

WESTERN AUSTRALIA

**AGRICULTURAL AND VETERINARY
CHEMICALS (WESTERN
AUSTRALIA) ACT 1995**

(No. 3 of 1995)

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WESTERN AUSTRALIA

**AGRICULTURAL AND
VETERINARY CHEMICALS
(WESTERN AUSTRALIA) ACT 1995**

No. 3 of 1995

AN ACT to apply certain laws of the Commonwealth relating to agricultural and veterinary chemical products as laws of Western Australia and for related purposes.

[Assented to 17 May 1995.]

Reasons for enacting this Act

1. The protection of the health and safety of human beings, animals and the environment is essential to the well-being of society and can be enhanced by putting in place a system to regulate agricultural chemical products and veterinary chemical products.

2. The principle of ecologically sustainable development requires a regulatory system that is designed to ensure that the use of such products today will not impair the prospects of future generations.

3. The furthering of trade and commerce between Australia and places outside Australia, and the present and future economic viability and competitiveness of primary industry and of a domestic industry for manufacturing and formulating such products, are essential for the well-being of the economy and require a system for regulating such products that is cost effective, efficient, predictable, adaptive and responsive.

4. It is desirable to establish a regulatory system that is open and accountable and gives opportunity for public input with respect to the regulation of such products.

5. The system should, so far as practicable, be uniform throughout Australia.

6. Uniformity could best be achieved by the enactment of legislation by the Parliament of the Commonwealth as a law for the government of the Australian Capital Territory and the adoption of that legislation by the Parliaments and legislatures of the States and the Northern Territory.

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Definitions

3. In this Act, unless the contrary intention appears —

“Agricultural and Veterinary Chemicals Act” means the *Agricultural and Veterinary Chemicals Act 1994* of the Commonwealth;

“Agricultural and Veterinary Chemicals (Administration) Act” means the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth;

“Agricultural and Veterinary Chemicals Code Act” means the *Agricultural and Veterinary Chemicals Code Act 1994* of the Commonwealth;

“Agvet Code of Western Australia” means the provisions applying because of section 5;

“Agvet Regulations of Western Australia” means the provisions applying because of section 6;

“applicable provision”, in relation to a jurisdiction, means a provision of —

- (a) the Agvet Code of that jurisdiction;
- (b) the Agvet Regulations of that jurisdiction; or
- (c) a law of the Commonwealth that applies in that jurisdiction in relation to a provision of or offence against the Agvet Code or Agvet Regulations of that jurisdiction;

“authority”, in relation to the Commonwealth, has the meaning given in the Agricultural and Veterinary Chemicals Act;

“Commonwealth administrative laws” means —

- (a) the following Acts —
 - (i) the *Administrative Appeals Tribunal Act 1975* of the Commonwealth;
 - (ii) the *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth;
 - (iii) the *Freedom of Information Act 1982* of the Commonwealth;
 - (iv) the *Ombudsman Act 1976* of the Commonwealth;
 - (v) the *Privacy Act 1988* of the Commonwealth;and
- (b) the regulations in force under those Acts;

“Commonwealth Minister” means “the Minister” within the meaning of the Agvet Code of the participating Territories;

“corresponding Act” means an Act of another jurisdiction that corresponds to this Act;

“corresponding law” means —

- (a) a corresponding Act;
- (b) regulations made under a corresponding Act;
- (c) the Agvet Code, Agvet Regulations, or another applicable provision, of another jurisdiction; or
- (d) rules of court made under a corresponding Act;

“instrument” means any document whatever, including —

- (a) an Act or an instrument made under an Act;
- (b) a law of this jurisdiction or an instrument made under such a law;
- (c) an award or other industrial determination or order, or an industrial agreement;
- (d) any other order (whether executive, judicial or otherwise);
- (e) a notice, certificate or licence;
- (f) an agreement;
- (g) an application made, information or complaint laid, affidavit sworn, or warrant issued, for any purpose;

