



Queensland

# **Primary Industries Legislation Amendment Bill 2006**





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# Primary Industries Legislation Amendment Bill 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
<b>Part 2</b>	<b>Amendment of Agricultural Standards Act 1994</b>	
3	Act amended in pt 2 . . . . .	6
4	Amendment of s 21 (Consent to entry) . . . . .	6
5	Amendment of s 25 (Power to seize) . . . . .	6
<b>Part 3</b>	<b>Amendment of Animal Care and Protection Act 2001</b>	
6	Act amended in pt 3 and schedule . . . . .	7
7	Amendment of s 87 (Reporting obligations of registered persons) . . . . .	7
8	Amendment of s 125 (Procedure for other entries without warrant) . . . . .	7
9	Amendment of s 136 (Application of div 3) . . . . .	8
10	Amendment of s 148 (Powers for seized things) . . . . .	8
11	Amendment of s 154 (Power to forfeit) . . . . .	8
12	Amendment of s 156 (When transfer takes effect) . . . . .	9
13	Insertion of new s 214A . . . . .	9
	214A Transferring ownership of animal in particular circumstances . . . . .	9
14	Insertion of new ch 9 . . . . .	9
	Chapter 9 Transitional provision for Primary Industries Legislation Amendment Act 2006	
	218 Reporting obligation of registered person . . . . .	10
<b>Part 4</b>	<b>Amendment of Brands Act 1915</b>	
15	Act amended in pt 4 and schedule . . . . .	11
16	Amendment of s 3 (Definitions) . . . . .	11

*Primary Industries Legislation Amendment Bill 2006*

---

17	Amendment of s 4 (Officers and districts) . . . . .	11
18	Amendment of s 7A (Manner of imprinting horse and cattle brands) . . . . .	12
19	Insertion of new pt 3, div 1, and div 2 hdg . . . . .	12
	Part 3            Inspectors	
	Division 1        Appointment and related provisions	
	22A      Appointment and qualifications . . . . .	12
	22B      Appointment conditions and limit on powers . . . . .	13
	22C      Issue of identity card . . . . .	13
	22D      Identity card for particular inspectors . . . . .	13
	22E      Production or display of identity card . . . . .	14
	22F      When appointed inspector ceases to hold office . . . . .	14
	22G      Resignation . . . . .	15
	22H      Return of identity card . . . . .	15
20	Amendment of s 34 (Regulation making power) . . . . .	15
21	Insertion of new pt 7 . . . . .	15
	Part 7            Transitional provision for Primary Industries Legislation Amendment Act 2006	
	35            Particular inspectors continue in office . . . . .	16
<b>Part 5</b>	<b>Amendment of Drugs Misuse Act 1986</b>	
22	Act amended in pt 5 and schedule . . . . .	16
23	Amendment of s 46 (Definitions for pt 5B) . . . . .	16
24	Amendment of s 52 (What grower licence authorises) . . . . .	16
25	Amendment of s 54 (Application for licence) . . . . .	17
26	Amendment of s 57 (Eligibility for researcher licence) . . . . .	17
27	Amendment of s 65 (Application for renewal) . . . . .	17
28	Insertion of new pt 7, div 4 . . . . .	18
	Division 4        Provision for Primary Industries Legislation Amendment Act 2006	
	138          Provision about particular applications . . . . .	18
<b>Part 6</b>	<b>Amendment of Exotic Diseases in Animals Act 1981</b>	
29	Act amended in pt 6 and schedule . . . . .	18
30	Amendment of sch 2 (Dictionary) . . . . .	19
<b>Part 7</b>	<b>Amendment of Grain Research Foundation Act 1976</b>	
31	Act amended in pt 7 and schedule . . . . .	19
32	Insertion of new pts 4 and 5 . . . . .	19
	Part 4            Matters about dissolution of the foundation	
	Division 1        Preliminary	

*Primary Industries Legislation Amendment Bill 2006*

---

29	Definitions for pt 4. . . . .	19
Division 2	Dissolution of the foundation	
Subdivision 1	Steps to transfer and dissolution	
30	Decision to transfer to replacement corporation. . . . .	20
31	Foundation to decide particular matters for transfer. . . . .	20
32	Conditions for transfer . . . . .	21
33	Notice of decision about replacement corporation . . . . .	21
34	Minister's decision about transfer . . . . .	22
35	Transfer and dissolution . . . . .	22
36	Replacement corporation does not represent the State . . . . .	22
Subdivision 2	Provisions facilitating transfer	
37	Registration of transferred assets. . . . .	23
38	References to the foundation . . . . .	23
39	Continuity of proceedings and matters. . . . .	24
40	Employees . . . . .	24
41	Members stop holding office . . . . .	24
Division 3	Miscellaneous	
42	Application of pt 4. . . . .	25
Part 5	Repeal of Act	
43	Repeal . . . . .	25
<b>Part 8</b>	<b>Amendment of Veterinary Surgeons Act 1936</b>	
33	Act amended in pt 8 and schedule. . . . .	25
34	Amendment of s 8 (Board to hold triennial election) . . . . .	25
35	Amendment of s 15E (Jurisdiction and decisions of tribunal). . . . .	26
36	Amendment of s 15F (Proceedings of tribunal) . . . . .	26
37	Replacement of s 15G (Registrar of tribunal). . . . .	26
15G	Registrar of tribunal . . . . .	26
15H	Tribunal to comply with natural justice etc. . . . .	26
15I	Powers of tribunal about taking evidence. . . . .	27
15J	Witnesses. . . . .	27
15K	Tribunal may exclude witnesses from proceeding . . . . .	27
15L	Witness expenses and allowances. . . . .	28
15M	Inspection of things . . . . .	28
15N	Tribunal to keep record of evidence . . . . .	29
Division 3	Other matters	

