

First print



New South Wales

Primary Industries Legislation Amendment Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Apiaries Act 1985*:
 - (i) to simplify the process of registration for beekeepers, and
 - (ii) to extend the powers of the Director-General with respect to the removal or destruction of apiaries or beehives from or on land where the keeping of bees is prohibited or restricted, and
 - (iii) to allow inspectors to issue permits authorising the movement or keeping of bees, beehives, apiary products or appliances that would otherwise contravene that Act, and
- (b) to amend the *Fisheries Management Act 1994* to make further provision with respect to the powers of fisheries officers to require information for the purposes of that Act, including the production of records relating to commercial fishing activities and the power to require persons to provide information and answer questions, and

- (c) to amend the *Stock Foods Act 1940*:
 - (i) to remove exemptions that allow a person to sell stock food (whether in packages or in bulk) without providing information about that stock food either on the packaging or in a written statement with the delivery of bulk stock food, and
 - (ii) to allow the Director-General to delegate the authorisation of inspectors and analysts under that Act, and
- (d) to amend the *Stock Medicines Act 1989*:
 - (i) to allow veterinary practitioners to use low-risk animal pesticide products in a manner contrary to the usage instructions on the products, and
 - (ii) to ensure that unregistered stock medicines are prohibited for use on stock that is a member of a food-producing species, and
 - (iii) to clarify the responsibility of veterinary practitioners to keep records in relation to the use of restricted substances on food producing species of stock, and
 - (iv) to remove unnecessary regulatory requirements relating to the taking of samples, the manner of advertising of notices and the form of certificates issued by analysts, and
- (e) to make a minor amendment to the *Pesticides Act 1999* as a consequence of the changes to the *Stock Medicines Act 1989*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act, except for Schedule 1 [1]–[6], [10], [11] and [14] which commence on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Apiaries Act 1985 No 16

Schedule 1 [2] replaces sections 7–13 of the *Apiaries Act 1985* to simplify the process of registration for beekeepers. **Schedule 1 [1], [10] and [11]** make consequential amendments.

Proposed section 7 provides that a person may apply to the Director-General for registration as a beekeeper.

Proposed section 8 provides that registration as a beekeeper is subject to the conditions prescribed by the regulations and such other conditions as may be imposed by the Director-General.

Proposed section 9 provides that registration as a beekeeper may be granted for a period not exceeding 2 years.

Proposed section 10 provides for the suspension of a person's registration as a beekeeper.

Proposed section 11 provides for the cancellation of a person's registration as a beekeeper.

Proposed section 12 provides for the renewal of a person's registration as a beekeeper.

Proposed section 13 requires the Director-General to keep a register of beekeepers.

Schedule 1 [3] replaces the existing requirements relating to the identification of beehives with a provision that requires beehives to be identified with the registered beekeeper's registration number and in accordance with the conditions of the beekeeper's registration. **Schedule 1 [4]–[6]** make consequential amendments.

Schedule 1 [7] clarifies the matters that may be included in a direction to remove an apiary or beehive. That Schedule also provides that a person who is ordered to move an apiary or beehive may destroy the apiary or beehive and the person by doing so is taken to have complied with the order.

Schedule 1 [8] makes it clear that the Director-General may authorise the removal or destruction of an apiary or one or more beehives if a beekeeper has failed to comply with a requirement that the apiary or beehives be removed, or has moved the apiary or beehives to premises on which the keeping of bees is prohibited.

Schedule 1 [9] gives effect to the object set out in paragraph (a) (iii) of the Overview above.

Schedule 1 [12] makes a minor amendment in the nature of statute law revision.

Schedule 1 [13] allows for the making of regulations of a savings or transitional nature as a consequence of the amendment of the *Apiaries Act 1985*.

Schedule 1 [14] enacts provisions of a savings and transitional nature as a consequence of the amendment made by **Schedule 1 [2]**.

Schedule 2 Amendment of Fisheries Management Act 1994 No 38

Schedule 2 [1]–[5] give effect to the object set out in paragraph (b) of the Overview above.

Schedule 2 [6] and [7] remove provisions that apply in respect of information, or answers to questions, required by a fisheries officer, such as the provision that states that a person is not excused from providing information or answering a question on the grounds that the information or answer might incriminate the person. Those provisions continue to apply in respect of requests for information that is reasonably required for the purposes of Part 7 and Part 7A of the *Fisheries Management Act 1994*.

Schedule 2 [8] allows for the making of regulations of a savings or transitional nature as a consequence of the amendment of the *Fisheries Management Act 1994*.

Schedule 3 Amendment of Pesticides Act 1999 No 80

Schedule 3 amends the *Pesticides Act 1999* as a consequence of the amendment made by **Schedule 5 [2]**.

Schedule 4 Amendment of Stock Foods Act 1940 No 19

Schedule 4 [1] and [2] give effect to the object set out in paragraph (c) (i) of the Overview above.

Schedule 4 [3] gives effect to the object set out in paragraph (c) (ii) of the Overview above.

Schedule 4 [4] enables the making of regulations of a savings or transitional nature as a consequence of the amendment of the *Stock Foods Act 1940*.

Schedule 5 Amendment of Stock Medicines Act 1989 No 182

Schedule 5 [2] defines the term *stock medicine* for the purposes of the *Stock Medicines Act 1989* as being a veterinary chemical product (within the meaning of the Agvet Code) other than a veterinary chemical product that is represented as being suitable for, or is manufactured, supplied or used for, the external treatment of ectoparasites and that requires dilution or mixing in water, unless the product is prescribed by the regulations to be a low-risk veterinary chemical product. The effect of the amendment is to permit low-risk veterinary chemical products to be used as stock medicines rather than pesticides. *Stock medicine* also includes a substance or mixture of substances prepared by a veterinarian, or prepared by a pharmacist in accordance with the instructions of a veterinarian, in the course of the practice of his or her profession. The effect of the amendment is to ensure that these substances cannot be used on stock that is a member of a food-producing species unless registered. **Schedule 5 [1]** makes a consequential amendment.

Schedule 5 [3] gives effect to the object set out in paragraph (d) (iii) of the Overview above.

Schedule 5 [4] removes an unnecessary requirement with respect to the taking of samples of stock medicine for analysis or examination.

Schedule 5 [5] removes an unnecessary requirement that a notice of the Director-General's intention to apply for the forfeiture of property that has been seized under the *Stock Medicines Act 1989* be in a prescribed form.

Primary Industries Legislation Amendment Bill 2012

Explanatory note

Schedule 5 [6] removes an unnecessary requirement that a certificate given by an analyst as to the result of an analysis is to be in the prescribed form.

Schedule 5 [7] allows for the making of regulations of a savings or transitional nature as a consequence of the amendment of the *Stock Medicines Act 1989*.