

Queensland



**PRIMARY INDUSTRIES
LEGISLATION AMENDMENT
ACT 2002**

Act No. 49 of 2002

Queensland



PRIMARY INDUSTRIES LEGISLATION AMENDMENT ACT 2002

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Queensland



**Primary Industries Legislation Amendment
Act 2002**

Act No. 49 of 2002

An Act to amend legislation about primary industries

[Assented to 24 September 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Primary Industries Legislation Amendment Act 2002*.

2 Commencement

Sections 14 and 21(2) commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF ANIMAL CARE AND PROTECTION ACT 2001

3 Act amended in pt 2

(1) This part amends the *Animal Care and Protection Act 2001*.

(2) The schedule also includes amendments of the *Animal Care and Protection Act 2001*.

4 Amendment of s 155 (Information notice about forfeiture)

Section 155(1), after ‘or other thing,’—

insert—

‘other than a seized thing mentioned in section 150(1)(c),¹’.

5 Amendment of s 165 (Power to require information about contravention)

(1) Section 165, heading ‘**about contravention**’—

omit.

(2) Section 165(2), after ‘contravention’—

insert—

‘or about whether the direction has been complied with’.

PART 3—AMENDMENT OF CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

6 Act amended in pt 3

This part amends the *Chicken Meat Industry Committee Act 1976*.

7 Insertion of new s 22A

Part 3, division 1, after section 22—

insert—

‘22A Grower’s contribution to registration and annual fees

‘(1) If an agreement is registered under section 24B,² the processor under the agreement may recover from the grower under the agreement, as a debt, 50% of—

- (a) the fee that, under section 24B, the processor paid to apply to register the agreement; and

1 Section 150 (Information notice and receipt for seized property)

2 Section 24B (Application for registration)

(b) each annual fee that, under section 24D,³ the processor pays for the agreement.

‘(2) The processor may set-off an amount owing under subsection (1) against any amount that, under the agreement, the producer owes the grower.

‘(3) This section applies despite any provision of the agreement.’.

PART 4—AMENDMENT OF DAIRY INDUSTRY ACT 1993

8 Act amended in pt 4

This part amends the *Dairy Industry Act 1993*.

9 Amendment of s 99I (Dissolution of authority)

(1) Section 99I(1)(b) and (c)—

renumber as section 99I(1)(c) and (d)

(2) Section 99I(1)—

insert

‘(b) any other liability of the authority, other than a liability about a matter relating to part 3 or 4,⁴ becomes a liability of the State; and’.

10 Insertion of new s 99J

Part 6A, after section 99I—

insert—

3 Section 24D (Payment of annual fee)

4 Parts 3 (Licensing) and 4 (Industry standards)

For liabilities of the authority about matters relating to parts 3 and 4, see the *Food Production (Safety) Act 2000*, part 11, division 2 (Transitional and saving provisions for repeal of Dairy Industry Act 1993).

‘99J Proceedings by or against authority not about part 3 or 4

‘(1) A proceeding, other than a proceeding about a matter relating to part 3 or 4, by or against the authority that has not been finished before the dissolution day under section 99I, may be continued and finished by or against the State.⁵

‘(2) If, because of an event that happened before the dissolution day, a proceeding, other than a proceeding about part 3 or 4, could have been started by or against the authority, it may be started by or against the State.’.

PART 5—AMENDMENT OF FISHERIES ACT 1994**11 Act amended in pt 5**

(1) This part amends the *Fisheries Act 1994*.

(2) The schedule also includes amendments of the *Fisheries Act 1994*.

12 Replacement of s 3 (Objectives of Act and their achievement)

Section 3—

omit, insert—

‘3 Main purpose of Act

‘(1) The main purpose of this Act is to provide for the use, conservation and enhancement of the community’s fisheries resources and fish habitats in a way that seeks to—

- (a) apply and balance the principles of ecologically sustainable development; and
- (b) promote ecologically sustainable development.

‘(2) In balancing the principles, each principle is to be given the relative emphasis appropriate in the circumstances.

⁵ For proceedings about matters relating to parts 3 and 4, see the *Food Production (Safety) Act 2000*, section 140F (Proceedings by or against former authority about part 3 or 4 matters).