*Primary Industries Legislation Amendment Bill 2006*

---

	15O	Matters tribunal must consider in making particular decision . . . . .	29
	15P	Notice of tribunal decision . . . . .	30
	15Q	Effect of tribunal's decision . . . . .	30
	15R	Costs . . . . .	30
	15S	Protection of members, legal representatives and witnesses . . . . .	31
	15T	Contempt of tribunal . . . . .	31
	15U	Obstructing tribunal . . . . .	32
38		Amendment of s 16 (Keeping registers) . . . . .	32
39		Amendment of s 17 (Roll fee) . . . . .	33
40		Amendment of s 19 (Application for registration) . . . . .	33
41		Amendment of s 19A (Provisional registration) . . . . .	34
42		Amendment of s 20 (Certificates of registration) . . . . .	34
43		Amendment of s 23 (Surrender of certificate) . . . . .	35
44		Amendment of s 25Q (Using titles etc.) . . . . .	35
45		Omission of s 29 (Tribunal deemed to be commission of inquiry) . . . . .	36
46		Insertion of new pt 6, div 2 . . . . .	36
	Division 2	Provision for Primary Industries Legislation Amendment Act 2006	
	40	Particular proceedings before the tribunal . . . . .	36
<b>Part 9</b>		<b>Repeal of Grain Industry (Restructuring) Act 1991</b>	
47		Repeal . . . . .	36
<b>Part 10</b>		<b>Minor and consequential amendments</b>	
48		Acts amended in schedule . . . . .	37
<b>Schedule</b>		<b>Minor and consequential amendments</b> . . . . .	38
		Agricultural and Veterinary Chemicals (Queensland) Act 1994 . .	38
		Agricultural Chemicals Distribution Control Act 1966 . . . . .	39
		Animal Care and Protection Act 2001 . . . . .	39
		Brands Act 1915 . . . . .	40
		Chemical Usage (Agricultural and Veterinary) Control Act 1988 .	41
		Drugs Misuse Act 1986 . . . . .	42
		Exotic Diseases in Animals Act 1981 . . . . .	42
		Grain Research Foundation Act 1976 . . . . .	42
		Veterinary Surgeons Act 1936 . . . . .	43

**2006**

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**A Bill**

for

**An Act to amend legislation about primary industries**

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Primary Industries Legislation Amendment Act 2006*. 4  
5

**Clause 2 Commencement** 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Agricultural Standards Act 1994** 8  
9

**Clause 3 Act amended in pt 2** 10

This part amends the *Agricultural Standards Act 1994*. 11

**Clause 4 Amendment of s 21 (Consent to entry)** 12

Section 21(1), ‘this part’— 13

*omit, insert—* 14

‘section 20(1)(c)’. 15

**Clause 5 Amendment of s 25 (Power to seize)** 16

(1) Section 25— 17

*insert—* 18

‘(3A) An inspector who enters a place under section 20(1)(a) or (e) 19

may seize a thing at the place if the inspector believes, on 20





*omit, insert—*

1

‘section 122(1)(d), (e), (f) or (g) or 148(2),<sup>1</sup>’.

2

**Clause 9 Amendment of s 136 (Application of div 3)**

3

Section 136(1), ‘section 123,’—

4

*omit, insert—*

5

‘section 123 or 148(2),<sup>2</sup>’.

6

**Clause 10 Amendment of s 148 (Powers for seized things)**

7

Section 148—

8

*insert—*

9

‘(2) While an animal seized under this part is at its place of seizure, an inspector may enter the place—

10

11

(a) to give the animal food, water or veterinary treatment if the inspector reasonably believes the animal needs the food, water or treatment; or

12

13

14

(b) to take the animal to another place the inspector considers appropriate.

15

16

‘(3) An inspector may enter a place under subsection (2) only for a purpose mentioned in the subsection.’

17

18

**Clause 11 Amendment of s 154 (Power to forfeit)**

19

(1) Section 154(2), after ‘inspector’—

20

*insert—*

21

‘or police officer’.

22

(2) Section 154(3)(b), after ‘inspector’—

23

*insert—*

24

‘or police officer’.

25

---

1 Section 122 (Power of entry) or 148 (Powers for seized things)

2 Section 123 (Limited entry power to provide relief to animal) or 148 (Powers for seized things)

<b>Clause 12</b>	<b>Amendment of s 156 (When transfer takes effect)</b>	1
	(1) Section 156(2), after ‘If’—	2
	<i>insert</i> —	3
	‘, under section 142(3),’.	4
	(2) Section 156(2), ‘when the State’—	5
	<i>omit, insert</i> —	6
	‘when the chief executive’.	7
<b>Clause 13</b>	<b>Insertion of new s 214A</b>	8
	After section 214—	9
	<i>insert</i> —	10
	<b>‘214A Transferring ownership of animal in particular circumstances</b>	11
		12
	‘(1) This section applies if—	13
	(a) an inspector has entered a place under chapter 6, part 2;	14
	and	15
	(b) the owner of an animal at the place agrees to transfer	16
	ownership of the animal to the State or a prescribed	17
	entity, other than under section 142(3); <sup>3</sup> and	18
	(c) the inspector is satisfied the transfer of ownership is to	19
	ensure the animal’s welfare.	20
	‘(2) The animal becomes the property of the State or the	21
	prescribed entity when the chief executive or entity agrees in	22
	writing to the transfer.’.	23
<b>Clause 14</b>	<b>Insertion of new ch 9</b>	24
	After section 217—	25
	<i>insert</i> —	26

---

3 Chapter 6 (Investigation and enforcement), part 2 (Powers of inspectors) and section 142 (General power to seize evidence)

<b>‘Chapter 9</b>	<b>Transitional provision for</b>	1
	<b>Primary Industries</b>	2
	<b>Legislation Amendment Act</b>	3
	<b>2006</b>	4
<b>‘218</b>	<b>Reporting obligation of registered person</b>	5
‘(1)	This section applies to a registered person if, under section 87 as in force before the commencement, the person has given the chief executive an annual report for the period ending on 30 April 2006 or a new reporting day for that period.	6 7 8 9
‘(2)	For the registered person’s first annual report after the report mentioned in subsection (1), section 87 as in force after the commencement applies to the person as if a reference in section 87(1) to the period from 1 January to 31 December were a reference to—	10 11 12 13 14
	(a) if the person’s annual report mentioned in subsection (1) was for the period ending on 30 April 2006—the period from 1 May to 31 December; or	15 16 17
	(b) if the person’s annual report mentioned in subsection (1) was for the period ending on a new reporting day—the period from the day after the new reporting day to 31 December.	18 19 20 21
‘(3)	In this section—	22
	<i>annual report</i> means a written report required to be given to the chief executive under section 87.	23 24
	<i>commencement</i> means the day this section commences.	25
	<i>new reporting day</i> means a new reporting day under section 87(3).’.	26 27

<b>Part 4</b>	<b>Amendment of Brands Act 1915</b>	1
<b>Clause 15</b>	<b>Act amended in pt 4 and schedule</b>	2
	This part and the schedule amend the <i>Brands Act 1915</i> .	3
<b>Clause 16</b>	<b>Amendment of s 3 (Definitions)</b>	4
	(1) Section 3, ‘In this Act—’—	5
	<i>omit, insert—</i>	6
	‘The dictionary in the schedule defines particular words used in this Act.’.	7
		8
	(2) Section 3, definition <i>inspector—</i>	9
	<i>omit.</i>	10
	(3) Section 3—	11
	<i>insert—</i>	12
	‘ <b>appointed inspector</b> means a person appointed under section 22A as an inspector.	13
		14
	<b>inspector</b> means—	15
	(a) an appointed inspector; or	16
	(b) a person who is an inspector under section 4(2).’.	17
	(4) Section 3, definitions, as amended—	18
	<i>relocate</i> to the schedule as inserted by this Act.	19
<b>Clause 17</b>	<b>Amendment of s 4 (Officers and districts)</b>	20
	(1) Section 4, heading, ‘and districts’—	21
	<i>omit.</i>	22
	(2) Section 4(1)—	23
	<i>omit, insert—</i>	24
	‘(1) The chief executive may appoint a registrar of brands and deputy registrar of brands.’.	25
		26
	(3) Section 4(2) and (3)—	27

