



Queensland

Plant Protection Amendment Act 2005

Act No. 72 of 2005



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Plant Protection Amendment Act 2005

Act No. 72 of 2005

An Act to amend the *Plant Protection Act 1989*, and for other purposes

[Assented to 8 December 2005]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Plant Protection Amendment Act 2005*.

2 Act amended

This Act amends the *Plant Protection Act 1989*.

3 Amendment of s 11B (Review of particular decisions and actions)

Section 11B(5), definition *direct instruction*, ‘direction’—
omit, insert—
‘instruction’.

4 Renumbering of s 21LA (Failure to decide particular decisions taken to be refusal)

Section 21LA—
renumber as section 21LC.

5 Insertion of new pt 5A

After part 5—
insert—

‘Part 5A Government and industry cost sharing agreements**‘21LA Entering into agreement**

‘(1) The Minister or the chief executive may, for the State, enter into an agreement (a *government and industry cost sharing agreement*) that is—

- (a) between the State, 1 or more other jurisdictions and 1 or more plant industry bodies; and
- (b) directed at ensuring a coordinated process for any of the following—
 - (i) managing risks posed by pests;
 - (ii) responding to an outbreak of pest infestation;
 - (iii) sharing, between the parties, the costs related to a matter mentioned in subparagraph (i) or (ii).

‘(2) In this section—

other jurisdiction means the Commonwealth or another State.

plant industry body means a body considered by the participants in a plant industry to be the national representative of the industry.

‘21LB Content of agreement

‘(1) A government and industry cost sharing agreement may provide for the following—

- (a) measures the parties to the agreement must undertake for—
 - (i) preparing for an outbreak of pest infestation; and
 - (ii) preventing, controlling or responding to an outbreak of pest infestation;
- (b) the whole or partial reimbursement of costs incurred, or losses suffered, by a person in complying with an implemented response to an outbreak of pest infestation;

Examples of costs that may be incurred by a person in complying with an implemented response—

- costs of eradicating or controlling a pest
- costs of undertaking a pest control measure to prevent the introduction, reintroduction or spread of a pest

Examples of losses that may be suffered by a person in complying with an implemented response—

- the value of plants owned by the person that are destroyed to eradicate or control a pest or to prevent the introduction, reintroduction or spread of a pest

- the value of production that is foregone because land owned by the person must be left fallow to prevent the introduction, reintroduction or spread of a pest
- (c) sharing, between the parties to the agreement, of any of the following costs incurred by a party to the agreement—
- (i) costs of implementing a response to an outbreak of pest infestation, including, for example, labour costs, operating expenses and capital expenditure;
 - (ii) costs of reimbursing persons for costs incurred, or losses suffered, by them in complying with the implemented response;
- (d) restrictions applying to cost sharing under the agreement;

Examples of restrictions that may apply to cost sharing under the agreement—

- 1 Only a stated maximum amount is eligible for cost sharing under the agreement.
 - 2 Only the stated types of costs are eligible for cost sharing under the agreement.
- (e) any thing else necessary or convenient for the matters mentioned in paragraphs (a) to (d).
- ‘(2) Subsection (1)(c) does not limit the types of costs that may be subject to cost sharing under the agreement.’.

6 **Amendment of s 21M (Application for reconsideration of administrative decisions)**

Section 21M(5), definition *relevant day*, paragraph (b)(ii), ‘section 21LA(3)’—

omit, insert—

‘section 21LC(3)’.

7 **Amendment of s 28 (Limitation of action)**

Section 28—

insert—

- ‘(3) Subsection (2) does not affect the operation of—
- (a) a government and industry cost sharing agreement; or
 - (b) another Act if it provides for financial assistance, in whatever form, or ex gratia payments.

Example for paragraph (b)—

Subsection (2) does not affect the operation of the *Rural and Regional Adjustment Act 1994*.

- ‘(4) Further, the following payments do not constitute the payment of compensation under section 14 or otherwise under this Act—
- (a) the payment of an amount, however called, to a person under an agreement mentioned in subsection (3)(a);
 - (b) the payment of an amount, however called, whether the amount was paid before or after the commencement of this subsection, to a person under an Act to which subsection (3)(b) applies.’

8 Amendment of s 31 (Delegation by chief executive)

Section 31, after ‘agreements’—

insert—

‘or government and industry cost sharing agreements’.

9 Omission of s 40 (Transitional arrangements for identity card requirements)

Section 40—

omit.

10 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*government and industry cost sharing agreement* see section 21LA.’



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