



Queensland

# **Primary Industries Acts Amendment and Repeal Bill 2007**





Queensland

# Primary Industries Acts Amendment and Repeal Bill 2007

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**A Bill**

for

***An Act to amend and repeal the *Banana Industry Protection Act 1989*, and to amend the *Sugar Industry Act 1999****

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	<b>The Parliament of Queensland enacts—</b>	1
	 <b>Part 1 Preliminary</b>	 2
<b>Clause 1</b>	<b>Short title</b>	3
	This Act may be cited as the <i>Primary Industries Acts Amendment and Repeal Act 2007</i> .	4 5
<b>Clause 2</b>	<b>Commencement</b>	6
	Part 3 of this Act commences on the later of the following—	7
	• 1 July 2007	8
	• the date of assent.	9
	 <b>Part 2 Amendment of Banana Industry Protection Act 1989</b>	 10 11
<b>Clause 3</b>	<b>Act amended in pt 2</b>	12
	This part amends the <i>Banana Industry Protection Act 1989</i> .	13
<b>Clause 4</b>	<b>Amendment of s 3 (Definitions)</b>	14
	Section 3—	15
	<i>insert—</i>	16
	‘ <i>amendment Act</i> means the <i>Primary Industries Acts Amendment and Repeal Act 2007</i> .’	17 18
	<i>dissolution day</i> means the date of assent of the amendment Act.’.	19 20

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<b>Clause 5</b>	<b>Insertion of new ss 31–38</b>	1
	After section 30—	2
	<i>insert—</i>	3
<b>‘31</b>	<b>Transfer and dissolution</b>	4
	‘On the dissolution day—	5
	(a) amounts in the fund become the assets of the State; and	6
	(b) the liabilities mentioned in section 14(3) become liabilities of the State; and	7 8
	(c) the board is dissolved.	9
<b>‘32</b>	<b>Continuity of proceedings and matters</b>	10
	‘(1) A proceeding by or against the board that has not been finished before the dissolution day may be continued and finished by or against the State.	11 12 13
	‘(2) If, because of an event that happened before the dissolution day, a proceeding could have been started by or against the board, it may be started by or against the State after the dissolution day.	14 15 16 17
<b>‘33</b>	<b>Employees</b>	18
	‘(1) The employment of a person employed by the board immediately before the dissolution day is ended on the dissolution day, and is taken to be lawfully terminated under the <i>Industrial Relations Act 1999</i> .	19 20 21 22
	‘(2) The person has the rights given to an employee whose employment has been lawfully terminated under that Act.	23 24
	‘(3) The rights given to the person may be exercised against the State as if the State had been the employer who terminated the person’s employment.	25 26 27

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<b>‘34</b>	<b>Members cease holding office</b>	1
	‘(1) Each person who, immediately before the dissolution day, was a member of the board goes out of office on the dissolution day.	2 3 4
	‘(2) No compensation is payable because of subsection (1).	5
<b>‘35</b>	<b>Secretary to the board</b>	6
	‘(1) This section applies to an appointment, in force immediately before the dissolution day, of a person as the secretary to the board.	7 8 9
	‘(2) On the dissolution day, the person goes out of office.	10
	‘(3) No compensation is payable because of subsection (2).	11
	‘(4) To remove any doubt, it is declared that subsection (2) does not affect the secretary’s employment as a public service employee.	12 13 14
<b>‘36</b>	<b>Authorised persons</b>	15
	‘A person authorised by the board to exercise powers under section 21, is, on and from the dissolution day, no longer authorised to exercise the powers.	16 17 18
<b>‘37</b>	<b>Offences</b>	19
	‘(1) Proceedings for an offence against the Act may, from the dissolution day, be continued or started by the State and the provisions of the Act necessary or convenient to be used in relation to the proceedings continue to apply as if the amendment Act had not commenced.	20 21 22 23 24
	‘(2) This section is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A, applies.	25 26
<b>‘38</b>	<b>Repeal</b>	27
	‘This Act is repealed immediately after the dissolution day.’.	28