‘(3) In this section—

“ecologically sustainable development” means using, conserving and enhancing the community’s fisheries resources and fish habitats so that—

- (a) the ecological processes on which life depends are maintained; and
- (b) the total quality of life, both now and in the future, can be improved.

“principles of ecologically sustainable development” means the following principles—

- (a) enhancing individual and community wellbeing through economic development that safeguards the wellbeing of future generations;
- (b) providing fairness within and between generations;
- (c) protecting biological diversity, ecological processes and life-support systems;
- (d) in making decisions, effectively integrating fairness and short and long-term economic, environmental and social considerations;
- (e) considering the global dimension of environmental impacts of actions and policies;
- (f) considering the need to maintain and enhance competition, in an environmentally sound way;
- (g) considering the need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection;
- (h) that decisions and actions should provide for broad community involvement on issues affecting them;
- (i) the precautionary principle.

“precautionary principle” means the principle that, if there is a threat of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason to postpone measures to prevent environment degradation, or possible environmental degradation, because of the threat.

‘3A How purpose is to be primarily achieved

‘The main purpose of this Act is to be primarily achieved by—

- (a) giving the chief executive appropriate powers to perform the chief executive’s functions under this Act; and
- (b) providing for the following—
 - (i) the management and protection of fish habitats;
 - (ii) the management of commercial, recreational and indigenous fishing;
 - (iii) the prevention, control and eradication of disease in fish;
 - (iv) the management of aquaculture.’.

13 Amendment of s 65 (Transfer of authority (other than permit))

Section 65(2)(a)—

omit, insert—

- ‘(a) be made—
 - (i) jointly by each holder of the authority and the proposed transferee; and
 - (ii) to the chief executive, in the approved form; and’.

14 Insertion of new ss 65A and 65B

After section 65—

insert—

‘65A Temporary transfers

‘(1) A transfer under section 65(1) may provide that it is only for a stated period fixed by the chief executive (a “**temporary transfer**”).

‘(2) The stated period—

- (a) may, subject to paragraphs (b) to (d), be fixed by reference to the happening of a stated event; and

Example for paragraph (a)—

If the entitlement under the relevant authority is subject to a quota, the start or end of the period may be fixed by reference to the start or end of the restriction the subject of the quota.

- (b) must not start before the day the chief executive approves the application in writing; and
- (c) must not be longer than the term of the authority; and
- (d) must be at least 28 days.

‘(3) If an authority is subject to a temporary transfer (the “**first transfer**”), a further temporary transfer of the authority may be granted for a stated period not longer than the period of the first transfer.

‘(4) If the chief executive decides to grant an application for a temporary transfer, the chief executive must, as soon as practicable, give the applicants written notice stating the following—

- (a) that the authority has been transferred temporarily;
- (b) the names of—
 - (i) the holder from whom the authority was transferred; and
 - (ii) the transferee;
- (c) the period of the transfer;
- (d) conditions the chief executive has, under section 65(4)(b), imposed on the transfer.

‘65B Effect of temporary transfer

‘(1) This section applies for a temporary transfer until—

- (a) generally—the end of the period for which the transfer is granted; or
- (b) if, during the period, the chief executive receives a signed notice from each interested party that the transfer has ended—the chief executive’s receipt of the notice.

‘(2) A reference in the following to the holder of the transferred authority, or to the holder of an authority, is, if the context permits, taken to include a reference to the transferee as if the transferee were the holder of the transferred authority—

- (a) a provision of this Act, other than section 4, 56, 57, 63(4)(d) and (5), 72 or 73;
- (b) a regulation or management plan;
- (c) the conditions of the transferred authority.

‘(3) The things authorised by the transferred authority—

- (a) may be done by the transferee as if the transferee were the person who was the holder of the authority immediately before the temporary transfer was granted (the “**original holder**”); and
- (b) can not be done by original holder.

‘(4) Despite the temporary transfer, the original holder continues to be the holder of the transferred authority.

‘(5) If a further temporary transfer is granted for the transferred authority, subsections (2) to (4) apply to the transferee under the first temporary transfer as if a reference to the original holder includes that transferee.

