



Queensland

Plant Protection Amendment Bill 2005



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2005

A Bill

for

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

The Parliament of Queensland enacts—		1
Clause 1	Short title	2
	This Act may be cited as the <i>Plant Protection Amendment Act 2005</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Plant Protection Act 1989</i> .	6
Clause 3	Amendment of s 11B (Review of particular decisions and actions)	7 8
	Section 11B(5), definition <i>direct instruction</i> , ‘direction’—	9
	<i>omit, insert—</i>	10
	‘instruction’.	11
Clause 4	Renumbering of s 21LA (Failure to decide particular decisions taken to be refusal)	12 13
	Section 21LA—	14
	<i>renumber</i> as section 21LC.	15
Clause 5	Insertion of new pt 5A	16
	After part 5—	17
	<i>insert—</i>	18
‘Part 5A	Government and industry cost sharing agreements	19 20
‘21LA	Entering into agreement	21
	‘(1) The Minister or the chief executive may, for the State, enter into an agreement (a <i>government and industry cost sharing agreement</i>) that is—	22 23 24

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(a) between the State, 1 or more other jurisdictions and 1 or more plant industry bodies; and	1 2
(b) directed at ensuring a coordinated process for any of the following—	3 4
(i) managing risks posed by pests;	5
(ii) responding to an outbreak of pest infestation;	6
(iii) sharing, between the parties, the costs related to a matter mentioned in subparagraph (i) or (ii).	7 8
‘(2) In this section—	9
<i>other jurisdiction</i> means the Commonwealth or another State.	10
<i>plant industry body</i> means a body considered by the participants in a plant industry to be the national representative of the industry.	11 12 13
‘21LB Content of agreement	14
‘(1) A government and industry cost sharing agreement may provide for the following—	15 16
(a) measures the parties to the agreement must undertake for—	17 18
(i) preparing for an outbreak of pest infestation; and	19
(ii) preventing, controlling or responding to an outbreak of pest infestation;	20 21
(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;	22 23 24
<i>Examples of costs that may be incurred by a person in complying with an implemented response—</i>	25 26
• costs of eradicating or controlling a pest	27
• costs of undertaking a pest control measure to prevent the introduction, reintroduction or spread of a pest	28 29
<i>Examples of losses that may be suffered by a person in complying with an implemented response—</i>	30 31
• 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	32 33 34

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- 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.’.

Clause 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)’.

Clause 7 Amendment of s 28 (Limitation of action)

Section 28—

insert—

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‘(3) Subsection (2) does not affect the operation of—	1
(a) a government and industry cost sharing agreement; or	2
(b) another Act if it provides for financial assistance, in whatever form, or ex gratia payments.	3
<i>Example for paragraph (b)—</i>	4
Subsection (2) does not affect the operation of the <i>Rural and Regional Adjustment Act 1994</i> .	5
	6
	7
‘(4) Further, the following payments do not constitute the payment of compensation under section 14 or otherwise under this Act—	8
(a) the payment of an amount, however called, to a person under an agreement mentioned in subsection (3)(a);	9
(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.’.	10
	11
	12
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	14
	15
	16
Clause 8	
Amendment of s 31 (Delegation by chief executive)	17
Section 31, after ‘agreements’—	18
<i>insert—</i>	19
‘or government and industry cost sharing agreements’.	20
Clause 9	
Omission of s 40 (Transitional arrangements for identity card requirements)	21
Section 40—	22
<i>omit.</i>	23
	24
Clause 10	
Amendment of sch 2 (Dictionary)	25
Schedule 2—	26
<i>insert—</i>	27
‘ <i>government and industry cost sharing agreement</i> see section 21LA.’.	28
	29