	<b>Part 3</b>	1
	<b>Amendment of Sugar Industry Act 1999</b>	2
<b>Clause 6</b>	<b>Act amended in pt 3</b>	3
	This part amends the <i>Sugar Industry Act 1999</i> .	4
<b>Clause 7</b>	<b>Omission of s 5 (Notes in text)</b>	5
	Section 5—	6
	<i>omit.</i>	7
<b>Clause 8</b>	<b>Amendment of s 34 (Parties must use dispute resolution process stated in supply contract)</b>	8
	(1) Section 34(2)—	9
	<i>omit.</i>	10
	(2) Section 34(3)—	11
	<i>renumber</i> as section 34(2).	12
		13
<b>Clause 9</b>	<b>Omission of ss 38 and 39</b>	14
	Sections 38 and 39—	15
	<i>omit.</i>	16
<b>Clause 10</b>	<b>Amendment of s 72 (Variation and cancellation of access right, dispute resolution and enforcement)</b>	17
	(1) Section 72(9)—	18
	<i>omit.</i>	19
	(2) Section 72(10) and (11)—	20
	<i>renumber</i> as section 72(9) and (10).	21
		22
<b>Clause 11</b>	<b>Amendment of s 223 (Functions of commissioner)</b>	23
	(1) Section 223(b) and (c)—	24

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*omit.* 1

(2) Section 223(d)— 2

*renumber* as section 223(b). 3

**Clause 12      Amendment of s 228 (Commissioner’s budget)** 4

(1) Section 228(3), ‘QSL and’— 5

*omit.* 6

(2) Section 228(4) and (6)— 7

*omit.* 8

(3) Section 228(5) and (7)— 9

*renumber* as section 228(4) and (5). 10

**Clause 13      Amendment of s 230 (Commissioner’s power to delegate)** 11

Section 230(2)— 12

*omit.* 13

**Clause 14      Insertion of new ch 9** 14

After section 287— 15

*insert*— 16

**‘Chapter 9      Transitional provisions for** 17

**Primary Industries Acts** 18

**Amendment and Repeal Act** 19

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**‘288      Definitions for ch 9** 21

‘In this chapter— 22

*commencement* means the commencement of this chapter. 23

*former dispute resolution provisions* means sections 38 and 24

39, as in force immediately before the commencement. 25

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<i>transitional period</i> means the period of 3 years starting on the commencement.	1 2
<b>‘289 Existing mediation or arbitration for dispute about terms of supply contract</b>	3 4
‘(1) This section applies if—	5
(a) before the commencement, a party to a supply contract asked the commissioner to refer a dispute about the terms of a supply contract to mediation; and	6 7 8
(b) immediately before the commencement—	9
(i) the commissioner had not referred the dispute to mediation; or	10 11
(ii) the mediation had started but not finished; or	12
(iii) the mediation had finished but the dispute had not been resolved; or	13 14
(iv) the commissioner had referred the dispute to an arbitrator but the arbitration had not finished.	15 16
‘(2) The former dispute resolution provisions continue to apply to the dispute as if the provisions were still in force.	17 18
<b>‘290 Dispute about terms of supply contract in transitional period</b>	19 20
‘(1) This section applies if—	21
(a) a dispute arises, in the transitional period, between any or all of the parties to a supply contract; and	22 23
(b) when the dispute arises, the process for dispute resolution stated in the supply contract applies the former dispute resolution provisions.	24 25 26
‘(2) The parties to the supply contract must attempt to resolve the dispute by using the process that applies the former dispute resolution provisions as if the provisions were still in force.	27 28 29

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<b>‘291</b>	<b>Variation of existing supply contract</b>	1
‘(1)	This section applies if, at the end of the transitional period, the process for dispute resolution stated in a supply contract applies the former dispute resolution provisions.	2 3 4
‘(2)	The parties to the supply contract must, as soon as practicable after the end of the transitional period, vary the contract to state another dispute resolution process to apply after the transitional period.	5 6 7 8
‘(3)	The other dispute resolution process can not apply a process that provides for asking the commissioner to refer the dispute to mediation.	9 10 11
‘(4)	Whether or not the parties comply with subsection (2), after the transitional period, the supply contract is taken not to apply the former dispute resolution provisions.	12 13 14
<b>‘292</b>	<b>New supply contracts</b>	15
	‘A supply contract entered into on or from the commencement can not, in stating a process for dispute resolution, apply a process that provides for asking the commissioner to refer the dispute to mediation.’	16 17 18 19