



# Agricultural and Veterinary Chemicals Amendment Act 1992

No. 263 of 1992

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## An Act to amend the *Agricultural and Veterinary Chemicals Act 1988*, and for related purposes

[Assented to 24 December 1992]

The Parliament of Australia enacts:

### Short title etc.

1.(1) This Act may be cited as the *Agricultural and Veterinary  
Chemicals Amendment Act 1992*.

5 (2) In this Act, “**Principal Act**” means the *Agricultural and Veterinary  
Chemicals Act 1988*<sup>1</sup>.

### Commencement

2. This Act commences on the same day as the *Agricultural and  
Veterinary Chemicals (Administration) Act 1992*.

### 10 Interpretation

3.(1) Section 4 of the Principal Act is amended by omitting from  
subsection (1) the definitions of “Chemicals Co-ordinator” and  
“Council”.

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(2) Section 4 of the Principal Act is amended by omitting from subsection (1) the definitions of “committee” and “member” and substituting the following definitions:

“ ‘committee’ means a committee of the NRA;

‘member’ means a person who was a member of the former Council and includes a person who was the Chairperson of the former Council;”.

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(3) Section 4 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“ ‘Chairperson’ means Chairperson of the NRA;

‘member of the staff’, in relation to the NRA, has the same meaning as in the *Agricultural and Veterinary Chemicals (Administration) Act 1992*;

‘NRA’ means the National Registration Authority for Agricultural and Veterinary Chemicals established by section 6 of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*;”.

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**Heading**

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4. The heading to Part II is repealed and the following heading is substituted:

**“PART II—FUNCTIONS OF NRA”.**

**Establishment**

5. Section 8 of the Principal Act is repealed.

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**Functions**

6. Section 9 of the Principal Act is amended:

(a) by omitting “functions of the Council are” and substituting “functions of the NRA include the following”;

(b) by omitting from paragraph (h) “Council’s” and substituting “NRA’s”;

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(c) by omitting paragraph (j) and substituting the following paragraph:

“(j) when requested by the Minister, or on its own initiative, to report to or advise the Minister on any matter or issue relating to agricultural and veterinary chemicals or arising in the course of the performance of its functions;”;

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(d) by adding at the end the following paragraphs:

“(l) to encourage and facilitate the introduction of uniform national procedures for the control of the use of agricultural and veterinary chemical products;

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(m) to co-ordinate a program funded by the NRA that is designed to ensure compliance with the laws of the States and the Northern Territory relating to the formulation and labelling of agricultural and veterinary chemical products.”.

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**Powers**

7. Section 10 of the Principal Act is repealed.

**Minister may give directions**

8. Section 11 of the Principal Act is repealed.

5 **Disclosure of confidential commercial information**

9. Section 20 of the Principal Act is amended:

(a) by omitting from subsections (1) and (3) “a member or member of the staff of the Council or a member of a committee,” and substituting “a person to whom this section applies”;

10 (b) by adding at the end of subsection (10) the following definition:

“‘person to whom this section applies’ means:

(a) a member of the former Council; or

(b) a member of the staff of the former Council; or

(c) a member of a committee of the former Council; or

15 (d) a director of the NRA; or

(e) the Chief Executive Officer of the NRA; or

(f) a member of the staff of the NRA; or

(g) a consultant to the NRA; or

(h) a member of a committee of the NRA.”.

20 **Repeal of Part IV**

10. Part IV of the Principal Act is repealed.

**Delegation**

11. Section 44 of the Principal Act is repealed.

25 12. Section 45 of the Principal Act is repealed and the following section is substituted:

**Exemption from suit**

“45.(1) No action or proceeding lies against the Commonwealth or a person to whom this section applies for any loss or injury directly or indirectly sustained:

30 (a) because of the use of a chemical product in respect of which a clearance has been granted by the former Council or by the NRA; or

35 (b) because of an inability to use, or to use in a particular manner, a chemical product in respect of which a clearance, or a clearance permitting its use in that particular manner, has been refused by the former Council or the NRA.

