

# **Agricultural Acts (Further Amendment) Bill**

## **EXPLANATORY MEMORANDUM**

### **PART 1—PRELIMINARY**

*Clause 1* states the purpose of the Act which is to make a series of amendments to various Acts relating to agricultural matters.

*Clause 2* states that the Act comes into operation on a day or days to be proclaimed.

### **PART 2—AMENDMENTS TO *DAIRY INDUSTRY ACT 1984***

*Clause 3* inserts a new provision into the Act which deals with the use of samples in legal proceedings.

*Clause 4* provides for a certificate of certain tests to be accepted as evidence in legal proceedings.

*Clause 5* enables regulations to be made dealing with the cleanliness of dairy produce containers.

### **PART 3—AMENDMENTS TO THE *BARLEY MARKETING ACT 1958***

*Clause 6* inserts a definition of 'hedging' in relation to futures trading by the Barley Marketing Board.

*Clause 7* provides that claims cannot be made against the Board under any right arising from a bill of sale or similar instrument over barley delivered to the Board.

*Clause 8* extends the term of the Act for a further five years.

### **PART 4—AMENDMENTS TO THE *DRIED FRUITS ACT 1958***

*Clause 9* amends the Act to provide for the remuneration and allowances of members of the Dried Fruits Board to be fixed by Governor in Council, rather than by regulation. Allowances may be fixed by reference to determinations under the *Public Service Act 1974*.

*Clause 10* provides for an increase in the contributions made by packing houses to be fixed by Governor in Council and for such contributions to be paid into a special fund, rather than into the Consolidated Fund. The latter reflects the situation prior to the enactment of the *Public Account (Trust Fund) Act 1982*. The provisions relating to the approval of estimates are also amended to simply require Ministerial approval.

*Clause 11* provides that the Board is only required to supply a copy of its annual report to a grower upon request.

*Clause 12* provides that approvals relating to the registration of packing houses are to be given by the Minister rather than by the Governor in Council.

*Clause 13* provides for fees relating to the registration of packing houses to be fixed by the Governor in Council. At present such fees are set by statute.

*Clause 14* provides a power of delegation for the Minister and the Board.

*Clause 15* omits all remaining references to dehydrators from the Act. The Board no longer makes requirements relating to dehydrators.

*Clause 16* amends the regulation-making power to remove the ability to prescribe requirements relating to the cleanliness of persons handling dried fruit.

#### **PART 5—AMENDMENTS TO *ABATTOIR AND MEAT INSPECTION ACT 1973***

*Clause 17* is a housekeeping amendment to reflect the change in position description of the Director-General.

*Clause 18* amends the powers of inspectors to enable inspectors to take samples of any meat, carcass or animal.

*Clause 19* provides for approved sampling and testing programs for chemical residues to be carried out in meat establishments.

*Sub-clause 1* defines the term “approved laboratory” to mean a laboratory that has entered into an arrangement for the delivery of test results to the Chief General Manager.

*Sub-clause 2* provides for the Chief General Manager to direct, by notice in writing, that specified tests be carried out by an approved laboratory on any animal, meat or carcass in a meat establishment. Provision is also made for certain additional matters to be included in the notice.

*Sub-clause 3* requires a copy of the notice to be served on the owner of the meat establishment.

*Sub-clause 4* provides for the manner of service of a notice.

*Clause 20* requires the manager of the meat establishment to comply with the requirements of the notice.

*Clause 21* enables the Chief General Manager to delegate his or her powers, duties and functions.

#### **PART 6—AMENDMENTS TO THE *STOCK DISEASES ACT 1968***

*Clause 22* amends the Act to enable the presence in stock of chemical residues to be declared a disease for the purposes of the Act.

*Clause 23* makes certain amendments to the provisions of the Act dealing with the making of Orders to complement the new definition of disease, to enable a new type of area to be declared and to specify the matters that can be contained in an Order.

*Clause 24* amends an offence provision relating to the sale, transport and handling of stock so that it is compatible with the expanded definition of disease.

*Clause 25* increases the maximum penalties for offences against the Act.

#### **PART 7—AMENDMENTS TO *PREVENTION OF CRUELTY TO ANIMALS ACT 1986***

*Clause 26* inserts a new provision dealing with the debarking of dogs. Debarking will only be permitted if done in accordance with a Code of Practice.

*Clause 27* corrects a minor drafting error.

*Clause 28* provides that animals from a municipal pound can be used for the purposes of scientific research, but only in accordance with conditions about obtaining such animals contained in a Code of Practice.

## **PART 8—AMENDMENTS TO *ANIMAL PREPARATIONS ACT 1987***

*Clause 29* amends the provision dealing with the prohibition of animal preparations to clarify that an Order can ban the use of a prohibited substance where no sale is involved.

*Clause 30* amends the provisions dealing with permits for prohibited or unregistered animal preparations to provide that a permit can allow sale or use, rather than purchase and use.

*Clause 31* alters the membership provisions of the Animal Preparations Board to include an extra member selected by the Minister from a panel of names submitted by an organization representing users of animal preparations.

*Clause 32* provides for the powers of authorised officers to be spelt out in the legislation, rather than in regulations, and spells out those powers.

## **PART 9—AMENDMENTS TO *CATTLE COMPENSATION ACT 1967***

*Clause 33* removes a superfluous 'or' which appears in the definition of the term 'disease'.

*Clause 34* increases the maximum amount payable to compensate owners of diseased stock ordered to be destroyed.

*Clause 35* enables money in the Cattle Compensation Fund to be used to assist in financing the cattle identification program.

## **PART 10—AMENDMENTS TO *FRUIT AND VEGETABLES ACT 1958***

*Clause 36* enables Orders relating to fruit and vegetables made under Commonwealth Export Control (Orders) Regulations to be incorporated in the regulations.

## **PART 11—AMENDMENTS TO THE *MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST ACT 1977***

*Clause 37* increases by one the number of persons appointed as members to the Trust and specifies the skills required of certain members.

*Clause 38* provides that an Order of the Governor in Council fixing travelling and other allowances of members of the Trust and advisory committees may fix such allowances by reference to determinations under the *Public Service Act 1974*.

*Clause 39*

*Sub-clause (1)* provides that any Trust dealings in land, other than Crown land, are to be approved by the Minister, rather than by the Governor in Council.

*Sub-clause (2)* amends the functions of the Trust to ensure that it can plan and provide for the future needs of the market.

*Sub-clause (3)* inserts a new sub-section, the main purpose of which is to clarify the operation of section 34 of the *Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977*. It provides that land acquired by the Trust for its future needs must only be declared to be market land when required for present needs, but is otherwise subject to the Act.

*Clause 40* deals with the borrowing powers of the Trust.

*Paragraph (a)* replaces the statutory defined limit on borrowing and replaces it with a ceiling fixed by the Minister with the approval of the Treasurer.

*Paragraph (b)* removes the need for the approval of the Governor in Council to be obtained, in addition to that of the Treasurer, for certain aspects of borrowing by the issue of debentures and inscribed stock.

**PART 12—AMENDMENTS TO *CANNED FRUITS MARKETING ACT 1979***

*Clause 41* extends the application of the *Canned Fruits Marketing Act 1979* for one year.