- (h) an indictment, presentment, summons or writ; or
- (i) any other pleading in, or process issued in connection with, a legal or other proceeding;

“jurisdiction” means a State or the participating Territories;

“law”, in relation to a participating Territory, means a law of, or in force in, that Territory;

“NRA” means the National Registration Authority for Agricultural and Veterinary Chemicals established by the Agricultural and Veterinary Chemicals (Administration) Act;

“officer”, in relation to the Commonwealth, has the meaning given in the Agricultural and Veterinary Chemicals Act;

“participating Territory” means —

- (a) the Australian Capital Territory; or
- (b) another Territory that is declared by regulations in force under section 25 of the Agricultural and Veterinary Chemicals Act to be a participating Territory;

“State” includes the Northern Territory of Australia;

“Territory” means a Territory referred to in section 122 of the Constitution of the Commonwealth, other than the Northern Territory of Australia, Norfolk Island, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands;

“this jurisdiction” means Western Australia.

Jervis Bay Territory

4. For the purposes of this Act, and the Agvet Code and the Agvet Regulations of this jurisdiction, the Jervis Bay Territory is taken to be part of the Australian Capital Territory.

**PART 2 — THE AGVET CODE, AND THE AGVET
REGULATIONS, OF THIS JURISDICTION**

Application of Agvet Code in this jurisdiction

5. The Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act as in force for the time being —

- (a) applies as a law of Western Australia; and
- (b) as so applying, may be cited as the Agvet Code of Western Australia.

Application of Agvet Regulations in this jurisdiction

6. The regulations in force for the time being under section 6 of the Agricultural and Veterinary Chemicals Code Act —

- (a) apply as regulations in force for the purposes of the Agvet Code of Western Australia; and
- (b) as so applying, may be referred to as the Agvet Regulations of Western Australia.

**Interpretation of Agvet Code and Agvet Regulations of
this jurisdiction**

7. (1) In the Agvet Code, and the Agvet Regulations, of this jurisdiction —

“the Minister for this jurisdiction” means the Minister;

“this jurisdiction” means Western Australia.

(2) Subject to Part 1 of the Agvet Code of this jurisdiction, the *Acts Interpretation Act 1901* of the Commonwealth as in force for the time being applies as a law of this jurisdiction to —

- (a) the Agvet Code, and the Agvet Regulations, of this jurisdiction; and

- (b) any instrument made, granted or issued under that Code or those regulations.

(3) For the purposes of subsection (2), the Commonwealth Act mentioned in that subsection applies as if —

- (a) the Agvet Code of this jurisdiction were a Commonwealth Act; and
- (b) the Agvet Regulations of this jurisdiction or instruments mentioned in that subsection were regulations or instruments made under a Commonwealth Act.

(4) The *Interpretation Act 1984* does not apply to —

- (a) the Agvet Code, or the Agvet Regulations, of Western Australia; or
- (b) any instrument made, granted or issued under that Code or those Regulations.

Ancillary offences (parties to offences, attempts, incitement or conspiracy)

8. (1) In this section, “**ancillary criminal laws**” means section 4, Chapters II, LVII and LVIII and section 562 of *The Criminal Code*.

(2) Without limiting sections 5 (a) and 6 (a), the ancillary criminal laws apply in relation to an offence against the Agvet Code, or the Agvet Regulations, of this jurisdiction, and —

- (a) section 555A of *The Criminal Code* so applies as if the words “under this Code” in subsections (1) and (2) were deleted; and

- (b) section 562 of *The Criminal Code* so applies as if the following subsection were inserted after subsection (2) —

“

(3) Any person who becomes an accessory after the fact to a simple offence is guilty of a simple offence and is liable to the penalty to which a person convicted of the first-mentioned offence is liable.

”.

(3) In the Agvet Code, or the Agvet Regulations, of this jurisdiction, a reference to an offence against that Code or those regulations includes a reference to a related offence under the ancillary criminal laws.

