reference chemical products are the same; and

(f) the use patterns (including target animal species, dose rates, routes of administration and withholding periods) and instructions on the labels of the proposed and reference chemical products are the same; and

(g) either:

(i) the claims on the labels of the proposed and reference chemical products are the same; or

(ii) if the claims are different, the claims on the label of the proposed chemical product are fewer or reduced compared to the claims on the approved label of the reference chemical product.

(4) However, the proposed veterinary chemical product and the reference chemical product are taken not to be closely similar if information about the reference chemical product is protected information.

1.3 When chemical products are similar

(1) Subject to subsection (2), an agricultural chemical product (the ***proposed agricultural chemical product***) and a reference chemical product are ***similar*** if the conditions in paragraphs 1.2(1)(a), (d), (e), (f) and (g) are complied with in relation to the products.

(2) However, the proposed agricultural chemical product and the reference chemical product are taken not to be similar if information about the reference chemical product is protected information.

(3) Subject to subsection (4), a veterinary chemical product (the ***proposed veterinary chemical product***) and a reference chemical product are ***similar*** if:

(a) the conditions in paragraphs 1.2(3)(a), (b), (e), (f) and (g) are complied with in relation to the products; and

(b) the non‑active constituents in the proposed and reference chemical products have similar properties and are in similar proportions; and

(c) chemistry and manufacture, efficacy or target species safety data is required to demonstrate similarity of the proposed chemical product to the reference chemical product.

(4) However, the proposed veterinary chemical product and the reference chemical product are taken not to be similar if information about the reference chemical product is protected information.

1.4 When chemical products are *the same*

(1) Subject to subsection (2), a proposed chemical product and a reference chemical product are the same if they are the same in all respects except their names, their distinguishing numbers, and the name and business address of the applicant.

(2) However, a proposed chemical product and a reference chemical product are taken not to be the same if information about the reference chemical product is protected information.

1.5 Meaning of *protected information*

For this Schedule, information is ***protected information*** if:

(a) it is information about an approved active constituent, a registered chemical product or an approved label for containers for a chemical product; and

(b) any of the following provisions limits its use by the APVMA:

(i) Division 4A of Part 2 of the Code;

(ii) Part 3 of the Code;

(iii) Part 7B of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*.

1.6 Effect of Part 2 where information is protected information

(1) If information about an active constituent is protected information, the fee payable for an application that would otherwise rely on or utilise that information is to be determined as if the active constituent were not approved.

(2) If information about a registered chemical product is protected information, the fee payable for an application that would otherwise rely on or utilise that information is to be determined as if the chemical product were not registered.

(3) If information about an approved label for containers for a chemical product is protected information, the fee payable for an application that would otherwise rely on or utilise that information is to be determined as if the label were not approved.

1.7 Fee when application for registration preceded by application for permit

If:

(a) an application for the registration of a chemical product is preceded by an application for a permit in relation to the product; and

(b) the assessment of the permit is relevant to, and included as, part of the assessment of the product;

despite anything else in Part 2 or in Schedule 7, the fee for the application for the registration of the product is to be worked out using the modular assessment fee only for any additional assessments that are actually undertaken by the APVMA at the time of the assessment.

