Agricultural and Veterinary Chemicals (South Australia) Bill

Received from the House of Assembly and read a first time.

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill now be read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it.

The Government is pleased to support the Agricultural and Veterinary Chemicals (South Australia) Bill 1994. This Bill embodies three years of work and negotiation by State and Commonwealth officers throughout Australia, and is the culmination of a vision held by industry and Government alike. That vision is of a single, national system for evaluating and registering agricultural and veterinary chemicals before they are sold in any State or Territory of the Commonwealth.

The National Registration Scheme, as you know, will replace the separate schemes for evaluating and registering chemical products in each Australian State. Three States schemes emerged during the late 1980s and mid-1990s. The purpose of these schemes was primarily to protect farmers from those unscrupulous enough to try commercial products which have no proven and safe benefits, in order to reduce the number of infections or diseases. This is a problem which can be deplorable and is not about to be outmanoeuvred by the injection of the commercial products into the market. And this is an example of the system for evaluating and registering chemical products has been sold in any State or Territory.

It only remains to be said of the National Registration Scheme that our intention is that no one will be disadvantaged by the change. There is a period of grace, it is the same as that of any other State and Territory. The Government is being introduced to the Agricultural and Veterinary Chemicals (South Australia) Bill 1994. This Bill embodies three years of work and negotiation by State and Commonwealth officers throughout Australia, and is the culmination of a vision held by industry and Government alike. That vision is of a single, national system for evaluating and registering agricultural and veterinary chemicals before they are sold in any State or Territory.

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Clause 3: Definitions
This clause contains definitions of expressions used in the Bill.

Clause 4: Jervis Bay Territory
This clause provides that the Jervis Bay Territory is to be taken to be part of the Australian Capital Territory for the purposes of the Agvet scheme.

Clause 5: Application of Agvet Code in this jurisdiction
This clause applies the Agricultural and Veterinary Chemicals Code set out in the schedule to the Agricultural and Veterinary Chemicals Code Act 1994 of the Commonwealth, as in force for the time being, as a law of the State. The Code, as applying, will be cited as the Agvet Code of South Australia.

Clause 6: Application of Agvet Regulations in this jurisdiction
This clause applies the regulations in force for the time being under section 6 of the Agricultural and Veterinary Chemicals Code Act 1994 of the Commonwealth as regulations in force for the purposes of the Agvet Code of South Australia.

Clause 7: Interpretation of Agvet Code and Agvet Regulations of this jurisdiction
This clause provides that the Acts Interpretation Act 1901 of the Commonwealth will apply as a law of the State for the purposes of the Agvet Code and Agvet Regulations. The State Acts Interpretation Act 1915 will not apply. This approach will assist in the uniform interpretation of the Code throughout Australia.

Clause 8: Ancillary offences (aiding, abetting, accessories, attempts, incitement or conspiracy)
This clause applies certain Commonwealth laws with respect to offences against the Agvet Code or Agvet Regulations.

Clause 9: References to Agvet Codes and Agvet Regulations of other jurisdictions
This clause recognises references to the Agvet Code and Regulations of other jurisdictions.

Clause 10: References to Agvet Codes and Agvet Regulations
The object of this clause is to help to ensure that the Agvet Code and Regulations of this State, together with those of other jurisdictions, operate, so far as possible, as if they constituted a single national law applying throughout Australia. The Agvet laws of other jurisdictions will have the same provision. The interlocking of these provisions will enable (in most instances) persons and companies to rely on a uniform scheme applying across Australia.

Clause 11: Agvet Code of this jurisdiction
The Agvet laws are to bind the Crown in all capacities.

Clause 12: Agvet Code of other jurisdictions
The Crown in right of South Australia will be bound by the Agvet Code of the other jurisdictions.

Clause 13: Crown not liable to prosecution
This clause provides that nothing in these laws renders the Crown in any capacity liable to be prosecuted for an offence.

