



Queensland

*Sugar Industry Act 1999*

# **Sugar Industry Regulation 1999**

**Reprinted as in force on 1 January 2005**

**Reprint No. 2**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This regulation is reprinted as at 1 January 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



## Queensland

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# Sugar Industry Regulation 1999

[as amended by all amendments that commenced on or before 1 January 2005]

## 1 Short title

This regulation may be cited as the *Sugar Industry Regulation 1999*.

## 2 Commencement

This regulation commences on 1 January 2000.

## 3 Intention to contract—Act, s 20

For section 20(5) of the Act, the prescribed day is 28 February 2005.

## 10 Production of brands of raw sugar—Act, s 103

For section 103(9) of the Act, definition *industry standard brand*, the industry standard brand of raw sugar is Brand 1.

## 12 Dispute resolution process—Act, s 103

Schedule 4 states the dispute resolution process for section 103(6) of the Act.

## 13 Collective contracts—Act, s 237

- (1) For the Act, section 237, definition *region*, each part of the State consisting of the local government areas mentioned in schedule 1 is prescribed.<sup>1</sup>
- (2) In this section—

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1 The local government areas of Burdekin, Bowen and Cardwell are in more than 1 region.

*local government area* means a local government area under the *Local Government Act 1993*.

**17 Fees**

The fees payable under the Act are in schedule 5.

## **Schedule 1            Regions for collective contracts**

section 13

### **Part 1                    Central region**

Bowen  
Broadsound  
Burdekin  
Mackay  
Mirani  
Nebo  
Sarina  
Whitsunday

### **Part 2                    Herbert River and Burdekin region**

Bowen  
Burdekin  
Cardwell  
Hinchinbrook  
Thuringowa  
Townsville

## Schedule 1 (continued)

**Part 3****North region**

Atherton  
Cairns  
Cardwell  
Cook  
Douglas  
Eacham  
Herberton  
Johnstone  
Mareeba

**Part 4****South region**

Banana  
Beaudesert  
Biggenden  
Boonah  
Bundaberg  
Burnett  
Caboolture  
Caloundra  
Cooloola  
Gold Coast  
Hervey Bay  
Isis  
Kilkivan



## Schedule 1 (continued)

Kolan

Logan

Maroochy

Maryborough

Miriam Vale

Noosa

Pine Rivers

Tiaro

Woocoo

## Schedule 4      **Dispute resolution process for section 103 of the Act**

section 12

### **Part 1                      Preliminary**

#### **1                      Definitions**

In this schedule—

*arbitrator* means an arbitrator appointed by the corporation and the mill owner.

*final offer* see section 12.

*mediator* means a mediator appointed by the corporation and the mill owner.

*party*, for a negotiation, mediation or arbitration, means either the corporation or the mill owner.

### **Part 2                      Negotiation**

#### **2                      Negotiation**

- (1) The parties must negotiate in good faith.
- (2) Negotiations must take place at the time and place and in the way agreed by the parties.

#### **3                      Negotiated agreement**

- (1) The parties must discuss the costs incurred by the mill owner in complying with the corporation's direction to the mill owner to produce a particular brand of raw sugar in a particular period or amount.

**Schedule 4 (continued)**

- (2) The parties must try to reach a negotiated agreement without the involvement of a third party.
- (3) However, the parties may nominate representatives to negotiate a specific issue in the dispute.

**4 Mediation and arbitration**

- (1) If 1 of the parties considers unanimous agreement is unlikely, the party may ask to proceed to mediation.
- (2) Negotiations may continue throughout mediation or arbitration.
- (3) The parties may bypass mediation and proceed directly to arbitration only if both parties agree.

**Part 3 Mediation****5 When to proceed to mediation**

The parties must proceed to mediation if—

- (a) the parties have not agreed on all issues that need to be resolved; or
- (b) under section 4(1), 1 of the parties has asked to proceed.

**6 Appointment of mediator**

- (1) The parties must appoint a person as mediator and decide whether the person is also to be the arbitrator.
- (2) Before accepting an appointment as mediator, the person must tell the parties whether the person also agrees to be arbitrator if there are unresolved issues at the end of the mediation.
- (3) The mediator is appointed under a written agreement between the parties and the mediator.

**Schedule 4 (continued)****7 List of issues to be resolved**

- (1) The parties must give to the mediator and each other a list of the issues they believe need to be resolved.
- (2) The mediator must meet with the parties, together or separately—
  - (a) to discuss the issues to be resolved; and
  - (b) to prepare a final list of issues.
- (3) The list must not include an issue about which the parties have already agreed.
- (4) The final list may be amended only if the parties agree.
- (5) The issues on the list are the issues to be resolved at arbitration.