PART 3 — CITING THE AGVET CODES, AND THE AGVET REGULATIONS, OF OTHER JURISDICTIONS

References to Agvet Codes and Agvet Regulations of other jurisdictions

9. (1) This section has effect for the purposes of an Act, a law of this jurisdiction or an instrument made under an Act or such a law.

(2) If a law of a jurisdiction other than this jurisdiction provides that the Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act as in force for the time being applies as a law of that jurisdiction, the Agvet Code of that jurisdiction is the Agvet Code so set out, applying as a law of that jurisdiction.

(3) If a law of a jurisdiction other than this jurisdiction provides that the regulations in force for the time being under section 6 of the Agricultural and Veterinary Chemicals Code Act apply as regulations in force for the purposes of the Agvet Code of that jurisdiction, the Agvet Regulations of that jurisdiction are those regulations as so applying.

References to Agvet Codes and Agvet Regulations

10. (1) The object of this section is to help ensure that the Agvet Code of this jurisdiction can operate, in appropriate circumstances, as if that Code, together with the Agvet Code of each other jurisdiction, constituted a single national Agvet Code applying throughout Australia.

(2) Subject to this section, a reference in an instrument to the Agvet Codes, or to the Agvet Regulations, is taken, for the purposes of the laws of this jurisdiction —

- (a) to be a reference to the Agvet Code, or to the Agvet Regulations, of this jurisdiction; and

(b) to include a separate reference to the Agvet Code, or to the Agvet Regulations, of each other jurisdiction.

(3) Subsection (2) has effect except so far as the contrary intention appears in the instrument or the context of the reference otherwise requires.

**PART 4 — APPLICATION OF AGVET CODES TO THE
CROWN**

Agvet Code of this jurisdiction binds the Crown

11. The Agvet Code of this jurisdiction binds the Crown.

Agvet Code of other jurisdictions

12. The Agvet Code of each jurisdiction other than this jurisdiction binds the Crown in right of this jurisdiction.

Crown not liable to prosecution

13. Nothing in this Part, or in the Agvet Code of this jurisdiction, renders the Crown in any capacity liable to be prosecuted for an offence.

This Part overrides the prerogative

14. If, because of this Part, a provision of the law of another jurisdiction binds the Crown in right of this jurisdiction, the Crown in that right is subject to that provision despite any prerogative right or privilege.

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

Object

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

Application of Commonwealth administrative laws in relation to applicable provisions

16. (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 those 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 section 28 of the *Administrative Appeals Tribunal Act 1975*, or section 13 of the *Administrative Decisions (Judicial Review) Act 1977*, of the Commonwealth as those sections apply as laws 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* of the Commonwealth as that Act applies as a law of this jurisdiction under subsection (1).

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

- (a) is taken to be a matter arising in relation to laws of the Commonwealth in the same way as if those provisions were laws of the Commonwealth; and

- (b) is taken not to be a matter arising in relation to laws of this jurisdiction.

(5) Subsection (4) has effect for the purposes of a law of this jurisdiction except as prescribed by regulations under section 32.

Functions and powers conferred on Commonwealth officers and authorities

17. (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 by 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.

Reference in Commonwealth administrative law to a provision of another law

18. For the purposes of 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 that provision as applying because of that section.

PART 6 — JURISDICTION OF COURTS

Jurisdiction of Federal Court

19. (1) Jurisdiction is conferred on the Federal Court of Australia with respect to all civil matters arising under the applicable provisions of this jurisdiction.

(2) This section does not affect the jurisdiction of the courts of this jurisdiction.

Exercise of jurisdiction under cross-vesting provisions

20. This Act does not affect the operation of a provision of a law of this jurisdiction relating to the cross-vesting of jurisdiction.

**PART 7 — THE NATIONAL REGISTRATION AUTHORITY
FOR AGRICULTURAL AND VETERINARY CHEMICALS**

Conferral of functions and powers on NRA

21. (1) The NRA has the functions and powers conferred or expressed to be conferred on it under this Act or the Agvet Code of this jurisdiction.

