2016-2017-2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

Agricultural and Veterinary Chemicals Legislation (Streamlining Regulation) Bill 2018

No. , 2018

(Agriculture and Water Resources)

A Bill for an Act to amend the law relating to agricultural and veterinary chemicals, and for related purposes

Contents

EXPOSURE DRAFT

A Bill for an Act to amend the law relating to agricultural and veterinary chemicals, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Agricultural and Veterinary Chemicals Legislation (Streamlining Regulation) Act 2018*.

2 Commencement

(1) Each provision of this Act 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 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1, Parts 1 and 2	The day after the end of the period of 12 months beginning on the day this Act receives the Royal Assent.	
3. Schedule 1, Parts 3 to 5	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	
4. Schedule 1, Part 6	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
5. Schedule 1, Parts 7 and 8	The day after the end of the period of 3 months beginning on the day this Act receives the Royal Assent.	
6. Schedule 1, Parts 9 to 13	The day after this Act receives the Royal Assent.	
7. Schedule 1, Part 14	1 January 2020.	1 January 2020
8. Schedule 1, Part 15	The day after this Act receives the Royal Assent.	
9. Schedule 2	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Part 1—Provisional registration of chemical products

Agricultural and Veterinary Chemicals Code Act 1994

1 Section 3 of the Code set out in the Schedule (definition of *relevant particulars*)

After "29,", insert "29AA,".

2 Section 3 of the Code set out in the Schedule (at the end of the definition of *relevant particulars*)

Add "(as affected by any determination under subsection 29C(1))".

3 Paragraph 14(1)(d) of the Code set out in the Schedule

After "a label", insert "for containers".

4 After subsection 14(1) of the Code set out in the Schedule

Insert:

Provisional registration of chemical product—efficacy criteria not met

(1A) The APVMA may register the chemical product if:

(a) the chemical product is of a kind prescribed by the regulations for the purposes of this paragraph; and

(b) the APVMA is satisfied that the application meets the application requirements; and

(c) the APVMA is satisfied that the chemical product meets the safety criteria and the trade criteria; and

(d) the APVMA is not satisfied that the chemical product meets the efficacy criteria; and

(e) the APVMA has given the applicant a written notice specifying:

(i) information relating to whether the chemical product meets the efficacy criteria that is sought by the APVMA; and

(ii) the period within which the applicant must provide that information (which must be no more than the 3 years that would start on the day that, if the APVMA were to register the chemical product, the registration would commence); and

(f) the applicant has given the APVMA a written undertaking to provide that information within that period; and

(g) the criteria prescribed by the regulations for the purposes of this paragraph are satisfied.

Note: For notice of registration, see section 8F.

Refusal of application

5 Subsection 14(2) of the Code set out in the Schedule

Omit "Otherwise", substitute "If the APVMA does not approve the active constituent or label, or register the chemical product, under this section".

6 At the end of section 23 of the Code set out in the Schedule

Add:

Provisional registration of chemical product—efficacy criteria not met

(4) If, under subsection 14(1A), the APVMA registers a chemical product, the registration of the chemical product is on the condition that:

(a) the holder makes an application under subsection 27(2A) for assessment of the information that is specified under paragraph 14(1A)(e) and that the holder provides with the application; and

(b) the holder makes the application:

(i) before the end of the period specified under paragraph 14(1A)(e); or

(ii) if the APVMA extends that period by no more than 2 years because the APVMA is satisfied that circumstances beyond the control of the holder, or that exceptional circumstances, will prevent the holder providing that information before the end of that period—before the end of the extended period.

Note: See subsection 36(3) for the consequences of a breach of this condition.

Varying registration of chemical product—efficacy criteria not met

(5) If, under subsection 29(1B), the APVMA varies the relevant particulars or conditions of the registration of a chemical product, the registration of the chemical product becomes subject to the condition that:

(a) the holder makes an application under subsection 27(2A) for assessment of the information that is specified under paragraph 29(1B)(e) and that the holder provides with the application; and

(b) the holder makes the application:

(i) before the end of the period specified under paragraph 29(1B)(e); or

(ii) if the APVMA extends that period by no more than 2 years because the APVMA is satisfied that circumstances beyond the control of the holder, or that exceptional circumstances, will prevent the holder providing that information before the end of that period—before the end of the extended period.

Note: See section 29C for the consequences of a breach of this condition.

No limit on subsections (1) to (3)

(6) Subsections (4) and (5) do not limit subsections (1) to (3).

7 After subsection 26E(5) of the Code set out in the Schedule

Insert:

(5A) For an application under subsection 27(2A), the APVMA may vary the relevant particulars or conditions if satisfied that the chemical product meets the efficacy criteria (section 29AA).

8 At the end of section 26E of the Code set out in the Schedule

Add:

(8) Section 29C deals with the APVMA determining that a variation under subsection 29(1B) ceases to have effect if there is a contravention of the condition under subsection 23(5).

9 After subsection 27(2) of the Code set out in the Schedule

Insert:

(2A) In relation to the registration of a chemical product, the holder may apply to the APVMA for assessment of the information referred to in paragraph 14(1A)(e) or 29(1B)(e) that the holder provides with the application.

10 Subsection 27(3) of the Code set out in the Schedule

Omit "or (2)", substitute ", (2) or (2A)".

11 Subparagraph 28(2)(a)(i) of the Code set out in the Schedule

After "section 29", insert "or 29AA".

12 Section 29 of the Code set out in the Schedule (heading)

Repeal the heading, substitute:

29 Varying relevant particulars and conditions—applications under subsection 27(1) or (2)

13 Before subsection 29(1) of the Code set out in the Schedule

Insert:

(1A) This section applies to an application under subsection 27(1) or (2).

