**SEEDS ACT REPEAL BILL2002**

**Legislative Council, 13 May 2002, page 86**

Second reading

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to repeal the Seeds Act 1979. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The Bill has one purpose—to repeal the Seeds Act 1979. The principal function of the Seeds Act 1979 is to provide a regulatory framework in the marketplace for the labelling of seeds for sowing and to prevent the spread of noxious weed seeds, both being consumer protection measures. A secondary function of the act is to provide for an official government seed testing laboratory and facilitate the charging of fees for services performed by that laboratory. The passing of the Commonwealth Mutual Recognition Act in 1992 sought to eliminate regulatory impediments to national markets in goods and services and to expedite the development of national standards.

As a consequence, it is no longer possible for the South Australian government to consistently enforce its current labelling laws because the Mutual Recognition Act applies to virtually all provisions of the South Australian Seeds Act. To facilitate the continuance of labelling of seed for sowing as a consumer protection measure, states have assisted national peak industry bodies in the seed industry to formulate and put into practice alternative measures in the form of an industry code of practice. This code of practice became operational in August 1999 and it was agreed by the Standing Committee on Agriculture and Resource Management that it was an appropriate alternative regulatory framework and that states could repeal their seeds legislation when the code was effectively in place.

Cabinet approved the drafting of a bill to repeal the South Australian Seeds Act 1979 on 29 October 2001. Measures for the control of movement of noxious weed seeds in South Australia have been reviewed and responsibility for all important agricultural weeds has been shifted to the Animal and Plant Control Act 1986. Other weeds of concern to the industry can be brought under the provisions of this act, provided a risk assessment and management plans providing some probability of eradication of those weed species are presented.

The government consultation process that led to the recommended outcome was initially undertaken through the working group on which all states and the commonwealth government and peak industry bodies of the seed industry were represented. At the state level, consultation has taken place between Primary Industries and Resources SA (PIRSA) and state affiliates of the national peak industry bodies, particularly the Seed Section of the South Australian Farmers Federation. All parties, both national and state, have agreed to the recommended outcome. An ongoing issue of concern to the seeds industry is the issue of farmer to farmer trade of unlabelled seed.

On repeal of the act the issue would be subject to the Trade Practices section under the Fair Trading Act. The rules under this act apply to labelling behaviour for farmer sale of seeds. Under the code of practice, grower seed sales of participating members would be subject to the same standards as labelled seed, including the provision of test results. For greater certainty of seed quality it is important for seed buyers to demand certificates of analysis at the point of sale of seed. A national education program has been developed to explain in more detail how the code of practice will operate without the labelling legislation.

An agreement by the industry to proceed with the establishment of an Australian seeds authority will go some way to providing an industry watchdog on all seeds issues. Through Seed Services, PIRSA carries out a seed certification service for genetic quality control and a seed testing service for germination and physical purity. The newly appointed Seed Services Board will recommend to the minister fee charges for these services and ensure that they meet cost- reflective pricing principles. The objective is to remove any net competitive advantage available to government-owned business activities. Prices for seed testing and certification will continue to require ministerial approval following the Seed Services Board recommendation. I commend this bill to the council and I seek leave to have the explanation of the clauses inserted in Hansard without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title This clause is formal.

Clause 2: Repeal

 This clause repeals the Seeds Act 1979.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.