



Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 December 2021

David Hurley
Governor-General

By His Excellency's Command

David Littleproud
Minister for Agriculture and Northern Australia

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	2
4	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Information to be taken into account in determining applications		3
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>		3
Part 2—Approval and registration for prescribed active constituents, chemical products or labels		4
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>		4
Part 3—Limits on use of information		6
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>		6
Part 4—Annual returns and record-keeping		7
<i>Agricultural and Veterinary Chemicals (Administration) Regulations 1995</i>		7
Part 5—False and misleading information		8
<i>Agricultural and Veterinary Chemicals (Administration) Regulations 1995</i>		8
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>		8
Part 6—Voluntary recalls		9
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>		9
Part 7—Annual operational plans		10
<i>Agricultural and Veterinary Chemicals (Administration) Regulations 1995</i>		10

1 Name

This instrument is the *Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	21 December 2021
2. Schedule 1, Part 1	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 1 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	7 June 2022 (paragraph (b) applies)
3. Schedule 1, Part 2	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 2 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	7 June 2022 (paragraph (b) applies)
4. Schedule 1, Part 3	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 3 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	7 March 2022 (paragraph (b) applies)
5. Schedule 1, Part 4	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 4 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	21 December 2021 (paragraph (a) applies)

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
6. Schedule 1, Part 5	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 9 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	7 March 2022 (paragraph (b) applies)
7. Schedule 1, Part 6	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 11 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	7 March 2022 (paragraph (b) applies)
8. Schedule 1, Part 7	The later of: (a) the day after this instrument is registered; and (b) the day on which Part 13 of Schedule 1 to the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021</i> commences.	1 January 2022 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Agricultural and Veterinary Chemicals (Administration) Act 1992*;
- (b) the *Agricultural and Veterinary Chemicals Code Act 1994*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Information to be taken into account in determining applications

Agricultural and Veterinary Chemicals Code Regulations 1995

1 At the end of Division 1.2 of Part 1

Add:

8AHAA When other information may be taken into account in determining applications

- (1) For the purposes of subsection 8C(2A) of the Code, the information is information that clarifies or updates information referred to in subparagraph 8C(1)(a)(i) or (ii) of the Code.
- (2) For the purposes of subsection 8C(2A) of the Code, the circumstances are that the information is provided by, or on behalf of, the applicant on the request of the APVMA and is provided before the end of the period of 14 days beginning on the day the request is made.

Part 2—Approval and registration for prescribed active constituents, chemical products or labels

Agricultural and Veterinary Chemicals Code Regulations 1995

2 After subregulation 70(2)

Insert:

- (2A) Without limiting paragraph (2)(b), a fee in column 5 of an item of the table may be expressed as an amount specified in, or worked out in accordance with, a legislative instrument made by the APVMA.

3 After subregulation 70(4)

Insert:

- (4AA) Without limiting subregulation (4), an amount in column 4 of an item of the table may be expressed as an amount (if any) specified in, or worked out in accordance with, a legislative instrument made by the APVMA.

4 Subregulations 76(1) and (1A)

Repeal the subregulations, substitute:

- (1) For the purposes of subsection 165(1) of the Code, the period for determining an application of a kind specified in column 1 of an item of the table in clause 2.1 of Schedule 6 is the period (if any) specified in column 2 of that item, subject to regulations 76A and 76B.
- (1A) Without limiting subregulation (1), a period specified in column 2 of an item of the table may be expressed as a period specified in, or worked out in accordance with, a legislative instrument made by the APVMA.

5 Subregulation 76(1B)

Omit “mentioned in subregulation (1) or (1A)”, substitute “applicable under subregulation (1)”.

6 Subregulation 76A(1)

Omit “For subregulation 76(1A), this”, substitute “This”.

7 At the end of regulation 76A

Add:

- (5) Without limiting subregulation (4), a period mentioned in column 3 of an item of the table may be expressed as a period specified in, or worked out in accordance with, a legislative instrument made by the APVMA.