	<i>omit.</i>	1
	(4) Section 4(1A)—	2
	<i>renumber</i> as section 4(2).	3
<b>Clause 18</b>	<b>Amendment of s 7A (Manner of imprinting horse and cattle brands)</b>	4
		5
	(1) Section 7A, heading, after ‘brands’—	6
	<i>insert</i> —	7
	‘ <b>and pig brands</b> ’.	8
	(2) Section 7A(2), after ‘brand’—	9
	<i>insert</i> —	10
	‘or pig brand’.	11
<b>Clause 19</b>	<b>Insertion of new pt 3, div 1, and div 2 hdg</b>	12
	After section 22—	13
	<i>insert</i> —	14
	<b>‘Part 3                      Inspectors</b>	15
	<b>‘Division 1                Appointment and related provisions</b>	16
<b>‘22A</b>	<b>Appointment and qualifications</b>	17
	‘(1) The chief executive may appoint any of the following persons as an inspector—	18
		19
	(a) a public service officer or employee;	20
	(b) an employee of the Commonwealth or another State;	21
	(c) an employee of a local government;	22
	(d) a veterinary surgeon under the <i>Veterinary Surgeons Act 1936</i> ;	23
		24
	(e) an individual included in a class of persons declared under a regulation to be an approved class of persons for this section.	25
		26
		27

‘(2) However, the chief executive may appoint a person as an inspector only if satisfied the person is qualified for appointment because the person has the necessary expertise or experience.	1 2 3 4
<b>‘22B Appointment conditions and limit on powers</b>	5
‘(1) An inspector holds office on any conditions stated in—	6
(a) for an appointed inspector—the inspector’s instrument of appointment; or	7 8
(b) a signed notice given to the inspector; or	9
(c) a regulation.	10
‘(2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector’s powers under this Act.	11 12 13
‘(3) In this section—	14
<i>signed notice</i> means a notice signed by the chief executive.	15
<b>‘22C Issue of identity card</b>	16
‘(1) The chief executive must issue an identity card to each appointed inspector.	17 18
‘(2) The identity card must—	19
(a) contain a recent photo of the inspector; and	20
(b) contain a copy of the inspector’s signature; and	21
(c) identify the person as an inspector under this Act; and	22
(d) state an expiry date for the card.	23
‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	24 25
<b>‘22D Identity card for particular inspectors</b>	26
‘The identity card for a person who is an inspector under section 4(2) is the person’s identity card as a police officer.	27 28

<b>‘22E</b>	<b>Production or display of identity card</b>	1
‘(1)	In exercising a power under this Act in relation to another person, an inspector must—	2 3
	(a) produce the inspector’s identity card for the other person’s inspection before exercising the power; or	4 5
	(b) have the identity card displayed so it is clearly visible to the other person when exercising the power.	6 7
‘(2)	However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the other person’s inspection at the first reasonable opportunity.	8 9 10
‘(3)	For subsection (1), an inspector does not exercise a power in relation to another person only because the inspector—	11 12
	(a) has entered a place that is a public place and entry is made when it is open to the public; or	13 14
	(b) for the purpose of asking the occupier of a place for consent to enter—	15 16
	(i) enters land around premises at the place to an extent that is reasonable to contact the occupier; or	17 18
	(ii) enters part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.	19 20 21 22
<b>‘22F</b>	<b>When appointed inspector ceases to hold office</b>	23
‘(1)	An appointed inspector ceases to hold office if any of the following happens—	24 25
	(a) the term of office stated in a condition of office ends;	26
	(b) under another condition of office, the inspector ceases to hold office;	27 28
	(c) the inspector’s resignation under section 22G takes effect.	29 30
‘(2)	Subsection (1) does not limit the ways an appointed inspector may cease to hold office.	31 32
‘(3)	In this section—	33



*condition of office* means a condition on which the appointed inspector holds office. 1  
2

**'22G Resignation** 3

'An appointed inspector may resign by signed notice given to the chief executive. 4  
5

**'22H Return of identity card** 6

'A person who ceases to be an appointed inspector must return the person's identity card to the chief executive within 21 days after ceasing to be an inspector, unless the person has a reasonable excuse. 7  
8  
9  
10

Maximum penalty—20 penalty units. 11

**'Division 2 Powers'** 12

**Clause 20 Amendment of s 34 (Regulation making power)** 13

(1) Section 34, heading, '**Regulation making**'— 14

*omit, insert—* 15

**'Regulation-making'**. 16

(2) Section 34— 17

*insert—* 18

'(3) Also, a regulation may appoint any part of the State to be a district for the purposes of this Act.' 19  
20

**Clause 21 Insertion of new pt 7** 21

After section 34— 22

*insert—* 23

<b>‘Part 7</b>	<b>Transitional provision for Primary Industries Legislation Amendment Act 2006</b>	1 2 3
<b>‘35</b>	<b>Particular inspectors continue in office</b>	4
	‘(1) This section applies to a person who, immediately before the commencement, was an inspector appointed under section 4(1) as in force before the commencement.	5 6 7
	‘(2) On the commencement, the person is taken to be an appointed inspector.	8 9
	‘(3) In this section— <i>commencement</i> means the day this section commences.’.	10 11
<b>Part 5</b>	<b>Amendment of Drugs Misuse Act 1986</b>	12 13
<b>Clause 22</b>	<b>Act amended in pt 5 and schedule</b> This part and the schedule amend the <i>Drugs Misuse Act 1986</i> .	14 15
<b>Clause 23</b>	<b>Amendment of s 46 (Definitions for pt 5B)</b> Section 46— <i>insert</i> — ‘ <i>prescribed photograph</i> , of a person, means a recent colour photograph of the person of a size prescribed under a regulation and certified as a photograph of the person in the way prescribed under a regulation.’.	16 17 18 19 20 21 22
<b>Clause 24</b>	<b>Amendment of s 52 (What grower licence authorises)</b> Section 52(b), note, from ‘While’ to ‘The difference’— <i>omit, insert</i> —	23 24 25

*Primary Industries Legislation Amendment Bill 2006*

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‘Certified cannabis seed is seed certified to produce plants with a  
THC concentration in their leaves and flowering heads of not  
more than 0.5%. However, industrial cannabis plants may have a  
THC concentration in their leaves and flowering heads of not  
more than 1%. The difference’.