“(2) If an action has, whether before or after the commencement of this section, been instituted against a person responsible for the manufacture, distribution or sale of a chemical product in respect of

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which a clearance has been granted by the former Council or the NRA in relation to an injury directly or indirectly sustained because of the use of that product, it is not a defence to that action that a clearance was so granted in respect of the product.

“(3) In this section:

‘person to whom this section applies’ means:

- (a) a member of the former Council; or
- (b) a member of the staff of the former Council; or
- (c) a member of a committee of the former Council; or
- (d) a director of the NRA; or
- (e) the Chief Executive Officer of the NRA; or
- (f) a member of the staff of the NRA; or
- (g) a consultant to the NRA; or
- (h) a member of a committee of the NRA.”.

**Annual reports**

**13.(1)** Section 47 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) The NRA must give to the designated Minister in respect of each scheme participant a copy of each report prepared by the NRA under subsection 63H(1) of the *Audit Act 1901*.”.

(2) Section 47 of the Principal Act is amended by omitting from subsections (2) and (3) “under this section” and substituting “under subsection 63H(1) of the *Audit Act 1901*”.

(3) Section 47 of the Principal Act is amended by omitting subsections (4) and (5).

**Other amendments**

**14.** The Principal Act is amended as set out in the Schedule.

**Transitional and saving provisions**

**15.(1)** Any clearance granted, notice or report given, requirement made, or other act or thing done, by or on behalf of the former Council under the Principal Act is taken for the purposes of the Principal Act (other than section 45) as amended by this Act to have been granted, given, made or done by the NRA.

(2) Any application made, notice or information given or samples supplied to, or any other act or thing done in relation to, the former Council under the Principal Act is taken for the purposes of the Principal Act as amended by this Act to have been made, given or supplied to, or done in relation to, the NRA.

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**(3)** Despite the amendments made by this Act:

(a) the former Council continues in existence for the purpose of preparing and giving reports under section 47 of the Principal Act:

5           (i) in respect of the year that ended on 30 June 1992; and

          (ii) in respect of the period that commenced on 1 July 1992 and ended immediately before the commencement of this Act; and

10       (b) the Principal Act continues to apply to the extent necessary to enable the former Council to prepare and give the reports referred to in paragraph (a).

**(4)** For the purposes of section 47 of the Principal Act, the period referred to in subparagraph (3)(a)(ii) is taken to be a year.

**SCHEDULE**

Section 14

**OTHER AMENDMENTS**

Provisions Amended	Amendments
Sections 12 to 17	Omit "Council" (wherever occurring), substitute "NRA".
Section 18	Omit "Council", substitute "NRA".
Section 19	Omit "Council" (wherever occurring), substitute "NRA".
Subsections 20(6) and (7)	Omit "Council" (wherever occurring), substitute "NRA".
Sections 22, 35 and 36	Omit "Council" (wherever occurring), substitute "NRA".
Section 37	Omit "Council", substitute "NRA".
Section 38	Omit "Council" (wherever occurring), substitute "NRA".
Subsection 40(5)	Omit "Council", substitute "NRA".
Sections 41, 43 and 45	Omit "Council" (wherever occurring), substitute "NRA".
Sections 46 and 47	Omit "Council" (wherever occurring), substitute "NRA".
Paragraph 49(2)(a)	Omit "Council", substitute "NRA".

**NOTE**

1. No. 91, 1988, as amended. For previous amendments, see No. 21, 1990.

**NOTE ABOUT SECTION HEADINGS**

1. On the commencement of this Act, headings to sections 14, 19 and 22 are amended by omitting "Council" and substituting "NRA".

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*[Minister's second reading speech made in—  
House of Representatives on 3 November 1992  
Senate on 10 November 1992]*