



House of Representatives

Supplementary Order Paper

Tuesday, 14 November 2000

Hazardous Substances and New Organisms Amendment Bill (No 2)

Proposed amendments

Hon Marian Hobbs, in Committee, to move the following amendments:

Clause 17

To insert in line 11 on page 9, after the word "organism", the words "(other than a genetically modified organism)".

Clause 17A: new section 53A(1)

To omit the expression "53(1)" in line 21 on page 9, and substitute the expression "53".

Clause 19

To omit from line 12 on page 10 the expression "59(1)(b)", and substitute the expression "59(1)".

Clause 25A

To omit subclauses (2) and (3) (lines 5 to 21 on page 12), and substitute the following subclause:

- (2) Section 79 of the principal Act is amended by repealing subsection (4).

New clause 25B

To insert, after *clause 25A* on page 12, the following clause:

25B Availability of codes

- (1) Section 80 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
 - "(1) If the Authority approves a code of practice, the Authority must ensure that, so long as the code remains in force, copies of that code, and of all amendments to that code, are available—

- “(a) for inspection by members of the public free of charge;
and
- “(b) for purchase by members of the public at a reasonable price.”
- (2) Section 80(2) of the principal Act is amended by adding the words “and purchase”.

New clause 29A

To insert, after *clause 29* on page 14, the following clause:

29A New section 141A inserted

The principal Act is amended by inserting, after section 141, the following section:

“141A Incorporation of material by reference

- “(1) The following material may be incorporated by reference into any regulations or code of practice:
 - “(a) standards, requirements, or recommended practices of international organisations:
 - “(b) any document or other material that, in the opinion of the Minister (in the case of regulations) or the Authority (in the case of a code), is too large or impractical to be printed as part of the regulations or code.
- “(2) Any such material may be so incorporated in regulations or a code of practice either in whole or in part, and either unmodified or with such additions or variations as are specified in the regulations or code.
- “(3) Any material incorporated in regulations or a code of practice by reference under **subsection (1)** (as it existed on the date of the inclusion but with such additions or variations (if any) as are specified in the regulations or code) is to be regarded for all purposes as forming part of the regulations or code.
- “(4) If any material is incorporated in regulations or a code of practice by reference under **subsection (1)**, the Minister (in the case of regulations) or the Authority (in the case of a code) must ensure that, so long as the material remains so incorporated, copies of the material are available—
 - “(a) for inspection by members of the public free of charge;
and
 - “(b) for purchase by members of the public at a reasonable price—at such place or places as the Minister or Authority appoints.”

Clause 30

To omit from line 14 on page 14 the expression “(2)”, and substitute the expression “(1A)”.

Clause 31(2)

To omit from line 10 on page 15 the words “Transport Act 1998”, and substitute the words “Land Transport Act 1998”.

Clause 31B

To omit from line 31 on page 15 the expression “160(1)(a)(i)”, and substitute the expression “160(1)(a)”.

Explanatory note

The amendments to *clauses 25A and 25B* remove an inconsistency between section 79 of the Hazardous Substances and New Organisms Act 1996 (“the principal Act”), as amended by the Bill, and section 80 of the principal Act. The effect of the amendments is to relocate from section 79 to section 80 the provision inserted by the select committee in relation to the public inspection and purchase of codes of practice.

The amendment to *clause 25A* also removes the provision to the effect that approved codes of practice are to be treated as regulations for the purposes of the Regulations (Disallowance) Act 1989.

The *new clause 29A* provides express authority for regulations and codes of practice made under the principal Act to incorporate standards, requirements, and recommended practices of international organisations, and other documents, by reference.

The amendments to other clauses correct cross-referencing and other minor drafting errors.
