

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

13 Schedule 7 (table item 5.5)

Repeal the item, substitute:

|  |  |  |  |
| --- | --- | --- | --- |
| 5.5 | Residues—level 5 | 3 months | 2,000 |

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 |