

EXPLANATORY STATEMENT

Agricultural and Veterinary Chemicals Code (Listed Chemical Product – Home Swimming Pool and Spa Products) Standard 2014

The *Agricultural and Veterinary Chemicals Code Act 1994* (Act) provides, within a Code set out in the Schedule to the Act (Agvet Code), a low regulatory scheme for agricultural and veterinary chemicals. This scheme was amended by the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013* (Amending Act). Relevantly, the Amending Act repealed Part 2A of the Act (dealing with the registration of low regulatory concern chemical products) and replaced it with new provisions in Part 1 Division 6 that simplify the arrangements for listing and developing established standards for listed chemical products.

Section 8T of the Agvet Code as amended allows for the *Agricultural and Veterinary Chemicals Code Regulations 1995* (Regulations) to contain a schedule specifying chemical products or classes of chemical products that are listed chemical products under the Agvet Code. Regulation 8AR of the Regulations provides that the products specified in Schedule 3B of the Regulations are listed chemical products under the Agvet Code. Among a number of other products, home swimming pool and spa products that contain only one of the following as an active constituent are listed chemical products:

- calcium hypochlorite;
- lithium hypochlorite;
- sodium dichloroisocyanurate;
- sodium hypochlorite;
- trichloroisocyanuric acid.

Section 8U(2) of the Agvet Code provides that the APVMA must, by legislative instrument, make a standard for each listed chemical product. This provision aligns with the former section 56D(2) of the Agvet Code, but removes the requirement in that former provision for the Minister to approve the standard.

This Standard, the *Agricultural and Veterinary Chemicals Code (Listed Chemical Product – Home Swimming Pool and Spa Products) Standard 2014* (Standard), is established in accordance with section 8U of the Agvet Code. It replaces the *Listable Chemical Product (Home Swimming Pool and Spa Products) Standard 2007* (Former Standard) made under the former section 56D of the Agvet Code, and specifies the following requirements in relation to the listed chemical products:

- formulation requirements;
- package limits;
- labels and formats.

The Standard is essentially identical to the Former Standard. Only minor changes have been made to the Standard to improve the drafting.

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

The Standard commences immediately on the commencement of Schedules 1 to 6 to the Amendment Act (see clause 1).

No Regulatory Impact Statement has been prepared for the Standard given that it effects no significant changes to the Former Standard. The Office of Best Practice Regulations was consulted about this Standard and has advised that no further analysis (in the form of a Regulatory Impact Statement) is required (OBPR ID: 17109).

Public Consultation

This Standard was released for public consultation from 30 April 2014 to 21 May 2014. Industry and community stakeholder groups were informed of the release. Comments were provided with respect to the content of the Standard. These comments were taken into account in preparing the Standard.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

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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 Standard (Standard) is to set out requirements in relation to a chemical product or class of chemical products to which the Standard applies, including in relation to the formulation, labelling and handling of the product or products. The Standard will replace the existing *Listable Chemical Product (Home Swimming Pool and Spa Products) Standard 2007* (Former Standard). The Standard is essentially identical to the Former Standard.

Human rights implications

To the extent that the label formats prescribed under the Schedules to the Standard require the inclusion of health and safety information on product labels, the Determination engages and promotes the right to health and to a healthy environment recognised in article 12 of the *International Covenant on Economic, Social and Cultural Rights*. The United Nations Committee on Economic, Social and Cultural Rights has interpreted article 12 to extend to the underlying determinants of health, including a healthy environment.

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

Conclusion

The Standard is compatible with human rights as it promotes the right to health, and does not otherwise raise any human rights issues.