14 After subsection 29(1) of the Code set out in the Schedule

Insert:

Varying registration of chemical product—efficacy criteria not met

(1B) The APVMA may vary the relevant particulars or conditions of the registration of a chemical product if:

(a) the chemical product is of a kind prescribed by the regulations for the purposes of this paragraph; and

(b) the APVMA is satisfied that the application meets the application requirements; and

(c) the APVMA is satisfied that, if those particulars or conditions were varied in accordance with the application, the chemical product would meet the safety criteria and the trade criteria; and

(d) the APVMA is not satisfied that, if those particulars or conditions were varied in accordance with the application, the chemical product would meet the efficacy criteria; and

(e) the APVMA has given the holder a written notice specifying:

(i) information relating to whether the chemical product meets the efficacy criteria that is sought by the APVMA; and

(ii) the period within which the holder must provide that information (which must be no more than the 3 years that would start on the day that, if the APVMA were to make the variation, the variation would take place); and

(f) the holder has given the APVMA a written undertaking to provide that information within that period; and

(g) the criteria prescribed by the regulations for the purposes of this paragraph are satisfied.

Note: For notice of variation, see section 8F.

Refusal of application

15 Subsection 29(2) of the Code set out in the Schedule

Omit "Otherwise", substitute "If the APVMA does not vary the relevant particulars or conditions under this section".

16 After section 29 of the Code set out in the Schedule

Insert:

29AA Varying relevant particulars and conditions—applications under subsection 27(2A)

(1) This section applies to an application under subsection 27(2A).

(2) The APVMA may vary the relevant particulars or conditions of the registration of the chemical product if, after assessment of the information referred to in that subsection, the APVMA is satisfied that the chemical product meets the efficacy criteria.

17 At the end of Division 3 of Part 2 of the Code set out in the Schedule

Add:

29C When variation under subsection 29(1B) ceases to have effect

(1) The APVMA must, in writing, determine that a variation under subsection 29(1B) of the relevant particulars or conditions of the registration of a chemical product ceases to have effect if there is a contravention of the condition under subsection 23(5) of the registration of the chemical product.

(2) The APVMA must, within 14 days of making the determination under subsection (1), give written notice of the determination to the holder. The notice must set out the relevant particulars and conditions that will apply after the APVMA updates the Register to reflect the cessation.

(3) At least 14 days after giving the notice under subsection (2), the APVMA must update the Register to reflect the cessation and to record the date on which the determination under subsection (1) is made.

(4) The variation ceases to have effect when that update takes place. The APVMA must, on the day of the update, give written notice of the update to the holder.

18 Subsection 34M(1) of the Code set out in the Schedule (table items 5 and 6)

Omit "section 27", substitute "subsection 27(1) or (2)".

19 Subsection 34M(1) of the Code set out in the Schedule (at the end of the table)

Add:

7	information: (a) given in connection with an application made under subsection 27(2A) in relation to the registration of an agricultural chemical product; and (b) relied on to vary the relevant particulars or conditions of the registration of the agricultural chemical product	5 years	the relevant particulars or conditions are varied.
8	information: (a) given in connection with an application made under subsection 27(2A) in relation to the registration of a veterinary chemical product; and (b) relied on to vary the relevant particulars or conditions of the registration of the veterinary chemical product	3 years	the relevant particulars or conditions are varied.

20 Subsection 34MA(5) of the Code set out in the Schedule

Omit "or 6", substitute ", 6, 7 or 8".

21 After subsection 34N(4) of the Code set out in the Schedule

Insert:

(4A) The APVMA must cancel a registration if there is a contravention of the condition under subsection 23(4) (subsection 36(3)).

22 At the end of subsection 34P(4) of the Code set out in the Schedule

Add "or subsection 36(3)".

23 Section 36 of the Code set out in the Schedule

Before "If", insert "(1)".

24 At the end of section 36 of the Code set out in the Schedule

Add:

(2) Subsection (1) does not apply to a contravention of the condition under subsection 23(4) or (5) of the registration of a chemical product.

(3) If there is a contravention of the condition under subsection 23(4) of the registration of a chemical product, the APVMA must cancel the registration.

Note: For a contravention of the condition under subsection 23(5), see section 29C.

25 After paragraph 43(4)(c) of the Code set out in the Schedule

Insert:

(ca) an application being made under subsection 27(2A) for assessment of the information referred to in paragraph 14(1A)(e) or 29(1B)(e) that the holder provides with the application; or

26 Subsection 43(5) of the Code set out in the Schedule

Omit "or (c)", substitute ", (c) or (ca)".

27 After paragraph 167(1)(a) of the Code set out in the Schedule

Insert:

(aa) a decision under subsection 14(1A) to register a product;

28 Before paragraph 167(1)(d) of the Code set out in the Schedule

Insert:

(cb) a decision under subsection 29(1B) to vary the relevant particulars or conditions of the registration of a chemical product;

29 After paragraph 167(1)(d) of the Code set out in the Schedule

Insert:

(da) a decision under subsection 29AA(2) to vary the relevant particulars or conditions of the registration of a chemical product;

(db) a decision under subsection 29C(1) to determine that a variation under subsection 29(1B) of the relevant particulars or conditions of the registration of a chemical product ceases to have effect;

30 Application provisions

(1) Subsection 14(1A) of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as inserted by this Part, applies in relation to an application made under section 10 of that Code on or after the commencement of this item.

(2) Subsection 29(1B) of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as inserted by this Part, applies in relation to an application made under section 27 of that Code on or after the commencement of this item (whether the chemical product was registered before, on or after that commencement).

Part 2—Accreditation of assessors

Agricultural and Veterinary Chemicals (Administration) Act 1992

31 Section 4

Insert:

accredited person means a person who is accredited in accordance with an instrument made under section 69GA.

32 Paragraph 58(1)(b)

Omit "or the Agvet Regulations", substitute ", the Agvet Regulations or an instrument under section 69GA".

33 Paragraph 69ES(3)(c)

After "inspector", insert "or accredited person".

34 After section 69G

Insert:

69GA Accreditation of persons

(1) The APVMA may, by legislative instrument, prescribe matters relating to:

(a) the accreditation of persons (whether or not Australian citizens or Australian residents) by the APVMA for the purposes of the Agvet Codes; and

(b) such persons performing roles prescribed in the instrument (which may include the assessing of information of a kind prescribed in the instrument).

