BILLS DIGEST

No. 48. 1995

Agricultural and Veterinary Chemicals Amendment Bill 1994
Guide to Index of Digests: Bills Digests are numbered according to the year in which they are prepared. An index, listing Bills Digests alphabetically, appears monthly.

Further Assistance:

Members, Senators and Parliamentary staff can obtained further information from the Parliamentary Research Service either from the officer identified on the last page of the Digest or from staff of the Bills Digest Service (BDS) on (06) 2772439, (06) 2772438, (06) 2772476 and (06) 2772477.

Additional copies of digests are available from the BDS on (06) 2772646. Each Digest may also be accessed readily via the Parliamentary Data Base Service (PDBS).

This Digest has been prepared for general distribution to Members of the Australian Parliament. Readers outside the Parliament are reminded that this is not an Australian Government document, but a document prepared by the Bills Digest Service and published by the Parliamentary Research Service to contribute to consideration of the issues by Members and Senators. The views expressed in this document are those of the Bills Digest Service and do not necessarily reflect those of the Parliamentary Research Service and are not to be attributed to the Department of the Parliamentary Library.
Agricultural and Veterinary Chemicals Amendment Bill 1994

Date Introduced: 7 December 1994
House: Senate
Portfolio: Primary Industries and Energy
Commencement: Royal Assent

Purpose

To extend the date for the commencement of the Agricultural and Veterinary Chemicals Act 1994.

Background

This Bill amends the Agricultural and Veterinary Chemicals Act 1994 (the Principal Act). The Principal Act provides for the application of the Agricultural and Veterinary Chemicals Code (the Code) contained in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 as a law of the Australian Capital Territory and prescribed Territories. These Acts effectively provide for the implementation of a national registration scheme for agricultural and veterinary chemicals and provide the National Registration Authority (NRA) with powers for the evaluation and registration of all agricultural and veterinary chemical products.

The Code is intended to have national application through the passage of similar legislation by the States and the Northern Territory. Five States and the Northern Territory have passed complimentary legislation.
Subsection 2(2) of the Principal Act provides:

*If this Act does not commence under subsection (1) within the period of 12 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.*

The Principal Act was assented to on 15 March 1995. As the Principal Act has not commenced operation it will commence on 16 March 1995.

The extension of the commencement date of the Principal Act proposed by the Bill is necessary because one State, Western Australia, as yet, has not passed complimentary legislation. It is necessary for all States and the Northern Territory to pass complimentary legislation in order for the proposed registration scheme for agricultural and veterinary chemicals to operate nationally. Neither the Second Reading Speech or the Explanatory Memorandum to the Bill provide any details about why Western Australia has not yet passed complimentary legislation, and when they will pass complimentary legislation.

The Chief Executive Officer of the NRA, in evidence given recently to the Senate Rural and Regional Affairs and Transport Legislation Committee, said:

> Western Australia has some administrative procedure in the upper house which means the bill has been delayed but it will be passed and it will be in before the end of the financial year.

> My understanding is it is some administrative procedure; a certain type of bill has to lie on the table of the house for so many days and that had not been factored in by Western Australia.

> There has been difficulty in getting the legislation passed by the states. The states have to pass complimentary legislation to adopt it and it perhaps has not received the highest priority in the state legislative programs.¹

**Main Provisions**

The effect of the amendment proposed by item 1 of the Schedule to the Bill is to extend the date for the commencement of the Principal Act from 16 March 1995 to 1 July 1995, if not proclaimed sooner.

**Endnotes**