**8 When mediation ends**

Mediation ends on the earlier of the following—

- (a) if the parties have not reached agreement on all issues that need to be resolved—5 business days after the start of mediation;
- (b) if the parties reach a negotiated agreement about all the issues—the date of the agreement.

**Part 4 Arbitration****9 When to proceed to arbitration**

The parties must proceed to arbitration if they have not agreed on all issues that need to be resolved.

**10 Appointment of arbitrator**

- (1) The parties must appoint a person as arbitrator if the mediator has not also been appointed as arbitrator.

**Schedule 4 (continued)**

- (2) The arbitrator is appointed under a written agreement between the parties and the arbitrator.

**11 When arbitration starts**

Arbitration starts when—

- (a) mediation has ended; and
- (b) the arbitrator has received the list of issues for arbitration from the mediator.

**12 Final offers at start of arbitration**

- (1) At the start of arbitration, each party must give a written offer (a *final offer*) for resolving all issues to—
  - (a) the arbitrator; and
  - (b) the other party.
- (2) The final offer must state the basis on which the party is prepared to settle all issues that have not been agreed.
- (3) The arbitrator may require a party to give a statement explaining the basis of the party's final offer.

**13 Conducting arbitration**

- (1) Arbitration must be as informal as is consistent with an appropriate hearing of the issues.
- (2) An arbitrator—
  - (a) may exclude observers from the arbitration; and
  - (b) may call for sworn oral or documentary evidence.
- (3) For subsection (2)(b), the arbitrator may administer an oath.
- (4) The arbitrator is not bound by the rules of evidence and may be informed in any way the arbitrator considers appropriate.
- (5) The arbitrator must act consistently with natural justice.

**Schedule 4 (continued)****14 When arbitration ends**

Arbitration ends—

- (a) when the arbitrator makes a decision; or
- (b) if, before the arbitrator makes a decision—
  - (i) a party accepts an offer made by the other party; or
  - (ii) the parties reach a negotiated agreement about all of the issues to be resolved.

**15 Arbitrator's decision**

- (1) The arbitrator must—
  - (a) give the parties a written decision within 5 business days after the end of arbitration; and
  - (b) give the parties written reasons for the decision within 10 business days after the end of arbitration.
- (2) However, the parties may agree to allow the arbitrator a longer period of time than a period stated in subsection (1).
- (3) The arbitrator's decision is binding on the parties.

**Part 5 Miscellaneous****16 Fees and expenses of mediation and arbitration**

The parties must each pay—

- (a) half of the mediator's and the arbitrator's fees and expenses; and
- (b) their own costs of the mediation and arbitration.

**Schedule 5      Fees**

section 17

|                                                                                                                                                                         | \$    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1    Inspection of access rights register and certificate of information recorded in register (if certificate issued at same time as inspection)—Act, s 69(9) . . . . . | 10.00 |
| 2    Certificate of information recorded in access rights register (if certificate issued other than at same time as inspection of register)—Act, s 70(2) . . . . .     | 10.00 |

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2005. Future amendments of the Sugar Industry Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

| Key    | Explanation                    | Key     | Explanation                             |
|--------|--------------------------------|---------|-----------------------------------------|
| AIA    | = Acts Interpretation Act 1954 | (prev)  | = previously                            |
| amd    | = amended                      | proc    | = proclamation                          |
| amdt   | = amendment                    | prov    | = provision                             |
| ch     | = chapter                      | pt      | = part                                  |
| def    | = definition                   | pubd    | = published                             |
| div    | = division                     | R[X]    | = Reprint No.[X]                        |
| exp    | = expires/expired              | RA      | = Reprints Act 1992                     |
| gaz    | = gazette                      | reloc   | = relocated                             |
| hdg    | = heading                      | renum   | = renumbered                            |
| ins    | = inserted                     | rep     | = repealed                              |
| lap    | = lapsed                       | (retro) | = retrospectively                       |
| notfd  | = notified                     | rv      | = revised edition                       |
| o in c | = order in council             | s       | = section                               |
| om     | = omitted                      | sch     | = schedule                              |
| orig   | = original                     | sdiv    | = subdivision                           |
| p      | = page                         | SIA     | = Statutory Instruments Act 1992        |
| para   | = paragraph                    | SIR     | = Statutory Instruments Regulation 2002 |
| prec   | = preceding                    | SL      | = subordinate legislation               |
| pres   | = present                      | sub     | = substituted                           |
| prev   | = previous                     | unnum   | = unnumbered                            |



## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments to   | Effective      | Reprint date    |
|-------------|-----------------|----------------|-----------------|
| 1           | none            | 1 January 2000 | 20 January 2000 |
| 1A          | 2000 SL No. 202 | 28 July 2000   | 11 August 2000  |
| 1B          | 2002 SL No. 23  | 1 April 2002   | 2 April 2002    |

  

| Reprint No. | Amendments included | Effective      | Notes                 |
|-------------|---------------------|----------------|-----------------------|
| 1C          | 2004 SL No. 46      | 1 July 2004    |                       |
| 1D          | 2004 SL No. 307     | 1 January 2005 | R1D withdrawn, see R2 |
| 2           | —                   | 1 January 2005 |                       |

## 5 List of legislation

### **Sugar Industry Regulation 1999 SL No. 339**

made by the Governor in Council on 16 December 1999

notfd gaz 17 December 1999 pp 1586–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2000 (see s 2)

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Sugar Industry Amendment Regulation (No. 1) 2000 SL No. 202**

notfd gaz 28 July 2000 pp 1115–16

commenced on date of notification

### **Sugar Industry Amendment Regulation (No. 1) 2002 SL No. 23**

notfd gaz 15 February 2002 pp 618–19

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2002 (see s 2)

### **Sugar Industry Amendment Regulation (No. 1) 2004 SL No. 46**

notfd gaz 7 May 2004 pp 47–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

### **Sugar Industry Amendment Regulation (No. 2) 2004 SL No. 307**

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2005 (see s 2)

## **6 List of annotations**

### **Intention to contract—Act, s 20**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 3** amd 2002 SL No. 23 s 3 sch  
 sub 2004 SL No. 307 s 4

### **Calculation of declared measurable increase—Act, s 24**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 4** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Process for moving supply from current mill—horizontal expansion process**

**s 5** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Calculation of declared sustainable increase—Act, s 27**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 6** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Process of moving supply from current mill—productivity increase process**

**s 7** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Giving effect to cane production board's decisions—Act, s 33**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 8** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Schemes for payment—Act, s 102**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 9** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 4

### **Production of brands of raw sugar—Act, s 103**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 10** amd 2002 SL No. 23 s 3 sch

### **Dispute resolution process—Act, ss 24, 27, 38, 54, 92, 97 and 219**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 11** amd 2002 SL No. 23 s 3 sch  
 om 2004 SL No. 307 s 5

### **Dispute resolution process—Act, s 103**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 12** amd 2002 SL No. 23 s 3 sch

### **Collective contracts—Act, s 237**

**s 13** ins 2002 SL No. 23 s 5  
 sub 2004 SL No. 307 s 6

**Establishment of productivity area and cane protection and productivity board**

**s 14** ins 2002 SL No. 23 s 5  
om 2004 SL No. 307 s 6

**Assets and liabilities of dissolved boards**

**s 15** ins 2002 SL No. 23 s 5  
om 2004 SL No. 307 s 6

**Issue of shares in STL—Act, s 272**

**prov hdg** amd 2002 SL No. 23 s 3 sch  
**s 16** (prev s 12A) ins 2000 SL No. 202 s 3  
renum 2002 SL No. 23 s 4  
amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 6

**Fees**

**s 17** (prev s 13) renum 2002 SL No. 23 s 4

**SCHEDULE 1—REGIONS FOR COLLECTIVE CONTRACTS**

sub 2004 SL No. 307 s 7

**Making an application**

**s 1** amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7

**Dealing with applications**

**s 2** om 2004 SL No. 307 s 7

**Move consent notices**

**s 3** om 2004 SL No. 307 s 7

**Withdrawing an application**

**s 4** om 2004 SL No. 307 s 7

**Granting unallocated hectares**

**s 5** om 2004 SL No. 307 s 7

**End of regulation process**

**s 6** om 2004 SL No. 307 s 7

**Time for making an application**

**s 7** amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7

**SCHEDULE 2—REGULATION PROCESS (PRODUCTIVITY INCREASE)**

om 2004 SL No. 307 s 7

**Making an application**

**s 1** om 2004 SL No. 307 s 7

**Dealing with applications**

**s 2** om 2004 SL No. 307 s 7

**Move consent notices**

**s 3** om 2004 SL No. 307 s 7

**End of regulation process**

s 4 om 2004 SL No. 307 s 7

**Time for making an application**s 5 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**SCHEDULE 3—DISPUTE RESOLUTION PROCESS FOR SECTIONS 24, 27, 38,  
54, 92, 97 AND 219 OF THE ACT**