		1
		2
		3
		4
		5
<b>Clause 25</b>	<b>Amendment of s 54 (Application for licence)</b>	6
	Section 54(2)—	7
	<i>omit, insert—</i>	8
	‘(2) The application must be accompanied by—	9
	(a) the application fee prescribed under a regulation; and	10
	(b) for an applicant who is an individual, 2 prescribed photographs of the applicant; and	11 12
	(c) for an applicant that is a corporation, 2 prescribed photographs of the chief executive officer of the corporation.’.	13 14 15
<b>Clause 26</b>	<b>Amendment of s 57 (Eligibility for researcher licence)</b>	16
	Section 57(2), from ‘the person’—	17
	<i>omit, insert—</i>	18
	‘the individual—	19
	(a) has been convicted within the preceding 10 years of a serious offence; or	20 21
	(b) is affected by bankruptcy action.’.	22
<b>Clause 27</b>	<b>Amendment of s 65 (Application for renewal)</b>	23
	Section 65(2)(c) and (d)—	24
	<i>omit, insert—</i>	25
	‘(c) state the names and addresses of—	26
	(i) the licensee’s close associates; and	27
	(ii) if the licensee is a corporation—its executive officers; and	28 29
	(d) be accompanied by—	30

	(i) the licence renewal fee prescribed under a regulation; and	1 2
	(ii) for a licensee who is an individual, 2 prescribed photographs of the licensee; and	3 4
	(iii) for a licensee that is a corporation, 2 prescribed photographs of the chief executive officer of the corporation.’.	5 6 7
<b>Clause 28</b>	<b>Insertion of new pt 7, div 4</b>	8
	After section 137—	9
	<i>insert—</i>	10
<b>‘Division 4</b>	<b>Provision for Primary Industries Legislation Amendment Act 2006</b>	11 12
<b>‘138</b>	<b>Provision about particular applications</b>	13
	‘(1) This section applies if, before the commencement, a person has applied for, or for renewal of, a licence under section 54 or 65 and the application has not been decided.	14 15 16
	‘(2) Sections 54 and 65 as in force immediately before the commencement continue to apply to the application.	17 18
	‘(3) In this section—	19
	<i>commencement</i> means the day this section commences.’.	20
<b>Part 6</b>	<b>Amendment of Exotic Diseases in Animals Act 1981</b>	21 22
<b>Clause 29</b>	<b>Act amended in pt 6 and schedule</b>	23
	This part and the schedule amend the <i>Exotic Diseases in Animals Act 1981</i> .	24 25

<b>Clause 30</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	Schedule 2, definition <i>exotic disease</i> , ‘fowl plague,’—	2
	<i>omit.</i>	3
<b>Part 7</b>	<b>Amendment of Grain Research Foundation Act 1976</b>	4
		5
<b>Clause 31</b>	<b>Act amended in pt 7 and schedule</b>	6
	This part and the schedule amend the <i>Grain Research Foundation Act 1976</i> .	7
		8
<b>Clause 32</b>	<b>Insertion of new pts 4 and 5</b>	9
	After section 28—	10
	<i>insert—</i>	11
<b>‘Part 4</b>	<b>Matters about dissolution of the foundation</b>	12
		13
<b>‘Division 1</b>	<b>Preliminary</b>	14
<b>‘29</b>	<b>Definitions for pt 4</b>	15
	‘In this part—	16
	<i>assets</i> , of the foundation, means all assets of the foundation immediately before the transfer day.	17
		18
	<i>authorised person</i> , for the replacement corporation, means its secretary or another individual with the written authority of its board of directors.	19
		20
		21

	<i>company limited by guarantee</i> means a company limited by guarantee under the Corporations Act, section 9. <sup>4</sup>	1 2
	<i>liabilities</i> , of the foundation, means all liabilities of the foundation immediately before the transfer day.	3 4
	<i>notice</i> means written notice.	5
	<i>proposed transfer day</i> see section 31(a).	6
	<i>replacement corporation</i> see section 31(b).	7
	<i>transfer day</i> means the day approved by the Minister under section 34 as the transfer day for the foundation.	8 9
<b>‘Division 2</b>	<b>Dissolution of the foundation</b>	10
<b>‘Subdivision 1</b>	<b>Steps to transfer and dissolution</b>	11
<b>‘30</b>	<b>Decision to transfer to replacement corporation</b>	12
	‘The foundation must decide to dissolve itself and transfer its assets and liabilities to a corporation that is not a statutory body.	13 14 15
<b>‘31</b>	<b>Foundation to decide particular matters for transfer</b>	16
	‘Under section 30, the foundation must decide the following—	17 18
	(a) the day on which it proposes to transfer its assets and liabilities (the <i>proposed transfer day</i> );	19 20
	(b) the corporation to which it will transfer its assets and liabilities (the <i>replacement corporation</i> ).	21 22

---

4 Corporations Act, section 9—

*company limited by guarantee* means a company formed on the principle of having the liability of its members limited to the respective amounts that the members undertake to contribute to the property of the company if it is wound up.

Corporations Act, section 124(1) (Legal capacity and powers of company) provides that—‘A company limited by guarantee does not have the power to issue shares.’

<b>‘32</b>	<b>Conditions for transfer</b>	1
	‘The foundation may decide a corporation will be its replacement corporation only if—	2 3
	(a) the corporation has, by notice to the foundation signed by an authorised person for the corporation, agreed to be the replacement corporation; and	4 5 6
	(b) the corporation is a company limited by guarantee; and	7
	(c) the foundation is satisfied that, on the transfer of its assets and liabilities to the replacement corporation, having regard to the requirements and purposes of the transfer, the following will be appropriate—	8 9 10 11
	(i) the corporation’s constitution;	12
	(ii) the obligations, restrictions and rights that will attach to members of the corporation;	13 14
	(iii) the corporation’s officers.	15
<b>‘33</b>	<b>Notice of decision about replacement corporation</b>	16
	‘(1) The foundation must give the Minister notice of its decision under section 30.	17 18
	‘(2) The notice must state the following—	19
	(a) the day the decision was made;	20
	(b) the proposed transfer day;	21
	(c) the replacement corporation’s name;	22
	(d) the replacement corporation is a company limited by guarantee;	23 24
	(e) the foundation is satisfied that, on the transfer of its assets and liabilities to the replacement corporation, having regard to the requirements and purposes of the transfer, the following will be appropriate—	25 26 27 28
	(i) the corporation’s constitution;	29
	(ii) the obligations, restrictions and rights that will attach to members of the corporation;	30 31
	(iii) the corporation’s officers.	32

