

# **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 1996**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

#### **Objectives of the Legislation**

The objective of the Bill is to amend 8 Acts in the portfolio of the Minister for Primary Industries and the *Transport Infrastructure Act 1994* in the portfolio of the Minister for Transport.

#### **Reasons for the Bill**

##### *Agricultural Chemicals Distribution Control Act 1966*

To allow persons to be appointed as analysts without the requirement that they be employees of the department.

##### *Agricultural Standards Act 1994*

To allow persons to be appointed as analysts without the requirement that they be public servants, and make the provisions of this Act consistent with the proposed changes to the *Agricultural Chemicals Distribution Control Act 1966* and the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

##### *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

To allow persons to be appointed as analysts without the requirement that they be employees of the department.

##### *Farm Produce Marketing Act 1964*

To reintroduce provision that a person is not eligible to be granted a farm

produce commercial seller's licence if the Minister has previously forfeited the fidelity bond in respect of a licence held by the person, and to provide a definition of "authority" in section 46A of the Act.

*Fisheries Act 1994*

To remove the requirement for a police officer to have and produce an inspector's identification under this Act. The production of a police identity card will be sufficient compliance with the Act.

*Fruit Marketing Organisation Act 1923*

To provide for two additional sectional group committees (Heavy Produce and Tomato) and to extend the term of the Committee of Direction until 31 December 1996. The extension of the term of the Committee of Direction will enable elections to include the new sectional group committees.

*Grain Industry (Restructuring) Act 1991*

To extend the term of operation of certain sections of this Act.

*Primary Producers' Organisation and Marketing Act 1926*

To provide an alternative to the winding up process for Boards constituted under this Act. The Governor in Council will have power to make a gazette notice dissolving a Board.

*Transport Infrastructure Act 1994*

To extend the term of operation of section 237 of the Act, which continues by reference the operation of certain provisions of the repealed *Harbours Act 1955* about the Queensland Sugar Corporation; and to extend the operation of other sections of chapter 10, part 3 of that Act for 12 months.

**Estimated costs for government implementation**

No additional costs to government are anticipated.

**Consistency with fundamental legislative principles**

The provisions of the Bill are consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*.

**Consultation**

- Other than for minor amendments the relevant organisations have been consulted.

*Grain Industry (Restructuring) Act 1991*—Grainco

*Fruit Marketing Organisation Act 1923* —Committee of Direction

*Transport Infrastructure Act 1994* —Queensland Sugar Corporation  
—Department of Transport

**Results of consultation**

The proposed amendments have been supported.

**NOTES ON PROVISIONS****PART 1—PRELIMINARY**

*Clause 1* states that the short title of the Act will be the *Primary Industries Legislation Amendment Act 1996*.

*Clause 2* provides that section 20(2) of the Act will commence on a date to be fixed by proclamation. All other provisions will commence upon assent.

**PART 2—AMENDMENT OF THE AGRICULTURAL CHEMICALS DISTRIBUTION CONTROL ACT 1966**

*Clause 3* states the Act to be amended.

*Clause 4* amends section 7 of the Act to provide that a person may be appointed as an analyst or an inspector provided that chief executive is satisfied that the person has the necessary experience or expertise.

### **PART 3—AMENDMENT OF THE AGRICULTURAL STANDARDS ACT 1994**

*Clause 5* states the Act to be amended.

*Clause 6* amends the definition of “analyst” in section 4 of the Act, to mean a person who holds an appointment as an analyst.

*Clause 7* amends the Part 4, division 1 heading from “Inspectors” to “Inspectors and analysts”.

*Clause 8* amends section 15 of the Act to provide that a person may be appointed as an analyst or an inspector provided that the chief executive is satisfied that the person has the necessary experience or expertise.

### **PART 4—AMENDMENT OF THE CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988**

*Clause 9* states the Act to be amended.

*Clause 10* amends section 7 of the Act to provide that a person may be appointed as an analyst or an inspector provided that the chief executive is satisfied that the person has the necessary experience or expertise.

### **PART 5—AMENDMENT OF THE FARM PRODUCE MARKETING ACT 1964**

*Clause 11* states the Act to be amended.

*Clause 12(1)* amends section 7(3) to insert paragraph (d) which provides that a farm produce commercial seller’s licence applicant is ineligible to be granted a license, where the Minister has forfeited a fidelity bond in respect of a licence previously held by the applicant.

*Clause 12(2)* amends section 7(3A) to include a reference to section 7(3)(d).

*Clause 12(3)* amends section 7(b) by omitting “form prescribed” and inserting “approved form”.

*Clause 12(4)* amends section 7(9B) by omitting “prescribed forms” and inserting “approved forms”.

*Clause 13* amends section 22B(3)(b) by omitting “prescribed form” and inserting “approved form”.