(2) Examples of matters that the instrument may deal with are the following:

(a) the making of applications for accreditation;

(b) the criteria that are to be met by persons who seek to be accredited;

(c) how accreditation is to be recognised (for example, by establishment of a register or the issue of a certificate of accreditation);

(d) whether accreditation is for a specified period or continues until it is revoked;

(e) if accreditation is for a specified period—the renewal of accreditation, including the making of applications for renewal;

(f) the certificates, assessments or reports that accredited persons may or must provide and the circumstances in which those certificates, assessments or reports may or must be provided;

(g) the making of standards by the APVMA to be complied with by accredited persons in providing those certificates, assessments or reports;

(h) the standards and other obligations that persons must continue to meet to remain accredited;

(i) the conditions of accreditation and the variation or revocation of those conditions;

(j) the consequences of accredited persons failing to comply with conditions of accreditation or other requirements in the instrument;

(k) the APVMA's monitoring of compliance with conditions of accreditation or other requirements in the instrument;

(l) the obligations of accredited persons in relation to the APVMA's monitoring of such compliance;

(m) the circumstances in which an accredited person may have the person's accreditation varied, suspended or revoked;

(n) the review of decisions to refuse, vary, suspend or revoke accreditation;

(o) the process for handling complaints involving accredited persons;

(p) who may deliver training to accredited persons;

(q) auditing accredited persons.

Fees

(3) An instrument under subsection (1) may make provision for the following:

(a) the payment of fees to the Commonwealth in respect of matters prescribed in the instrument;

(b) the APVMA, on behalf of the Commonwealth, waiving or refunding fees.

(4) Without limiting subsection (3), the instrument may make provision for the following:

(a) the payment of an application fee for an application for accreditation;

(b) if the instrument provides for the renewal of accreditation—the payment of an application fee for an application for renewal of accreditation.

(5) A fee must not be such as to amount to taxation.

Instrument to be disallowable

(6) Despite subsection 44(1) of the *Legislation Act 2003*, section 42 (disallowance) of that Act applies to an instrument made under subsection (1) of this section.

Incorporation of other instruments

(7) Despite subsection 14(2) of the *Legislation Act 2003*, an instrument under subsection (1) of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

69GB Offences and civil penalties for contravening a condition of accreditation

(1) An accredited person commits an offence if:

(a) the person does an act or omits to do an act; and

(b) the act or omission contravenes a condition of the person's accreditation; and

(c) either:

(i) the act or omission has caused, will cause, or is likely to cause, significant damage to the health and safety of human beings, to animals, plants or things or to the environment; or

(ii) the act or omission has significantly prejudiced, will significantly prejudice, or is likely to significantly prejudice, trade or commerce between Australia and places outside Australia.

Penalty: 300 penalty units.

(2) An accredited person contravenes this subsection if:

(a) the person does an act or omits to do an act; and

(b) the act or omission contravenes a condition of the person's accreditation; and

(c) either:

(i) the act or omission has caused, will cause, or is likely to cause, significant damage to the health and safety of human beings, to animals, plants or things or to the environment; or

(ii) the act or omission has significantly prejudiced, will significantly prejudice, or is likely to significantly prejudice, trade or commerce between Australia and places outside Australia.

(3) Subsection (2) is a civil penalty provision.

Note: Part 7AB provides for pecuniary penalties for contraventions of civil penalty provisions.

(4) An accredited person commits an offence of strict liability if:

(a) the person does an act or omits to do an act; and

(b) the act or omission contravenes a condition of the person's accreditation.

Penalty: 50 penalty units.

(5) An accredited person contravenes this subsection if:

(a) the person does an act or omits to do an act; and

(b) the act or omission contravenes a condition of the person's accreditation.

(6) Subsection (5) is a civil penalty provision.

Note: Part 7AB provides for pecuniary penalties for contraventions of civil penalty provisions.

(7) Section 15.3 of the *Criminal Code* (Extended geographical jurisdiction—category C) applies to an offence against subsection (1) or (4) of this section.

Agricultural and Veterinary Chemicals Code Act 1994

35 Section 3 of the Code set out in the Schedule

Insert:

accredited person means a person who is accredited in accordance with an instrument made under section 69GA of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*.

36 Subsections 162(1) and (9) of the Code set out in the Schedule

After "consultant to the APVMA,", insert "an accredited person,".

Part 3—Approval and registration for prescribed active constituents, chemical products or labels

Agricultural and Veterinary Chemicals Code Act 1994

37 Section 3 of the Code set out in the Schedule

Insert:

prescribed active constituent has the meaning given by subsection 14C(4).

prescribed chemical product has the meaning given by subsection 14D(4).

prescribed label for containers for a chemical product has the meaning given by subsection 14E(4).

38 Before section 9A of the Code set out in the Schedule

Insert:

Subdivision A—Explanation of Division

39 Subsections 9A(2) to (5) of the Code set out in the Schedule

Repeal the subsections, substitute:

Approval and registration for active constituents, chemical products or labels after assessment

(2) Subdivision B provides for approval and registration for active constituents, chemical products or labels after assessment against certain criteria. Section 10 provides for applications to be made and applications must meet the application requirements in section 8A.

(3) The APVMA must complete a preliminary assessment of an application. If the application passes preliminary assessment, the

APVMA must notify the applicant and publish a summary of the application (section 11).

(4) Before determining certain applications that have passed preliminary assessment, the APVMA must publish a notice inviting public submissions (sections 12 and 13).

(5) The APVMA must approve an active constituent or label, or register a chemical product, if specified criteria are met (section 14).

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

(5A) Subdivision C provides for approval and registration for a prescribed active constituent, prescribed chemical product or prescribed label for containers for a chemical product. Sections 14C, 14D and 14E provide for applications to be made and applications must meet the application requirements in section 8A.

(5B) If an application meets the application requirements, the APVMA must approve the active constituent or label, or register the chemical product, if no disqualifying circumstances exist in relation to the applicant.

Common provisions

40 After section 9A of the Code set out in the Schedule

Insert:

Subdivision B—Approval and registration for active constituents, chemical products or labels after assessment

41 After section 14B of the Code set out in the Schedule

Insert:

Subdivision C—Approval and registration for prescribed active constituents, chemical products or labels

14C Applications for approval of prescribed active constituents

(1) A person may apply to the APVMA for approval of a prescribed active constituent.

Note: For ***prescribed active constituent***, see subsection (4).

(2) The application must meet the application requirements.

Note: For ***meets the application requirements***, see section 8A.

(3) The APVMA may alter the application with the written consent of the applicant.