‘(6) In this section—

“**interested party**” means—

- (a) the original holder; and
- (b) the transferee; and
- (c) if a further temporary transfer is granted for the transferred authority—the transferee under that transfer; and
- (d) anyone else who is noted on the register the chief executive keeps under section 73 as having an interest in the authority.’.

15 Omission of pt 5, div 3, sdiv 5A (Leases)

Part 5, division 3, subdivision 5A—

omit.

16 Amendment of s 67 (Suspension or cancellation of authorities by chief executive)

Section 67(1), after ‘on’—

insert—

‘any of’.

17 Insertion of new pt 5, div 3, sdiv 6A

Part 5, division 3—

insert—

‘Subdivision 6A—Death of authority holder**‘70A Application of sdiv 6A**

‘This subdivision applies if an individual is a holder of an authority and the individual dies.

‘70B General effect of death

‘Subject to section 70C, on the individual’s death—

- (a) the individual ceases to be a holder of the authority; and
- (b) the individual’s entitlement as a holder of the authority ceases.

‘70C Continuance of particular authorities

‘(1) This section applies only if the authority is of a type prescribed under a regulation or management plan.

‘(2) If, immediately before the individual’s death, the individual was the only holder of the authority—

- (a) the authority continues in force, subject to this Act; and
- (b) the individual’s personal representative becomes the holder of the authority.

‘(3) If, immediately before the death, there was more than 1 holder of the authority—

- (a) the individual’s personal representative becomes a holder of the authority; and
- (b) the other holders of the authority continue to be holders of the authority, unaffected by the individual’s death.

‘(4) A personal representative who, under this section, becomes a holder takes the entitlement the individual had under the authority immediately before the death.

‘70D Provisions for changeover to personal representative

‘(1) This section applies if, under section 70C, a personal representative (the “**new holder**”) becomes a holder of the authority.

‘(2) The change in the holdership to the new holder is taken to be a circumstance for section 73(3).⁶

‘(3) Until the change is recorded in the register the chief executive keeps under section 73(1), a notice under this Act from the chief executive to the new holder may be given at the deceased individual’s address last known to the chief executive.’.

18 Replacement of s 118 (Statistical returns to be kept)

Section 118—

omit, insert—

‘118 Statistical returns to be kept

‘(1) A regulation or management plan, or the chief executive by written notice, may require a person to—

- (a) keep, in the approved form, stated records, documents or other information about a fishery or fisheries resources; and
- (b) give the chief executive the records, documents or other information in a stated way, or at stated times.

‘(2) Subsection (1) applies whether or not the person performs activities by way of fishing or other activities at the relevant time.

‘(3) A person of whom a requirement mentioned in subsection (1) has been made must comply with the requirement.

Maximum penalty for subsection (3)—500 penalty units.’.

19 Amendment of s 136 (Exercise of powers for Joint Authority fishery under Queensland law)

(1) Section 136(3)—

omit, insert—

⁶ Section 73 (Registers of authorities)

‘(3) The Joint Authority for the fishery has, to the exclusion of the chief executive, all the chief executive’s functions and powers for the fishery.’

(2) Section 136(4), from ‘were’—

omit, insert—

‘were the chief executive.’.

20 Insertion of new s 221A

After section 221—

insert—

‘221A Approved forms

‘The chief executive may approve forms for use under this Act, other than for part 9.’.

21 Amendment of schedule (Dictionary)

(1) Schedule—

insert—

‘**“approved form”** means a form approved by the chief executive under section 221A.

“entitlement”, for the holder of an authority, means the things that, under section 52, the holder is authorised to do as the holder of the authority.’.

(2) Schedule—

insert—

‘**“temporary transfer”** see section 65A(1).’.

PART 6—AMENDMENT OF FOOD PRODUCTION (SAFETY) ACT 2000

22 Act amended in pt 6

This part amends the *Food Production (Safety) Act 2000*.

23 Replacement of s 2 (Commencement)

Section 2—

omit, insert—

‘2 Commencement

‘(1) The following provisions commence on a day to be fixed by proclamation—

- (a) parts 5 to 8;
- (b) part 11, divisions 2 and 3;
- (c) part 12.

‘(2) However, if no day has been fixed by 1 January 2004, the provisions commence on that day.