*Clause 14* provides a definition of “authority” as the Brisbane Market Authority in section 46A.

## **PART 6—AMENDMENT OF THE FISHERIES ACT 1994**

*Clause 15* states the Act to be amended.

*Clause 16* amends section 144, to provide that—

- the requirement to produce or display an inspector’s identity card does not apply to a uniformed police officer; and
- that if an inspector is a police officer, the production of the inspector’s police identity card is sufficient compliance with the requirement to produce or display an identity card.

## **PART 7—AMENDMENT OF THE FRUIT MARKETING ORGANISATION ACT 1923**

*Clause 17* states the Act to be amended.

*Clause 18* amends the definition of “fruit” to include “tomatoes” and the definition of “other fruits” to exclude “tomatoes” to reflect the proposed change to section 11 of the Act. (ie: the creation of a tomato sectional group committee).

*Clause 19* amends the heading for section 8.

*Clause 20* amends section 11 of the Act by—

- (a) inserting a new section 11(1) to provide definitions for “heavy produce”, “the Stanthorpe fruit and vegetable area” and “vegetable”;
- (b) inserting a new section 11(1B) to provide for 7 Sectional Group Committees and their functions;
- (c) omitting section 11(2)-(2H) and inserting new section 11(2)-11(c) to cover matters formerly dealt with in section 11(2)-(2H).

*Clause 21* extends the term of the current members of the Committee of Direction until 31 August 1996, with the capability of this arrangement to be extended to 31 December 1996 by a regulation in accordance with the provisions of the section.

## **PART 8—AMENDMENT OF THE GRAIN INDUSTRY (RESTRUCTURING) ACT 1991**

*Clause 22* states the Act to be amended.

*Clause 23* extends the operation of sections 4(3), 6(3), 10, 29(2)(b), 35(5), 56 and 73 of the Act from 30 June 1996 until 30 June 1997.

## **PART 9—AMENDMENT OF THE PRIMARY PRODUCERS’ ORGANISATION AND MARKETING ACT 1926**

*Clause 24* states that Part 9 and the schedule amend the *Primary Producers’ Organisation and Marketing Act 1926*.

*Clauses 25* amends section 2 (Interpretation) in respect of definitions of “appointed day”, “approved form”, “certificate” and “prescribed instrument”.

*Clause 26* omits section 5A (Precept by Council).

*Clause 27* amends section 9 by—

- omitting the words “on eggs” in section 9(1);
- substituting the word “department” for “Department of Primary Industries” in section 9(5F); and
- omitting “State Transport Facilities Act 1946 or the regulations thereunder” and inserting “Transport Operations (Road Use Management) Act 1995 and the Acts mentioned in schedule 2, part 1 of that Act” in section 9(8).

*Clause 28* amends section 11C by omitting “order in council” and inserting “gazette notice”.

*Clause 29* omits section 12 and inserts a new section 12 removing references to “Council”. “Council” refers to the Council of Agriculture which was removed by the *Statute Law (Miscellaneous Provisions) Act 1994*.

*Clauses 30 to 40* make minor amendments to the Act, by replacing unnumbered headings, and amending sections 13, 14A, 18A, 19, 22, 23, 29, 30A, 30E, 31A and 33.

*Clause 41* omits section 34B which requires the Director of Marketing to make an annual report on the division of marketing of the Department of Primary Industries. There is no longer a division of marketing within the Department.

*Clause 42* provides for a consequential amendment to section 36. It is a result of the proposed changes to section 40 of the Act, allowing for the dissolving of boards constituted under the Act.

*Clauses 43 and 44* make minor amendments to the Act, by amending sections 37 and 39.

*Clause 45* amends section 40 to make provision for boards constituted under the Act to be dissolved by gazette notice. This is in addition to the process of winding up by the Supreme Court already provided under Section 36.

*Clauses 46 to 52* make minor amendments to the Act, by amending sections 41, 42, 43, 44, 46, 47 and 48.

*Clause 53* inserts a new section 55 to provide that the chief executive may approve forms for use under the Act and a new section 57 to provide a

3 month transitional arrangement for the use of prescribed forms until new forms are approved for use.

*Clause 54* makes a minor amendment to Schedule 2, section 20.

## **PART 10—AMENDMENT OF THE TRANSPORT INFRASTRUCTURE ACT 1994**

*Clause 55* states the Act to be amended.

*Clause 56* continues the operation of certain provisions of the *Harbours Act 1955* about the Queensland Sugar Corporation by amending the expiry date provided for in section 237 of the Act from 30 June 1996 to 31 October 1996, unless an earlier date is prescribed by regulation.

*Clause 57* continues the operation of stated sections of chapter 10, part 3 of the Act for a further 12 months.

## **SCHEDULE**

The schedule makes minor amendments to the *Primary Producers' Organisation and Marketing Act 1926*.