(4) A ***prescribed active constituent*** is an active constituent that:

(a) is for a proposed or existing chemical product; and

(b) is of a kind:

(i) prescribed by the regulations for the purposes of this subparagraph; or

(ii) determined by the APVMA under subsection (6).

(5) The APVMA must not determine a kind of active constituent under subsection (6) unless it is satisfied that the kind of active constituent would meet the safety criteria.

(6) The APVMA may, by legislative instrument, determine a kind of active constituent for the purposes of subparagraph (4)(b)(ii).

Decision on application

(7) The APVMA must approve the active constituent that is the subject of the application if it is satisfied that:

(a) the application meets the application requirements; and

(b) the active constituent is a prescribed active constituent; and

(c) none of the circumstances determined in an instrument under subsection (9) apply in relation to the applicant.

Note: For notice of approval, see section 8F.

(8) Otherwise, the APVMA must refuse the application.

Note: For notice of refusal, see section 8G.

Disqualifying circumstances

(9) The APVMA may, by legislative instrument, determine circumstances for the purposes of paragraph (7)(c).

14D Applications for registration of prescribed chemical products

(1) A person may apply to the APVMA for registration of a prescribed chemical product.

Note: For ***prescribed chemical product***, see subsection (4).

(2) The application must meet the application requirements.

Note: For ***meets the application requirements***, see section 8A.

(3) The APVMA may alter the application with the written consent of the applicant.

(4) A ***prescribed chemical product*** is a chemical product that is of a kind:

(a) prescribed by the regulations for the purposes of this paragraph; or

(b) determined by the APVMA under subsection (6).

(5) The APVMA must not determine a kind of chemical product under subsection (6) unless it is satisfied that the kind of chemical product would:

(a) meet the safety criteria, the trade criteria and the efficacy criteria; or

(b) comply with the established standard for the kind of chemical product.

(6) The APVMA may, by legislative instrument, determine a kind of chemical product for the purposes of paragraph (4)(b).

Decision on application

(7) The APVMA must register the chemical product that is the subject of the application if it is satisfied that:

(a) the application meets the application requirements; and

(b) the chemical product is a prescribed chemical product; and

(c) none of the circumstances determined in an instrument under subsection (9) apply in relation to the applicant.

Note: For notice of approval, see section 8F.

(8) Otherwise, the APVMA must refuse the application.

Note: For notice of refusal, see section 8G.

Disqualifying circumstances

(9) The APVMA may, by legislative instrument, determine circumstances for the purposes of paragraph (7)(c).

14E Applications for approval of prescribed labels for containers for chemical products

(1) A person may apply to the APVMA for approval of a prescribed label for containers for a chemical product.

Note: For ***prescribed label for containers for a chemical product***, see subsection (4).

(2) The application must meet the application requirements.

Note: For ***meets the application requirements***, see section 8A.

(3) The APVMA may alter the application with the written consent of the applicant.

(4) A ***prescribed label for containers for a chemical product*** is a label:

(a) for containers for a chemical product; and

(b) that is of a kind:

(i) prescribed by the regulations for the purposes of this subparagraph; or

(ii) determined by the APVMA under subsection (6).

(5) The APVMA must not determine a kind of label under subsection (6) unless it is satisfied that the kind of label would:
  (a) meet the labelling criteria; or
  (b) comply with the established standard for the chemical product.

(6) The APVMA may, by legislative instrument, determine a kind of label for the purposes of subparagraph (4)(b)(ii).

(7) Without limiting subsection (6), a kind of label may be described by reference to a kind of chemical product.

Decision on application

(8) The APVMA must approve the label that is the subject of the application if it is satisfied that:
  (a) the application meets the application requirements; and
  (b) the label that is the subject of the application is a prescribed label for containers for a chemical product; and
  (c) none of the circumstances determined in an instrument under subsection (10) apply in relation to the applicant.

Note: For notice of approval, see section 8F.

(9) Otherwise, the APVMA must refuse the application.

Note: For notice of refusal, see section 8G.

Disqualifying circumstances

(10) The APVMA may, by legislative instrument, determine circumstances for the purposes of paragraph (8)(c).

Subdivision D—Common provisions

42 Paragraphs 17(3)(a) and (b) of the Code set out in the Schedule

After "section 14", insert "or 14C".

43 After subsection 34G(1) of the Code set out in the Schedule

Insert:

(1AA) The APVMA must not use the following information to assess or make a decision on an application made under section 14C, 14D or 14E:

(a) information given to the APVMA in connection with an application made under section 10 or 27 by the applicant for that application;

(b) information given under section 161.

44 Subsection 34G(1B) of the Code set out in the Schedule

After "subsections (1)", insert ", (1AA)".

45 Subparagraph 166(1A)(b)(i) of the Code set out in the Schedule

After "subsection 14(2)", insert ", 14C(8), 14D(8) or 14E(9)".

46 Paragraph 167(1)(a) of the Code set out in the Schedule

After "subsection 14(1)", insert ", 14C(7), 14D(7) or 14E(8)".

47 Paragraph 167(1)(b) of the Code set out in the Schedule

After "subsection 14(2)", insert ", 14C(8), 14D(8) or 14E(9)".

Part 4—Limits on use of information

Agricultural and Veterinary Chemicals Code Act 1994

48 Section 3 of the Code set out in the Schedule (at the end of the definition of *limitation period*)

Add:

Note: See also section 34MA (which deals with extensions of limitation periods).

49 Section 3 of the Code set out in the Schedule (paragraph (b) of the definition of *protected active constituent*)

After "protection period", insert "(including that period as extended)".

50 Section 3 of the Code set out in the Schedule (paragraph (b) of the definition of *protected chemical product*)

After "protection period", insert "(including that period as extended)".

51 Section 3 of the Code set out in the Schedule (at the end of the definition of *protection period*)

Add:

Note: See also section 34KA (which deals with extensions of the protection period).

52 Subsection 34F(4) of the Code set out in the Schedule

After "34K", insert ", 34KA".

53 Subsection 34F(5) of the Code set out in the Schedule

Omit "Section 34M sets", substitute "Sections 34M and 34MA set".

