EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 108

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry

*Agricultural and Veterinary Chemicals Code Act 1994*

*Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 2)*

Subsection 6(1) of the *Agricultural and Veterinary Chemicals Code Act 1994* (the Act) provides, in part, that the Governor-General may make regulations prescribing matters required or permitted by the Agricultural and Veterinary Chemicals Code (the Code) to be prescribed by regulations within the meaning of the Code.

The purpose of Regulations was to exclude certain product classes from the operation of the agricultural and veterinary chemical product definitions in the *Agricultural and Veterinary Chemicals Code Regulations 1995* (the Principal Regulations).

The Regulations amended Part 3 of Schedule 3 to the Principal Regulations (substances or mixtures declared not to be agricultural chemical products) by adding one additional item, and amended Part 3 of Schedule 3AA to the Principal Regulations (substances or mixtures declared not to be veterinary chemical products) by adding five additional items.

Declaring these product classes not to be agricultural or veterinary chemical products precluded these items from the regulatory scope of the Australian Pesticides and Veterinary Medicines Authority (APVMA), which removed the requirement for them to be registered with the APVMA. The product classes were assessed to be sufficiently low risk as to not require regulation.

The Regulations implemented recommendations from the Product Safety and Integrity Committee (PSIC), a sub-committee under the Primary Industries Ministerial Council. Through the National Registration Scheme agreement, PSIC oversees the legislation under which the Australian Pesticides and Veterinary Medicines Authority (APVMA) operates by approving policy and setting priorities for legislative reform. Its membership includes representatives from Australian and state/territory government primary industry or agriculture departments, the Commonwealth Scientific and Industrial Research Organisation and the APVMA.

PSIC made these recommendations after consulting with a broad group of stakeholders through a workshop process. Industry consultation also occurred more generally through the Council of Australian Governments’ Senior Officials Working Group on Chemicals and Plastics. The Department of Agriculture, Fisheries and Forestry consulted with the Office of Best Practice Regulation on these Regulations who advised that a Regulation Impact Statement was not required.

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

The Regulations commenced on the day after they were registered.

Details on the amended Regulations are included in the Attachment.
Details of the *Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 2)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 2)*.

Regulation 2 – Commencement

This regulation provided for the Regulations to commence on the day after they were registered on the Federal Register of Legislative Instruments.

Regulation 3 – Amendment of *Agricultural and Veterinary Chemicals Code Regulations 1995*

This regulation provided that the *Agricultural and Veterinary Chemicals Code Regulations 1995* (the Principal Regulations) were amended as set out in Schedule 1.

Schedule 1 – Amendments

**Item [1] – Subregulation 3 (1), after definition of CSIRO**

Item [1] inserted the definition of EDTA after the definition of CSIRO in subregulation 3 (1) of the Principal Regulations. The insertion of the EDTA definition was necessary as the term was part of Amendment Item [3].


Item [2] inserted one additional product class into Part 3 of Schedule 3 to the Principal Regulations, which lists substances or mixtures declared not to be agricultural chemical products. This was necessary to clarify that the additional product class is not considered an agricultural chemical product, as defined in Section 4 of the Schedule to the Act, as they were assessed to be sufficiently low risk as to not require regulation.

**Item [3] – Schedule 3AA, Part 3, after item 4**

Item [3] inserted five additional product classes into Part 3 of Schedule 3AA to the Principal Regulations, which lists substances or mixtures declared not to be veterinary chemical products. The additions were necessary to clarify that the five product classes are not considered veterinary chemical products, as defined in Section 5 of the Schedule to the Act, as they were assessed to be sufficiently low risk as to not require regulation.