



# **Sugar Industry Act 1999**

**Reprinted as in force on 1 January 2006**

**Reprint No. 4**

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This Act is reprinted as at 1 January 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

# Sugar Industry Act 1999

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# **Sugar Industry Act 1999**

[as amended by all amendments that commenced on or before 1 January 2006]

**An Act about the sugar industry in Queensland, and for other purposes**

## **Chapter 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Sugar Industry Act 1999*.

### **2 Commencement**

- (1) Chapter 4, part 10 commences on 1 October 1999.
- (2) The remaining provisions commence on 1 January 2000.

### **3 Principal object of Act**

The principal object of the Act is to facilitate an internationally competitive, export oriented sugar industry based on sustainable production that benefits those involved in the industry and the wider community.

### **4 Definitions**

The dictionary in the schedule defines particular words used in this Act.

### **5 Notes in text**

A note in the text of this Act is part of the Act.

**6 State bound**

This Act binds all persons, including the State.

**Chapter 2 Supply contracts and cane access rights****Part 2 Arrangements for supply contracts from 1 January 2006****Division 1 Cane supply is governed by supply contracts****29 Purpose of pt 2**

The purpose of this part is to ensure the supply by growers of cane to a mill and the payment to growers in return are governed by written contracts (each a *supply contract*) between growers and mill owners.

**30 Definitions for pt 2**

In this part—

*bargaining representative*, for a group of growers, means a person with the written authority of each grower who is a member of the group.

*group of growers* see section 33(1).

*interested third party* means a person with a direct or indirect monetary interest in—

- (a) the supply by growers of cane to a mill; or
- (b) the milling of cane.



*Examples—*

- 1 a harvesting contractor who is engaged by a grower or mill owner to harvest cane
- 2 a producer of ethanol
- 3 a person who transports cane to a mill

*supply contract* see section 29.

**31 Supply contract**

- (1) A grower may supply cane to a mill for a crushing season only if the grower has a supply contract with the mill owner for the season.
- (2) A supply contract may be for 1 or more than 1 crushing season.
- (3) A supply contract may be either an individual contract or a collective contract.
- (4) An interested third party may be a party to a supply contract between a mill owner and a grower.
- (5) Each of the parties to a supply contract must sign the contract.

**32 Individual contract**

An individual contract—

- (a) is a supply contract made directly between a grower and a mill owner; and
- (b) may be for all or part of the supply of cane grown by the grower.

**33 Collective contract**

- (1) A collective contract is a supply contract made between 2 or more growers (a *group of growers*) and a mill owner.
- (2) Each grower in a group of growers must sign the collective contract.
- (3) A group of growers may appoint a bargaining representative to negotiate a collective contract on behalf of the group.

- (4) There may be more than 1 collective contract in force at the same time for a mill.
- (5) A grower may be a party to more than 1 collective contract.

### **34 Parties must use dispute resolution process stated in supply contract**

- (1) A supply contract must state a process for dispute resolution.
- (2) Subject to section 37, the process may apply—
  - (a) sections 38 and 39; or
  - (b) another stated dispute resolution process.
- (3) The parties must attempt to resolve the dispute by using the process.

### **35 Variation of supply contract**

- (1) The parties to a supply contract may, in writing, vary the contract.
- (2) The varied supply contract is taken to be the supply contract for this part.

## **Division 2 Dispute resolution**

### **36 Application of div 2**

This division applies if a dispute arises between any or all of the parties to a supply contract about its terms.

### **37 No final offer arbitration**

- (1) The parties can not use final offer arbitration or a process substantially the same as final offer arbitration.
- (2) The parties to a dispute use *final offer arbitration* if, at the end of mediation—
  - (a) each party to the mediation gives a written offer (a *final offer*) for resolving all issues to—

- (i) the mediator appointed for the mediation; and
- (ii) each other party to the dispute; and
- (b) the final offer states the basis on which the party is prepared to settle all issues that have not been agreed; and
- (c) an arbitrator appointed to resolve the dispute can make a decision only by choosing 1 of the offers; and
- (d) if only 1 final offer has been made—the arbitrator may accept the offer as the arbitrator’s decision.

