

CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL 2001

Introduction and First Reading

Bill introduced, on motion by Hon N.D. Griffiths (Minister for Racing and Gaming), and read a first time.

Second Reading

HON N.D. GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [10.05 pm]: I move -

That the Bill be now read a second time.

I have already indicated that the recent High Court decisions in *Wakim* and *Hughes* have cast doubt on the constitutional framework that supports the cooperative Corporations Law scheme. These decisions, particularly *Hughes*, also cast doubt on the constitutional framework supporting other cooperative schemes entered into between Western Australia and the Commonwealth.

The effect and purpose of the Co-operative Schemes (Administrative Actions) Bill 2001, which relates to commonwealth-state cooperative schemes, is similar to that of the Corporations (Administrative Actions) Bill 2001, which deals only with corporations. The main difference between these Bills is that the Bill dealing only with corporations does not need to operate in the future. This is because corporations will be the subject of commonwealth legislation while other cooperative schemes will continue to rely on state law.

The purpose of the Co-operative Schemes (Administrative Actions) Bill is to validate past actions undertaken by commonwealth officers or authorities under certain state laws relating to various cooperative schemes. It does this, to the extent necessary, to give these commonwealth actions the same effect they would have had if they had been carried out by duly authorised state officers or authorities. The Bill will ensure that the rights of all persons are the same as they would have been if the administrative actions taken by the commonwealth officers had been validly exercised by state officers.

The Bill applies specifically to the national registration scheme for agricultural and veterinary chemicals. This national scheme provides a uniform national assessment and approval system for agricultural and veterinary chemicals. It is adopted in Western Australia under the Agricultural and Veterinary Chemicals (Western Australia) Act 1995. This is done by applying as a law of Western Australia the Agvet Code, which is set out in the Commonwealth's Agricultural and Veterinary Chemicals Code Act 1994. The Agvet Code provides a uniform regulatory system for agricultural and veterinary chemicals, including clearance, registration, standards, permits and enforcement procedures.

The operation of the Bill may be extended to other cooperative schemes that may be affected by the Hughes case. In relation to the schemes to which it applies, the Bill has two principal objects: first, the Bill will validate actions undertaken by commonwealth officers before this Bill commenced operation by reason of that scheme; and, secondly, the Bill protects future actions undertaken by those commonwealth officers by ensuring that they are under no duty to perform functions under the scheme. This will avoid Hughes problems.

The Co-operative Schemes (Administrative Actions) Bill will continue to give certainty to the effective operation of various cooperative schemes to which Western Australia is a party.

I commend the Bill to the House.

Debate adjourned, on motion by Hon B.K. Donaldson.