‘(3) The *Acts Interpretation Act 1954*, section 15DA⁸ does not apply to this Act.’.

24 Amendment of s 14 (Functions)

Section 14(h), ‘carry out’—

omit, insert—

‘conduct’.

25 Replacement of pt 11, hdg

Part 11, heading—

omit, insert—

⁸ *Acts Interpretation Act 1954*, section 15DA (Automatic commencement of postponed law)

‘PART 11—TRANSITIONAL AND SAVINGS PROVISIONS

‘Division 1—Transitional and savings provisions for Act No. 45 of 2000’.

26 Amendment of s 136 (Definitions for pt 8)

(1) Section 136, heading ‘**pt 8**’—

omit, insert—

‘div 1’.

(2) Section 136, ‘part’—

omit, insert—

‘division’.

27 Insertion of new pt 11, divs 2 and 3

Part 11, after section 140—

insert—

‘Division 2—Transitional and savings provisions for repeal of Dairy Industry Act 1993

‘140A Definitions for div 2

‘In this division—

“**commencement**” means the commencement of the section in which it appears.

“**dissolution day**” means the dissolution day for the former authority under the repealed Act, section 99I.⁹

“**former authority**” means the former Queensland Dairy Authority established under the repealed Act.

⁹ Repealed Act, section 99I (Dissolution of authority)

“part 3 or 4 matter” means a matter that relates to the repealed Act, part 3 or 4.¹⁰

“repealed Act” means the repealed *Dairy Industry Act 1993*.

“tribunal” means the Dairy Industry Tribunal established under the repealed Act.

‘140B Existing licences

‘(1) This section applies to a person who, immediately before the commencement, held a licence under the repealed Act.

‘(2) The person, on the commencement, is taken to be the holder of an accreditation for the same business in the dairy industry as the licence authorised.

‘(3) The parts of the person’s Quality Assurance Program about food safety issues are taken to be the person’s food safety program.

‘(4) Safe Food must review the person’s food safety program within 1 year after the commencement to decide if the person’s program is an approved program.

‘(5) Until Safe Food reviews the food safety program, the program is taken to be the approved program for the accreditation.

‘(6) If the licence held by the person immediately before the commencement was subject to a restriction or condition, the accreditation the person is taken to hold on the commencement is also taken to be subject to a condition in the same terms, so far as practicable, as the restriction or condition.

‘(7) The accreditation the person is taken to hold ends, unless sooner cancelled or suspended, on the earlier of the following days—

- (a) the day the balance of the licence period ends;
- (b) if Safe Food grants an accreditation under section 48 of the Act,¹¹ the day the accreditation is granted.

‘(8) If Safe Food grants an accreditation before the licence period ends, Safe Food must refund the person the proportion of the licence fee paid for any unused part of the licence period for which the fee was paid.

10 Repealed Act, part 3 (Licensing) or 4 (Industry standards)

11 Section 48 (Grant or renewal of accreditation) of the Act

‘(9) In this section—

“**balance of the licence period**” means the part of the licence period after the commencement.

“**licence period**”, for a licence, means the period for which the licence was granted under the repealed Act, starting on the day the licence was granted.

“**Quality Assurance Program**” means a program approved by the former authority under the repealed Act.

‘140C Variation, suspension and cancellation of licences

‘If, before the commencement, the former authority—

- (a) has given a person written notice of a proposed variation, suspension or cancellation of the person’s licence; and
- (b) has not made a decision about the proposed variation, suspension or cancellation;

the decision must be made under the repealed Act.

‘140D Existing tribunal appeals about part 3 or 4 matter

‘If, before the dissolution day, an appeal to the tribunal about a part 3 or 4 matter has not been decided, it may be continued before, and finished by, the tribunal as if this Act had not been enacted.

‘140E Appeals to court about part 3 or 4 matter

‘(1) If before the dissolution day—

- (a) a person had appealed to a court against a decision of the former authority or the tribunal about a part 3 or 4 matter; and
- (b) the appeal had not been decided;

the court may hear, or continue to hear, and decide the appeal under that Act as if it had not been repealed.

