

Queensland



**AGRICULTURAL AND
VETERINARY CHEMICALS
(QUEENSLAND)
AMENDMENT ACT 2001**

Act No. 97 of 2001

Queensland



AGRICULTURAL AND VETERINARY CHEMICALS (QUEENSLAND) AMENDMENT ACT 2001

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Queensland



**Agricultural and Veterinary Chemicals
(Queensland) Amendment Act 2001**

Act No. 97 of 2001

**An Act to amend the *Agricultural and Veterinary Chemicals
(Queensland) Act 1994***

[Assented to 19 December 2001]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Agricultural and Veterinary Chemicals (Queensland) Amendment Act 2001*.

2 Commencement

This Act commences immediately before the *Co-operative Schemes (Administrative Actions) Act 2001*, section 4(1) commences.

3 Act amended

This Act amends the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*.

4 Amendment of s 3 (Definitions)

Section 3—

insert—

‘“confer” includes impose.’.

5 Replacement of pt 5 (Application of Commonwealth administrative laws to Agvet Code and Agvet Regulations of this jurisdiction)

Part 5—

omit, insert—

‘PART 5—APPLICATION OF COMMONWEALTH ADMINISTRATIVE LAWS TO AGVET CODE AND AGVET REGULATIONS OF THIS JURISDICTION

‘15 Object of pt 5

‘The object of this part is to help ensure the Agvet Code of this jurisdiction and the Agvet Code of each other jurisdiction are administered on a uniform basis.

‘16 Application of Commonwealth administrative laws in relation to applicable provisions

‘(1) The Commonwealth administrative laws apply as laws of this jurisdiction to any matter arising in relation to the applicable provisions of this jurisdiction as if the provisions were laws of the Commonwealth and were not laws of this jurisdiction.

‘(2) The provisions of the Agvet Code of this jurisdiction that require the NRA to give brief particulars of reasons for decisions do not affect the obligations of the NRA under the *Administrative Appeals Tribunal Act 1975* (Cwlth), section 28, as that section applies as a law of this jurisdiction under subsection (1).

‘(3) The provisions of the Agvet Code of this jurisdiction that relate to the disclosure of confidential commercial information do not affect the operation of the *Freedom of Information Act 1982* (Cwlth) as that Act applies as a law of this jurisdiction under subsection (1).

‘(4) For a law of this jurisdiction, a matter arising in relation to the applicable provisions of this jurisdiction is taken—

- (a) to be a matter arising in relation to laws of the Commonwealth in the same way as if the provisions were laws of the Commonwealth; and
- (b) not to be a matter arising in relation to laws of this jurisdiction.

‘(5) Subsection (4) has effect except as prescribed by a regulation under section 32.

‘17 Functions and powers conferred on Commonwealth officers and authorities

‘(1) A Commonwealth administrative law applying because of section 16 that confers on a Commonwealth officer or authority a function or power also confers on the officer or authority the same function or power in relation to a matter arising in relation to an applicable provision of this jurisdiction.

‘(2) In performing a function or exercising a power conferred under subsection (1), the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in performing or exercising the same function or power under the Commonwealth administrative law.

‘18 Reference in Commonwealth administrative law to a provision of another law

‘For section 16, a reference in a Commonwealth administrative law to a provision of that or another Commonwealth administrative law is taken to be a reference to the provision as applying because of section 16.

‘19 Construction of references to Part IVA of Commonwealth AAT Act

‘For section 16, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* (Cwlth) (as the provision applies as a law of this jurisdiction) to the whole or any part of Part IVA¹ of that Act is taken to be a reference to the whole or any part of that part as it has effect as a law of the Commonwealth.’

6 Insertion of new ss 28A and 28B

After section 28—

insert—

‘28A Inspectors and analysts

‘(1) This section applies for each person as follows (an “**officer**”)—

¹ *Administrative Appeals Tribunal Act 1975* (Cwlth), part IVA (Appeals and references of questions of law to the Federal Court of Australia)

- (a) an inspector appointed under the Agricultural and Veterinary Chemicals (Administration) Act, section 69F(1);
- (b) an analyst approved under the Agricultural and Veterinary Chemicals (Administration) Act, section 69G.

‘(2) An officer has, for a matter arising in relation to an applicable provision of this jurisdiction, the functions and powers conferred or expressed to be conferred on him or her under the applicable provisions of this jurisdiction.

‘28B Validation of actions of inspectors and analysts

‘(1) In this section—

“**officer**” means an officer as defined under section 28A.

“**relevant section**” means the *Agricultural and Veterinary Chemicals (Queensland) Amendment Act 2001*, section 5.²

“**relevant time**”, in relation to a thing, means the time at which the thing was done or omitted to be done or purported to have been done or omitted to be done.

‘(2) Anything done or omitted to be done by an officer before the commencement of the relevant section that would have been validly done or omitted had the relevant section come into operation before the relevant time has, and is taken always to have had, the same force and effect as it would have had if the relevant section had come into operation before the relevant time.³’.

7 Insertion of new pt 11

After part 10—

insert—

² *Agricultural and Veterinary Chemicals (Queensland) Amendment Act 2001*, section 5 (Replacement of part 5 (Application of Commonwealth administrative laws to Agvet code and Agvet regulations of this jurisdiction))

³ See also the *Co-operative Schemes (Administrative Actions) Act 2001*, part 2 (Validation of invalid administrative actions).

‘PART 11—TRANSITIONAL PROVISIONS

‘36 Transitional provision for Agricultural and Veterinary Chemicals (Queensland) Amendment Act 2001

‘(1) Replacement part 5 applies in relation to matters arising in relation to the applicable provisions of this jurisdiction, and decisions made or other things done or omitted to be done under the Commonwealth administrative laws relating to the matters, before, on or after the commencement of that part.

‘(2) In this section—

“replacement part 5” means part 5, as inserted by the *Agricultural and Veterinary Chemicals (Queensland) Amendment Act 2001*.’.

SCHEDULE

MINOR AMENDMENTS

section 3

1 Section 3, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.

2 Section 3, definitions, as amended by this Act—

relocate to the schedule as inserted by this Act.

3 Section 32, heading—

omit, insert—

‘32 Regulation-making power’.

4 Insertion of schedule

After part 11, as inserted by this Act—

insert—

‘SCHEDULE

‘DICTIONARY

section 3’.