



Agricultural and Veterinary Chemicals Code Amendment (Cost Recovery and Other Measures) Regulations 2022

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 8 December 2022

David Hurley
David Hurley
Governor-General

By His Excellency's Command

Murray Watt
Murray Watt
Minister for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Agricultural and Veterinary Chemicals Code Amendment (Cost Recovery and Other Measures) Regulations 2022*.

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. The whole of this instrument	1 February 2023.	1 February 2023

Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Agricultural and Veterinary Chemicals Code Regulations 1995

1 Subsection 78B(5) (definition of A)

Repeal the definition (including the example), substitute:

A means:

- (a) if an assessment relating to toxicology is required for the purposes of the reconsideration—the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 3.1 to 3.5, 4.1 and 7.1 to 7.4 of Schedule 7 that the APVMA determines are necessary for the reconsideration; or
- (b) in any other case—the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 4.1 and 7.1 to 7.4 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

Example: If the APVMA determines that items 3.1 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).

2 Subsection 78B(5) (definition of B)

Repeal the definition, substitute:

B means:

- (a) if an assessment relating to work health and safety is required for the purposes of the reconsideration—the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 2.1 to 2.5, 3.1, 3.3 to 3.5, 5.1 to 5.5, 9 and 10.1 to 10.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration; or
- (b) in any other case—the longest of the periods, in months, mentioned in column 2 of Schedule 7 for whichever of items 2.1 to 2.5, 5.1 to 5.5, 9 and 10.1 to 10.3 of Schedule 7 that the APVMA determines are necessary for the reconsideration.

3 In the appropriate position in Part 10

Insert:

Division 10.8—Amendments made by the Agricultural and Veterinary Chemicals Code Amendment (Cost Recovery and Other Measures) Regulations 2022

95 Application of amendments

- (1) The amendments of regulation 78B made by Schedule 1 to the *Agricultural and Veterinary Chemicals Code Amendment (Cost Recovery and Other Measures) Regulations 2022* apply in relation to a reconsideration of an approval or registration under Division 4 of Part 2 of the Code if the period for the reconsideration starts on or after 1 February 2023.

- (2) The amendments of Schedules 6 and 7 made by Schedule 1 to the *Agricultural and Veterinary Chemicals Code Amendment (Cost Recovery and Other Measures) Regulations 2022* apply in relation to applications made on or after 1 February 2023.

4 Part 3 of Schedule 3 (table item 1)

Omit “Any mould inhibitor”, substitute “Any biocide”.

5 Part 3 of Schedule 3 (paragraph (a) of table item 1)

Omit “mould inhibitor”, substitute “biocide”.

6 Part 3 of Schedule 3 (paragraph (b) of table item 1)

Repeal the paragraph, substitute:

- (b) the biocide is not incorporated into the product for the purpose of that product releasing the biocide into the environment; and

7 Part 2 of Schedule 6 (cell at table item 24, column 1)

Repeal the cell, substitute:

Application made under:

- (a) section 10 of the Code requiring assessment of a technical nature (other than those of the kinds described in any of items 1 to 10, 15, 16 or 17); or
- (b) section 27 of the Code requiring assessment of a technical nature (other than those of the kinds described in any of items 11 to 14 or 18).

8 Schedule 7 (after table item 2.3)

Insert:

2.4	Chemistry—level 4	3 months	970
2.5	Chemistry—level 5	2 months	480

9 Schedule 7 (table items 3, 3.1, 3.2 and 3.3)

Repeal the items, substitute:

3	Health		
3.1	Health—level 1	13 months	36,740
3.2	Health—level 2	11 months	27,920
3.3	Health—level 3	9 months	18,980
3.4	Health—level 4	5 months	7,963
3.5	Health—level 5	4 months	4,000
3.6	Health—level 6	2 months	2,000

10 Schedule 7 (cell at table item 4, column 1)

Repeal the cell, substitute:

Poison schedule classification

11 Schedule 7 (cell at table item 4.1, column 1)

Repeal the cell, substitute:

Poison schedule classification

12 Schedule 7 (table item 5.3)

Repeal the item, substitute:

5.3	Residues—level 3	6 months	9,000
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13 Schedule 7 (table item 5.5)

Repeal the item, substitute:

5.5	Residues—level 5	3 months	2,000
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14 Schedule 7 (table items 6, 6.1, 6.2 and 6.3)

Repeal the items.

15 Schedule 7 (after table item 7.3)

Insert:

7.4	Environment—level 4	3 months	1,490
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