

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2005 No. 104**

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

*Agricultural and Veterinary Chemicals (Administration) Act 1992*

*Agricultural and Veterinary Chemicals (Administration) Amendment  
Regulations 2005 (No. 1)*

Section 73 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (the Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed; or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In March 2005, the Australian Government Department of Agriculture, Fisheries and Forestry finalised a Cost Recovery Impact Statement on the Proposed Cost Recovery Framework for the National Registration Scheme for Agricultural and Veterinary Chemicals (the CRIS). The CRIS proposed a new cost basis to fully recover the costs of providing export certificates issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under section 69D of the Act.

The regulations prescribe, for the purposes of subsection 69D(1) of the Act, the fee for a certificate setting out the findings (if any) of the APVMA in relation to any matters relating to a chemical product that are required to be established for the purposes of its export.

Details of the regulations are in the Attachment.

The regulations commence on 1 July 2005.

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

Authority: Section 73 of the *Agricultural and  
Veterinary Chemicals (Administration)  
Act 1992*

**DETAILS OF THE AGRICULTURAL AND VETERINARY CHEMICALS  
(ADMINISTRATION) AMENDMENT REGULATIONS 2005 (No. 1)**

**Regulation 1**

Regulation 1 provides for the name of the Regulations to be the *Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2005 (No. 1)*.

**Regulation 2**

Regulation 2 provides for the Regulations to commence on 1 July 2005.

**Regulation 3**

Regulation 3 provides that Schedule 1 amends the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* (the Principal Regulations).

**SCHEDULE 1 – Amendments**

**Item [1] Regulation 3.550**

This item substitutes a new regulation 3.550 for the existing 3.550. New regulation 3.550 prescribes the following fees for the purposes of subsection 69D(1) of the Act:

- (1) \$115 as a standard fee for a certificate;
- (2) a further \$95 for a certificate that requires the APVMA to undertake a technical or scientific assessment.

Subregulation 3.550(2) sets out the circumstances in which no fee is payable for a certificate. No fee is payable for a certificate (the *subsequent certificate*) if the applicant applies for the certificate on the same day as they applied for another certificate (the *original certificate*) provided that the original certificate and the subsequent certificate are the same in all respects or the same except for the following:

- (i) the addressee of the certificate;
- (ii) the country to which the chemical is to be exported;
- (iii) the authority of the country to which the chemical is to be exported.

Subregulation 3.550(3) prescribes for the purposes of subsection 69D(1) of the Act fees that are required to be paid in circumstances where a consular act is required to be performed in relation to a particular certificate. Those fees are prescribed to be the fees prescribed for those consular acts as set out in the *Consular Fees Regulations 1990*.