

Queensland



**PRIMARY INDUSTRIES
LEGISLATION
AMENDMENT ACT 1998**

Act No. 50 of 1998

Queensland



PRIMARY INDUSTRIES LEGISLATION AMENDMENT ACT 1998

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Queensland



**Primary Industries Legislation Amendment
Act 1998**

Act No. 50 of 1998

An Act to amend legislation about primary industries

[Assented to 27 November 1998]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries Legislation Amendment Act 1998*.

PART 2—AMENDMENT OF AGRICULTURAL STANDARDS ACT 1994

Act amended in pt 2

2. This part amends the *Agricultural Standards Act 1994*.

Amendment of s 4 (Definitions)

3. Section 4—

insert—

‘**“agriculture”** includes the sale of stock.

“stock” see *Stock Act 1915*, section 4.1’.

Amendment of s 5 (Chief executive may make standards)

4. Section 5(1)—

insert—

‘(f) selling stock.’.

¹ Under the *Stock Act 1915*, “stock” includes camels, cattle, deer, goats, horses, llamas, pigs, poultry and sheep.

Amendment of s 12 (False or misleading representations about agricultural requirements)

5. Section 12(1), penalty, '50'—

omit, insert—

'100'.

Amendment of s 13 (Offence about prohibited materials, harmful ingredients etc.)

6. Section 13(2), penalty, '50'—

omit, insert—

'100'.

Amendment of s 14 (Offence about false or misleading representations about the use or non-use of hormonal growth promotants)

7.(1) Section 14(1), 'an animal'—

omit, insert—

'stock'.

(2) Section 14(1), penalty, '50'—

omit, insert—

'100'.

(3) Section 14(2), 'animal'—

omit, insert—

'stock'.

Insertion of new s 14A

8. After section 14—

insert—

‘False or misleading representations about stock

‘14A.(1) A person must not, in trade or commerce, in connection with the sale of stock, make a representation about a prescribed matter for the stock the person knows is ‘false or misleading’ to the person’s knowledge, without specifying which.

Maximum penalty—100 penalty units.

‘(2) It is enough for a complaint for an offence against subsection (1) to state the representation made was ‘false or misleading’ to the person’s knowledge, without specifying which.

‘(3) In this section—

“prescribed matter” means—

- (a) the property from which the stock were sourced for the sale; or
- (b) the period the stock were held on the property; or
- (c) the accreditation of the property by an industry body for the stock; or
- (d) the treatment of the stock with, or other exposure of the stock to, a chemical or drug (other than a hormonal growth promotant); or
- (e) the feeding of the stock; or
- (f) another matter prescribed under a regulation.’.

PART 3—AMENDMENT OF BRANDS ACT 1915**Act amended in pt 3**

9. This part amends the *Brands Act 1915*.

Amendment of s 3 (Definitions)

10.(1) Section 3, definition “**sheep brand**”—
omit.

(2) Section 3—

insert—

‘**“sheep brand”** means—

- (a) a registered fire brand permanently impressed on the horn of a sheep or goat; or
- (b) a registered paint brand imprinted on the wool on any part of a sheep or goat.

“twist”, of an animal, means the upper rear portion of the animal’s hind leg between the pin bone and the hock.’.

(3) Section 3, definition **“distinctive brand”**, ‘cheek or’—

omit.

Amendment of s 6A (Symbol brands)

11. Section 6A(3) and (4)—

omit.

Amendment of s 7 (Order of branding horses, camels and cattle)

12.(1) Section 7, heading—

omit, insert—

‘Branding horses, camels and cattle’.

(2) Section 7(1) to (8)—

omit, insert—

‘7.(1) Subject to section 9(3),² a person may only imprint a brand on a horse or camel in the following positions—

- (a) quarter;
- (b) shoulder;
- (c) thigh.