Part 2—Table of fees and assessment periods

| Table of fees and assessment periods | | | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Item | Column 1  Description of application | Column 2  Assessment period (months) | | | | Column 3  Extended assessment period (months) | Column 4  Maximum pre application assistance rebate ($) | | | | Column 5  Fee from 1 July 2014 ($) | | | | Column 6  Fee from 1 January 2015 ($) |
| Applications for approval of active constituent contained in a chemical product, registration of the chemical product and approval of the product label | | | | | | | | | | | | | | | |
| 1 | Application for approval of an active constituent contained in a chemical product, registration of the associated chemical product and approval of the product label requiring a full assessment of the active constituent and chemical product (other than a timeshift application) | 18 | | | | 25 | 1 400 | | | | 84 115 | | | | 96 135 |
| 2 | Application for approval of an active constituent contained in a chemical product, registration of the associated chemical product and approval of the product label requiring less than full assessment of the active constituent and chemical product (other than a timeshift application) | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 1 400 | | | | The modular assessment fee | | | | The modular assessment fee |
| Applications for registration of a chemical product containing an approved active constituent and approval of the product label | | | | | | | | | | | | | | | |
| 3 | Application for registration of a chemical product containing an approved active constituent, and approval of the product label (other than a timeshift application), if: | 18 | | | | 25 | 1 050 | | | | 56 545 | | | | 64 620 |
|  | (a) there is no registered chemical product containing the active constituent; and  (b) a full assessment of the chemical product is required |  | | | |  |  | | | |  | | | |  |
| 4 | Application (other than a timeshift application) for registration of a chemical product containing an approved active constituent, and approval of the product label, if:  (a) there is a registered chemical product containing the active constituent; and | 18 | | | | 25 | 1 050 | | | | 32 090 | | | | 36 675 |
|  | (b) a full assessment of the chemical product is required; and |  | | | |  |  | | | |  | | | |  |
|  | (c) there are no relevant maximum residue limits; and |  | | | |  |  | | | |  | | | |  |
|  | (d) poison schedule classification is required |  | | | |  |  | | | |  | | | |  |
| 5 | Application for registration of a chemical product containing an approved active constituent, and approval of the product label, if:  (a) the chemical product is similar to a registered chemical product; and | 8 | | | | 12 | 700 | | | | 4 260 | | | | 4 870 |
|  | (b) chemistry and manufacture, efficacy or target species safety data is the only data required to demonstrate the similarity of the chemical product to the registered chemical product |  | | | |  |  | | | |  | | | |  |
| 6 | Application for registration of a chemical product containing an approved active constituent, and approval of the product label, if: | 8 | | | | 12 | 700 | | | | 3 755 | | | | 4 290 |
|  | (a) the chemical product is closely similar to a registered chemical product; and |  | | | |  |  | | | |  | | | |  |
|  | (b) efficacy and safety data are not required to demonstrate the similarity of the chemical product to the registered chemical product; and |  | | | |  |  | | | |  | | | |  |
|  | (c) chemistry and manufacture data are required |  | | | |  |  | | | |  | | | |  |
| 7 | Application for registration of a chemical product containing an approved active constituent, and approval of the product label, if: | 3 | | | | 5 | 350 | | | | 1 535 | | | | 1 755 |
|  | (a) the chemical product is closely similar to a registered chemical product; and |  | | | |  |  | | | |  | | | |  |
|  | (b) efficacy and safety data are not required to demonstrate the similarity of the chemical product to the registered chemical product; and |  | | | |  |  | | | |  | | | |  |
|  | (c) chemistry and manufacture data are not required |  | | | |  |  | | | |  | | | |  |
| 8 | Application for registration of a chemical product containing an approved active constituent, and approval of the product label, if:  (a) the chemical product is the same as a registered chemical product; and | 3 | | | | 5 | 350 | | | | 1 455 | | | | 1 655 |
|  | (b) the chemical product is to be registered with a different name |  | | | |  |  | | | |  | | | |  |
| 9 | Application for registration of a listed chemical product and approval of a product label where the product and label comply with an established standard that has been approved in accordance with section 8U of the Code | 2 | | | | 4 | 350 | | | | 1 395 | | | | 1 595 |
| 10 | Application for registration of a chemical product containing an approved active constituent (or an active constituent for which the APVMA has received an application for approval) and approval of the product label for all situations other than those described in items 3  to 9 | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 350 | | | | The modular assessment fee | | | | The modular assessment fee |
| 10A | Application for approval of a label for containers for a registered chemical product | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 350 | | | | The modular assessment fee | | | | The modular assessment fee |
| Applications to vary a registration or label approval | | | | | | | | | | | | | | | |
| 11 | Application to vary particulars or conditions of registration or label approval where a full assessment of the chemical product is required | 10 | | | | 15 | 1 050 | | | | 25 035 | 28 610 | | | |
| 12 | Application to vary particulars or conditions of registration or label approval if:  (a) the variation is to allow a minor change; and  (b) no data of a technical nature is required | 3 | | | | 5 | 350 | | | | 1 020 | 1 170 | | | |
| 13 | Application to vary particulars or conditions of registration or label approval if:  (a) the variation is to allow a minor change; and  (b) no data of a technical nature is required; and  (c) the variation is a change required by the APVMA | 3 | | | | 5 | Nil | | | | Nil | Nil | | | |
| 13A | Application to vary a relevant particular of an approval or registration where the variation of the relevant particular is a prescribed variation under section 26B of the Code | 1 | | | | Not applicable | Nil | | | 175 | | | | 175 | |
| 14 | Application to vary particulars or conditions of registration or label approval if the application is not of a kind described in any of items 11 to 13A | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 350 | | | The modular assessment fee | | | | The modular assessment fee | |
| Applications for approval of an active constituent | | | | | | | | | | | | | | | |
| 15 | Application for approval of an active constituent requiring a full assessment (other than a timeshift application) | | | 14 | | 20 | 1 400 | | 26 730 | | | | | 30 550 | |
| 16 | Application for approval of an active constituent requiring less than full assessment but requiring a toxicological assessment | | | 9 | | 13 | 700 | | 16 455 | | | | | 18 805 | |
| 17 | Application for approval of an active constituent requiring less than full assessment but not requiring a toxicological assessment | | | 7 | | 11 | 700 | | 2 760 | | | | | 3 155 | |
| Applications for variation to an approved active constituent | | | | | | | | | | | | | | | |
| 18 | Application to vary particulars or conditions of an approved active constituent | | | | 7 | 11 | 700 | 2 155 | | | | | | 2 465 | |
| Applications for permits | | | | | | | | | | | | | | | |
| 19 | Application for a permit, or extension of a permit, to possess or supply, other than for use in Australia, an active constituent that is not an approved active constituent or a chemical product that is not a registered chemical product, where no data of a technical nature is required | | 3 | | | 5 | 350 | | 350 | | | | | 350 | |
| 20 | Application for a permit, or extension of a permit, where a previous assessment remains valid and no data of a technical nature is required | | 3 | | | 5 | 350 | | 350 | | | | | 350 | |
| 21 | Application for a permit, or extension of a permit, where the proposed use is a minor use | | The modular assessment period | | | The modular assessment period, plus 6 months (unless the APVMA and the applicant agree to a shorter period) | 350 | | | 350 | | | | 350 | |
| 22 | Application for a permit, or extension of a permit, in respect of a chemical product or an active constituent if the proposed use of the chemical product or active constituent is determined by the APVMA to be an emergency use | | Not applicable—(see subregulation 76(4)) | | | Not applicable | Nil (see paragraph 70 (8)(b)) | | | Nil (see paragraph 70(8)(b)) | | | | Nil (see paragraph 70(8)(b)) | |
| 23 | Application for a permit, or extension of a permit, in respect of a chemical product or an active constituent if the application is not of a kind described in any of items 19 to 22 | | The modular assessment period | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 350 | | | The modular assessment fee | | | | The modular assessment fee | |
| Other applications | | | | | | | | | | | | | | | |
| 24 | Application made under section 10 of the Code (other than those of the kinds described in any of items 1 to 10, 15, 16 or 17) requiring assessment of a technical nature | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | 350 | | The modular assessment fee | | | | The modular assessment fee | | |
| 25 | Application for a technical assessment made under regulation 8AS | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | Nil | | The modular assessment fee, plus GST | | | | The modular assessment fee, plus GST | | |
| 27 | Timeshift application | The modular assessment period | | | | Not applicable | 1400 | | The modular assessment fee | | | | The modular assessment fee | | |
| 28 | Application made under subclause 10(1) of Schedule 3AA to make or vary an ingredient determination | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | Nil | | The modular assessment fee | | | | The modular assessment fee | | |
| 29 | Application made under regulation 19AEB to make an interchangeable constituent determination | The modular assessment period | | | | One and one third of the modular assessment period, rounded up to the nearest whole month, plus 1 month | Nil | |  | | | | The modular assessment fee | | |