54 Subsection 34J(5A) of the Code set out in the Schedule

Repeal the subsection, substitute:

Protected information whose protection period has expired

(5A) Another condition is that the information is protected information and either:

(a) the protection period in relation to that information has ended; or

(b) if the protection period in relation to that information is extended in accordance with regulations made for the purposes of section 34KA—the protection period, as extended, has ended.

Note: For ***protected information*** and ***protection period***, see section 3 and Part 3.

55 After section 34K of the Code set out in the Schedule

Insert:

34KA Extension of protection periods

(1) The regulations may make provision for and in relation to extending, on application, the protection period in relation to protected information.

Timing of extension

(2) An extension of a protection period must not be given on application unless that protection period (including that period as previously extended) will end after 3 years beginning on the day that the application was lodged.

Maximum extension

(3) The total length of all extensions of a protection period, in relation to particular protected information, must not be more than 5 years.

Kinds of active constituent

(4) If the protected information relates to an active constituent that has been approved, the protection period, in relation to that information, may be extended only if the active constituent is of a

kind prescribed by the regulations for the purposes of this subsection.

Relevant uses of chemical product

(5) If the protected information relates to a chemical product that has been registered, the protection period, in relation to that information, may be extended only if one or more of the uses of the product, being uses covered by entries in the Register, are uses of a kind prescribed by the regulations for the purposes of this subsection.

56 Subsection 34M(1) of the Code set out in the Schedule

Omit "The table", substitute "Subject to section 34MA, the table".

57 At the end of subsection 34M(1) of the Code set out in the Schedule

Add:

Note: Section 34MA deals with extensions of the limitation period.

58 At the end of Division 4A of Part 2 of the Code set out in the Schedule

Add:

34MA Extension of limitation periods

(1) The regulations may make provision for and in relation to extending, on application, the limitation period for information covered by an item of the table in subsection 34M(1).

Timing of extension

(2) An extension of a limitation period must not be given on application unless that limitation period (including that period as previously extended) will end after 3 years beginning on the day that the application was lodged.

Maximum extension

(3) The total length of all extensions of a limitation period, for particular information covered by an item of the table in subsection 34M(1), must not be more than 5 years.

Kinds of active constituent

(4) A limitation period, for particular information covered by item 1 of the table in subsection 34M(1), may be extended only if the active constituent covered by that item is of a kind prescribed by the regulations for the purposes of this subsection.

Relevant uses of chemical product

(5) A limitation period, for particular information covered by item 2, 3, 4, 5 or 6 of the table in subsection 34M(1), may be extended only if one or more of the uses of the chemical product covered by that item, being uses covered by entries in the Register, are uses of a kind prescribed by the regulations for the purposes of this subsection.

59 Paragraph 59(2)(c) of the Code set out in the Schedule

After "protection period", insert "(including that period as extended)".

60 Application provisions

(1) Section 34KA of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as inserted by this Part, applies in relation to a protection period beginning before, on or after the day this item commences.

(2) Section 34MA of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as added by this Part, applies in relation to a limitation period beginning before, on or after the day this item commences.

Part 5—Information to be taken into account in determining applications

Agricultural and Veterinary Chemicals Code Act 1994

61 Subsection 8C(2) of the Code set out in the Schedule

Omit "However", substitute "Subject to subsection (2A)".

62 After subsection 8C(2) of the Code set out in the Schedule

Insert:

(2A) Subsection (2) does not apply to information that is prescribed by the regulations, and that is provided in the circumstances prescribed by the regulations, for the purposes of this subsection.

63 Application provision

The amendments of section 8C of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to the following:

(a) applications made on or after the commencement of this item;

(b) applications made before the commencement of this item but not determined by the APVMA before that commencement.

Part 6—Computerised decision-making

Agricultural and Veterinary Chemicals Code Act 1994

64 Before section 6 of the Code set out in the Schedule

Insert:

5F APVMA may arrange for use of computer programs to make decisions

(1) The APVMA may arrange for the use, under the APVMA's control, of computer programs for any purposes for which the APVMA may, or must, under this Code:

(a) make a decision; or

(b) exercise any power or comply with any obligation; or

(c) do anything else related to making a decision to which paragraph (a) applies or related to exercising a power, or complying with an obligation, to which paragraph (b) applies.

(2) For the purposes of this Code, the APVMA is taken to have:

(a) made a decision; or

(b) exercised a power or complied with an obligation; or

(c) done something else related to the making of a decision or the exercise of a power or the compliance with an obligation;

that was made, exercised, complied with or done by the operation of a computer program under an arrangement made under subsection (1).

Substituted decisions

(3) The APVMA may substitute a decision for a decision (the ***initial decision***) the APVMA is taken, under paragraph (2)(a), to have made if the APVMA is satisfied that the initial decision is incorrect.

(4) However, the substituted decision may only be made before the end of the period of 60 days beginning on the day the initial decision is made.

65 Paragraphs 166(1)(a) and (1A)(a) of the Code set out in the Schedule

Repeal the paragraphs, substitute:

(a) a decision (the ***original decision***) on a particular matter (the ***relevant matter***):

(i) has been made under this Code on behalf of the APVMA by a member of the staff of the APVMA; or

(ii) is taken, under paragraph 5F(2)(a), to have been made by the APVMA for the purposes of this Code; and

66 After subsection 167(2A) of the Code set out in the Schedule

Insert:

(2B) If:

(a) the APVMA is taken, under paragraph 5F(2)(a), to have made a decision (the ***initial decision***); and

(b) under subsection (1) of this section, an application may be made to the Administrative Appeals Tribunal for review of the initial decision; and

(c) the APVMA, under subsection 5F(3), substitutes a decision for the initial decision;

an application may be made to the Administrative Appeals Tribunal for review of the substituted decision.

Part 7—Voluntary recalls

Agricultural and Veterinary Chemicals Code Act 1994

67 Section 100 of the Code set out in the Schedule

Before "This Part", insert "(1)".

68 At the end of section 100 of the Code set out in the Schedule

Add:

(2) This Part also provides for voluntary recalls of chemical products (see section 106A).

69 After section 106 of the Code set out in the Schedule

Insert:

106A Other voluntary recalls

(1) This section applies if a person voluntarily proposes to take action to recall a chemical product because it appears to the person that:

(a) either or both of the following apply:

(i) the chemical product may not meet the safety criteria, the trade criteria or the efficacy criteria;

(ii) a label for containers for the chemical product may not meet the labelling criteria; or

(b) the chemical product is not a registered chemical product.