### **38 Mediation**

- (1) A party to the supply contract may ask the commissioner to refer the dispute to mediation.
- (2) If the commissioner refers the dispute to mediation, the mediation must be conducted by—
  - (a) a person agreed to by the parties; or
  - (b) if the parties can not agree on a mediator—the commissioner or a person appointed by the commissioner.
- (3) However, the commissioner may appoint a mediator only if the person has the qualifications or experience the commissioner considers appropriate to mediate the dispute.
- (4) The parties must pay the mediator the costs of mediation in the proportions decided by the mediator.
- (5) An amount of unpaid costs is a debt payable to the mediator.
- (6) Nothing in this section affects any rights or remedies to which a party to the dispute may be entitled.

### **39 Arbitration**

- (1) If the commissioner certifies that the dispute has not, under section 38, been resolved by mediation, the commissioner may refer the dispute to an arbitrator.
- (2) However, the commissioner may refer the dispute to arbitration only if agreed to by the parties.

- (3) The arbitrator must be—
  - (a) a person agreed to by the parties; or
  - (b) if the parties can not agree on an arbitrator—the commissioner or a person appointed by the commissioner.
- (4) However, the commissioner may appoint an arbitrator only if the person has the qualifications or experience the commissioner considers appropriate to arbitrate the dispute.
- (5) The *Commercial Arbitration Act 1990* applies to the arbitration.
- (6) However, the arbitrator—
  - (a) can not be ordered to pay the costs, or part of the costs, of the arbitration; and
  - (b) may recover from the parties the costs of arbitration in the proportions decided by the arbitrator.
- (7) An amount of unpaid costs is a debt payable to the arbitrator.

## Part 4 **Cane access, harvesting and mill supply**

### 63 **Access right to harvest and supply cane**

- (1) This part provides for the grant by a land-holder or the commissioner of 2 types of right (each an *access right*)—
  - (a) a permit to pass; and
  - (b) a cane railway easement.
- (2) A permit (a *permit to pass*) may be granted to—
  - (a) a grower to facilitate harvest of cane and supply to a mill; or
  - (b) a mill owner to facilitate harvest of cane and supply of cane to any mill or between any mills or to service a cane railway easement.

- (3) A permit to pass authorises the person to whom it is granted and a person acting on the person's behalf to use another person's land under the permit's conditions.
- (4) An easement (a *cane railway easement*) may be granted to a mill owner to facilitate harvest of cane and supply of cane to any mill or between any mills.
- (5) A cane railway easement may be granted whether or not it is annexed to or used and enjoyed together with any other land.
- (6) The grant of an access right is subject to the powers under the *Transport Infrastructure Act 1994* of the chief executive or a railway manager within the meaning of that Act.

#### **64 Land-holder may grant an access right**

A land-holder may grant an access right affecting the holder's land under an agreement with a mill owner or a grower.

#### **65 Commissioner may grant an access right**

- (1) This section applies if—
  - (a) a person seeking an access right affecting land does not reach agreement with the land-holder for the grant, after reasonable negotiation or attempts to negotiate; and
  - (b) the commissioner considers the grant necessary for a purpose mentioned in section 63(2) or (4) in relation to the person; and
  - (c) the grant, if made, would not affect native title, or if it would, there is an indigenous land use agreement consenting to the grant.
- (2) A person may make an application to the commissioner to be granted the access right.
- (3) The applicant must give a copy of the application to—
  - (a) every person the applicant knows will be entitled to claim compensation if the right is granted; and
  - (b) anyone the commissioner directs should be given a copy.

- (4) A person given a copy of the application is entitled to make written submissions to, and be heard by, the commissioner about the application.
- (5) The commissioner may grant the application and may impose reasonable conditions on the grant.

*Examples of conditions—*

a condition that the mill owner or grower construct and maintain at or near the boundaries of the land cattle grids or other structures

- (6) However, the commissioner must not grant the application unless the commissioner is satisfied on reasonable grounds that the grant, if made, would not affect native title, or, if it would, there is an indigenous land use agreement consenting to the grant.
- (7) In this section—

*indigenous land use agreement* means an indigenous land use agreement under the *Native Title Act 1993* of the Commonwealth registered on the register of indigenous land use agreements.