(2) In addition to the powers mentioned in subsection (1), the NRA has power to do all things necessary or convenient to be done in connection with the performance of the functions referred to in subsection (1) and, in particular may —

- (a) enter into contracts;
- (b) acquire, hold and dispose of real and personal property;
- (c) occupy, use and control any land or building owned or held under lease by the Commonwealth, a State or a Territory and made available for the purposes of the NRA;
- (d) appoint agents and attorneys, and act as agent for other persons; and
- (e) do anything incidental to any of its powers.

Agreements and arrangements

22. (1) The Minister, or a person authorized in writing by the Minister, may enter into an agreement or arrangement with the Commonwealth Minister for the performance of functions or the exercise of powers by the NRA as an agent of the State.

(2) The NRA has the functions and powers mentioned in the agreement or arrangement.

Conferral of other functions and powers for purposes of law in this jurisdiction

23. The NRA has power to do acts in this jurisdiction in the performance or exercise of any function or power —

- (a) expressed to be conferred on it by a law of a jurisdiction (other than this jurisdiction) that corresponds to this Act or the Agvet Code of this jurisdiction; or
- (b) referred to in an agreement or arrangement made under a provision of an Act of a jurisdiction other than this jurisdiction corresponding to section 22.

Commonwealth Minister may give directions in exceptional circumstances

24. The power of the Commonwealth Minister to give directions to the NRA under section 10 of the Agricultural and Veterinary Chemicals (Administration) Act extends to giving directions in relation to functions and powers of the NRA conferred under the applicable provisions of this jurisdiction, and the section applies accordingly.

PART 8 — MISCELLANEOUS

Orders

25. Orders in force for the time being under section 7 of the Agricultural and Veterinary Chemicals Code Act have the same effect for the purposes of the Agvet Code of this jurisdiction as they would have if they were provisions of the Agvet Regulations of this jurisdiction.

Manufacturing principles

26. Subject to the Agvet Code, and the Agvet Regulations, of this jurisdiction, the manufacturing principles in force for the time being under section 23 of the Agricultural and Veterinary Chemicals Act also have effect for the purposes of Part 8 of that Code.

Delegation

27. The power of delegation of the Commonwealth Minister under section 71 of the Agricultural and Veterinary Chemicals (Administration) Act extends to the powers that are expressed to be conferred on the Commonwealth Minister under this Act or the Agvet Code of this jurisdiction, and the section applies accordingly.

Conferral of powers on State officers

28. (1) If an officer of a Department, administrative unit or authority is authorized, under section 69F of the Agricultural and Veterinary Chemicals (Administration) Act, by the Chief Executive Officer of the NRA to exercise the powers or perform the functions of an inspector for the purposes of a particular relevant law, those powers and functions are conferred on that officer.

(2) Powers and functions conferred as referred to in subsection (1) are to be exercised or performed in accordance with the authorization but are taken to have been validly exercised or performed despite any failure to comply with a condition or restriction of the authorization.

(3) Words and expressions used in this section have the same meanings as they have in section 69F of the Agricultural and Veterinary Chemicals (Administration) Act.

Application of fees, etc.

29. All fees and other moneys (other than penalties and fines) that, under the applicable provisions of this jurisdiction, are authorized or directed to be payable by or imposed on any person must be paid to the Commonwealth.

Documents or substances held by previous registering authority may be given to NRA

30. Despite anything in any other law of this jurisdiction, any authority of this jurisdiction that, immediately before the commencement of this Act, performed functions under a provision of the law of this jurisdiction that corresponded to a provision of the Agvet Code of this jurisdiction may give to the NRA any documents or substances in its possession or custody that were received by it in the performance of those functions or that otherwise relate to the performance of those functions.

