

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2010 No. 91**

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

*Agricultural and Veterinary Chemicals (Administration) Act 1992*

*Agricultural and Veterinary Chemicals (Administration) Amendment  
Regulations 2010 (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.

The purpose of the Regulations is to amend the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* to update the framework for controls on the exportation of chemicals in order to reflect changes to the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* (the Rotterdam Convention).

The Regulations implement controls relating to specified active constituents, or chemical products containing these active constituents, to enable Australia to meet its obligations as a Party to the Rotterdam Convention.

Companies wishing to export controlled chemicals need to apply for permission from the Australian Government Department of Agriculture, Fisheries and Forestry. No importation controls are necessary under the Rotterdam Convention as importation of these chemicals is already regulated under the National Registration Scheme for Agricultural and Veterinary Chemicals.

Details of the Regulations are in the Attachment.

Subsection 69C (2) of the Act provides that a regulation prescribing conditions or restrictions on the import, manufacture, use or export of certain chemical products under international agreements must not be made unless:

- (a) a relevant agency has published in the *Gazette*, and in any other manner that it thinks appropriate, a notice:
  - (i) identifying the agreement or arrangement; and
  - (ii) listing the name or names by which the constituent or product is known to the public; and
- (b) a period of 30 days has elapsed since the notice was published.

On 27 April 2010, a notice identifying the amendments to the listing of chemicals that are subject to the Rotterdam Convention was published in the *Commonwealth of Australia Gazette No. APVMA 8*.

A 27 October 2009 hearing of the Joint Standing Committee on Treaties supported the amendments to the list of chemicals controlled by the Rotterdam Convention and agreed that binding action may be taken.

The Act specifies no other conditions that need to be met before the power to make the Regulations may be exercised.

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.

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**Details of the *Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2010 (No. 1)***

**Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2010 (No. 1)*.

**Regulation 2 – Commencement**

This regulation provides that the Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

**Regulation 3 – Schedule 1**

The regulation provides that the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* (the Principal Regulations) are amended as set out in Schedule 1.

**Schedule 1 – Amendments**

**Item [1] to [8]**

These items add tributyltin, tributyltin benzoate, tributyltin chloride, tributyltin fluoride, tributyltin linoleate, tributyltin methacrylate, tributyltin naphthenate and tributyltin oxide, respectively, to Schedule 1 to the Principal Regulations, which lists controlled chemicals, as new items 71 to 78, respectively. These amendments have been made necessary by the addition of these chemical to the list of chemicals subject to export controls under the Rotterdam Convention.