## **66 Notice of decision**

The commissioner must, within 21 days after the decision, give the applicant an information notice of the decision under section 65 and, if the access right is granted, any person the commissioner considers may be entitled to claim compensation.

## **67 Grant of access right takes effect on registration**

- (1) For the grant of an access right by the holder of land to a mill owner or grower to take effect, a notice must be given to the commissioner.
- (2) The notice must be—
  - (a) in the approved form; and
  - (b) signed by the mill owner or grower and the land-holder; and
  - (c) accompanied by the fee required under a regulation.

- (3) On receiving the notice, the commissioner must record particulars of the access right in the access rights register.
- (4) The access right mentioned in subsection (3) then takes effect and not beforehand.
- (5) If the commissioner grants an access right, the commissioner must record particulars of the access right in the access rights register.
- (6) The access right mentioned in subsection (5) then takes effect and not beforehand.

## **68 Compensation on grant of access right**

- (1) Subject to subsection (6), if the commissioner or a land-holder grants an access right, the land-holder whose land is affected and the mill owner or grower to whom the access right is granted may agree on the amount of any compensation payable to the land-holder.
- (2) If the land-holder and the mill owner or grower can not agree on the amount—
  - (a) the holder or the mill owner or grower may apply to the Land Court to decide the amount; or
  - (b) they may jointly apply to the commissioner to appoint a valuer to decide the amount.
- (3) On an application under subsection (2)(a), the Land Court may decide the amount.
- (4) On an application under subsection (2)(b), the following provisions apply—
  - (a) the commissioner may appoint a valuer;
  - (b) the valuer may decide the amount;
  - (c) the valuer's decision is final.
- (5) The costs of a valuation under subsection (4) are to be paid by—
  - (a) if the access right granted is a cane railway easement—the mill owner; or

- (b) if the access right granted is a permit to pass—the holder of the permit to pass.
- (6) The commissioner, in granting a permit to pass to a person, may order the person to pay to the land-holder whose land is affected by the permit 1 or both of the following—
  - (a) an amount, or amounts from time to time, towards the cost to the land-holder of the use of the permit;
  - (b) an amount as compensation for significant detriment to the land-holder's use of the land.

## **69 Access rights register**

- (1) The commissioner must keep a register called the access rights register.
- (2) The commissioner must record in the register the following particulars of an access right—
  - (a) type;
  - (b) assigned number;
  - (c) date of registration;
  - (d) holder's name;
  - (e) names and addresses of the holders of the lands affected by the grant of the right;
  - (f) description of the lands affected;
  - (g) other particulars decided by the commissioner.
- (3) The commissioner must record each access right in the order of granting.
- (4) The record of an access right in the register is taken to be adequate notice to all persons of the access right's existence.
- (5) The *Land Title Act 1994* is subject to subsection (4).
- (6) If an access right is relinquished by its holder, the holder must immediately give notice of the relinquishment to the commissioner and to the land-holders recorded in the register for the right.

Maximum penalty—40 penalty units.



- (7) On receiving the notice, the commissioner must record the relinquishment in the register.
- (8) The register must be available for inspection at the office of the commissioner during the ordinary working hours of the office.
- (9) A person may inspect a particular record in the register on payment of the fee required under a regulation.

## **70 Certificates**

- (1) In a proceeding, a certificate purporting to be signed by a person authorised by the commissioner stating any information recorded in the access rights register is evidence of the information stated.
- (2) The certificate may be issued at any time on payment of the fee required under a regulation.

## **71 Noting of access right on other registers**

- (1) This section applies to the registrar of titles or other person who under an Act keeps a register of title to land that is the subject of an access right (*registrar*).
- (2) A person to whom an access right is granted must give notice of the grant to the registrar of titles within 28 days after the access right is granted.

Maximum penalty—40 penalty units.

