



Speech by

Hon. HENRY PALASZCZUK

MEMBER FOR INALA

Hansard 11 September 2001

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities)
(2.52 p.m.): I move—

That the bill be now read a second time.

The purpose of the Primary Industries Legislation Amendment Bill 2001 is to amend a number of pieces of legislation within the Primary Industries portfolio, as well as to repeal three other primary industry acts that are no longer relevant. For the benefit of honourable members, I will briefly outline the various amendments and then comment on the three acts to be repealed.

It is proposed to amend the Chemical Usage (Agricultural and Veterinary) Control Act 1988 in a number of respects to expedite the efficient operation of the act. This act imposes a prohibition on any person using a chemical product unless it is a product registered by the National Registration Authority for Agricultural and Veterinary Chemicals. The act aims to ensure that chemicals are used in compliance with the approved label for containers of the registered chemical product, or in accordance with the conditions of a permit issued by the authority.

Experience in enforcing offence provisions has identified implications for the continued effective operation of the act in controlling the use of agricultural and veterinary chemicals in Queensland. Through an amendment to the act it is sought to remedy any potential deficiency by making it clear that a person must use a registered chemical product in a way stated in the instructions on the approved label for containers of the product, unless particular exemptions from this obligation apply.

Another reason for the bill is to amend certain definitions under the act. It is intended to incorporate definitions of terms under the Agricultural and Veterinary Chemicals (Queensland) Act 1994, also referred to as the agvet code. Incorporation into the act of these agvet code definitions will promote consistency across national legislation and the Queensland statute book.

Amendments are proposed to the Chicken Meat Industry Committee Act 1976 to substitute annual contract registration fees in lieu of statutory levy funding for the Chicken Meat Industry Committee as agreed to by chicken meat growers and processors. The statutory levy funding arrangements for the committee had to be withdrawn last year with the repeal of the Chicken Meat Industry Committee Regulation 1989 due to doubts as to its constitutional validity. The amendment allows the CMIC to make a fee on the registration and renewal of processor-grower agreements—in other words, a contract registration fee, which will be a 'flat rate' fee as agreed with the committee on which growers and processors are represented.

An amendment is required to the Grain Research Foundation Act 1976 to replace reference to the Queensland Grain Growers Association in the section dealing with membership of the Grain Research Foundation. The QGGA no longer exists, having been absorbed into Agforce. There is currently an interim board for the foundation in place. To allow a board to be appointed for a full three-year term, the act is to be amended to allow the Minister for Primary Industries and Rural Communities to nominate persons to the foundation from an entity that represents the interests of grain producers. This will be Agforce Grains as the successor body to QGGA.

The Meat Industry Act 1993 is to be amended to insert provisions to allow the Queensland Abattoir Corporation to be formally wound up by the administrator who is running the affairs of the

corporation. The corporation is no longer competing as a state-owned business against the private sector. An orderly divestment strategy, as approved by the government in its first term, is under way. The act does not presently contain formal winding up provisions, and the provisions I propose to insert are usual for a statutory body of this type. It is also necessary to extend the life of the act, which currently 'sunssets' on 1 January 2002, for a further 12 months to allow the administrator to complete the tasks required before winding up, as well as to complete the actual winding up process.

The purpose of the amendment to the Plant Protection Act 1989 is to clarify a definition for the purposes of certification under the Interstate Certification Assurance Scheme. To ensure that an offence provision will achieve its intended purpose, it is proposed to amend the definition of 'acceptable assurance certificate' to remove any doubt that an acceptable assurance certificate is one given by an accredited person in accordance with the conditions of the person's accreditation.

Amendments are proposed in respect of the Sugar Industry Act 1999 to expedite the process of decision making of cane production boards. The issue here relates to the time that can be taken by CPBs to make decisions on matters within their legislative responsibility. Under the act as it now stands, growers are unable to exercise appeal rights under the act until a CPB decision is made. To address this situation, the act is to be amended to enable a grower to appeal against a failure by a CPB to make a decision.

Amendments are proposed to the Timber Utilisation and Marketing Act 1987 to extend the period within which proceedings may be commenced for prosecuting breaches of the act. The extension of time is necessary as a number of potential prosecutions under the act in the past have not been able to proceed due to the present requirement that proceedings must be commenced within one year of the offence being committed or six months of the offence coming to the knowledge of the complainant. Often, the six-month time limit did not allow sufficient tests to be completed to assess whether timber infestation had occurred. The extension of time to one year will remedy that situation to allow better enforcement of the act. The amendments will provide better protection for consumers with regard to controlling marketing and use of termite susceptible timbers.