‘(3)	The notice must be accompanied by a copy of the notice mentioned in section 32(a).	1 2
<b>‘34</b>	<b>Minister’s decision about transfer</b>	3
‘(1)	The Minister must consider the notice and may require information from the foundation.	4 5
‘(2)	If the Minister does not consider that all requirements for this division have been complied with for the transfer, the Minister may give the foundation a written direction about the requirements.	6 7 8 9
‘(3)	The foundation must comply with a direction given under subsection (2).	10 11
‘(4)	The Minister must, by notice given to the foundation, approve the proposed transfer day, or another day after the proposed transfer day, as the transfer day for the foundation.	12 13 14
‘(5)	The day approved by the Minister as the transfer day for the foundation must be declared by gazette notice.	15 16
<b>‘35</b>	<b>Transfer and dissolution</b>	17
	‘On the transfer day—	18
(a)	the foundation’s assets and liabilities are transferred to, and become the assets and liabilities of, the replacement corporation; and	19 20 21
(b)	the foundation is dissolved.	22
<b>‘36</b>	<b>Replacement corporation does not represent the State</b>	23 24
	‘The replacement corporation—	25
(a)	does not represent the State; and	26
(b)	can not make the State liable for the debts and obligations of the corporation or any other person.	27 28



<b>‘Subdivision 2</b>	<b>Provisions facilitating transfer</b>	1
<b>‘37</b>	<b>Registration of transferred assets</b>	2
‘(1)	A certificate signed by an authorised person for the replacement corporation is evidence of an asset having become an asset of the corporation on the transfer day if the certificate—	3 4 5 6
	(a) identifies the asset; and	7
	(b) states the asset was, immediately before the transfer day, an asset of the foundation; and	8 9
	(c) states that, under this division, the asset became an asset of the replacement corporation on the transfer day.	10 11
‘(2)	If the certificate is given to an entity with registration functions under a law of the State for assets of that kind, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—	12 13 14 15
	(a) register the matter in the same way as transactions for assets of that kind;	16 17
	(b) deal with, and give effect to, the certificate.	18
	<i>Example of entity with registration functions—</i>	19
	the registrar of titles	20
‘(3)	A transfer of the asset to the replacement corporation may be registered or given effect to under the law of another State or the Commonwealth if—	21 22 23
	(a) the certificate is given to an entity with registration functions for assets of that kind under the other State’s or the Commonwealth’s law; and	24 25 26
	(b) the entity is permitted by law to do so.	27
<b>‘38</b>	<b>References to the foundation</b>	28
	‘A reference to the foundation in an Act or document existing before its dissolution has effect, from its dissolution, as if it were a reference to the replacement corporation, if the context permits.	29 30 31 32

<b>'39</b>	<b>Continuity of proceedings and matters</b>	1
	'(1) A proceeding that, if the foundation were not dissolved, might have been started or continued by or against the foundation may, from its dissolution, be started or continued by or against the replacement corporation.	2 3 4 5
	'(2) All matters started by the foundation before its dissolution may be completed by the replacement corporation after the foundation's dissolution.	6 7 8
<b>'40</b>	<b>Employees</b>	9
	'(1) A person employed by the foundation immediately before the transfer day becomes, on the transfer day, an employee of the replacement corporation.	10 11 12
	'(2) Subsection (1) does not—	13
	(a) constitute a redundancy or retrenchment of the person's employment by the foundation; or	14 15
	(b) entitle the person to a benefit or payment merely because the person is no longer employed by the foundation; or	16 17 18
	(c) interrupt the person's continuity of service.	19
	'(3) For the <i>Industrial Relations Act 1999</i> , the person's period of employment with the foundation is taken to be an equivalent period of employment with the replacement corporation.	20 21 22
	'(4) Subject to the <i>Industrial Relations Act 1999</i> , the person has the same employment rights against the replacement corporation that the person had against the foundation immediately before the transfer day.	23 24 25 26
	'(5) If an industrial instrument under the <i>Industrial Relations Act 1999</i> bound the person and the foundation immediately before the transfer day, it binds the person and the replacement corporation.	27 28 29 30
<b>'41</b>	<b>Members stop holding office</b>	31
	'(1) A person who, immediately before the transfer day, was a member of the foundation goes out of office on the transfer day.	32 33 34

- ‘(2) No compensation is payable to a person because of subsection (1). 1  
2

**‘Division 3                      Miscellaneous                      3**

**‘42      Application of pt 4                      4**

‘This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A<sup>5</sup> applies. 5  
6

**‘Part 5                                      Repeal of Act                                      7**

**‘43      Repeal                                      8**

‘This Act is repealed immediately after the transfer day.’. 9

**Part 8                                      Amendment of Veterinary Surgeons Act 1936                                      10  
11**

**Clause 33      Act amended in pt 8 and schedule                      12**

This part and the schedule amend the *Veterinary Surgeons Act 1936*. 13  
14

**Clause 34      Amendment of s 8 (Board to hold triennial election)                      15**

(1) Section 8(1A), from ‘The first’ to ‘third year as’— 16

*omit, insert—* 17

‘Each election after the first election must be held on the day 18  
in every third year that’. 19

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<sup>5</sup> *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

*Primary Industries Legislation Amendment Bill 2006*

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	(2) Section 8—	1
	<i>insert—</i>	2
	‘(1B) The day appointed by the board under subsection (2) must be no later than 30 June.’.	3 4
	(3) Section 8(1A) to (3)—	5
	<i>renumber</i> as section 8(2) to (5).	6
<b>Clause 35</b>	<b>Amendment of s 15E (Jurisdiction and decisions of tribunal)</b>	7 8
	Section 15E(4)—	9
	<i>omit.</i>	10
<b>Clause 36</b>	<b>Amendment of s 15F (Proceedings of tribunal)</b>	11
	(1) Section 15F, heading, after ‘ <b>tribunal</b> ’—	12
	<i>insert—</i>	13
	‘ <b>—general</b> ’.	14
	(2) Section 15F(1), from ‘and shall’—	15
	<i>omit, insert—</i>	16
	‘and, subject to this Act, may conduct its business and proceedings before it in the way it decides.’.	17 18
<b>Clause 37</b>	<b>Replacement of s 15G (Registrar of tribunal)</b>	19
	Section 15G—	20
	<i>omit, insert—</i>	21
<b>‘15G</b>	<b>Registrar of tribunal</b>	22
	‘The registrar of the board is the registrar of the tribunal.’	23
<b>‘15H</b>	<b>Tribunal to comply with natural justice etc.</b>	24
	‘For proceedings before it, the tribunal—	25
	(a) must comply with natural justice; and	26