- (3) A person to whom an access right is granted may give notice of the grant to any registrar other than the registrar of titles.
- (4) On being given a notice under subsection (2) or (3), the registrar must enter in the register a note warning of the existence of the access right recorded in the access rights register.
- (5) The note is not taken to be registration of the access right on the register.

**72 Variation and cancellation of access right, dispute resolution and enforcement**

- (1) The land-holder whose land is affected by an access right and the holder of the access right may, by agreement, vary or cancel the access right or a condition on which it is held.
- (2) If the access right is recorded or noted in a register kept under this or another Act by any person, notice by the parties to the variation or cancellation, produced with the documents the person requires, is enough authority for the person to vary the particulars of, or remove particulars of, the access right or condition from the register.
- (3) Despite subsection (1) but subject to subsection (7), the commissioner may in special circumstances vary or cancel an access right, or a condition on which it is held, on application by—
  - (a) the land-holder whose land is affected by the access right; or
  - (b) the holder of the access right.
- (4) A change in the use of the land affected by the access right is not in itself special circumstances for subsection (3).
- (5) The commissioner may direct the applicant to give a copy of the application to any other person the commissioner considers may have an interest in the application.
- (6) A person given a copy of the application under subsection (5) is entitled to make written submissions to, and be heard by, the commissioner about the application.
- (7) A cane railway easement may be cancelled under subsection (3) only on the basis that it has not been used for at least 2 years.
- (8) The commissioner must give an information notice of a decision under subsection (3), by public notice or otherwise, to anyone the commissioner considers may have an interest in the decision.
- (9) The commissioner may mediate in disputes about the exercise of an access right.
- (10) An access right, and any condition on which it is held, may be enforced by application to the Land Court.

- (11) If an access right, or condition of an access right, is recorded or noted in a register kept under this or another Act by any person, written notification by the commissioner—
- (a) of a variation or cancellation of the right under subsection (3); and
  - (b) that—
    - (i) no appeal has been properly lodged against the variation or cancellation; or
    - (ii) if an appeal has been lodged—the appeal has been dismissed;

produced with the documents the person requires, is enough authority for the person to vary the particulars of, or remove particulars of, the access right or condition from the register.

### **73 Compensation on cancellation or variation of access right**

- (1) If the commissioner cancels or varies an access right under section 72 on an application by a holder of the access right, section 68 applies in the same way it applies to the grant of an access right by the commissioner on the application of a mill owner or grower.
- (2) If the commissioner cancels or varies an access right under section 72 on an application by the holder of the land affected by the right, the land-holder and the holder of the access right may agree on the amount of any compensation payable to the holder of the access right.
- (3) If the land-holder and the holder of the access right can not agree on the amount—
  - (a) the land-holder or the holder of the access right may apply to the Land Court to decide the amount; or
  - (b) they may jointly apply to the commissioner to appoint a valuer to decide the amount.
- (4) On an application under subsection (3)(a), the Land Court may decide the amount.
- (5) On an application under subsection (3)(b), the following provisions apply—

- (a) the commissioner may appoint a valuer;
  - (b) the valuer may decide the amount;
  - (c) the valuer's decision is final.
- (6) The cost of the valuation must be paid by the applicants subject to the following—
- (a) if the access right was held by the mill owner—the mill owner must pay the cost;
  - (b) if the access right was held by a grower and the holder of the land affected is another grower—each grower must pay half the cost;
  - (c) if the access right was held by a grower and the holder of the land affected by the right is neither a grower nor mill owner—the grower must pay the cost.

**74 Rectification or reinstatement of land on cancellation or variation of access right**

- (1) This section applies if the commissioner cancels an access right affecting land or varies an access right in a way that excludes land affected by the right.
- (2) The commissioner may give a written order to the person who is or was the holder of the right to carry out rectification or reinstatement of the land as directed by the commissioner.
- (3) The commissioner must give a copy of the order to the holder of the land.
- (4) The holder of the land may give a copy of the order to the registrar of the Supreme Court.
- (5) The order may then be enforced as an order of the court.