Schedule 7—Table of fees and periods for completion of modules, levels and types of assessments

Note: See regulations 70A and 77.

| Table of fees and periods for completion of modules, levels and types of assessments | | | |
| --- | --- | --- | --- |
| Item | Column 1 Module, level or type | Column 2 Period for completion | Column 3 Fee ($) |
| 1 | Preliminary assessment |  | 710 |
| 2 | Chemistry |  |  |
| 2.1 | Chemistry—level 1 | 13 months | 9 220 |
| 2.2 | Chemistry—level 2 | 9 months | 3 075 |
| 2.3 | Chemistry—level 3 | 6 months | 1 580 |
| 2.4 | Chemistry—timeshift application | As set out in the project plan | 9 220 |
| 3 | Toxicology (not requiring poison schedule classification) |  |  |
| 3.1 | Toxicology—level 1 | 13 months | 27 920 |
| 3.2 | Toxicology—level 2 | 9 months | 15 795 |
| 3.3 | Toxicology—level 3 | 5 months | 4 050 |
| 3.4 | Toxicology—timeshift application | As set out in the project plan | 27 920 |
| 4 | Toxicology (requiring poison schedule classification) |  |  |
| 4.1 | Toxicology requiring poison schedule classification | 13 months | 2 435 |
| 4.2 | Toxicology requiring poison schedule classification—timeshift application | As set out in the project plan | 2 435 |
| 5 | Residues |  |  |
| 5.1 | Residues—level 1 | 13 months | 18 170 |
| 5.2 | Residues—level 2 | 8 months | 10 525 |
| 5.3 | Residues—level 3 | 8 months | 8 200 |
| 5.4 | Residues—level 4 | 4 months | 7 465 |
| 5.5 | Residues—level 5 | 4 months | 2 000 |
| 5.6 | Residues—timeshift application | As set out in the project plan | 18 170 |
| 6 | Work health and safety |  |  |
| 6.1 | Work health and safety—level 1 | 13 months | 4 410 |
| 6.2 | Work health and safety—level 2 | 7 months | 3 185 |
| 6.3 | Work health and safety—level 3 | 4 months | 2 910 |
| 6.4 | Work health and safety—timeshift application | As set out in the project plan | 4 410 |
| 7 | Environment |  |  |
| 7.1 | Environment—level 1 | 13 months | 26 390 |
| 7.2 | Environment—level 2 | 7 months | 7 315 |
| 7.3 | Environment—level 3 | 4 months | 1 720 |
| 7.4 | Environment—timeshift application | As set out in the project plan | 26 390 |
| 8 | Efficacy and safety |  |  |
| 8.1 | Efficacy and safety—level 1 | 6 months | 2 370 |
| 8.2 | Efficacy and safety—level 2 | 4 months | 975 |
| 8.3 | Efficacy and safety—level 3 | 3 months | 580 |
| 8.4 | Efficacy and safety—timeshift application | As set out in the project plan | 2 370 |
| 9 | Non‑food trade | 6 months | 1 175 |
| 10 | Special data |  |  |
| 10.1 | Special data—level 1 | 13 months | nil |
| 10.2 | Special data—level 2 | 7 months | nil |
| 10.3 | Special data—level 3 | 7 months | nil |
| 10.4 | Special data—timeshift application | As set out in the project plan | nil |
| 11 | Finalisation |  |  |
| 11.1 | Finalisation—type 1 | 3 months | 4 055 |
| 11.2 | Finalisation—type 2 | 2 months | 1 545 |
| 11.3 | Finalisation—type 3 | 2 months | 865 |
| 12 | Limits on use of information |  | 460 |

Schedule 8—Logo of the Australian Pesticides and Veterinary Medicines Authority (APVMA)

(regulation 79)



Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Number and year | Registration | Commencement | Application, saving and transitional provisions | |
| --- | --- | --- | --- | --- |
| 1995 No. 27 | 28 Feb 1995 | 15 Mar 1995 (r 2) |  |
| 1995 No. 54 | 29 Mar 1995 | 15 Mar 1995 (r 1) | — |
| 1995 No. 137 | 15 June 1995 | r 4 and 5: 1 July 1995 Remainder: 15 June 1995 | — |
| 1995 No. 187 | 4 July 1995 | 4 July 1995 | — |
| 1996 No. 83 | 5 June 1996 | 5 June 1996 | — |
| 1996 No. 111 | 20 June 1996 | 20 June 1996 | r 9 |
| 1996 No 162 | 24 July 1996 | 24 July 1996 | — |
| 1996 No. 216 | 2 Oct 1996 | 2 Oct 1996 | — |
| 1997 No. 264 | 24 Sept 1997 | 24 Sept 1997 | — |
| 1999 No. 215 | 16 Sept 1999 | 16 Sept 1999 | — |
| 1999 No. 247 | 27 Oct 1999 | 31 Oct 1999 | — |
| 2002 No. 60 | 5 Apr 2002 | 5 Apr 2002 | — |
| 2002 No. 207 | 12 Sept 2002 | 12 Sept 2002 | — |
| 2003 No. 8 | 27 Feb 2003 | 27 Feb 2003 | — |
| 2004 No. 224 | 28 July 2004 | 28 July 2004 | — |
| 2004 No. 225 | 28 July 2004 | 28 July 2004 | — |
| 2004 No. 251 | 26 Aug 2004 | 1 Jan 2005 (. 2) | — |
| 2004 No. 353 | 23 Dec 2004 | 23 Dec 2004 | — |
| 2004 No. 354 | 23 Dec 2004 | 1 Jan 2005 (r 2) | — |
| 2005 No. 105 | 9 June 2005 (F2005L01410) | Sch 2: 1 July 2005 Remainder: 10 June 2006 | — |
| 2005 No. 152 | 12 July 2005 (F2005L01916) | 13 July 2005 | — |
| 2006 No. 75 | 19 April 2006 (F2006L01163) | 20 Apr 2006 | — |
| 2007 No. 278 | 27 Sept 2007 (F2007L03839) | 28 Sept 2007 | — |
| 2009 No. 1 | 9 Feb 2009 (F2009L00269) | 10 Feb 2009 | — | |
| 2009 No. 341 | 15 Dec 2009 (F2009L04598) | 16 Dec 2009 | — | |
| 2010 No. 75 | 11 May 2010 (F2010L00976) | 12 May 2010 | — | |
| 2010 No. 108 | 4 June 2010 (F2010L01482) | 5 June 2010 | — | |
| 2010 No. 144 | 29 June 2010 (F2010L01805) | 1 July 2010 | — | |
| 2011 No. 16 | 17 Mar 2011 (F2011L00441) | 18 Mar 2011 | — | |
| 2012 No. 72 | 28 May 2012 (F2012L01093) | 1 July 2012 | — | |
| 108, 2013 | 17 June 2013 (F2013L01016) | Sch 1 (items 6–29): 1 July 2013 | — | |
| 179, 2013 | 29 July 2013 (F2013L01458) | Sch 1 (items 11–174): 1 July 2014 | — | |
| as amended by |  |  |  | |
| 67, 2014 | 13 June 2014 (F2014L00714) | Sch 2: 1 July 2014 ( s 2(1) items 2, 3) | — | |
| 67, 2014 | 13 June 2014 (F2014L00714) | Sch 1 (items 11–103): 1 July 2014 ( s 2(1) items 2, 3) | — | |
| 91, 2014 | 27 June 2014 (F2014L00860) | Sch 1: 1 July 2014  (s 2(1) item 2) Remainder: 28 June 2014 | — | |
| 118, 2014 | 25 Aug 2014 F2014L01115) | Sch 1 (items 9, 10, 14 and 52): 1 Jan 2015 (s 2 items 3, 5, 7) Remainder: 26 Aug 2014 (s 2 items 1, 2, 4, 6, 8) | — | |
| 5, 2015 | 3 Mar 2015 (F2015L00247) | Sch 1: 5 Mar 2015 (s 2 item 2) Sch 3: 4 Mar 2015 (s 2 item 3) | — | |
| 219, 2015 | 16 Dec 2015 (F2015L02042) | Sch 1 (items 4–7): 17 Dec 2015 (s 2(1) item 2) Sch 2: 1 Mar 2016 (s 2(1) item 3) Sch 3: 1 July 2016 (s 2(1) item 4) | — | |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| **Division 1.1A** |  |
| Division 1.1A heading | ad No 179, 2013 |
| r. 1 | rs. 1999 No. 215 |
| **Division 1.1** |  |
| Division 1.1 heading | ad No 179, 2013 |
| r. 3 | am. 1996 No. 83; 1999 No. 247; 2004 No 353 and 354; 2005 No. 105; 2010 No 75 and 108; 2011 No. 16; No 108 and 179; 2013; No 67, 2014; F2015L02042 |
| r. 3A | ad. 2004 No. 354 |
|  | am No 67, 2014 |
| r. 3B | ad. 2004 No. 354 |
|  | am No 67, 2014 |
| r. 3C | ad. 2011 No. 16 |
| r 4 | ad No 118, 2014 |
| r. 5 | rep. No. 108, 2013 |
| r 5A | ad No 179, 2013 |
| r 6 | rep No 179, 2013 |
| r. 7 | rs. 2010 No. 75 |
| r. 8 | am. 2004 No. 225 |
|  | rs. 2010 No. 75 |
|  | am No 5, 2015 |
| r 8AA | ad No 179, 2013 |
| r 8AB | ad No 179, 2013 |
|  | am No 118, 2014 |
| r 8AD | ad No 179, 2013 |
| r 8AE | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 8AF | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 8AFA | ad No 219, 2015 |