sch hdg amd 2002 SL No. 23 s 3 sch

sch 3 om 2004 SL No. 307 s 7

**PART 1—PRELIMINARY**

pt hdg om 2004 SL No. 307 s 7

**Definitions**s 1 def “**final offer arbitration**” ins 2004 SL No. 46 s 4(1)  
om 2004 SL No. 307 s 7**PART 2—NEGOTIATION**

pt hdg om 2004 SL No. 307 s 7

**Application of pt 2**s 2 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Negotiation**

s 3 om 2004 SL No. 307 s 7

**Negotiated agreement**

s 4 om 2004 SL No. 307 s 7

**Mediation and arbitration**

s 5 om 2004 SL No. 307 s 7

**PART 3—MEDIATION**

pt hdg om 2004 SL No. 307 s 7

**Division 1—Application of part**

div hdg om 2004 SL No. 307 s 7

**Application of pt 3**s 6 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Division 2—Conducting mediation**

div hdg om 2004 SL No. 307 s 7

**When to proceed to mediation**

s 7 om 2004 SL No. 307 s 7

**Appointment of mediator**

s 8 om 2004 SL No. 307 s 7

**List of issues to be resolved**

s 9 om 2004 SL No. 307 s 7

**Mediation—when, where and how**

s 10 om 2004 SL No. 307 s 7

**When mediation ends**

s 11 om 2004 SL No. 307 s 7

**List of unresolved issues**s 12 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Division 3—Final offers**

div hdg om 2004 SL No. 307 s 7

**Application of div 3**s 13 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Final offers at end of mediation**s 14 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Considering final offers before meeting**

s 15 om 2004 SL No. 307 s 7

**Meeting about final offers**

s 16 om 2004 SL No. 307 s 7

**Accepting final offers**

s 17 om 2004 SL No. 307 s 7

**PART 4—ARBITRATION**

pt hdg om 2004 SL No. 307 s 7

**Division 1—Conducting arbitration**

div hdg om 2004 SL No. 307 s 7

**When to proceed to arbitration**s 18 amd 2002 SL No. 23 s 3 sch  
om 2004 SL No. 307 s 7**Appointment of arbitrator**

s 19 om 2004 SL No. 307 s 7

**When arbitration starts**s 20 amd 2002 SL No. 23 s 3 sch; 2004 SL No. 46 s 4(2)–(4)  
om 2004 SL No. 307 s 7**When final offer arbitration permitted**s 20A ins 2004 SL No. 46 s 4(5)  
om 2004 SL No. 307 s 7**Preliminary meeting**s 21 amd 2002 SL No. 23 s 3 sch; 2004 SL No. 46 s 4(6)  
om 2004 SL No. 307 s 7**Conducting arbitration**

s 22 om 2004 SL No. 307 s 7

**Submissions**

s 23 om 2004 SL No. 307 s 7

**Arbitrator may call for documents, material or information**

s 24 om 2004 SL No. 307 s 7

**Commercial confidentiality**

s 25 om 2004 SL No. 307 s 7

**Arbitrator may seek independent advice**

s 26 om 2004 SL No. 307 s 7

**No separate meetings without agreement**

s 27 om 2004 SL No. 307 s 7

**When arbitration ends**

s 28 om 2004 SL No. 307 s 7

**Division 2—Arbitrator's decision**

div hdg om 2004 SL No. 307 s 7

**No final offer arbitration**

prov hdg amd 2002 SL No. 23 s 3 sch

s 29 amd 2002 SL No. 23 s 3 sch  
sub 2004 SL No. 46 s 4(7)  
om 2004 SL No. 307 s 7**Final offer arbitration**prov hdg amd 2002 SL No. 23 s 3 sch  
sub 2004 SL No. 46 s 4(8)s 30 amd 2002 SL No. 23 s 3 sch; 2004 SL No. 46 s 4(9)–(11)  
om 2004 SL No. 307 s 7**Decision binding**

s 31 om 2004 SL No. 307 s 7

**PART 5—MISCELLANEOUS**

pt 5 (ss 32–38) om 2004 SL No. 307 s 7

**SCHEDULE 4—DISPUTE RESOLUTION PROCESS FOR SECTION 103 OF THE  
ACT**

sch hdg amd 2002 SL No. 23 s 3 sch

**SCHEDULE 5—FEES**

amd 2002 SL No. 23 s 3 sch