‘(2) If —

- (a) because of an event that happened before the dissolution day, a person could have appealed to a court against a decision of the former authority about a part 3 or 4 matter; and

(b) the person had not appealed before the dissolution day;
the person may appeal under that the repealed Act as if it had not been repealed.

‘140F Proceedings by or against former authority about part 3 or 4 matters

‘(1) A proceeding by or against the former authority about a part 3 or 4 matter that has not been finished before the dissolution day may be continued and finished by or against Safe Food.

‘(2) If, because of an event that happened before the dissolution day, a proceeding could have been started by or against the former authority about a part 3 or 4 matter, it may be started by or against Safe Food.¹²

‘140G Liabilities of former authority for part 3 or 4 matters

‘On the dissolution day, a liability of the former authority about a part 3 or 4 matter becomes a liability of Safe Food.¹³

‘140H Existing authorised persons

‘A person who held an appointment as an authorised person under the repealed Act immediately before the commencement is taken to be appointed as an authorised person under this Act.

‘140I References to repealed Act

‘In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.

‘140J Safe Food taken to be the former authority

‘In an Act or document, a reference to the former authority must, if the context permits, be taken to be a reference to Safe Food.

12 For other proceedings, see the repealed Act, section 99J (Proceedings by or against authority not about part 3 or 4).

13 For other liabilities, see the repealed Act, section 99I (Dissolution of authority).

‘Division 3—Transitional and savings provisions for repeal of Meat Industry Act 1993

‘140K Definitions for div 3

‘In this division—

“**commencement**” means the commencement of the section in which it appears.

“**former authority**” means the former Queensland Livestock and Meat Authority established under the repealed Act.

“**repealed Act**” means the repealed *Meat Industry Act 1993*.

“**tribunal**” means the Meat Industry Tribunal established under the repealed Act.

‘140L Existing accreditations

‘(1) This section applies to a person who, immediately before the commencement, held an accreditation under the repealed Act.

‘(2) The person, on the commencement, is taken to be the holder of an accreditation for the same business in the meat industry as the accreditation under the repealed Act authorised.

‘(3) The parts of the person’s program of production about food safety issues are taken to be the person’s food safety program.

‘(4) Safe Food must review the person’s food safety program within 1 year after the commencement to decide if the person’s program is an approved program.

‘(5) Until Safe Food reviews the food safety program, the program is taken to be the approved program for the accreditation.

‘(6) If the accreditation held by the person immediately before the commencement was subject to a restriction or condition, the accreditation the person is taken to hold on the commencement is also taken to be subject to a condition in the same terms, so far as practicable, as the restriction or condition.

‘(7) The accreditation the person is taken to hold ends, unless sooner cancelled or suspended, on the earlier of the following days—

- (a) the day the balance of the accreditation period ends;

(b) if Safe Food grants an accreditation under section 48 of the Act,¹⁴ the day the accreditation is granted.

‘(8) If Safe Food grants an accreditation before the accreditation period ends, Safe Food must refund the person the proportion of the accreditation fee for the unused part of the accreditation period.

‘(9) In this section—

“**accreditation fee**”, for an accreditation, means the fee paid for accreditation granted under the repealed Act.

“**accreditation period**”, for an accreditation, means the period for which the accreditation was granted under the repealed Act, starting on the day the accreditation was granted.

“**balance of the accreditation period**” means the part of the accreditation period after the commencement.

“**program of production**” means a program approved by the former authority under the repealed Act.

‘140M Existing temporary accreditations

‘(1) This section applies to a person who, immediately before the commencement, held a temporary accreditation under the repealed Act.

‘(2) The person, on the commencement, is taken to be the holder of a temporary accreditation for the same business in the meat industry as the temporary accreditation authorised.

‘(3) The parts of the person’s program of production about food safety issues are taken to be the approved program.

‘(4) The temporary accreditation remains in force until the earlier of the following happens—

- (a) the end of the period stated in the temporary accreditation;
- (b) the accreditation applied for is granted, or the application is refused, under section 46(1);
- (c) a temporary accreditation is granted under section 47(1).

‘(5) In this section—

14 Section 48 (Grant or renewal of accreditation) of the Act

“program of production” means a program approved by the former authority under the repealed Act.