² Section 9 (Distinctive brands)

‘(2) Subject to section 9(3), a person may only imprint a brand on a head of cattle in the following positions—

- (a) neck;
- (b) rump;
- (c) shoulder;
- (d) thigh;
- (e) twist.

‘(3) Subject to subsection (4)(a)(i), a person may imprint a brand on an animal at any angle.

‘(4) If a person imprints a brand in the same position as an existing brand, the person must—

- (a) imprint the brand—
 - (i) at the same angle as the existing brand; and
 - (ii) exactly beneath the existing brand; and
- (b) ensure the topmost extremity of the brand is at least 35 mm, and not more than 65 mm, beneath the lowest extremity of the existing brand.’

(3) Section 7(9)—

renumber as subsection (5).

Amendment of s 8 (Age numerals and stud and herd book references)

13.(1) Section 8(2) and (2A)—

omit, insert—

‘(2) A person may only imprint a numeral or numerals—

- (a) for a horse or head of cattle—in a position stated for the brand under section 7; or
- (b) for a pig—in a position stated for the brand under section 11A(5).³

³ Section 11A (Registration of pig brands)

(2A) A person who imprints a numeral or numerals in the same position as an existing brand must—

- (a) imprint the numeral or numerals—
 - (i) at the same angle as the existing brand; and
 - (ii) exactly beneath the existing brand; and
- (b) ensure the topmost extremity of the numeral or numerals is at least 35 mm, and not more than 65 mm, beneath the lowest extremity of the existing brand.’.

(2) Section 8(4), ‘The provisions of subsections (2)(b)’—

omit, insert—

‘Subsections (2A)(b)’.

(3) Section 8—

insert—

‘**(5)** In this section—

“existing brand” on an animal means—

- (a) the registered brand imprinted on the animal; or
- (b) a numeral imprinted exactly beneath the registered brand imprinted on the animal.’.

Amendment of s 9 (Distinctive brands)

14. Section 9(3), ‘cheek or’—

omit.

Amendment of s 9A (Special brands)

15. Section 9A(4)—

omit.

Amendment of s 10 (Registration of sheep brands and marks)

16.(1) Section 10, heading—

omit, insert—

‘Registration and position of sheep brands and marks’.

(2) Section 10(3), heading—

omit.

(3) Section 10(3), ‘face or’—

omit.

Amendment of s 14 (Distinguishing brand to be used by each public pound)

17. Section 14(2), from ‘on the positions’—

omit.

Replacement of s 35 (Transitional provision about forms)

18. Section 35—

omit, insert—

‘Transitional provision for Primary Industries Legislation Amendment Act 1998

‘35.(1) This section applies if, immediately before its commencement, a person held an authority under section 6A(3) or 9A(4)⁴ to imprint a symbol or special brand on an animal.

‘(2) On the commencement, the authority is taken to have effect to authorise the imprinting of a symbol or special brand on an animal only in a position stated under section 7.⁵

‘(3) Within 30 days after the commencement, the registrar must give to the person written notice stating the positions, under section 7, in which the person may imprint a symbol or special brand on an animal.

‘(4) This section expires on 31 March 1999.’.

⁴ Section 6A (Symbol brands) or 9A (Special brands)

⁵ Section 7 (Branding horses, camels and cattle)

PART 4—AMENDMENT OF CITY OF BRISBANE MARKET ACT 1960

Act amended in pt 4

19. This part amends the *City of Brisbane Market Act 1960*.

Amendment of s 29 (Carrying on business as a wholesaler other than in market prohibited)

20. Section 29—

insert—

‘(5) This section expires on 31 August 1999.’.

PART 5—AMENDMENT OF FORESTRY ACT 1959

Act amended in pt 5

21. This part amends the *Forestry Act 1959*.

Insertion of new pt 7A

22. After section 69—

insert—

‘PART 7A—COMPETITION POLICY REFORM EXEMPTIONS

‘Definitions for pt 7A

‘69A. In this part—

“allocation holder” means a person who holds an allocation, under the native forest sawlog allocation system, for native forest sawlogs in an allocation zone.

“allocation zone” means an allocation zone under the native forest sawlog allocation system.

“competition legislation” means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b)⁶ or section 51⁷ of the Competition Code of Queensland.⁸

“native forest sawlog” means native hardwood or cypress timber for use for sawmilling.

“native forest sawlog allocation system” means the non-competitive system established by the corporation for the allocation and sale, under part 6, of native forest sawlogs.

“sales permit” means a permit granted under section 56⁹ for getting native forest sawlogs under the native forest sawlog allocation system.

‘Specific authorisation for allocation and sale of native forest sawlogs

‘69B. The following things are specifically authorised for the competition legislation—

- (a) the allocation and sale of native forest sawlogs by the corporation under the native forest sawlog allocation system;
- (b) the allocation of native forest sawlogs in an allocation zone to a person based on—
 - (i) the sustainable yield of sawlogs in the zone; and

⁶ *Trade Practices Act 1974* (Cwlth), section 51 (Exceptions)

⁷ Section 51 of the Competition Code of Queensland states that in deciding whether a person has contravened the Competition Code, Part IV, certain things must be disregarded. Section 51 of the Code provides that the following must be disregarded—

- (a) ...
- (b) anything done in a State, if the thing is specified in, and specifically authorised by:
 - (i) an Act passed by the Parliament of that State; or
 - (ii) regulations made under such an Act.

⁸ The Code applies as a law of Queensland under the *Competition Policy Reform (Queensland) Act 1996*, part 2.

⁹ Section 56 (Permits etc.)

- (ii) the past performance of each allocation holder in getting sawlogs in the zone.

‘Specific authorisation for grant of permit to get native forest sawlogs

‘69C.(1) The following things are specifically authorised for the competition legislation—

- (a) the grant of a sales permit to a person;
- (b) the imposition by the corporation of a permit condition on the grant of a sales permit.

‘(2) In this section—

“permit condition”, for a sales permit, means a condition imposed on the permit about any of the following—

- (a) the area to which the permit applies;
- (b) the volume of native forest sawlogs the permittee may get under the permit;
- (c) the period in which the permittee may get the sawlogs;
- (d) the minimum tree size a permittee may get under the permit;
- (e) the prices payable under the permit by the permittee to the corporation.

‘Expiry of pt 7A

‘69D. This part expires 1 year after it commences.’.

**PART 6—AMENDMENT OF GRAIN INDUSTRY
(RESTRUCTURING) ACT 1991**

Act amended in pt 6

23. This part amends the *Grain Industry (Restructuring) Act 1991*.

Omission of schedule (Transitional provisions)

24. Schedule—

omit.

**PART 7—AMENDMENT OF MEAT INDUSTRY
ACT 1993****Act amended in pt 7**

25. This part amends the *Meat Industry Act 1993*.

Amendment of s 4 (Definitions)

26. Section 4—

insert—

‘**“chief meat officer”** means the person appointed under this Act as the chief meat officer.’.

Replacement of s 71 (Standards must be approved by regulation)

27. Section 71—

omit, insert—

‘Standard is subordinate legislation

‘71. A standard is subordinate legislation.’.

Amendment of s 104 (Appeal to District Court on questions of law only)

28. Section 104, ‘a District Court’—

omit, insert—

‘the District Court’.

Amendment of s 109 (Restraining orders)

29. Section 109(1), ‘a District Court’—

omit, insert—

‘the District Court’.

Replacement of s 162 (Public Sector Management Commission Act 1990 not to apply)

30. Section 162—

omit, insert—

‘Public Service Act does not apply

‘**162.** The *Public Service Act 1996* does not apply to the abattoir corporation or its employees.’.

Replacement of pts 9 and 10

31. Parts 9 and 10—

omit, insert—

‘PART 9—EXPIRY**‘Expiry of Act**

‘**167.** This Act expires on 1 January 2001.’.