Clause 14: This Part overrides the prerogative
This clause makes it clear that where the Agvet laws of another jurisdiction bind the Crown in right of this State by virtue of these provisions, those laws override any prerogative right or privilege of the Crown.

Clause 15: Object
It is intended that the Agvet laws of each jurisdiction will be administered on a uniform basis.

Clause 16: Application of Commonwealth administrative laws in relation to applicable provisions
This clause applies the Commonwealth administrative laws as laws of this State in relation to anything arising in respect of an applicable provision of this State (as defined). For the purposes of the laws of this State, anything arising under an applicable provision of this State is taken to arise under Commonwealth law, except as provided by the regulations.

Clause 17: Functions and powers conferred on Commonwealth officers and authorities
This clause confers the appropriate functions and powers on Commonwealth officers or authorities in connection with the application of Commonwealth administrative laws.

Clause 18: Reference in Commonwealth administrative law to a provision of another law
This is a technical provision that deals with how references in the applied Commonwealth laws to laws of the Commonwealth are to be construed.

Clause 19: Jurisdiction of Federal Court
The Federal Court is to have jurisdiction with respect to all civil matters arising under the applicable provisions. However, this vesting of jurisdiction will not affect the jurisdiction of State courts.

Clause 20: Exercise of jurisdiction under cross-vesting provisions
The cross-vesting laws will still apply.

Clause 21: Conferment of functions and powers on NRA
This clause formally confers on the NRA the powers conferred on it under the Agvet Code. Necessary or convenient incidental powers are also expressly conferred by this clause.

Clause 22: Agreements and arrangements
The State Minister will be empowered to enter into agreements or arrangements with the Commonwealth Minister for the performance of functions or the exercise of powers by the NRA as an agent of the State.

Clause 23: Conferment of other functions and powers for purposes of law in this jurisdiction
The NRA is also to be expressly conferred with the power to do acts in this State in the exercise of functions conferred by the Agvet laws of other jurisdictions.

Clause 24: Commonwealth Minister may give directions in exceptional circumstances
The Commonwealth Minister will be able to give directions to the NRA in relation to functions and powers conferred on it under this national scheme.

Clause 25: Orders
Various orders are to apply in this State as if they were regulations of this jurisdiction.

Clause 26: Manufacturing principles
Various manufacturing principles under the Commonwealth legislation are to apply for the purposes of the Code.

Clause 27: Delegation
The Commonwealth Minister's power of delegation under Commonwealth law is expressed to extend to the delegation of powers conferred on the Minister under these laws.

Clause 28: Conferment of powers on State officers
This clause will allow the conferment of the powers and functions of an inspector on a State officer.

Clause 29: Application of fees and taxes
Fees, taxes and other money payable under the scheme must be paid to the Commonwealth.

Clause 30: Documents or substances held by previous registering authority may be given to NRA
This clause will facilitate the transfer of documents and substances from State authorities to the NRA on the commencement of the uniform scheme.

Clause 31: Exemptions from liability for damages
It is important to protect State authorities and agencies from potential liabilities arising in relation to the administration and operation of the scheme.

Clause 32: Regulations
The Governor will be able to make regulations for the purposes of this measure.

Clause 33: Eligible laws
This is a technical provision relating to the permit system under the Code.

Clause 34: Fees (including taxes)
This clause imposes the fees prescribed by the regulations.

Clause 35: Conferment of functions on Commonwealth Director of Public Prosecutions
The Commonwealth Director of Public Prosecutions will be empowered to initiate and conduct prosecutions for the purposes of the scheme.

Clause 36: Relationship with other State laws
This clause will ensure that action can be taken to give any State law precedence over the Code, or to modify the effect of the Code if necessary.

Schedule
The schedule makes various consequential amendments to the Agricultural Chemicals Act 1955, the Stock Feeds Act 1941 and the Stock Medicines Act 1939.

The Hon. BARBARA WISE secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: I draw your attention to the state of the Council.

A quorum having been formed: