



Speech by

Hon. R. WELFORD

MEMBER FOR EVERTON

Hansard 11 December 2001

CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (12.56 p.m.), in reply: I thank the opposition for its support, and the opposition spokesperson and the member for Indooroopilly for their comments. As I indicated in my second reading speech made when the bill was introduced, it is of a machinery nature but it performs a very important function, namely, it addresses a constitutional problem that arose in the High Court case of the *Crown v. Hughes*. There have been a number of cases since where constitutional challenges have been raised in respect of the exercise by Commonwealth officers of powers under state legislation. This legislation provides the legal foundation for the continuation of those cooperative schemes, that is, national legal regimes established by each state and the Commonwealth all passing what are in effect identical laws.

Until the *Hughes* case, it was assumed that the authority of Commonwealth officers and state officers was mutual, but that was clearly found not to be the case under the Commonwealth Constitution. Therefore, legislation to remedy that situation has needed to be introduced not only in this state but in all states. The two particular elements of Commonwealth cooperative schemes that this legislation supports include the National Registration Scheme for Agricultural and Veterinary Chemicals, as the member for Southern Downs and member for Indooroopilly mentioned, but more importantly, in respect of my portfolio relating to criminal justice matters, the role of the National Crime Authority.

The National Crime Authority frequently is involved in joint operations with Queensland law enforcement authorities. It would be ludicrous for those joint operations to be jeopardised by virtue of the outcome of the High Court case or for any actions undertaken to date by National Crime Authority officers in conjunction with Queensland crime fighters to be set aside in any subsequent proceedings.

This legislation validates the actions, administrative and otherwise, that have been taken by authorities to date. In that respect, it is relatively straightforward legislation, but in the national scheme of things it is a very important piece of legislation. For that reason, the government has not only brought this forward but is also most grateful that the opposition has recognised the importance of restoring the situation that existed previously.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr WELFORD: Before lunch I was concluding my remarks in relation to the Co-operative Schemes (Administrative Actions) Bill 2001. The matters in relation to this bill have been canvassed by other members and myself. Once again I thank opposition members for their cooperation on this matter. I am always comforted by the assistance of the member for Southern Downs in passing good law. I hope he keeps up his record. In fact, it is so common now that I am starting to wonder whether I am doing the right thing. That concludes my comments on the second reading of this bill.