‘140N Variation, suspension and cancellation of accreditation

‘If, before the commencement, the former authority—

- (a) has given a person written notice of a proposed variation, suspension or cancellation of the person’s accreditation; and
- (b) has not made a decision about the proposed variation, suspension or cancellation;

the decision must be made under the repealed Act.

‘140O Existing appeals to tribunal

‘(1) This section applies if an appeal has been made to the tribunal, but not decided, under the repealed Act.

‘(2) The proceeding may be continued before, and completed by, the tribunal as if this Act had not been enacted.

‘140P Appeals to court

‘(1) If—

- (a) a person had appealed to a court under the repealed Act before the commencement against a decision of the former authority or the tribunal; and
- (b) the appeal had not been decided before the commencement;

the court may hear, or continue to hear, and decide the appeal under that Act as if it had not been repealed.

‘(2) If—

- (a) because of an event that happened before the commencement a person could have appealed to a court under the repealed Act against a decision of the former authority or the tribunal; and
- (b) the person had not appealed before the commencement;

the person may appeal under that Act as if it had not been repealed.

‘140Q Proceedings by or against former authority

‘(1) A proceeding by or against the former authority that has not been finished before the commencement may be continued and finished by or against Safe Food.

‘(2) If, because of an event that happened before the commencement, a proceeding could have been started by or against the former authority, it may be started by or against Safe Food.

‘140R Existing meat safety persons

‘A person who held an appointment as a meat safety person under the repealed Act immediately before the commencement is taken to be appointed as an authorised person under this Act.

‘140S References to repealed Act

‘In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.

‘140T Safe Food taken to be the former authority

‘In an Act or document, a reference to the authority must, if the context permits, be taken to be a reference to Safe Food.’.

28 Replacement of pt 12 (Repeal and amendment of Acts)

Part 12—

omit, insert—

‘PART 12—REPEAL OF ACTS**‘141 Repeal of Dairy Industry Act 1993**

‘(1) The *Dairy Industry Act 1993* is repealed.

‘(2) The *Dairy Industry Act 1993*, sections 99I and 99J are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.¹⁵

‘142 Repeal of Meat Industry Act 1993

‘(1) The *Meat Industry Act 1993* is repealed.

‘(2) The *Meat Industry Act 1993*, parts 7 and 7B are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.¹⁶’.

PART 7—AMENDMENT OF GRAIN INDUSTRY (RESTRUCTURING) ACT 1991

29 Act amended in pt 7

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

(2) The schedule also includes amendments of the *Grain Industry (Restructuring) Act 1991*.

30 Amendment of s 2 (Objects of this Act)

Section 2—

insert—

‘(f) to provide for a review of export marketing arrangements for wheat produced in the State when, under the *Wheat Marketing Act 1989* (Cwlth), national arrangements for wheat marketing are reviewed.’.

15 *Dairy Industry Act 1993*, sections 99I (Dissolution of authority) and 99J (Proceedings by or against authority not about part 3 or 4).

Acts Interpretation Act 1954, section 20A (Repeal does not end saving, transitional or validating effect etc.).

16 *Meat Industry Act 1993*, parts 7 (Queensland abattoir corporation) and 7B (Administration and winding-up of abattoir corporation)

31 Amendment of s 3 (Definitions)

Section 3, definition “**inspector**”—
omit.

32 Insertion of new pt 5

After section 33—
insert—

‘PART 5—REVIEWS**‘34 Review of export wheat marketing arrangements**

‘(1) This section applies if the report mentioned in the *Wheat Marketing Act 1989* (Cwlth), section 57(7),¹⁷ has been given.

‘(2) The Minister must, as soon as practicable, cause to be conducted a public review of the options for the future marketing of wheat produced in the State for the export market.

‘(3) The terms of reference for the review are the terms of reference fixed by the Minister.

‘(4) However, before fixing the terms of reference, the Minister must make reasonable endeavours to consult with Grainco and each organisation representing growers or marketers of wheat produced in the State for the export market.

‘(5) The review must be conducted consistently with the competition principles agreement.

‘(6) If the agreement requires a public benefit test, it must be applied to of all the options.

‘(7) The Minister must, within 3 months after the review is finished, table a report about the outcome of the review in the Legislative Assembly.