The Veterinary Surgeons Act 1936 is to be amended to take account of a review of the act conducted under the requirements of the national competition policy. The Veterinary Surgeons Act Review Committee conducted the required public benefit test and came up with a unanimous set of recommendations, which are to:

- retain the provision for registration of veterinary surgeons with acceptable qualifications;
- maintain an amended list of prohibited practices and review the list of exempted procedures;
- remove the restriction on ownership of veterinary practices;
- remove the restriction on advertising from the legislation; and
- retain the controls on veterinary premises in the legislation but relinquish control on the use of business names.

The amendments in the bill give effect to the review committee's recommendations. By removing the restriction on advertising, veterinary surgeons will be able to advertise fees for veterinary services. By removing the restriction on ownership of practices, non-veterinarians and welfare organisations will be able to own veterinary practices in their own right and joint ownership ventures will, for example, allow non-veterinarians to provide capital to veterinarians to assist in the expense of setting up veterinary practices.

To ensure that the operation of veterinary premises remains of the highest standards, the amendments also provide that a veterinary practice can only operate from veterinary premises approved by the board. The current provisions relating to the approval process have been modernised to incorporate procedural fairness and a better board decision making model. To ensure that non-veterinarian owners respect the professional ethics of the veterinary surgeons they employ, it will be an offence for a person in control of a veterinary premises to direct a veterinary surgeon to practise veterinary science in a manner that constitutes professional misconduct. The prohibited practices provisions have been reviewed and redrafted as separate offence provisions.

During the review, welfare and veterinary organisations provided a valid argument against the removal of restrictions on prohibited practices, especially on animal welfare grounds. The prohibited practice offences that have been maintained include the prohibition of any person without recognised qualifications performing acts of veterinary science or holding themselves out to be veterinary surgeons.

The term 'veterinary science' will replace the existing definition of 'veterinary surgery'. This amendment reflects current academic thought on describing the body of knowledge and procedures relating to veterinary surgery and medicine. The provision also provides that a regulation may declare some animal husbandry and dentistry procedures not to be veterinary science so that such procedures may be performed by lay providers.

The review committee considered that the current exempted procedures should be reviewed. The regulation containing exempted procedures is to be amended to reflect the results of this review. Several other procedural amendments are to be made, including amending the constitution of the board, incorporating the trans-Tasman mutual recognition principles. In addition, the act has been amended to increase the membership of the board from five to six. This allows for the appointment of a lay person to the board to give the board a consumer perspective. Other amendments provide the board with powers to improve and modernise meeting procedure.

Also, at the request of the Auditor-General, the act is to be amended to clarify the status of the Veterinary Surgeons Board. The board has traditionally been seen, in an accounting sense, as part of the Department of Primary Industries, and hence its accounts have been consolidated within the department's accounts and included in the department's annual report. Up until now, the act has been silent as to whether the board was to be regarded as a separate statutory body for the purposes of the Financial Administration and Audit Act 1977. The amendment will make it clear that the board is not a separate body so that the board's accounts will continue to be consolidated within the DPI's accounts for auditing purposes. If the board was required to operate separately from the department, annual registration fees on veterinary surgeons would need to increase. Fortunately, that has been avoided.

I turn now to the three acts to be repealed. It is proposed to repeal the Wheat Marketing (Facilitation) Act 1989, which is no longer required due to the privatisation, at Commonwealth level, of the Australian Wheat Board, which is now AWB Limited. The act was originally put in place because the AWB, when it was a statutory body, needed authority under state legislation to underpin intrastate grain trading activities by the board. Interstate and export activities were covered in a constitutional sense by the Commonwealth act which established the AWB. Now that the organisation has been incorporated as the corporations law company, AWB Limited, it does not need state facilitating legislation, and the Wheat Marketing (Facilitation) Act 1989 no longer fills a purpose. I must stress that the repeal of this act does not in any way affect the status of Queensland's important 'reserve powers' for wheat marketing which are set out in another act, namely, the Grain Industry (Restructuring) Act 1991. That act is not being touched in this bill.

Finally, it is proposed to repeal the redundant Dairy Adjustment Program Act 1976 and the Dairy Adjustment Program Agreement Act 1977. These acts relate to dairy adjustment measures of the 1970s which have been completed and have nothing whatsoever to do with the Commonwealth-induced deregulation of the dairy industry which happened on 1 July last year.

This bill certainly covers a lot of ground. However, none of the amendments or repeals are controversial, and they all deserve the support of both sides of the parliament. I commend the bill to the House.