(2) The person must, before taking any such action, give the APVMA a notice that:

(a) is in writing in the approved form; and

(b) contains the information required by the approved form.

(3) Subsection (2) does not apply in the circumstances prescribed by the regulations for the purposes of this subsection.

Offence

(4) A person commits an offence of strict liability if:

(a) the person is required by subsection (2) to give a notice to the APVMA; and

(b) the person refuses or fails to give the notice as required by that subsection.

Penalty: 60 penalty units.

Civil penalty

(5) Subsection (2) is a civil penalty provision.

Note: Division 2 of Part 9A provides for pecuniary penalties for contraventions of civil penalty provisions.

APVMA to publish notice of recall

(6) If a notice is given to the APVMA under subsection (2), the APVMA:

(a) must, within 3 working days, publish a copy of the notice on its website; and

(b) must, within 14 days, publish a copy of the notice in the Gazette.

The APVMA may also make available a copy of the notice in any other manner that it thinks appropriate.

(7) Subsection (6) does not apply in the circumstances prescribed by the regulations for the purposes of this subsection.

70 Application provision

Section 106A of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as inserted by this Part, applies in relation to action proposed to be taken on or after the commencement of this item.

Part 8—Notification of new information

Agricultural and Veterinary Chemicals Code Act 1994

71 Subparagraph 160A(1)(a)(v) of the Code set out in the Schedule

Omit "and", substitute "or".

72 At the end of paragraph 160A(1)(a) of the Code set out in the Schedule

Add:

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

(vii) variation of the relevant particulars or conditions of the approval of an active constituent, of the registration of a chemical product or of the approval of a label for containers for a chemical product; and

73 Paragraph 160A(1)(c) of the Code set out in the Schedule

Omit "or in relation to the product or any of its constituents", substitute "in relation to the product or any of its constituents or in relation to the label".

74 Subparagraph 160A(4)(a)(ii) of the Code set out in the Schedule

After "or 20(1)(c)", insert "or relates to the matters covered by subparagraph 21(c)(iv) or (iva)".

75 At the end of paragraph 160A(4)(b) of the Code set out in the Schedule

Add "or that the label may not meet the labelling criteria".

76 After paragraph 161(1)(b) of the Code set out in the Schedule

Insert:

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

77 Subsection 161(1) of the Code set out in the Schedule

Omit "or in relation to the product or of any of its constituents", substitute ", in relation to the product or of any of its constituents or in relation to the label".

78 Subsection 161(2) of the Code set out in the Schedule

Omit "relevant information", substitute "***relevant information***".

79 Paragraph 161(2)(a) of the Code set out in the Schedule

After "product", insert "or in the relevant APVMA file for the label".

80 At the end of paragraph 161(2)(b) of the Code set out in the Schedule

Add "or that the label may not meet the labelling criteria".

81 Application provisions

(1) The amendments of section 160A of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to applications lodged on or after the commencement of this item.

(2) The amendments of section 161 of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to information a holder becomes aware of on or after the commencement of this item (whether the approval of the label was given before, on or after that commencement).

Part 9—Definition of registered chemical product

Agricultural and Veterinary Chemicals Code Act 1994

82 Section 3 of the Code set out in the Schedule (definition of *registered chemical product*)

Repeal the definition, substitute:

> ***registered chemical product*** has the meaning given by section 5AA.

83 After section 5 of the Code set out in the Schedule

Insert:

5AA Definition of *registered chemical product*

(1) A ***registered chemical product*** is a chemical product:

(a) that is registered; and

(b) that complies with the relevant particulars entered in the Register for the product.

Constituents of the chemical product

(2) If:

(a) a chemical product is registered; and

(b) under regulations made for the purposes of paragraph 20(1)(c), a relevant particular (the ***subject particular***) required to be entered in the Register in relation to the chemical product is the constituents of the chemical product; and

(c) there are regulations in force for the purposes of paragraph 83(1)(a) in relation to the chemical product; and

(d) the constituents of the chemical product do not differ by more than the extent prescribed for the purposes of paragraph 83(1)(a);

then, for the purposes of paragraph (1)(b) of this section, the chemical product is taken to comply with the subject particular.

Concentration of constituents of the chemical product

(3) If:

(a) a chemical product is registered; and

(b) under regulations made for the purposes of paragraph 20(1)(c), a relevant particular (the ***subject particular***) required to be entered in the Register in relation to the chemical product is the concentration of one or more constituents of the chemical product; and

(c) there are regulations in force for the purposes of paragraph 83(1)(b) in relation to the chemical product; and

(d) the concentration of the constituents of the chemical product does not differ by more than the extent prescribed for the purposes of paragraph 83(1)(b);

then, for the purposes of paragraph (1)(b) of this section, the chemical product is taken to comply with the subject particular.

Composition of constituents of the chemical product

(4) If:

(a) a chemical product is registered; and

(b) under regulations made for the purposes of paragraph 20(1)(c), a relevant particular (the ***subject particular***) required to be entered in the Register in relation to the chemical product is the composition of a constituent of the chemical product; and

(c) there are regulations in force for the purposes of paragraph 83(1)(c) in relation to the composition of that constituent of the chemical product; and

(d) the composition of that constituent of the chemical product does not differ by more than the extent prescribed for the purposes of paragraph 83(1)(c);

then, for the purposes of paragraph (1)(b) of this section, the chemical product is taken to comply with the subject particular.

Purity of constituents of the chemical product

(5) If:

(a) a chemical product is registered; and

(b) under regulations made for the purposes of paragraph 20(1)(c), a relevant particular (the ***subject particular***) required to be entered in the Register in relation to the chemical product is the purity of a constituent of the chemical product; and

(c) there are regulations in force for the purposes of paragraph 83(1)(c) in relation to the purity of that constituent of the chemical product; and

(d) the purity of that constituent of the chemical product does not differ by more than the extent prescribed for the purposes of paragraph 83(1)(c);

then, for the purposes of paragraph (1)(b) of this section, the chemical product is taken to comply with the subject particular.