| r 8AFB | ad F2015L02042 |
| **Division 1.2** |  |
| Division 1.2 | ad No 179, 2013 |
| r 8AG | ad No 179, 2013 |
| r 8AH | ad No 179, 2013 |
| **Division 1.3** |  |
| Division 1.3 | ad No 179, 2013 |
| r 8AHA | ad No 67, 2014 |
| r 8AK | ad No 179, 2013 |
| r 8AL | ad No 179, 2013 |
|  | am No 118, 2014 |
| r 8AM | ad No 179, 2013 |
| r 8AN | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 8AO | ad No 179, 2013 |
|  | am No 67 and 118, 2014 |
| r 8AP | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 8AQ | ad No 179, 2013 |
|  | am No 67, 2014 |
| **Division 1.6** |  |
| Division 1.6 | ad No 179, 2013 |
| r 8AR | ad No 179, 2013 |
| **Part 2** |  |
| **Division 2.1A** |  |
| Division 2.1A | ad No 179, 2013 |
| r 8AS | ad No 179, 2013 |
| r 8AT | ad No 179, 2013 |
| **Division 2.1** |  |
| Division 2.1 heading | ad. 2011 No. 16 |
| **Subdivision 2.1.1** |  |
| Subdivision 2.1.1 heading | ad. 2011 No. 16 |
| r. 8A | ad. 2004 No. 354 |
|  | am. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 8B | ad. 2004 No. 354 |
|  | am. 2011 No. 16; No 179, 2013; No 67, 2014; No 5, 2015 |
| r. 8C | ad. 2004 No. 354 |
|  | am. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 8D | ad. 2004 No. 354 |
|  | am. 2011 No. 16; No 179, 2013; No 67, 2014 |
| r. 8E | ad. 2004 No. 354 |
|  | am. 2011 No. 16; No 179, 2013; No 67, 2014 |
| Subdivision. 2.1.2 heading | ad. 2011. No. 16 |
|  | rep No 179, 2013 |
| Subdivision 2.1.2 | rep No 179, 2013 |
| r. 9 | am. 2004 No. 225; 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 10 | am. 2004 No 225 and 353 |
|  | rep. 2009 No. 1 |
| r. 11 | am. 2004 No 225 and 353; 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 11A | ad. 1999 No. 247 |
|  | am. 2004 No. 225 |
|  | rep. 2011 No. 16 |
| r. 12 | am. 2004 No 225 and 353 |
|  | rs. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 13 | am. 2004 No. 353 |
|  | rs. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 14 | am. 2004 No 225 and 353 |
|  | rs. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 14A | ad. No. 108, 2013 |
|  | rep No 179, 2013 |
| **Subdivision 2.1.3** |  |
| Subdivision 2.1.3 heading | ad. 2011. No. 16 |
| r. 15 | am. 2004 No 225 and 353; 2011 No. 16; No 179, 2013; No 5, 2015 |
| r. 16 | am. 2004 No 225 and 353; 2011 No. 16; No 179, 2013; No 118, 2014 |
| r. 17 | rep. 2004 No. 225 |
|  | ad. 2011 No. 16 |
|  | am No 179, 2013; No 118, 2014 |
| Subdivision 2.1.3A of Div | ad No 179, 2013 rep No 118, 2014 |
|  |  |
| r 17A | ad No 179, 2013 |
|  | rs No 91, 2014 |
|  | rep No 118, 2014 |
| r 17B | ad No 179, 2013 |
|  | rs No 91, 2014 |
|  | rep No 118, 2014 |
| r 17BA | ad No 91, 2014 |
|  | rep No 118, 2014 |
| r 17BB | ad No 91, 2014 |
|  | rep No 118, 2014 |
| r 17BC | ad No 91, 2014 |
|  | rep No 118, 2014 |
| r 17BD | ad No 91, 2014 |
|  | rep No 118, 2014 |
| **Subdivision 2.1.4** |  |
| Subdivision 2.1.4 heading | ad. 2011. No. 16 |
| r 17C | ad No 179, 2013 |
|  | am No 67 and 118, 2014 |
| hdg to r 18 | rs No 179, 2013 |
| r. 18 | rs. 2011 No. 16 |
|  | am No 179, 2013 |
| Subdivision 2.1.5 | rep No 67, 2014 |
| Subdivision. 2.1.5 heading | ad. 2011. No. 16 |
|  | rep No 67, 2014 |
| r. 18A | ad. 2011 No. 16 |
|  | rep No 67, 2014 |
| **Subdivision 2.1.6** |  |
| Subdivision 2.1.6 heading | ad. 2011. No. 16 |
| r. 18B | ad. 2011. No. 16 |
|  | rs No 179, 2013 |
|  | am No 67, 2014 |
| r. 18C | ad. 2011. No. 16 |
| r. 18D | ad. 2011. No. 16 |
|  | am No 179, 2013; No 67, 2014 |
| r. 18E | ad. 2011. No. 16 |
|  | am No 67, 2014 |
| r. 18F | ad. 2011. No. 16 |
|  | am No 67, 2014 |
| r. 18G | ad. 2011. No. 16 |
|  | am No 179, 2013 |
| r. 18H | ad. 2011. No. 16 |
|  | am No 179, 2013 |
