



Agricultural and Veterinary Chemicals Code Amendment (Miscellaneous Measures) Regulations 2021

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 16 December 2021

David Hurley
Governor-General

By His Excellency's Command

David Littleproud
Minister for Agriculture and Northern Australia

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1 Name

This instrument is the *Agricultural and Veterinary Chemicals Code Amendment (Miscellaneous Measures) Regulations 2021*.

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	The day after this instrument is registered.	21 December 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subregulation 3(1) (definition of *minor use*)

Repeal the definition, substitute:

minor use: see regulation 3AA.

2 After regulation 3

Insert:

3AA Definition of *minor use*

- (1) A *minor use*, in relation to a chemical product or an active constituent, is a use of the product or constituent that would not produce sufficient economic return to an applicant for registration of the product to meet the cost of registration of the product, or the cost of registration of the product for that use, as the case requires (including, in particular, the cost of providing the data required for that purpose).
- (2) A *minor use*, in relation to a chemical product, is a use of the product where the following apply:
 - (a) instructions for that use are in the Register in relation to one or more registered chemical products;
 - (b) none of those registered chemical products is available for sale anywhere in Australia.

3 Regulation 41

Repeal the regulation, substitute:

41 Supply etc. of substances with constituents differing from registered particulars

- (1) For the purposes of paragraphs 83(1)(a) and 102(1)(b) of the Code, the prescribed extent is:
 - (a) the extent to which a difference of constituents is permitted by the standards prescribed by regulation 42; or
 - (b) if those standards do not permit a difference of constituents—nil.
- (2) For the purposes of paragraphs 83(1)(b) and 102(1)(c) of the Code, the prescribed extent in relation to a constituent is:
 - (a) the extent to which a difference of concentration of the constituent is:
 - (i) permitted by the standards prescribed by regulation 42 (including the standard set out in subregulation 42(4)); or
 - (ii) necessary because of a difference of concentration of another constituent; or
 - (b) if those standards do not permit any such difference of concentration, and no difference is necessary as mentioned in subparagraph (a)(ii)—nil.

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- (3) For the purposes of paragraphs 83(1)(c) and 102(1)(d) of the Code, the prescribed extent is:
- (a) the extent to which a difference of composition or purity is permitted by the standards prescribed by regulation 42; or
 - (b) if those standards do not permit a difference of composition or purity—nil.

4 In the appropriate position in Part 10

Insert:

Division 10.6—Amendments made by the Agricultural and Veterinary Chemicals Code Amendment (Miscellaneous Measures) Regulations 2021

93 Minor use

Regulation 3AA, as inserted by Schedule 1 to the *Agricultural and Veterinary Chemicals Code Amendment (Miscellaneous Measures) Regulations 2021*, applies in relation to applications made under section 110 of the Code on or after the commencement of this regulation.

5 Clause 2 of Schedule 3AA (table item 3)

Omit “except excluded nutritional or digestive products”, substitute “except an enzyme that is an excluded nutritional or digestive product or that is a product covered by item 6 of the table in clause 3 of this Schedule”.