Part 10—Suspension or cancellation of approval or registration for provision of false or misleading information

Agricultural and Veterinary Chemicals Code Act 1994

84 Paragraph 34N(4)(d) of the Code set out in the Schedule

Omit "the holder", substitute "a person".

85 Section 38A of the Code set out in the Schedule

Repeal the section, substitute:

38A Suspension or cancellation of approval or registration for provision of false or misleading information

The APVMA may suspend or cancel an approval or registration if:

(a) a person has given information:

(i) in, or in connection with, the application for the approval or registration; or

(ii) in connection with a variation of the approval or registration; or

(iii) in response to a notice under subsection 32(1) or section 33 or 159; or

(iv) as required by section 160A or 161; and

(b) the information was false or misleading in a material particular.

86 Application provision

Section 38A of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*, as substituted by this Part, applies in relation to information given on or after the commencement of this item.

Part 11—Supply of registered chemical products with unapproved label

Agricultural and Veterinary Chemicals Code Act 1994

87 Subparagraph 81(1)(a)(i) of the Code set out in the Schedule

Omit "relevant particulars", substitute "minimum information (see subsection (5))".

88 Subparagraph 81(1)(a)(ii) of the Code set out in the Schedule

Omit "the relevant particulars", substitute "the minimum information".

89 Paragraph 81(2)(a) of the Code set out in the Schedule

Omit "relevant particulars", substitute "minimum information (see subsection (5))".

90 Paragraph 81(2)(b) of the Code set out in the Schedule

Omit "the relevant particulars", substitute "the minimum information".

91 Paragraphs 81(3)(a), (b) and (c) of the Code set out in the Schedule

Repeal the paragraphs, substitute:

(a) the label attached to the container states the minimum information (the ***earlier information***) that was required to be stated on a label for containers for the product at a time before the supply takes place; and

(b) the earlier information is different from the minimum information that is required to be stated on a label for containers for the product at the time the supply takes place; and

(c) the APVMA has determined that this subsection applies in respect of the earlier information; and

(d) the supply takes place not later than 2 years (or such shorter or longer period as the APVMA allows) after the earlier information ceased to be the minimum information that was required be stated on a label for containers for the product.

92 At the end of section 81 of the Code set out in the Schedule

Add:

(5) For the purposes of this section, the ***minimum information*** is the information covered by subparagraphs 21(c)(iii) and (iv) (including that information as varied under Part 2).

93 Application provision

The amendments of section 81 of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to supplies occurring on or after the commencement of this item.

Part 12—Variation of approval or registration during suspension

Agricultural and Veterinary Chemicals Code Act 1994

94 Section 42 of the Code set out in the Schedule (heading)

Repeal the heading, substitute:

42 Suspension or cancellation of approval or registration at request of holder

95 Subparagraph 42(1)(a)(i) of the Code set out in the Schedule

After "to", insert "suspend or".

96 Subsection 42(1) of the Code set out in the Schedule

Omit "the APVMA must cancel the approval or registration", substitute "the APVMA must suspend or cancel the approval or registration (as the case may be)".

97 Subsection 43(4) of the Code set out in the Schedule

Omit "A suspension under section 36 or subsection 41(2) or 44(2) of the approval of a label for containers for a chemical product", substitute "A suspension of an approval or registration".

98 Paragraphs 43(4)(a), (b) and (c) of the Code set out in the Schedule

After "approval", insert "or registration".

99 At the end of paragraph 43(4)(d) of the Code set out in the Schedule

Add "or registration".

100 At the end of subsection 43(5) of the Code set out in the Schedule

Add "or registration".

101 Subsection 45A(4) of the Code set out in the Schedule

After "notice of the", insert "suspension or".

102 Subsection 45A(4) of the Code set out in the Schedule

After "requested the", insert "suspension or".

103 Application provisions

(1) The amendments of section 42 of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to requests made on or after the commencement of this item.

(2) The amendments of section 43 of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to:

(a) a suspension made on or after the commencement of this item; and

(b) a suspension made before the commencement of this item that was in effect immediately before that commencement.

Part 13—Safety, efficacy, trade and labelling criteria

Agricultural and Veterinary Chemicals Code Act 1994

104 At the end of subsection 5D(2) of the Code set out in the Schedule

Add:

; (d) any matters prescribed by the regulations.

105 After section 5D of the Code set out in the Schedule

Insert:

5E Overseas trials and experiments

Without limiting subparagraph 5A(2)(a)(vii) or (3)(a)(vii) or paragraph 5B(2)(d), 5C(2)(c) or 5D(2)(d) and despite section 160, the matters prescribed by regulations made for the purposes of that subparagraph or paragraph may relate to matters covered by paragraph 160(2)(a), (b) or (c).

106 Application provision

The amendment of section 5D of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part applies in relation to deciding, on or after the commencement of this item, whether a label for containers for a chemical product meets the labelling criteria.

Part 14—Annual operational plans

Agricultural and Veterinary Chemicals (Administration) Act 1992

107 Part 6 (heading)

Repeal the heading, substitute:

Part 6—Corporate plan

108 Sections 55, 56 and 57

Repeal the sections.

109 Paragraph 61(a)

Repeal the paragraph.

110 Paragraph 61(b)

Repeal the paragraph, substitute:

(b) an evaluation of the APVMA's overall performance during that period against the performance indicators (if any) prescribed by the regulations for the purposes of this paragraph; and

111 Paragraph 61(d)

Repeal the paragraph.

112 Application and transitional provisions

(1) The amendments made by this Part apply in relation to the calendar year beginning on 1 January 2020 and each later calendar year.

(2) Despite the amendments made by this Part, sections 55 to 57 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to an annual

operational plan relating to the period of 12 months beginning on 1 July 2019.

(3) Despite the amendments made by this Part, section 61 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the period of 12 months beginning on 1 July 2019.

(4) Regulations in force for the purposes of subparagraph 61(b)(ii) of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* immediately before the commencement of this item continue in force, on and after that commencement, for the purposes of paragraph 61(b) of that Act.

Part 15—Other amendments

Agricultural and Veterinary Chemicals (Administration) Act 1992

113 Paragraph 7(1A)(a)

Omit "sale", substitute "supply".

