

2008-2009-2010

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Agricultural and Veterinary Chemicals
Code Amendment Bill 2010**

No. , 2010

(Agriculture, Fisheries and Forestry)

**A Bill for an Act to amend the *Agricultural and
Veterinary Chemicals Code Act 1994*, and for related
purposes**

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1 **A Bill for an Act to amend the *Agricultural and***
2 ***Veterinary Chemicals Code Act 1994, and for related***
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Agricultural and Veterinary*
7 *Chemicals Code Amendment Act 2010*.

8 **2 Commencement**

9 This Act commences on the day after this Act receives the Royal
10 Assent.

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3 Schedule(s)

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Each Act that is specified in a Schedule to this Act is amended or

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repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect

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according to its terms.

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Schedule 1—Amendments

Agricultural and Veterinary Chemicals Code Act 1994

1 Section 3 of the Schedule

Before “In this Code”, insert “(1)”.

2 Section 3 of the Schedule (at the end of the definition of *adequate*)

Add:

; and (d) would not unduly prejudice trade or commerce between Australia and places outside Australia.

3 Section 3 of the Schedule (at the end of the definition of *confidential commercial information*)

Add:

; but does not include:

(d) the making of an application for a permit for the use of an active constituent for a proposed or existing chemical product or for the use of a chemical product, if the use of the product proposed in the application is:

- (i) a minor use; or
- (ii) an emergency use; or

(e) any prescribed information relating to the making of an application for a permit, as mentioned in paragraph (d).

4 Section 3 of the Schedule

Insert:

emergency use has the same meaning as in the regulations.

5 Section 3 of the Schedule

Insert:

minor use has the same meaning as in the regulations.

6 At the end of section 3 of the Schedule

1 Add:

- 2 (2) A regulation that prescribes information for the purposes of
3 paragraph (e) of the definition of *confidential commercial*
4 *information* is a legislative instrument.

5 **7 Subsection 162(13) of the Schedule**

6 Repeal the subsection, substitute:

- 7 (13) A reference in this section to information about an active
8 constituent for a proposed or existing chemical product, or about a
9 chemical product, includes a reference to the fact that:
10 (a) an application has been made for approval of the constituent
11 or registration of the product; or
12 (b) an application has been made for a permit in respect of the
13 constituent or product, if the making of the application is
14 confidential commercial information.

15 **8 Application**

- 16 (1) The amendment made by item 2 of this Schedule applies in relation to:
17 (a) an application for approval of a label for containers for a
18 chemical product under section 10 of the Schedule to the
19 *Agricultural and Veterinary Chemicals Code Act 1994* that is
20 made on or after the day this item commences; and
21 (b) an application for variation of the relevant particulars or
22 conditions of the approval for a label for containers for a
23 chemical product under section 27 of the Schedule to the
24 *Agricultural and Veterinary Chemicals Code Act 1994* that is
25 made on or after the day this item commences; and
26 (c) a reconsideration of the approval of a label for containers for
27 a chemical product under section 34 of the Schedule to the
28 *Agricultural and Veterinary Chemicals Code Act 1994* if:
29 (i) the APVMA has published a notice in respect of the
30 label for containers for the chemical product under
31 subsection 32(1) of the Schedule to that Act before, on
32 or after the day this item commences; or
33 (ii) the APVMA had given written notice in respect of the
34 label for containers for the chemical product under
35 subsection 32(2) of the Schedule to that Act to an
36 interested person or an approved person before the day

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- 1 this item commences and, on the day this item
2 commences, the period stated in the notice has not
3 expired; or
- 4 (iii) the APVMA gives written notice in respect of the label
5 for containers for the chemical product under subsection
6 32(2) of the Schedule to that Act to an interested person
7 or an approved person on or after the day this item
8 commences; and
- 9 (d) a reconsideration of the approval of a label for containers for
10 a chemical product under section 34A of the Schedule to the
11 *Agricultural and Veterinary Chemicals Code Act 1994* that
12 began before, or begins on or after, the day this item
13 commences; and
- 14 (e) a standard for a chemical product that is submitted to the
15 Minister for approval under section 56D of the Schedule to
16 the *Agricultural and Veterinary Chemicals Code Act 1994* on
17 or after the day this item commences.
- 18 (2) The amendments made by items 3 to 7 of this Schedule apply in respect
19 of an application for a permit that is made on or after the day this item
20 commences.
- 21 (3) In this item:
- 22 **approval** has the same meaning as in the *Agricultural and Veterinary*
23 *Chemicals Code Act 1994*.
- 24 **approved person** has the same meaning as in the *Agricultural and*
25 *Veterinary Chemicals Code Act 1994*.
- 26 **chemical product** has the same meaning as in the *Agricultural and*
27 *Veterinary Chemicals Code Act 1994*.
- 28 **container** has the same meaning as in the *Agricultural and Veterinary*
29 *Chemicals Code Act 1994*.
- 30 **interested person** has the same meaning as in the *Agricultural and*
31 *Veterinary Chemicals Code Act 1994*.
- 32 **label** has the same meaning as in the *Agricultural and Veterinary*
33 *Chemicals Code Act 1994*.
- 34 **permit** has the same meaning as in the *Agricultural and Veterinary*
35 *Chemicals Code Act 1994*.
- 36 **relevant particulars** has the same meaning as in the *Agricultural and*
37 *Veterinary Chemicals Code Act 1994*.
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Schedule 1 Amendments

1 *variations* has the same meaning as in the *Agricultural and Veterinary*
2 *Chemicals Code Act 1994*.