

Agricultural and Veterinary Chemicals Code (Agricultural Active Constituents) Standards 2022

EXPLANATORY STATEMENT

Issued by the Australian Pesticides and Veterinary Medicines Authority

INTRODUCTION

The Australian Pesticides and Veterinary Medicines Authority (**APVMA**) is a statutory authority continued in existence under section 6 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*. Its functions and powers include administering the national system for regulation of agricultural and veterinary chemicals, and exercising the powers and functions conferred on it by the Agricultural and Veterinary Chemicals Code, as scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994 (Code)*.

Under section 6E(1)(a) of the Code, APVMA may make standards for constituents intended for use in chemical products by legislative instrument. Section 87(2)(b) of the Code prohibits a person from supplying, or causing or permitting to be supplied, a product containing a constituent where a standard is prescribed in respect of that constituent unless the constituent conforms to the standard. Regulation 42(3) of the *Agricultural and Veterinary Chemicals Code Regulations 1995 (Regulations)* provides a cascade of standards for products or constituents contained in products, with step 2 of the cascade (regulation 42(3)(b)) being a standard made under section 6E of the Code.

This Instrument establishes standards under section 6E of the Code for certain active constituents intended for use in agricultural chemical products.

PROCESS BEFORE INSTRUMENT WAS MADE

Regulatory impact analysis

A Regulatory Impact Statement has not been prepared. The Office of Best Practice Regulation (**OBPR**) was consulted about this Instrument (OBPR ID 19176).

On the basis of the information provided, OBPR considered that a Regulatory Impact Statement is not required as the making of this Instrument is machinery in nature, would be done in accordance with existing legislation, is likely to have no more than minor regulatory impacts on business, community organisations or individuals and is not being considered by Cabinet.

Consultation before making

This Instrument places the standards currently applied by APVMA in respect of certain active constituents for chemical products and published on the APVMA website on a formal legislative footing. No substantive changes have been made to the limits contained in the standards as part of the process of establishing the standards as a legislative instrument.

Prior to making the Instrument to create the active constituent standards under section 6E of the Code, the proposed standards were consulted on via a formal process via the APVMA website and by targeted consultation with key stakeholders.

Statement of compatibility with human rights obligations

A statement of compatibility has been prepared and is at [Attachment A](#).

OTHER ISSUES

Matter incorporated by reference

The Instrument may incorporate by reference validated analytical methods evaluated by the APVMA from time to time under guidelines made under section 6A of the Code.

Sunsetting

The Instrument is not subject to sunseting as the Code facilitates the operation of a scheme involving the Commonwealth and one or more States or Territories and authorises the Instrument to be made by the APVMA under section 6E for the purposes of the scheme, namely the national regulatory system for agricultural and veterinary chemicals.

More information

A provision-by-provision explanation of the Instrument is provided in [Attachment B](#).

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS ATTACHMENT A

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

AGRICULTURAL AND VETERINARY CHEMICALS CODE (AGRICULTURAL ACTIVE CONSTITUENTS) STANDARDS 2022

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of this Instrument is to establish standards for certain active constituents for agricultural chemical products under section 6E of the Code.

Human rights implications.

The Instrument does not engage any of the applicable rights or freedoms.

Conclusion

The Instrument is compatible with human rights as it does not raise any human rights issues.

Part 1

Item 1 – Preamble

This item provides that the Instrument is made under section 6E of the Code, following the procedure in regulation 8AF of the Regulations. It also states that under regulation 42(3) of the Regulations, a standard made under section 6E of the Code is a prescribed standard for a constituent in a chemical product for the purposes of section 87(1)(a) of the Code.

Item 2 – Name of instrument and authority

This item provides for the Instrument to be named as the *Agricultural and Veterinary Chemicals Code (Agricultural Active Constituents) Standards 2022* and confirms that the authority for making it is section 6E(1) of the Code.

Item 3 – Commencement

This item provides for the Instrument to commence on the day after the day it is registered.

Item 4 – Definitions

This item describes the definitions used in the Instrument.

Part 2

Item 1 – Standard for an active constituent

This item provides for the standards for the active constituents for agricultural chemical products to be those set out in the Table.

Schedule

This item contains a Table which sets out the active constituents standards.