114 Paragraphs 8A(2)(a) and (b)

Omit "whether to grant".

115 Subsection 69D(1)

After "fee (if any)", insert "to the Commonwealth".

116 After subsection 69D(1A)

Insert:

(1AA) The APVMA may, on its own initiative, reconsider a decision of the APVMA to refuse to give a certificate under subsection (1).

(1AB) If the APVMA reconsiders the decision, it must:

(a) confirm the decision; or

(b) set aside the decision and give the certificate.

(1AC) The APVMA must give notice of a thing done under subsection (1AB) to the person who applied for the certificate.

117 Subsection 72(5)

Repeal the subsection, substitute:

(5) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

118 Sections 78, 79 and 80

Repeal the sections.

119 Application provision

Subsections 69D(1AA) to (1AC) of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, as inserted by this Part, apply in relation to decisions made on or after the commencement of this item.

Agricultural and Veterinary Chemicals Code Act 1994

120 After section 6E of the Code set out in the Schedule

Insert:

6F Specification by class

To avoid doubt, a reference in this Code to a class or kind of matter or thing does not, by implication, affect the application of:

(a) subsection 13(3) of the *Legislation Act 2003*; or

(b) subsection 33(3AB) of the *Acts Interpretation Act 1901*.

121 Paragraph 74(1)(c) of the Code set out in the Schedule

Omit "permit; or", substitute "permit.".

122 Paragraph 74(1)(d) of the Code set out in the Schedule

Repeal the paragraph.

123 Subsection 74(2) of the Code set out in the Schedule

Repeal the subsection.

124 Subsection 74(2A) of the Code set out in the Schedule (note)

Omit "(d)", substitute "(c)".

125 Subsection 74(3A) of the Code set out in the Schedule (note 2)

Omit "(d)", substitute "(c)".

126 Subsection 74(4) of the Code set out in the Schedule

Repeal the subsection.

127 Paragraph 75(1)(b) of the Code set out in the Schedule

Omit "section; or", substitute "section.".

128 Paragraph 75(1)(c) of the Code set out in the Schedule

Repeal the paragraph.

129 Subsection 75(2) of the Code set out in the Schedule

Repeal the subsection.

130 Subsection 75(2A) of the Code set out in the Schedule (note)

Omit "to (c)", substitute "and (b)".

131 Subsection 75(3A) of the Code set out in the Schedule (note 2)

Omit "to (c)", substitute "and (b)".

132 Subsection 75(4) of the Code set out in the Schedule

Repeal the subsection.

133 Paragraph 76(1)(b) of the Code set out in the Schedule

Omit "permit; or", substitute "permit.".

134 Paragraph 76(1)(c) of the Code set out in the Schedule

Repeal the paragraph.

135 Subsection 76(2) of the Code set out in the Schedule

Repeal the subsection.

136 Subsection 76(2A) of the Code set out in the Schedule (note)

Omit "to (c)", substitute "and (b)".

137 Subsection 76(3A) of the Code set out in the Schedule (note 2)

Omit "to (c)", substitute "and (b)".

138 Subsection 76(4) of the Code set out in the Schedule

Repeal the subsection.

139 Paragraph 78(1)(b) of the Code set out in the Schedule

Omit "section; or", substitute "section.".

140 Paragraph 78(1)(c) of the Code set out in the Schedule

Repeal the paragraph.

141 Subsection 78(2) of the Code set out in the Schedule

Repeal the subsection.

142 Subsection 78(2A) of the Code set out in the Schedule (note)

Omit "to (c)", substitute "and (b)".

143 Subsection 78(3A) of the Code set out in the Schedule (note 2)

Omit "to (c)", substitute "and (b)".

144 Subsection 78(4) of the Code set out in the Schedule

Repeal the subsection.

145 Subsections 166(3) and (4) of the Code set out in the Schedule

Repeal the subsections, substitute:

(3) If a request is so made, the APVMA must reconsider the original decision having regard only to the information used to make it.

(4) The APVMA may, on its own initiative, reconsider the original decision having regard only to the information used to make it.

(4A) If, under subsection (3) or (4), the APVMA reconsiders the original decision, the APVMA must:

(a) confirm the original decision; or

(b) vary the original decision; or

(c) set aside the original decision; or

(d) set aside the original decision and make a new decision in substitution for the original decision.

(4B) The APVMA must, as soon as practicable, give written notice setting out the APVMA's decision on the reconsideration to:

(a) for a reconsideration under subsection (3)—the person who made the request; or

(b) for a reconsideration under subsection (4)—each person covered by paragraph (1)(b) or (1A)(c), as the case may be, of whom the APVMA is aware.

146 Subsection 166(6) of the Code set out in the Schedule

Omit "If the APVMA has not given notice under subsection (4)", substitute "For a reconsideration under subsection (3), if the APVMA has not given notice under subsection (4B)".

147 Paragraph 167(1)(i) of the Code set out in the Schedule

Repeal the paragraph.

148 Sections 180, 183 and 184 of the Code set out in the Schedule

Repeal the sections.

149 Application provision

The amendments of section 166 of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part apply in relation to original decisions made on or after the commencement of this item.

Agricultural and Veterinary Chemicals Legislation Amendment Act 2013

150 Subsection 4(4)

Omit "within 15 sitting days of that House after 1 July 2019", substitute "before the end of the last day on which the report of the first review under section 72 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* can be laid before that House".

Schedule 2—Other amendments

Part 1—Amendments

Agricultural and Veterinary Chemicals Code Act 1994

1 Subparagraph 8E(2)(b)(i) of the Code set out in the Schedule

Repeal the subparagraph, substitute:

(i) the names, or proposed names, of the active constituents concerned; and

2 Paragraph 117A(1)(a) of the Code set out in the Schedule

Omit "suspend or cancel the approval, or suspend or cancel the registration, as the case may be", substitute "suspend or cancel the permit".

3 Application provision

The repeal and substitution of subparagraph 8E(2)(b)(i) of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* made by this Part applies in relation to notices given under section 8E of that Code on or after the commencement of this item.

Part 2—Repeals

Agricultural and Veterinary Chemicals Legislation Amendment (Removing Re-approval and Re-registration) Act 2014

4 The whole of the Act

Repeal the Act.