Exemptions from liability for damages

31. (1) No action, suit or other proceeding for damages lies against the State or a person who is or has been a co-ordinator of

this jurisdiction for any loss or injury directly or indirectly suffered as a result of —

- (a) the handling of an approved active constituent for a proposed or existing chemical product;
- (b) the handling of a registered chemical product;
- (c) the handling of an active constituent for a proposed or existing chemical product, or of a chemical product, in respect of which a permit or exemption has been issued or given by the NRA;
- (d) an inability to use, or to use in a particular manner, an active constituent for a proposed or existing chemical product —
 - (i) because an approval, permit or exemption permitting its use, or permitting its use in that manner, has been refused by the NRA or such an approval, permit or exemption that was previously granted by the NRA has been suspended or cancelled; or
 - (ii) because its use, or its use in that manner, is precluded by the conditions of an approval, permit or exemption;
- (e) an inability to use, or to use in a particular manner, a chemical product —
 - (i) because a registration, permit or exemption permitting its use, or permitting its use in that manner, has been refused by the NRA or such a registration, permit or exemption that was previously granted by the NRA has been suspended or cancelled; or

- (ii) because its use, or its use in that manner, is precluded by the conditions of a registration, permit or exemption;
 - (f) the carrying out of a step in the manufacture of a chemical product in respect of which a licence has been issued by the NRA; or
 - (g) an inability to carry out, or to carry out in a particular manner or at particular premises, a step in the manufacture of a chemical product —
 - (i) because a licence to carry out that step, or to carry out that step in that manner or at those premises, has been refused by the NRA or such a licence that was previously granted by the NRA has been suspended or cancelled; or
 - (ii) because the carrying out of that step, or the carrying out of that step in that manner or at those premises, is precluded by the conditions of a licence.
- (2) If an action, suit or other proceeding is brought against a person responsible for the importation, manufacture, supply or handling of —
- (a) an approved active constituent for a proposed or existing chemical product;
 - (b) a registered chemical product;
 - (c) an active constituent for a proposed or existing chemical product, or a chemical product, in respect of which the NRA has issued a permit or given an exemption; or
 - (d) a chemical product in respect of a step in the manufacture of which the NRA has issued a licence,

in relation to any loss or injury directly or indirectly suffered because of the importation, manufacture, supply or handling of

the constituent or product, it is not a defence to that action, suit or other proceeding that the NRA has approved the constituent, registered the product, issued a permit or given an exemption in relation to the constituent or the product, or issued a licence in relation to a step in the manufacture of the product.

(3) Expressions used in this section have the same meanings as they have in the Agvet Code of this jurisdiction.

Regulations

32. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

Eligible laws

33. An enactment may be declared by regulations made under section 32 to be an eligible law of this jurisdiction for the purposes of the definition of "permit" in section 109 of the Agvet Code of this jurisdiction.

Review of Act

34. (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from its commencement.

(2) The Minister is to prepare a report based on the review made under subsection (1) and cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared.

PART 9 — IMPOSITION OF FEES

Fees

35. This section imposes the fees that the Agvet Regulations of this jurisdiction prescribe, except to the extent that they are taxes.

PART 10 — RELATIONSHIP WITH OTHER STATE LAWS

Relationship with other State laws

36. (1) In this section, “**Agvet Code**” means the Agvet Code of this jurisdiction and includes the Agvet Regulations of this jurisdiction.

(2) The Agvet Code does not apply to an animal feeding stuff, or a prescribed substance, within the meaning of the *Veterinary Preparations and Animal Feeding Stuffs Act 1976*.

(3) Despite any other provision of this Act or the Agvet Code, regulations made under section 32 may provide —

- (a) that a specified enactment has effect despite the Agvet Code, or a specified provision of the Agvet Code;
- (b) that the Agvet Code, or a specified provision of the Agvet Code, applies as a law of Western Australia with modifications prescribed by the regulations; or
- (c) that a specified provision of the Agvet Code that would otherwise apply by virtue of Part 2 does not apply as a law of Western Australia.

(4) Subject to subsection (5), regulations under subsection (3) (b) or (c) may, if the regulations so provide, have retrospective effect from the day on which the relevant provision of the Agvet Code applied (or would otherwise have applied) as a law of Western Australia.