(b)	must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issue before it; and	1 2 3
(c)	is not bound by the rules of evidence.	4
<b>'15I</b>	<b>Powers of tribunal about taking evidence</b>	5
'(1)	For proceedings before it, the tribunal may—	6
(a)	take evidence on oath; or	7
(b)	require a person who is to give evidence before the tribunal to take an oath; or	8 9
(c)	administer an oath to a person who is to give evidence before the tribunal.	10 11
'(2)	The oath to be taken or made by a person is an oath that the evidence the person will give will be true.	12 13
<b>'15J</b>	<b>Witnesses</b>	14
'(1)	The registrar of the tribunal may, by written notice (an <i>attendance notice</i> ) given to a person, require the person to attend the tribunal at a stated reasonable time and place—	15 16 17
(a)	to give evidence or answer questions; or	18
(b)	to produce a stated thing.	19
'(2)	A party to a proceeding may apply to the registrar of the tribunal, in the approved form, for an attendance notice to be given to a person.	20 21 22
'(3)	The registrar of the tribunal must give the attendance notice to the person unless the tribunal reasonably believes it is unnecessary or inappropriate to do so.	23 24 25
<b>'15K</b>	<b>Tribunal may exclude witnesses from proceeding</b>	26
'(1)	This section applies if a person is to give evidence before the tribunal in a proceeding.	27 28
'(2)	The tribunal may direct that the person be excluded from a part or all of the proceeding until the person gives evidence if the tribunal reasonably believes the person's attendance	29 30 31

before giving evidence would seriously prejudice the fairness of the proceeding. 1  
2

**‘15L Witness expenses and allowances** 3

- ‘(1) A witness who appears before the tribunal in a proceeding— 4
- (a) may, before giving evidence, ask the tribunal to decide the amount to be paid to the witness for expenses; and 5  
6
  - (b) is entitled to be paid the allowance prescribed under a regulation for attendance before the tribunal. 7  
8
- ‘(2) The expenses and allowance must be paid by the party calling the witness. 9  
10
- ‘(3) The tribunal may decide not to compel the witness to give his or her evidence until the relevant party has paid the expenses and allowance or given security to the tribunal for the expenses and allowance. 11  
12  
13  
14

**‘15M Inspection of things** 15

- ‘(1) If a thing is produced to the tribunal in a proceeding, the tribunal may inspect it. 16  
17
- ‘(2) The tribunal may do all or any of the following if the tribunal considers the thing may be relevant to the proceeding— 18  
19
- (a) photograph the thing; 20
  - (b) for a document—make a copy of, or take an extract from, the thing; 21  
22
  - (c) keep the thing while it is necessary for the proceeding and any appeal relating to the proceeding. 23  
24
- ‘(3) If the tribunal keeps the thing, it must permit a person otherwise entitled to possession of the thing to— 25  
26
- (a) for a document—inspect, make a copy of, or take an extract from, the document at the reasonable time and place the tribunal decides; and 27  
28  
29
  - (b) for another thing—inspect or photograph the thing at the reasonable time and place the tribunal decides. 30  
31

<b>‘15N Tribunal to keep record of evidence</b>	1
‘The tribunal must keep, in the way it considers appropriate, a record of evidence given to it in a proceeding.	2 3
<b>‘Division 3                   Other matters</b>	4
<b>‘150 Matters tribunal must consider in making particular decision</b>	5 6
‘(1) This section applies to the tribunal in making a decision on a proceeding before it about—	7 8
(a) a charge alleging misconduct in a professional respect against a veterinary surgeon; or	9 10
(b) whether or not a veterinary surgeon’s name should be removed from the register of veterinary surgeons because he or she is medically unfit to practise veterinary science.	11 12 13 14
‘(2) In making its decision, the tribunal—	15
(a) must have regard to any relevant previous decisions of which the tribunal is aware about the veterinary surgeon by the tribunal, the board or a committee; and	16 17 18
(b) may have regard to any relevant previous decisions about the veterinary surgeon by a foreign disciplinary body.	19 20 21
‘(3) For subsection (2)(a), the tribunal may access the previous decisions of the board or a committee and the reasons for the decision.	22 23 24
‘(4) Subsection (2) does not limit the matters the tribunal may consider in making its decision.	25 26
‘(5) In this section—	27
<i>committee</i> means a committee of medical practitioners appointed under section 22D(1).	28 29
<i>foreign disciplinary body</i> means an entity established under the law of another State or a foreign country having functions similar to the functions of the tribunal or board.	30 31 32

<b>‘15P Notice of tribunal decision</b>	1
‘(1) As soon as practicable after the tribunal makes a decision on a proceeding before it, the registrar of the tribunal must give written notice of the decision to the parties to the proceeding.	2 3 4
‘(2) The notice must state—	5
(a) the decision; and	6
(b) the reasons for the decision, including the reasons for any order made or other action taken by the tribunal under section 22E; <sup>6</sup> and	7 8 9
(c) if a party to the proceeding may appeal under section 22H against the decision—	10 11
(i) that the party may appeal against the decision to the District Court; and	12 13
(ii) how to appeal.	14
<b>‘15Q Effect of tribunal’s decision</b>	15
‘A decision of the tribunal on a proceeding before it is binding on the parties to the proceeding.	16 17
<b>‘15R Costs</b>	18
‘(1) In a proceeding before it, the tribunal may make any decision about costs it considers appropriate.	19 20
‘(2) However, the costs allowable are only—	21
(a) the costs that would be allowable if the proceeding were a proceeding in the District Court; <sup>7</sup> and	22 23
(b) if the board conducted an investigation of a matter before referring the matter for hearing by the tribunal—the cost to the board of conducting the investigation.	24 25 26 27

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6 Section 22E (Orders of tribunal on charge of misconduct in a professional respect)

7 See the *Uniform Civil Procedure Rules 1999*, schedule 2 (Scale of costs—District Court).



‘(3) Without limiting subsection (1), in making a decision about an order for costs, the tribunal—	1 2
(a) must take into consideration the cost of any investigation for the matter the subject of the proceeding; and	3 4 5
(b) must not take into consideration the amount of a penalty, if any, imposed on a veterinary surgeon in the proceeding.	6 7 8
‘(4) A party to a proceeding is not entitled to costs merely because—	9 10
(a) the party was the beneficiary of an order of the tribunal; or	11 12
(b) the party was legally represented at the proceeding.	13
<b>‘15S Protection of members, legal representatives and witnesses</b>	14 15
‘(1) A member of the tribunal has, in the performance of his or her functions for the tribunal, the same protection and immunity as a District Court judge performing the functions of a judge.	16 17 18
‘(2) A party appearing before the tribunal has the same protection and immunity as the party would have if the proceeding were a proceeding in the District Court.	19 20 21
‘(3) A witness appearing before the tribunal has the same protection and immunity as a witness in a proceeding in the District Court.	22 23 24
‘(4) In this section— <i>party</i> includes a party’s lawyer or agent.	25 26
<b>‘15T Contempt of tribunal</b>	27
‘A person must not, without reasonable excuse—	28
(a) insult a member of the tribunal in relation to the performance of his or her functions for the tribunal; or	29 30
(b) interrupt a proceeding before the tribunal; or	31

- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place the tribunal is sitting; or 1  
2  
3
- (d) do anything else that would, if the tribunal were a court of record, be a contempt of court. 4  
5
- Maximum penalty—100 penalty units. 6

**‘15U Obstructing tribunal 7**

- ‘(1) A person must not obstruct or improperly influence the conduct of a proceeding before the tribunal. 8  
9  
Maximum penalty—100 penalty units. 10
- ‘(2) In this section— 11  
*influence* includes attempt to influence. 12  
*obstruct* includes hinder, resist and attempt to obstruct.’. 13

**Clause 38 Amendment of s 16 (Keeping registers) 14**

- (1) Section 16(1) and (1A)— 15  
*omit, insert—* 16
- ‘(1) The registrar must keep— 17  
(a) the register of veterinary surgeons, Queensland; and 18  
(b) the register of veterinary specialists, Queensland. 19
- ‘(1A) The registrar must— 20  
(a) keep the registers in electronic form; and 21  
(b) make the registers available for inspection on the board’s website. 22  
23  
*Editor’s note—* 24  
<[www.vsb.qld.gov.au](http://www.vsb.qld.gov.au)>’. 25
- (2) Section 16(2) and (2A), ‘shall’— 26  
*omit, insert—* 27  
‘must’. 28
- (3) Section 16(2)(d) and (2A)(d)— 29

	<i>omit, insert—</i>	1
	‘(d) any other particulars decided by the board.’.	2
(4)	Section 16(3), (5) and (6)—	3
	<i>omit.</i>	4
(5)	Section 16(1A) to (4A)—	5
	<i>renumber</i> as section 16(2) to (6).	6
<b>Clause 39</b>	<b>Amendment of s 17 (Roll fee)</b>	7
(1)	Section 17, heading, ‘Roll’—	8
	<i>omit, insert—</i>	9
	‘ <b>Annual</b> ’.	10
(2)	Section 17(1) to (2A), ‘roll’—	11
	<i>omit.</i>	12
(3)	Section 17(2) and (2A), ‘subsection (1A)’—	13
	<i>omit, insert—</i>	14
	‘subsection (2)’.	15
(4)	Section 17(3), from ‘all arrears’—	16
	<i>omit, insert—</i>	17
	‘payment of the fees prescribed under a regulation.’.	18
(5)	Section 17(1A) to (3)—	19
	<i>renumber</i> as section 17(2) to (5).	20
<b>Clause 40</b>	<b>Amendment of s 19 (Application for registration)</b>	21
(1)	Section 19(1)(a), ‘as prescribed’—	22
	<i>omit, insert—</i>	23
	‘in the approved form’.	24
(2)	Section 19(3), ‘by post’—	25
	<i>omit.</i>	26
(3)	Section 19(3)—	27

	<i>renumber</i> as section 19(2).	1
(4)	Section 19(4)—	2
	<i>omit</i> .	3
<b>Clause 41</b>	<b>Amendment of s 19A (Provisional registration)</b>	4
(1)	Section 19A(1), ‘may grant’—	5
	<i>omit, insert</i> —	6
	‘may ask the registrar to grant’.	7
(2)	Section 19A(2) to (5)—	8
	<i>renumber</i> as section 19A(3) to (6).	9
(3)	Section 19A—	10
	<i>insert</i> —	11
‘(2)	The registrar must comply with a request under subsection (1).’.	12
		13
(4)	Section 19A(4), as renumbered, ‘pursuant to subsection (2) shall’—	14
	<i>omit, insert</i> —	15
	‘under subsection (3) must’.	16
		17
(5)	Section 19A(5), as renumbered, ‘Notwithstanding subsections (1) and (2)’—	18
	<i>omit, insert</i> —	19
	‘Despite subsections (1) to (3)’.	20
		21
(6)	Section 19A(6), as renumbered, ‘determined’—	22
	<i>omit, insert</i> —	23
	‘decided’.	24
<b>Clause 42</b>	<b>Amendment of s 20 (Certificates of registration)</b>	25
	Section 20, ‘as prescribed’—	26
	<i>omit, insert</i> —	27
	‘in the approved form’.	28

<b>Clause 43</b>	<b>Amendment of s 23 (Surrender of certificate)</b>	1
	(1) Section 23(1), after ‘register’—	2
	<i>insert—</i>	3
	‘under section 21(1)(a), (b) or (c)’.	4
	(2) Section 23(1), ‘shall’—	5
	<i>omit, insert—</i>	6
	‘must’.	7
	(3) Section 23(1)—	8
	<i>insert—</i>	9
	‘Maximum penalty—10 penalty units.’.	10
	(4) Section 23(2)—	11
	<i>omit, insert—</i>	12
	‘(2) A person whose name has been removed from the register of veterinary surgeons under section 21(1)(d) must, if asked in writing by the board, and within 14 days after receiving the request, give to the board each certificate of registration issued to the person under this Act.	13
		14
		15
		16
		17
	Maximum penalty—10 penalty units.	18
	‘(3) A requirement under this section does not apply to a person for a certificate of registration if the board is satisfied, on evidence satisfactory to the board, that the certificate has been lost or destroyed.’.	19
		20
		21
		22
<b>Clause 44</b>	<b>Amendment of s 25Q (Using titles etc.)</b>	23
	(1) Section 25Q(1)(b), from ‘another’ to ‘used’—	24
	<i>omit, insert—</i>	25
	‘another title, name, initial or word suggesting, in the context in which it is used’.	26
		27
	(2) Section 25Q(2)(b), from ‘another’ to ‘used’—	28
	<i>omit, insert—</i>	29
	‘another title, name, initial or word suggesting, in the context in which it is used’.	30
		31

<b>Clause 45</b>	<b>Omission of s 29 (Tribunal deemed to be commission of inquiry)</b>	1 2
	Section 29—	3
	<i>omit.</i>	4
<b>Clause 46</b>	<b>Insertion of new pt 6, div 2</b>	5
	After section 39—	6
	<i>insert—</i>	7
<b>‘Division 2</b>	<b>Provision for Primary Industries Legislation Amendment Act 2006</b>	8 9
<b>‘40</b>	<b>Particular proceedings before the tribunal</b>	10
	‘(1) This section applies to a proceeding before the tribunal that was started before the commencement and has not been decided by the tribunal.	11 12 13
	‘(2) For hearing, or continuing to hear, and making a decision on the proceeding, this Act as in force before the commencement continues to apply as if the <i>Primary Industries Legislation Amendment Act 2006</i> , part 8 had not commenced.	14 15 16 17
	‘(3) In this section—	18
	<i>commencement</i> means the day this section commences.’.	19
<b>Part 9</b>	<b>Repeal of Grain Industry (Restructuring) Act 1991</b>	20 21
<b>Clause 47</b>	<b>Repeal</b>	22
	The Grain Industry (Restructuring) Act 1991 No. 91 is repealed.	23 24

