

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Wednesday, 25 July 1979

## TOXIC SUBSTANCES BILL

*Proposed Amendments*

Hon. Mr Gair, in Committee, to move the following amendments:

*Clause 12:* To omit subclauses (2) and (3), on pages 12 and 13, and substitute the following subclauses:

(2) Notwithstanding anything in subsection (1) of this section, the Board shall not be competent to advise the Minister or the Director-General on any matter that is within the jurisdiction of the Animal Remedies Board constituted under the Animal Remedies Act 1967 or the Pesticides Board constituted under the Pesticides Act 1979.

(3) Every member of the Board shall treat as confidential—

(a) All information supplied to the Board, or to him as a member of the Board, for the purpose of enabling the Board to perform any of its functions under subsection (1) or subsection (1A) of this section; and

(b) All advice tendered to the Minister or the Director-General of Health on any matter referred to the Board under either of those subsections,—  
and shall not disclose the information or advice to any other person, except another member of the Board.

(4) Every person commits an offence against this Act who discloses any information or advice in contravention of subsection (3) of this section.

*Clause 17, subclause (5):* To omit from line 16 on page 15 the expression "section 12 (3)", and substitute the expression "subsections (3) and (4) of section 12".

*Clause 33:* To insert on page 25, after subclause (1), the following subclause:

(1A) Notwithstanding anything in subsection (1) of this section, the powers conferred on the Minister by that subsection shall not be exercisable by him in respect of any substance that is an animal remedy or a pesticide except on the

recommendation of both the Toxic Substances Board and either the Animal Remedies Board constituted under the Animal Remedies Act 1967 or, as the case may require, the Pesticides Board constituted under the Pesticides Act 1979.

Clause 71D: To omit from lines 21 and 22 on page 52 the words "section 12 or section 33 or".

To omit from line 23 on that page the word "any", and substitute the word "either".

EXPLANATORY NOTE

*Clause 12*: The proposed new subclause (2) clarifies the relationship of the Toxic Substances Board with the Animal Remedies Board and the Pesticides Board, but does not effect any substantive change.

*Subclauses (3) and (4)* redefine and limit the requirement, prescribed by the present subclause (3), that every member of the Toxic Substances Board shall maintain confidentiality in respect of all matters coming before the Board. Under the amendments, this requirement will relate only to information supplied to the Board for the purposes of its functions under *subclause (1)* and *subclause (1A)* of this clause, and to advice tendered to the Minister or the Director-General under either of those subclauses. The amendments also make it clear that any breach of the requirement of confidentiality constitutes an offence.

*Clause 17, subclause (5)*: The amendment is purely consequential upon the changes to *clause 12*.

*Clause 33*: The amendment provides that the Minister may not exercise his powers to prohibit the importation, manufacture, sale, possession, or use of any toxic substance in respect of any animal remedy or pesticide except on the recommendation of the appropriate Board as well as the recommendation of the Toxic Substances Board. Under the Bill at present, the recommendation of the latter Board by itself is sufficient.

*Clause 71D*: The amendments are largely consequential upon the amendment of *clause 33*. An erroneous reference to section 12 is also removed.