(5) To the extent that regulations take effect under subsection (4) from a date that is earlier than the date of their publication in the *Gazette*, the regulations do not operate so as —

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights

of that person existing before the date of publication;
or

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

PART 11 — CONSEQUENTIAL AMENDMENTS

***Division 1 — Amendments to Veterinary Preparations and
Animal Feeding Stuffs Act 1976***

Principal Act

37. In this Division, the *Veterinary Preparations and Animal Feeding Stuffs Act 1976** is referred to as the principal Act.

[* Act No. 56 of 1976.

*For subsequent amendments see 1993 Index to
Legislation of Western Australia, Table 1, p. 220, and
Act No. 20 of 1993.]*

Long title amended

38. The long title to the principal Act is amended by deleting “**Veterinary Preparations and**”.

Section 5 amended

39. Section 5 (1) of the principal Act is amended —

- (a) by inserting after the definition of “advertisement” the following definition —

“

“Agvet Code of Western Australia” has the same meaning as it has in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*;

”;

- (b) by deleting the definition of “pesticide” and substituting the following definition —

“

“**pesticide**” has the same meaning as “agricultural chemical product” has in the Agvet Code of Western Australia;

”;

- (c) in the definition of “premises”, by deleting “veterinary preparations or”;

- (d) in the definition of “primary dealer”, by deleting “product” in both places where it occurs and substituting in each case the following —

“ animal feeding stuff ”;

- (e) in the definition of “registration year”, by deleting “product” and substituting the following —

“ animal feeding stuff ”;

- (f) in the definition of “the Registrar”, by deleting “Veterinary Preparations and”; and

- (g) by deleting the definition of “veterinary preparation” and substituting the following definition —

“

“**veterinary preparation**” has the same meaning as “veterinary chemical product” has in the Agvet Code of Western Australia, but does not include any animal feeding stuff or prescribed substance;

”.

Section 6 amended

40. Section 6 of the principal Act is amended —

(a) by repealing subsection (1) and substituting the following subsection —

“

(1) This Act applies —

(a) subject to subsection (2), to all animal feeding stuffs, not being basic feed to which no other thing is added, and whether contained in a mixture or compound or otherwise, including bulk consignments;

(b) to prescribed substances; and

(c) subject to subsections (2) and (4), to veterinary preparations,

produced in or imported into the State and sold in the State whether by wholesale or retail.

”;

(b) in subsection (2), by deleting paragraph (a) and substituting the following paragraph —

“

(a) in respect of any thing done or omitted to be done by a veterinary surgeon, registered under the *Veterinary Surgeons Act 1960*, or a person acting under the instructions of a veterinary surgeon, if the doing

of, or the omitting to do, that thing is permitted by or under a law of the State other than this Act; or

”;

and

- (c) by inserting after subsection (3) the following subsection —

“

(4) If there is, in respect of veterinary preparations, an inconsistency between this Act and the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*, that Act is to prevail to the extent of the inconsistency.

”.

Section 11 amended

41. Section 11 of the principal Act is amended by deleting “veterinary preparations or” in both places where it occurs.

Section 12 amended

42. Section 12 of the principal Act is amended —

- (a) by deleting “a product” and substituting the following —

“ an animal feeding stuff ”; and

- (b) by deleting “that product” in both places where it occurs and substituting in each case the following —

“ that animal feeding stuff ”.

Section 17 amended

43. Section 17 (6) (b) of the principal Act is amended by deleting “Permanent Head of the Public Health Department of the Public Service of the State” and substituting the following —

“
the Executive Director, Public Health within the
meaning of the *Health Act 1911*
”.

Section 24 amended

44. Section 24 of the principal Act is amended —

- (a) by deleting “Veterinary Preparations and”; and
- (b) in paragraph (a) by deleting “veterinary preparations and”.

