

Agricultural and Veterinary Chemical Code Amendment Regulations 2002 (No. 1) 2002 No. 207

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 207

Minute No. of 2002 - Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry

Subject - *Agricultural and Veterinary Chemicals Code Act 1994*

Agricultural and Veterinary Chemical Code Amendment Regulations 2002 (No. 1)

Section 6 of the *Agricultural and Veterinary Chemicals Code Act 1994* (the 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.

Section 3 of the Act defines "the Code" as the Agvet Code of the participating territories and Section 5(1) of the Act provides that the Agricultural and Veterinary Chemicals Code set out in the Schedule may be referred to as the Agvet Code of the participating Territories.

Section 93 of the Code provides that the regulations may declare a chemical to be a restricted chemical product, provided that the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) has certified in writing that this is in the public interest.

On 27 May 2002, the delegate of the NRA certified, pursuant the Code, that it is in the public interest for all concentrate products containing the chemical pindone to be declared by the *Agricultural and Veterinary Chemicals Code Regulations 1995* (the principal regulations) restricted chemical products.

Regulation 45 of the principal regulations states that a chemical product specified in Schedule 4 of the principal regulations is declared to be a restricted chemical product.

The Regulations add concentrated pindone products to the list of restricted chemical products, as set out in Schedule 4 of the principal regulations. Ready-to-use pindone products are not included in this amendment, which only applies to concentrated pindone products which require mixing with carriers such as grain or carrot prior to use as a bait.

The proposed changes reflect the results of a recent review of the registration, use and potential risks of ready-to-use and concentrated products containing pindone acid and pindone sodium.

Pindone is a chemical that is used to control rabbits in semi-rural and urban areas. The NRA conducted the review in response to concerns that the unrestricted supply and use of pindone might pose a threat to non-target vertebrate animals.

While the review found no evidence of increased risks of poisoning to non-target fauna if ready-to-use pindone baits are made available on the open market, the NRA concluded that special training, skills and/or qualifications were required to prepare baits correctly using pindone concentrate products. Accordingly, the report recommended that pindone concentrate products should be declared as restricted chemical products, in order to restrict their supply to persons who have specialised knowledge in the preparation of baits using these products.

Under section 94 of the Code, restricted chemical products can only be supplied to authorised persons. In the case of pindone concentrated products, the authorised person is defined on a State-by-State basis and will usually be either an employee of a relevant state government

agency or a person who has undergone training specified by the relevant state government agency.

The Regulations add the following to Schedule 4 of the Agricultural and Veterinary Chemicals Code Regulations:

- A chemical product containing pindone that is a concentrate and for which the relevant label instructions require further mixing with carriers before it is ready to use as a bait.

The Regulations commence on gazettal.

Authority: Section 6 of the *Agricultural and Veterinary Chemicals Code Act 1994*