<b>Part 10</b>	<b>Minor and consequential amendments</b>	1 2
<b>Clause 48</b>	<b>Acts amended in schedule</b>	3
	(1) The schedule amends the Acts it mentions.	4
	(2) However, subsection (1) does not apply in relation to a particular Act if another provision of this Act states that the schedule amends the particular Act.	5 6 7

<b>Schedule</b>	<b>Minor and consequential amendments</b>	1
		2
	sections 6, 15, 22, 29, 31, 33 and 48	3
<b>Agricultural and Veterinary Chemicals (Queensland) Act 1994</b>		4
		5
<b>1</b>	<b>Sections 16(2), 21, 22, 23, 23A(1) and (2), 24, 28(1) and 30, 'NRA'—</b>	6
	<i>omit, insert—</i>	7
	<i>omit, insert—</i>	8
	'APVMA'.	9
<b>2</b>	<b>Part 7, heading—</b>	10
	<i>omit, insert—</i>	11
<b>'Part 7</b>	<b>Australian Pesticides and Veterinary Medicines Authority'.</b>	12
		13
		14
<b>3</b>	<b>Schedule, definition <i>NRA</i>—</b>	15
	<i>omit.</i>	16
<b>4</b>	<b>Schedule—</b>	17
	<i>insert—</i>	18
	' <i>APVMA</i> means the Australian Pesticides and Veterinary Medicines Authority under the Agricultural and Veterinary Chemicals (Administration) Act.'	19
		20
		21



## Schedule (continued)

<b>Agricultural Chemicals Distribution Control Act 1966</b>		1
<b>1</b>	<b>Schedule, definition <i>NRA</i>—</b>	2
	<i>omit.</i>	3
<b>2</b>	<b>Schedule—</b>	4
	<i>insert—</i>	5
	‘ <i>APVMA</i> see the Agvet Code, section 3.’.	6
<b>3</b>	<b>Schedule, definition <i>distinguishing number</i>, ‘<i>NRA</i>’—</b>	7
	<i>omit, insert—</i>	8
	‘ <i>APVMA</i> ’.	9
<b>Animal Care and Protection Act 2001</b>		10
<b>1</b>	<b>Section 149(2)(a)(ii), ‘148(b)’—</b>	11
	<i>omit, insert—</i>	12
	‘148(1)(b)’.	13
<b>2</b>	<b>Section 155(1), after ‘If’—</b>	14
	<i>insert—</i>	15
	‘the’.	16

## Schedule (continued)

<b>Brands Act 1915</b>	1
1 <b>Before section 1—</b>	2
<i>insert—</i>	3
<b>‘Part 1                   Preliminary’.</b>	4
2 <b>Before section 5—</b>	5
<i>insert—</i>	6
<b>‘Part 2                   Applications for, and other                               matters about, brands and                               earmarks’.</b>	7 8 9
3 <b>Before section 24—</b>	10
<i>insert—</i>	11
<b>‘Part 4                   Particular offences’.</b>	12
4 <b>Before section 25—</b>	13
<i>insert—</i>	14
<b>‘Part 5                   Evidence’.</b>	15
5 <b>Before section 26—</b>	16
<i>insert—</i>	17
<b>‘Part 6                   Miscellaneous’.</b>	18
6 <b>After section 35, as inserted by this Act—</b>	19
<i>insert—</i>	20

Schedule (continued)		
<b>'Schedule</b>	<b>Dictionary</b>	1
	section 3'.	2
<b>Chemical Usage (Agricultural and Veterinary) Control Act 1988</b>		3 4
<b>1</b>	<b>Section 7(2), 'NRA'—</b> <i>omit, insert—</i> 'APVMA'.	5 6 7
<b>2</b>	<b>Schedule, definitions <i>National Registration Authority and NRA—</i></b> <i>omit.</i>	8 9 10
<b>3</b>	<b>Schedule—</b> <i>insert—</i> 'APVMA see the Agvet Code, section 3.'.	11 12 13
<b>4</b>	<b>Schedule, definition <i>distinguishing number</i>, 'NRA'—</b> <i>omit, insert—</i> 'APVMA'.	14 15 16

## Schedule (continued)

<b>Drugs Misuse Act 1986</b>	1
<b>1 Section 111—</b>	2
<i>relocate</i> as section 111 in part 5B, division 13.	3
<b>Exotic Diseases in Animals Act 1981</b>	4
<b>1 Section 44(1)(e), ‘Transport Infrastructure (Roads) Act 1991’—</b>	5
<i>omit, insert—</i>	6
<i>‘Transport Operations (Road Use Management) Act 1995’.</i>	7
<b>2 Schedule 2, definitions <i>chief inspector</i> and <i>government veterinary officer</i>, ‘see’—</b>	8
<i>omit, insert—</i>	9
<i>‘see the’.</i>	10
<b>11</b>	11
<b>12</b>	12
<b>Grain Research Foundation Act 1976</b>	13
<b>1 Before section 1—</b>	14
<i>insert—</i>	15
<b>‘Part 1 Preliminary’.</b>	16
<b>2 Section 4—</b>	17
<i>insert—</i>	18
<i>‘assets, for part 4, see section 29.</i>	19

## Schedule (continued)

	<i>authorised person</i> , for part 4, see section 29.	1
	<i>company limited by guarantee</i> , for part 4, see section 29.	2
	<i>liabilities</i> , for part 4, see section 29.	3
	<i>notice</i> , for part 4, see section 29.	4
	<i>proposed transfer day</i> , for part 4, see section 29.	5
	<i>replacement corporation</i> , for part 4, see section 29.	6
	<i>transfer day</i> , for part 4, see section 29.’.	7
<b>3</b>	<b>Before section 5—</b>	8
	<i>insert—</i>	9
	<b>‘Part 2                   Matters about the foundation’.</b>	10
<b>4</b>	<b>Before section 28—</b>	11
	<i>insert—</i>	12
	<b>‘Part 3                   Miscellaneous’.</b>	13
	 <b>Veterinary Surgeons Act 1936</b>	14
<b>1</b>	<b>Section 15(3), ‘may determine’—</b>	15
	<i>omit, insert—</i>	16
	‘decides’.	17
<b>2</b>	<b>Part 2A, before section 15A—</b>	18
	<i>insert—</i>	19
	<b>‘Division 1               Constitution and membership’.</b>	20



## Schedule (continued)

<b>10</b>	<b>Section 33D(4B), ‘determining’—</b>	1
	<i>omit, insert—</i>	2
	‘deciding’.	3
<b>11</b>	<b>Part 6, heading—</b>	4
	<i>omit, insert—</i>	5
<b>‘Part 6</b>	<b>Transitional provisions</b>	6
<b>‘Division 1</b>	<b>Provisions for Primary Industries Legislation Amendment Act 2001’.</b>	7
		8