

1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AGRICULTURAL AND VETERINARY CHEMICALS AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary Industries and Energy,  
the Hon Simon Crean, MP)



**AGRICULTURAL AND VETERINARY CHEMICALS AMENDMENT BILL 1992****OUTLINE**

The Bill provides changes which allow the introduction of the Agricultural and Veterinary Chemicals (Administration) Bill 1992. The Administration Bill is designed to replace the existing Australian Agricultural and Veterinary Chemicals Council (Council) with the National Registration Authority for Agricultural and Veterinary Chemicals (NRA). One of the functions of Council will be amended to widen its scope and two additional functions given to the NRA as agreed by the States and Northern Territory.

**FINANCIAL IMPACT STATEMENT**

It will not have any significant impact on Government expenditure as provision was made in the Budget for the establishment of a national registration authority together with a compliance program.

The Bill repeals provisions relating to the Australian Agricultural and Veterinary Chemicals Council while the accompanying Bill establishes the National Registration Authority for Agricultural and Veterinary Chemicals.

**AGRICULTURAL AND VETERINARY CHEMICALS AMENDMENT BILL 1992****NOTES ON CLAUSES****Clause 1 - Short title etc.**

1. The short title of the Bill will be the *Agricultural and Veterinary Chemicals Amendment Act 1992*.
2. Subclause (2) provides for the term "Principal Act" to refer to the *Agricultural and Veterinary Chemicals Act 1988*.

**Clause 2 - Commencement**

3. The proposed Act will commence on the day that the *Agricultural and Veterinary Chemicals (Administration) Act 1992* receives the Royal Assent.

**Clause 3 - Interpretation**

4. This clause defines a number of terms, or amends existing definitions of terms for the purposes of the proposed Act.

**Clause 4 - Heading**

5. This clause replaces the existing heading of the Principal Act which applies to the Australian Agricultural and Veterinary Chemicals Council (the Council) and substitutes one applying to the NRA.

**PART II - FUNCTIONS OF NRA****Clause 5 - Establishment**

6. This clause repeals section 8 of the Principal Act thus abolishing the Council.

**Clause 6 - Functions**

7. This clause transfers the functions of the Council to the NRA, amends one of the existing functions to widen the scope of advice it can provide and includes two additional functions relating to uniform national procedures for control of use (within the area of responsibility of State and Territory agricultural departments) and a national compliance program, as agreed to by State and Territory Ministers.

**Clause 7 - Powers**

8. The powers of the Council are repealed.

**Clause 8 - Minister may give directions**

9. The power of the Minister to give directions to the Council is repealed as the Council is to be abolished.

**Clause 9 - Disclosure of confidential commercial information**

10. This clause re-defines the people to whom the provisions apply.

**Clause 10 - Repeal of Part IV**

11. This clause repeals Part IV of the Principal Act which refers to the membership, meetings and staff of the Council.

**Clause 11 - Delegation**

12. This clause repeals section 44 of the Principal Act covering the powers of the Council to delegate its powers and functions.

**Clause 12 - Exemption from suit**

13. The provisions of this clause have been slightly amended and now apply to the former Council and the NRA.

**Clause 13 - Annual reports**

14. These subclauses amend the Principal Act by changing provisions regarding Annual Reports and substitute the requirement that reports be submitted under subsection 63H(1) of the *Audit Act 1901*.

**Clause 14 - Other amendments**

15. This clause amends the Principal Act in ways set out in a schedule attached to the Bill. Specifically it involves the substitution of the "NRA" for the "Council".

**Clause 15 - Transitional and saving provisions**

16. Subclause (1) provides continuity by deeming that any decision, action or document issued by the Council is considered to have been made by the NRA.

17. Subclause (2) provides that any application, information or samples supplied to the Council are deemed to have been made to the NRA.

18. Subclause (3) imposes a requirement that despite the amendments of this Bill, *viz.* the replacement of the Council by the NRA, the Council still continues to exist for the purpose of providing annual reports for that period up till its replacement by the NRA.

19. Subclause (4) provides for consideration of the period for reporting in paragraph 3(a)(ii) to be considered to be a year, should it not be so.