17 *Wheat Marketing Act 1989* (Cwlth), section 57 (Control of export of wheat)

‘35 Review of Act

‘(1) The Minister must review this Act within 5 years after the commencement of this section to decide whether the provisions of this Act remain appropriate.

‘(2) The Minister must, as soon as practicable after finishing the review, table a report about the outcome of the review in the Legislative Assembly.’.

**PART 8—AMENDMENT OF MEAT INDUSTRY ACT
1993****33 Act amended in pt 8**

This part amends the *Meat Industry Act 1993*.

34 Amendment of s 162N (Dissolution of abattoir corporation)

(1) Section 162N(1)(b) and (c)—
renumber as section 162N(1)(c) and (d).

(2) Section 162N(1)—
insert—

‘(b) any other liability of the abattoir corporation becomes a liability of the State; and’.

35 Insertion of new s 162O

Part 7B, after section 162N—

insert—

‘162O Proceedings by or against abattoir corporation

‘(1) A proceeding by or against the abattoir corporation that has not been finished before the dissolution day under section 162N may be continued and finished by or against the State.

‘(2) If, because of an event that happened before the dissolution day, a proceeding could have been started by or against the abattoir corporation, it may be started by or against the State.’.

36 Omission of pt 9 (Expiry)

Part 9—

omit.

PART 9—MINOR AND CONSEQUENTIAL AMENDMENTS

37 Acts amended—schedule

The schedule amends the Acts it mentions.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

sections 3(2), 11(2), 29(2) and 37

ANIMAL CARE AND PROTECTION ACT 2001

1 Section 18(2)(g)(ii), second occurring—

renumber as section 18(2)(g)(iii).

2 Section 152(2)(b), ‘State’—

omit, insert—

‘the State’.

FISHERIES ACT 1994

1 Sections 53(a), 54(1)(a), 56(4)(a), 71(2)(a), 73(3) and (6), 74(3), 113(1)(a), ‘form approved by the chief executive—

omit, insert—

‘approved form’.

2 Sections 72(2) and 143(2)(b), ‘a form approved by the chief executive’—

omit, insert—

‘an approved form’.

SCHEDULE (continued)

- 3 Section 73(6), ‘other than a lease’—**
omit.
- 4 Section 144(3), ‘subsection (1)’—**
omit, insert—
‘subsection (2)’.

GRAIN INDUSTRY (RESTRUCTURING) ACT 1991

- 1 Section 3, definition “expiry date”—**
omit.
- 2 Part 2, heading, ‘AND REVIEW’—**
omit.
- 3 Section 10(2)(b), ‘the expiry date’—**
omit, insert—
‘30 June 2002’.
- 4 Section 61(1)(d)—**
omit.
- 5 Section 61(1)(e)—**
renumber as section 61(1)(d).

SCHEDULE (continued)

POLICE POWERS AND RESPONSIBILITIES ACT 2000**1 Section 66(2)(d)(i), ‘; and’—***omit, insert—*

‘; or’.

2 Section 66(2)(e), ‘animal.’—*omit, insert—*

‘animal;’.

PRIMARY INDUSTRY BODIES REFORM ACT 1999**1 Section 84(2)(c), after ‘milk’—***omit, insert—*‘(as defined under the repealed *Dairy Industry Act 1993*);’.**2 Section 84(3)(c), ‘holds’—***omit, insert—*

‘would, if the *Dairy Industry Act 1993* had not been repealed, be the holder of’.

SCHEDULE (continued)

STOCK ACT 1915**1 Section 20(6), ‘a meat safety officer under the *Meat Industry Act 1993*’—**

omit, insert—

‘an approved auditor under the *Food Production (Safety) Act 2000*’.

VETERINARY SURGEONS ACT 1936**1 Section 18(3), ‘surgery’—**

omit, insert—

‘science’.

2 Section 25, definition “disqualifying offence”, paragraph (c), after ‘animals’—

insert—

‘or an animal welfare offence within the meaning of the *Animal Care and Protection Act 2001*’.

3 Section 34(1), ‘or the *Agricultural Standards Act 1952*’—

omit.

4 Section 34(1A) to (2)—

omit.