

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 180

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

Agricultural and Veterinary Chemicals (Administration) Act 1992

Agricultural and Veterinary Chemicals (Administration) Amendment Regulation 2012 (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 Regulation amends the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* (the Principal Regulations) 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 Regulation further updates controls relating to the specified active constituents alachlor, aldicarb and endosulfan, 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 already need to apply for permission from the Australian Government Department of Agriculture, Fisheries and Forestry. No additional 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.

Agricultural and Veterinary Chemicals (Administration) Amendment Regulation 2012 (No. 1) commenced on the day after it was registered and amended Subregulation 1.3 (1) to update the definitions of Rotterdam Convention and Stockholm Convention. The Regulation amended Schedule 1 to the Principal Regulations to add alachlor, aldicarb and endosulfan, which are considered to have adverse effects on human health and the environment. The Regulation amended Schedule 1 to review numbering so as to continue alphabetic listing of chemicals.

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 20 December 2011, 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 25*.

The Department of Sustainability, Environment, Water, Population and Communities presented the changes at a hearing of the Joint Standing Committee on Treaties and they supported the amendments to the list of chemicals controlled by the Rotterdam Convention and agreed that binding action may be taken. The Office of Best Practice Regulation was consulted in the preparation of the Regulation (ID 13465)

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Statement of Compatibility with Human Rights is contained in the Attachment.

Statement of Compatibility with Human Rights

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

Agricultural and Veterinary Chemicals (Administration) Amendment Regulation 2012 (No. 1)

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 Regulation amends the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* (the Principal Regulations) 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 Regulation further updates 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

The amendment to the Principal Regulations adds alachlor, aldicarb and endosulfan, which are considered to have adverse effects on human health and the environment.

Human rights implications

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

Conclusion

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

**Senator the Hon Joseph William Ludwig
Minister for Agriculture, Fisheries and Forestry**