| r. 18I | ad. 2011. No. 16 |
|  | am No 179, 2013 |
| r 18J | ad No 179, 2013 |
|  | am No 67, 2014 |
| **Subdivision 2.1.6A** |  |
| Subdivision 2.1.6A | ad No 179, 2013 |
| r 18K | ad No 179, 2013 |
|  | am No 118, 2014 |
| Subdivision 2.1.7 heading | ad. 2011. No. 16 |
|  | rep No 179, 2013 |
| Subdivision 2.1.7 | rep No 179, 2013 |
| r. 19 | am. 2004 No 225 and 353; 2011 No. 16 |
|  | rep No 179, 2013 |
| **Division 2.2** |  |
| Division 2.2 heading | ad. 2011 No. 16 |
| **Subdivision 2.2.1** |  |
| Subdivision 2.2.1 heading | ad. 2011 No. 16 |
| r. 19AA | ad. 2004 No. 354 |
|  | rs. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 19AB | ad. 2004 No. 354 |
|  | am. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 19AC | ad. 2004 No. 354 |
|  | am. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 19AD | ad. 2004 No. 354 |
|  | am. 2011 No. 16; No 179, 2013; No 67, 2014 |
| Subdivision 2.2.2 heading 2 | ad. 2011. No. 16 |
|  | rep No 179, 2013 |
| Subdivision 2.2.2 | rep No 179, 2013 |
| r. 19A | ad. 2004 No. 225 |
|  | rs. 2011 No. 16 |
|  | rep No 179, 2013 |
| Division 2.2A | ad No 179, 2013 |
|  | rep No 118, 2014 |
| r 19A | ad No 179, 2013 |
|  | rep No 118, 2014 |
| **Subdivision 2.2.2** |  |
| Subdivision 2.2.2 | ad No 118, 2014 |
| r 19AE | ad No 118, 2014 |
|  | am F2015L02042 |
| r 19AEA | ad F2015L02042 |
| r 19AEB | ad F2015L02042 |
| r 19AEC | ad F2015L02042 |
| **Subdivision 2.2.3** |  |
| Subdivision 2.2.3 | ad No 118, 2014 |
| r 19AF | ad No 118, 2014 |
|  | am F2015L02042 |
| **Division 2.3** |  |
| Division 2.3 heading | ad. 2011 No. 16 |
| r. 20 | am. 2004 No 225 and 353 |
|  | rs No 179, 2013 |
|  | am No 67, 2014 |
| r. 21 | am. 2004 No 225 and 353 |
|  | rs No 179, 2013 |
| r. 22 | rs. 2004 No. 225 |
|  | am. 2004 No. 353 |
|  | rs. 2011 No. 16; No 179, 2013 |
|  | am No 118, 2014 |
| r. 22AA | ad. 2011 No. 16 |
|  | rs No 179, 2013 |
|  | am No 67, 2014 |
| Division 2.4 heading | ad. 2011 No. 16 |
|  | rep No 179, 2013 |
| Division 2.4 | rep No 179, 2013 |
| r. 22A | ad. 2004 No. 354 |
|  | rs. 2005 No. 105 |
|  | rep No 179, 2013 |
| Division 2.5 heading | ad. 2011 No. 16 |
|  | rs No 179, 2013 |
|  | rep No 91, 2014 |
| Div 2.5 of Pt 2 | rs No 179, 2013 |
|  | rep No 91, 2014 |
| r. 22B | ad. 2004 No. 354 |
|  | rs. 2005 No. 105 |
|  | rep No 179, 2013 |
| r. 22A | ad. 2004 No. 251 |
|  | rep. 2005 No. 105 |
| r. 22C | ad. 2005 No. 105 |
|  | rep No 179, 2013 |
| r 22D | ad No 179, 2013 |
|  | rep No 91, 2014 |
| **Division 2.6** |  |
| Division 2.6 heading | ad. 2011 No. 16 |
| r. 23 | am. 2004 No. 353; 2005 No. 105; No 219, 2015 |
| Part 2A | ad. 2004 No. 225 |
|  | rep No 179, 2013 |
| **Division 2.7** |  |
| Division 2.7 | ad No 219, 2015 |
| r. 23A | ad. 2004 No. 225 |
|  | rs. 2007 No. 278 |
|  | rep No 179, 2013 |
|  | ad No 219, 2015 |
| r. 23AB | ad. 2011 No. 16 |
|  | rep No 179, 2013 |
| r. 23B | ad. 2004 No. 225 |
|  | am. 2004 No. 353 |
|  | rep No 179, 2013 |
| r. 23C | ad. 2004 No. 225 |
|  | rep No 179, 2013 |
| r. 23D | ad. 2004 No. 225 |
|  | am. 2004 No. 353 |
|  | rep No 179, 2013 |
| r. 23E | ad. 2004 No. 225 |
|  | am. 2004 No. 353 |
|  | rep No 179, 2013 |
| r. 23F | ad. 2004 No. 225 |
|  | am. 2004 No. 353, 2005 No. 105 |
|  | rep No 179, 2013 |
| **Part 2B** |  |
| Part 2B heading | ad. 2004 No. 225 |
|  | rs. 2007 No. 278 |
| Part 2B | am 2004 No. 225 |
|  | rs 2007 No. 278 |
| r. 23G | ad. 2007 No. 278 |
| r. 23H | ad. 2007 No. 278 |
| R.23I | ad. 2007 No. 278 |
| **Part 3** |  |
| **Division 3.1** |  |
| Division 3.1 heading (prev Division 1 heading) | ad No 179, 2013 renum No 179, 2013 |
| r. 24 | am. 2011 No. 16; No 179, 2013 |
| r. 25 | am. 2011 No. 16; No 179, 2013 |
| **Division 3.2** |  |