Section 25 amended

45. Section 25 of the principal Act is amended by deleting “veterinary preparations or”.

Section 26 amended

46. Section 26 of the principal Act is amended by repealing subsection (2).

Section 33A amended

47. Section 33A of the principal Act is amended by deleting “a product” in both places where it occurs and substituting in each case the following —

“ an animal feeding stuff ”.

Section 59 amended

52. Section 59 (1) of the principal Act is amended by deleting “a product” and substituting the following —

“ an animal feeding stuff ”.

Section 61 amended

53. Section 61 (2) of the principal Act is amended by deleting “a product” and substituting the following —

“ an animal feeding stuff ”.

Section 66 amended

54. Section 66 (1) of the principal Act is amended by deleting “a veterinary preparation or”.

Section 68 amended

55. Section 68 (2) of the principal Act is amended —

(a) in paragraph (u), by deleting “veterinary preparations or”; and

(b) in paragraph (v), by deleting “veterinary preparations or”.

Various provisions amended

56. (1) Each provision of the principal Act mentioned in the Table to this subsection is amended by deleting “veterinary preparation or”.

Table

| | |
|-----------------------|------------------------|
| section 8 (1) | section 36 (2) |
| section 8 (2) (twice) | section 36 (2) (g) |
| section 11 (a) | section 42 (1) |
| section 13 (1) | section 42 (2) |
| section 13 (2) | section 48 (1) |
| section 15 (1) | section 52 (1) |
| section 26 (1) | section 53 |
| section 29 | section 54 (1) |
| section 32 (1) | section 55 |
| section 33 (1) | section 62 (1) |
| section 34 | section 62 (2) (twice) |
| section 35 | |

(2) Each provision of the principal Act mentioned in the Table to this subsection is amended by deleting “product” and substituting in each case the following —

“ animal feeding stuff ”.

Table

| | |
|--------------------------|----------------------------|
| section 6 (2) (b) | section 52 (1) (g) |
| section 15 (2) (4 times) | section 52 (1) (h) |
| section 15 (4) (3 times) | section 52 (2) |
| section 27 (1) (3 times) | section 57 (1) (b) |
| section 28 (2) (3 times) | section 57 (1) (c) |
| section 30 (1) | section 57 (2) (b) (twice) |
| section 30 (2) | section 57 (3) (twice) |
| section 31 (1) (twice) | section 58 (1) (5 times) |
| section 31 (2) | section 58 (3) |
| section 31 (3) | section 65 (aa) (ii) |
| section 40 (1) | section 68 (2) (g) |
| section 52 (1) (b) | section 68 (2) (l) |
| section 52 (1) (d) (iv) | |

(3) Each provision of the principal Act mentioned in the Table to this subsection is amended by deleting “a veterinary preparation or” and substituting in each case the following —

“ an ”.

Table

| | |
|----------------|--------------------|
| section 14 | section 38 (1) (a) |
| section 15 (3) | section 38 (1) (b) |
| section 28 (1) | section 41 (1) |

(4) Each provision of the principal Act mentioned in the Table to this subsection is amended by deleting “any product” and substituting in each case the following —

“ any animal feeding stuff ”.

Table

| | |
|----------------|--------------------|
| section 32 (2) | section 36 (4) |
| section 32 (3) | section 39 (1) (a) |
| section 33 (2) | section 39 (1) (b) |
| section 36 (3) | section 55 |

Division 2 — Amendments to Health Act 1911

Section 3 amended

57. Section 3 (1) of the *Health Act 1911** is amended —

(a) by inserting before the definition of “analyst” the following definition —

“

“Agvet Code of Western Australia” has the same meaning as it has in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*;

”;

and

No. 3] *Agricultural and Veterinary Chemicals*
 (Western Australia) Act 1995

- (b) by deleting the definition of “pesticide” and substituting the following definition —

“

“**pesticide**” has the same meaning as “agricultural chemical product” has in the Agvet Code of Western Australia;

”

[* *Reprinted as at 18 December 1990.*

For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, p. 96 and Act No. 27 of 1994.]