

Agricultural and Veterinary Chemicals (Control of Use) Amendment Bill 2011

FACT SHEET

The *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* (the Act) is the principal legislation concerned with the handling, use and application of agricultural and veterinary chemical products.

The Act has given effect to the existing *Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996*. These regulations have been undergoing an extensive review and have now been re-drafted as the proposed *Agricultural and Veterinary Chemicals (Control of Use) Regulations 2011*.

Some of the proposed regulations address matters that are of a similar nature to those currently provided for in the Act (e.g. neighbour notification and the provision of information). During the regulatory review process, the Department was advised that the proposed regulations would in fact be ultra vires and “that the Act would require amendment before regulations of this kind could be made under it”. Consequently, the Act has been amended by repealing those sections that are now dealt with more appropriately in the proposed regulations.

Amendment was also required to broaden the regulation-making capabilities of the Act. This was necessary to ensure that there is a power under the primary legislation to make all regulations required for the Act to operate as intended.

The Act currently authorises the making of Ministerial orders in relation to certain matters. Amendment has been made to ensure that the power to make those orders does not preclude the making of regulations about the same matters, when it would be more suitable to do so.

Three minor, miscellaneous administrative amendments have also been made to the Act to provide further clarification and consistency.