EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 152

Issued by authority of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry.

Agricultural and Veterinary Chemicals Code Act 1994

Agricultural and Veterinary Chemicals Code Amendment Regulations 2005 (No. 2)

Subsection 6(1) of the Agricultural and Veterinary Chemicals Code Act 1994 (the Agvet Code Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Code to be prescribed by regulations within the meaning of the Code or necessary or convenient to be prescribed by such regulations for carrying out or giving effect to the Code.

Section 3 of the Act defines ‘the Code’ as the Agvet Code of the participating Territories. Subsection 5(1) of the Agvet Code Act provides that the Agricultural and Veterinary Chemicals Code, set out in the Schedule to the Act, may be referred to as the Agvet Code of the participating Territories. The Agvet Code is enacted under a Commonwealth Act that applies in the Australian Capital Territory (subsection 7(1) of the Agricultural and Veterinary Chemicals Act 1994). The Agvet Code operates nationally as the State and Northern Territory Governments have each passed complementary legislation to apply the Agvet Code in each of the States and the Northern Territory.

The Regulations amend the Agricultural and Veterinary Chemicals Code Regulations 1995 (the Principal Regulations) to correct a typographical error.

Part 2 of Schedule 6 to the Principal Regulations provides a table of fees and assessment periods for a range of applications made under the Agvet Code. Due to a drafting oversight, the numbering of the second column from the left has been omitted from the column headings, resulting in incorrect numbering of the third and fourth columns from the left. The Regulations correct this discrepancy by renumbering the columns in the table in Part 2 of Schedule 6 to the Principal Regulations from 1 to 4.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

The Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Authority: Subsection 6(1) of the Agricultural and Veterinary Chemicals Code Act 1994