| Division 3.2 heading (prev Division 2 heading) | ad No 179, 2013 renum No 179, 2013 |
| r. 27 | am. 2004 No. 353; No 179, 2013 |
| r 28 | am No 179, 2013 |
| r 29 | am No 179, 2013 |
| r 31 | am No 179, 2013 |
| r 32 | am No 179, 2013 |
| r 34 | am No 179, 2013 |
| r. 35 | am. 2002 No. 60 |
| r. 36 | am. 2004 No. 353; No 179, 2013 |
| r. 37 | am. 2004 No. 353; No 179, 2013 |
| r 38 | am No 179, 2013 |
| **Part 4** |  |
| **Division 4.1** |  |
| Division 4.1 heading (prev Division 1 heading) | ad No 179, 2013 renum No 179, 2013 |
| r. 40A | ad. 1995 No. 54 |
|  | rep No 179, 2013 |
| r 40 | am No 179, 2013 |
| r. 41 | am. 2004 No. 225; No 179, 2013; No 118, 2014; No 5, 2015 |
| r. 42 | am. 2004 No. 353; 2011 No. 16; No 179, 2013; No 67 and 118, 2014 |
| r 43A | ad No 118, 2014 |
| r 44 | am No 179, 2013 |
| r. 45 | am. 2004 No. 353 |
| r. 46 | am. 1996 No. 111; 2002 No. 60; 2004 No. 353; No 179, 2013 |
| **Division 4.2** |  |
| Division 4.2 heading (prev Division 2 heading) | ad No 179, 2013 renum No 179, 2013 |
| r. 47 | rs. 1996 No. 111 |
|  | am. 2004 No. 353; 2005 No. 105; 2010 No. 144 |
| r. 47A | ad. 1996 No. 111 |
|  | am. 1997 No. 264; 2004 No. 353 |
| r. 47AB | ad. 1997 No. 264 |
|  | am. 2004 No. 353; No 5, 2015 |
| r. 47B | ad. 1996 No. 111 |
| r. 47C | ad. 1996 No. 111 |
|  | am. 2002 No. 60 |
| r. 48 | rs. 1996 No. 111; 2002 No. 60 |
|  | am. 2004 No. 353 |
| r. 49 | rs. 1996 No. 111 |
|  | am. 2002 No. 60 |
| r. 50 | rs. 1996 No. 111 |
|  | am. 2002 No. 60 |
| r. 51 | rs. 1996 No. 111 |
|  | am. 2002 No. 60 |
| r 52 | am No 179, 2013 |
| r. 53 | am. 2002 No. 60; 2004 No. 353 |
| r. 54 | am. 2002 No. 60; No 179, 2013 |
| **Part 5** |  |
| r. 55 | am. 1996 No. 111; 2004 No. 353; No 118, 2014 |
| r 55A | ad No 118, 2014 |
| r. 56 | am. 2004 No. 353; No 118, 2014 |
| **Part 6** |  |
| r 57 | rs No 179, 2013 |
| r 57A | ad No 179, 2013 |
| r 57B | ad No 179, 2013 |
| **Part 7** |  |
| r 58 | rep No 179, 2013 |
| r. 59 | am. 1996 No. 162; No 118, 2014 |
| r. 59A | ad. 1996 No. 162 |
| r. 59B | ad. 1996 No. 162 |
|  | am. 2004 No. 353; No 118, 2014 |
| r. 59C | ad. 1996 No. 162 |
|  | am. 1997 No. 264; 2004 No. 353; No 179, 2013 |
| r. 59D | ad. 1996 No. 162 |
|  | am. 2004 No. 353; No 179, 2013 |
| r. 59E | ad. No. 108, 2013 |
|  | am No 179, 2013 |
| r. 60 | am. 2004 No. 353 |
| r. 61 | am. 1996 No. 162; 2004 No. 353; No. 108, 2013 |
| r. 61A | ad. No. 108, 2013 |
| r. 62 | am. 2004 No. 353 |
| **Part 8** |  |
| r 63 | rs No 179, 2013 |
| r 64 | rs No 179, 2013 |
| **Part 9** |  |
| **Division 9.1** |  |
| Division 9.1 heading | ad No 179, 2013 |
| r. 65 | am. 2004 No. 225 |
|  | rs No 179, 2013 |
|  | am No 67 and 118, 2014 |
| r 65A | ad No 179, 2013 |
|  | am No 67, 2014; No 118, 2014 |
| r 65B | ad No 67, 2014 |
| r. 66 | am. 2004 No. 353; No 179, 2013 |
| r. 69 | am. 2002 No. 60; 2004 No. 353; No 179, 2013 |
| **Div 9.2** |  |
| Division 9.2 heading | ad No 179, 2013 |
| r 69A | ad No 67, 2014 |
| r 69AA | ad No 118, 2014 |
| r 69AAA | ad No 5, 2015 |
| r 69B | ad No 179, 2013 |
|  | am No 67, 2014 |
| r. 70 | am. 1995 No. 137; 1996 No. 83; 2004 No. 225; 2005 No. 105; 2010 No. 144; No 108 and 179, 2013;No 67, 2014 |
| r. 70A | ad. 1995 No. 54 |
|  | am. 2004 No. 353 |
|  | rs No 179, 2013 |
|  | am No 219, 2015 |
| r 70B | ad No 179, 2013 |
| r. 71 | rs. 2005 No. 105; No 144, 2010; No 16, 2011; No 108, 2013 |
|  | rep No 179, 2013 |
| r. 71A | ad. 1996 No. 83 |
|  | am. 1999 No. 247; 2004 No. 225 |
|  | rs. 2005 No. 105 |
|  | am. No 144, 2010; No 108, 2013; No 179, 2013; No 118, 2014; No 219, 2015 |
| r. 71B | ad. 1996 No. 83 |
|  | rep. 2005 No. 105 |
|  | ad. No. 108, 2013 |
|  | am No 179, 2013; No 118, 2014 |
| r 71C | ad No 179, 2013 |
| r. 72 | am. 2004 No. 353; 2005 No. 105 |
