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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### Schedule 1—Amendments

_Agricultural and Veterinary Chemicals Code Act 1994_  
3
A Bill for an Act to amend the Agricultural and Veterinary Chemicals Code Act 1994, and for related purposes

The Parliament of Australia enacts:

1 Short title

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

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—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
Add:
(2) A regulation that prescribes information for the purposes of paragraph (e) of the definition of confidential commercial information is a legislative instrument.

7 Subsection 162(13) of the Schedule

Repeal the subsection, substitute:

(13) A reference in this section to information about an active constituent for a proposed or existing chemical product, or about a chemical product, includes a reference to the fact that:

(a) an application has been made for approval of the constituent or registration of the product; or

(b) an application has been made for a permit in respect of the constituent or product, if the making of the application is confidential commercial information.

8 Application

(1) The amendment made by item 2 of this Schedule applies in relation to:

(a) an application for approval of a label for containers for a chemical product under section 10 of the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 that is made on or after the day this item commences; and

(b) an application for variation of the relevant particulars or conditions of the approval for a label for containers for a chemical product under section 27 of the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 that is made on or after the day this item commences; and

(c) a reconsideration of the approval of a label for containers for a chemical product under section 34 of the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 if:

(i) the APVMA has published a notice in respect of the label for containers for the chemical product under subsection 32(1) of the Schedule to that Act before, on or after the day this item commences; or

(ii) the APVMA had given written notice in respect of the label for containers for the chemical product under subsection 32(2) of the Schedule to that Act to an interested person or an approved person before the day this item commences and, on the day this item
commences, the period stated in the notice has not
expired; or
(iii) the APVMA gives written notice in respect of the label
for containers for the chemical product under subsection
32(2) of the Schedule to that Act to an interested person
or an approved person on or after the day this item
commences; and
(d) a reconsideration of the approval of a label for containers for
a chemical product under section 34A of the Schedule to the
Agricultural and Veterinary Chemicals Code Act 1994 that
began before, or begins on or after, the day this item
commences; and
(e) a standard for a chemical product that is submitted to the
Minister for approval under section 56D of the Schedule to
the Agricultural and Veterinary Chemicals Code Act 1994 on
or after the day this item commences.

(2) The amendments made by items 3 to 7 of this Schedule apply in respect
of an application for a permit that is made on or after the day this item
commences.

(3) In this item:
approval has the same meaning as in the Agricultural and Veterinary
approved person has the same meaning as in the Agricultural and
chemical product has the same meaning as in the Agricultural and
container has the same meaning as in the Agricultural and Veterinary
interested person has the same meaning as in the Agricultural and
label has the same meaning as in the Agricultural and Veterinary
permit has the same meaning as in the Agricultural and Veterinary
relevant particulars has the same meaning as in the Agricultural and
variations has the same meaning as in the Agricultural and Veterinary Chemicals Code Act 1994.