



Speech by

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CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL

Mr LEE (Indooroopilly—ALP) (12.52 p.m.): Today I have great pleasure in rising to speak, albeit briefly, on the Co-operative Schemes (Administrative Actions) Bill 2001. This is a bill designed to clean up some of the uncertainty in this area that has resulted as a direct consequence of the High Court's decision in the *Queen v. Hughes* in the year 2000. The Hughes decision had a direct impact upon the ability of Commonwealth authorities or officers to exercise powers and to perform functions and duties under state laws in relation to intergovernmental legislative schemes such as the cooperative scheme for agricultural and veterinary chemicals and the cooperative scheme for the operation of the National Crime Authority.

Also, the bill will ensure that functions or powers are not imposed upon Commonwealth authorities and officers in connection with administrative actions under the schemes if their imposition would exceed the legislative powers of the state. The bill validates any such previous invalid administrative action.

The bill represents a legislative response to the Hughes decision and will validate any previous invalid administrative actions, notably those under the agvet registration scheme and the National Crime Authority scheme. The bill has been consulted widely in the community and has achieved a great deal of support. However, today I wish to note in particular part 2 of the bill, which validates past invalid administrative actions. There has been a potential for a breach of a fundamental legislative principle, which was that legislation should not be applied retrospectively. However, in this case we have a very real situation where the application of the bill retrospectively will actually work towards removing a great deal of community uncertainty. I feel that is essential to the functioning of things such as the NRS and the NCA.

The national NRS and the NCA cooperative schemes have been operating for several years on the assumption that these schemes have a sound constitutional footing. It was only as a direct result of the Hughes decision that it was discovered that they did not, and this bill is very necessary to overcome what are some quite significant consequences that might otherwise result from a potential determination that administrative actions of Commonwealth authorities and officers under the schemes might be invalid. Further, clause 8 provides that the bill has no effect on the rights or liabilities of parties to proceedings that have been heard and determined. For these reasons, I commend the state Attorney for bringing this bill into the House and I am very glad to support it.