|  | rs No 179, 2013 |
| r. 72A | ad. 1996 No. 162 |
|  | am. 2004 No. 353; 2005 No. 105; No 75, 2010; No 144, 2010 |
|  | rs. No. 108, 2013 |
|  | am No 179, 2013; No 118, 2014 |
| r. 73 | am. 2004 No. 353; 2005 No. 105; No 108 and 179, 2013; No 67 and 118, 2014 |
| r 73A | ad No 67, 2014 |
| r. 74 | am. 2004 No. 353 |
|  | rep No 67, 2014 |
| **Division 9.3** |  |
| Division 9.3 heading | ad No 179, 2013 |
| r. 75 | am. 2004 No. 353 |
| r. 76 | am. 2004 No. 353; 2005 No. 105; No 179, 2013; No 118, 2014; No 219, 2015 |
| r 76A | ad No 179, 2013 |
|  | am No 118, 2014 |
| r 76B | ad No 179, 2013 |
| r. 77 | rs. 2005 No. 105 |
|  | am No 179, 2013; No 219, 2015 |
| r. 78 | am. 1999 No. 247; 2004 No 225 and 353 |
|  | rs. 2005 No. 105 |
|  | am No 144, 2010; No 108, 2013 |
|  | rs No 179, 2013 |
|  | am No 118, 2014 |
| r. 78A | ad. 2005 No. 105 |
|  | am. 2010 No. 144; No. 108, 2013 |
|  | rep No 179, 2013 |
| r 78AA | ad No 118, 2014 |
| r 78B | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 78C | ad No 179, 2013 |
|  | am No 5, 2015; F2015L02042 |
| **Division 9.4** |  |
| Division 9.4 heading | ad No 179, 2013 |
| r. 79 | ad. 2004 No. 224 |
| **Part 9A** |  |
| Part 9A | ad No 179, 2013 |
| r 80A | ad No 179, 2013 |
| r 80B | ad No 179, 2013 |
| r 80C | ad No 179, 2013 |
| r 80D | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 80E | ad No 179, 2013 |
|  | am No 67, 2014 |
| r 80F | ad No 179, 2013 |
|  | rep No 67, 2014 |
| **Part 10** |  |
| Part 10 | ad No 179, 2013 |
| **Division 10.1** |  |
| r 80 | ad No 179, 2013 |
|  | am No 91, 2014 |
| r 81 | ad No 179, 2013 |
|  | am No 67, 2014 |
|  | rs No 91, 2014 |
|  | rep No 118, 2014 |
| r 82 | ad No 179, 2013 |
| r 83 | ad No 179, 2013 |
| r 84 | ad No 179, 2013 |
| r 85 | ad No 179, 2013 |
|  | am No 67, 2014 |
| **Division 10.2** |  |
| Division 10.2 | ad No 67, 2014 |
| r 86 | ad No 67, 2014 |
| **Part 10** |  |
| Part 10 | ad No 118, 2014 |
| r 87 | ad No 118, 2014 |
| **Division 10.4** |  |
| Division 10.4 | ad No 5, 2015 |
|  | rep 5 Mar 2016 (r 89) |
| r 88 | ad No 5, 2015 |
|  | rep 5 Mar 2016 (r 89) |
| r 89 | ad No 5, 2015 |
|  | rep 5 Mar 2016 (r 89) |
| **Division 10.5** |  |
| Division 10.5 | ad No 219, 2015 |
|  | rep 1 July 2017 (r 91) |
| r 90 | ad No 219, 2015 |
|  | rep 1 July 2017 (r 91) |
| r 91 | ad No 219, 2015 |
|  | rep 1 July 2017 (r 91) |
| **Schedule 1** |  |
| Schedule 1 | rs. 1997 No. 264 |
| Sch 2 | rep No 179, 2013 |
| **Schedule 3** |  |
| Schedule 3 | rs. 2010 No. 75 |
|  | am. 2010 No. 108; No. 108, 2013 |
| **Schedule 3AA** |  |
| Schedule 3AA | ad. 2010 No. 75 |
|  | am. 2010 No. 108; No. 108, 2013; No 5, 2015; No 219, 2015 |
| Schedule 3A | ad. 2004 No. 251 |
|  | am No 105, 2005 |
|  | rep No 179, 2013 |
| **Schedule 3B** |  |
| Schedule 3B heading | rs No 179, 2013 |
| Schedule 3B | ad. 2007 No. 278 |
|  | am No 179, 2013; No 67, 2014 |
| **Schedule 4** |  |
| Schedule 4 | am. 1995 No. 187 |
|  | rs. 1997 No. 264 |
|  | am. 1999 No. 215; 2002 No. 207; 2003 No. 8; 2006 No. 75; 2009 No. 341; 2012 No. 72; No 179, 2013; No 219, 2015 |
| Sch 5 | rep No 179, 2013 |
| **Schedule 5A** |  |
| Schedule 5A | ad No 179, 2013 |
| **Schedule 6** |  |
| Schedule 6 heading | rs No 179, 2013 |
| Schedule 6 | am. 1995 No. 137; 1996 No. 216; 1999 No. 247; No. 225, 2004; No 353, 2004 |
|  | rs. 2005 No. 105 |
|  | am. 2005 No. 152; 2010 No. 144; 2011 No. 16; No 108, 2013; No 179, 2013; No 67, 2014; No 118, 2014; No 5, 2015; F2015L02042 |
| **Schedule 7** |  |
| Schedule 7 | am. 1995 No. 137; 1996 No. 216; 2004 No. 353 |
|  | rs. 2005 No. 105 |
|  | am. 2010 No. 144; No. 108, 2013 |
|  | rs No 179, 2013 |
|  | am No 67, 2014; No 219, 2015 |
| **Schedule 8** |  |
| Schedule 8 | ad. 2004 No. 224 |