8 Clause 2.1 of Schedule 6 (after table item 10A)

Insert:

Applications for approval or registration for prescribed active constituents, chemical products or labels

10B	Application under subsection 14C(1), 14D(1) or 14E(1) of the Code	A period specified in, or worked out in accordance with, a legislative instrument made by the APVMA	A period specified in, or worked out in accordance with, a legislative instrument made by the APVMA	An amount (if any) specified in, or worked out in accordance with, a legislative instrument made by the APVMA	An amount specified in, or worked out in accordance with, a legislative instrument made by the APVMA
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Part 3—Limits on use of information

Agricultural and Veterinary Chemicals Code Regulations 1995

9 After paragraph 19AD(2)(i)

Insert:

- (ia) if the APVMA were to make a variation as a result of the application and this may result in:
 - (i) an extension of a protection period in relation to protected information; or
 - (ii) an extension of a limitation period for information covered by an item in the table in subsection 34M(1) of the Code;
- a statement in relation to this matter; and

10 In the appropriate position in Part 10

Insert:

Division 10.7—Amendments made by the Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021

94 Applications for variation for chemical products

The amendment of regulation 19AD made by Part 3 of Schedule 1 to the *Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021* applies in relation to applications made under section 27 of the Code on or after the commencement of this regulation.

Part 4—Annual returns and record-keeping

Agricultural and Veterinary Chemicals (Administration) Regulations 1995

11 Regulation 4.10

Repeal the regulation.

12 After Part 4

Insert:

Part 5—Application, saving and transitional provisions

5.1 Saving provisions relating to the *Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021*

- (1) Despite the repeal of regulation 4.10 by the *Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021*, that regulation, as in force immediately before the commencement of this regulation, continues to apply on and after that commencement for the purposes of the continued application of section 69E of the Act as mentioned in subitem 35(1) of Schedule 1 to the *Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Act 2021*.
- (2) Despite the repeal of item 8 of the table in Schedule 5 by the *Agricultural and Veterinary Chemicals Legislation Amendment (Improvements) Regulations 2021*, that item, as in force immediately before the commencement of this regulation, continues to apply on and after that commencement in relation to a contravention of subsection 69E(1) of the Act that occurs before, on or after that commencement.

13 Schedule 5 (table item 8)

Repeal the item.

14 Schedule 5 (after table item 12)

Insert:

12A	A contravention of subsection 35(1) of the Collection Act	15	125
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15 Schedule 5 (at the end of the table)

Add:

14	A contravention of subsection 37(1) of the Collection Act	15	125
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Part 5—False and misleading information

Agricultural and Veterinary Chemicals (Administration) Regulations 1995

16 Schedule 5 (after table item 10)

Insert:

10A	A contravention of subsection 69ER(3) of the Act	90	750
10B	A contravention of subsection 69ER(4) of the Act	18	150

Agricultural and Veterinary Chemicals Code Regulations 1995

17 Schedule 5A (after table item 54)

Insert:

54A	A contravention of subsection 146(3) of the Code	90	750
54B	A contravention of subsection 146(4) of the Code	18	150

Part 6—Voluntary recalls

Agricultural and Veterinary Chemicals Code Regulations 1995

18 After Part 5

Insert:

Part 5A—Recall notices

56A When a notice of recall is not required to be published

For the purposes of subsection 106(7) of the Code, the circumstances are that:

- (a) the chemical product has not been supplied to premises where a person can purchase the product; and
- (b) the chemical product has not been supplied to a user of the product.

19 Schedule 5A (after table item 44)

Insert:

44A	A contravention of subsection 106(2) of the Code	36	300
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Part 7—Annual operational plans

Agricultural and Veterinary Chemicals (Administration) Regulations 1995

20 Regulation 1A.2

Repeal the regulation.

21 Regulation 1A.3

Omit “subparagraph 61(b)(ii)”, substitute “the purposes of paragraph 61(b)”.