**75 Construction etc. of railways, obstruction of access right**

- (1) For supply of cane to a mill, a mill owner or a person authorised by the mill owner may—
  - (a) construct, maintain, alter and use a railway or road, and carry out any other necessary works on—

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- (i) land of the mill owner or over which the mill owner holds an access right; or
  - (ii) subject to the *Local Government Act 1993*, section 919,<sup>1</sup> a road for which the mill owner holds a permit under that section; or
  - (iii) subject to the *Transport Infrastructure Act 1994*, a State-controlled road for which the mill owner holds an approval under section 50<sup>2</sup> of that Act; and
- (b) use on the railway or road vehicles or rolling stock and other machinery and equipment the mill owner may consider necessary.
- (2) A person must not obstruct or attempt to obstruct the use of an access right or a right under subsection (1).

Maximum penalty—40 penalty units.

*Example—*

removal or attempt to remove rail line used in connection with an access right

- (3) Without limiting subsection (2), a person may apply to a Magistrates Court for an order restraining anyone else from obstructing or attempting to obstruct the applicant's use of an access right or a right under subsection (1).
- (4) The application must be made to the Magistrates Court sitting in the magistrates court district in which the obstruction or attempt is happening or anticipated.
- (5) The court may make the order sought on the conditions it considers appropriate.
- (6) A person who suffers loss or damage because another person obstructs or attempts to obstruct the person's use of the person's access right or right under subsection (1) may recover the amount of the loss or damage as a debt from the other person.

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1 *Local Government Act 1993*, section 919 (Ancillary works and encroachments on roads)

2 *Transport Infrastructure Act 1994*, section 50 (Ancillary works and encroachments)

## **Chapter 4 Administration**

### **Part 1 Minister's powers**

#### **108 Minister may establish advisory bodies**

The Minister may establish an advisory committee or other body to help the Minister in the administration of this Act.

#### **109 Reports to Minister**

- (1) If the Minister asks, the commissioner must give the Minister a report about anything specified by the Minister about the discharge by the commissioner of the commissioner's functions under this Act or the commissioner's activities.
- (2) If the Minister specifies a period of time within which a report is to be given, the report must be given within the period.

#### **110 Minister's directions**

- (1) The Minister may give the commissioner written directions about the discharge of the commissioner's functions.
- (2) The commissioner must comply with the directions.
- (3) The Minister may give a direction only if the Minister—
  - (a) is satisfied the direction is necessary to ensure the discharge by the commissioner of the commissioner's functions does not conflict with major government policies; and
  - (b) has informed the commissioner in writing that a direction is under consideration and given the commissioner an adequate opportunity to discuss with the Minister the need for the direction.
- (4) The Minister must cause a copy of the direction to be tabled in the Legislative Assembly within 14 sitting days after giving the direction.

- (5) This section does not apply to directions the Minister is authorised to give about matters under another provision of this Act or any other Act.

### **111 Minister's directions in commissioner's annual report**

The commissioner must include in each annual report prepared by the commissioner under the *Financial Administration and Audit Act 1977*, section 46J,<sup>3</sup> a report of any direction given to the commissioner by the Minister during the financial year for which the report is prepared.

## **Part 10 Sugar Industry Commissioner**

### **222 Appointment of commissioner**

- (1) There is to be a Sugar Industry Commissioner.
- (2) The commissioner is to be appointed by the Governor in Council.
- (3) The commissioner holds office for the term, not longer than 5 years, and on the conditions stated in the instrument of appointment.

### **223 Functions of commissioner**

The commissioner has the following functions—

- (a) to grant access rights and to keep the access rights register;
- (b) to mediate in negotiations within the sugar industry in Queensland, other than in matters in which the commissioner is the decision maker, if asked by all parties to the mediation;

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<sup>3</sup> *Financial Administration and Audit Act 1977*, section 46J (Annual report)

- (c) to receive any assets and liabilities transferred to the commissioner under chapter 8;<sup>4</sup>
- (d) to act for the benefit of the sugar industry.

### **223A Powers of commissioner**

The commissioner has power to do any of the following—

- (a) enter into contracts;
- (b) acquire, hold, dispose of and deal with property, including, for example, assets transferred to the commissioner under chapter 8;
- (c) appoint and act through agents and attorneys;
- (d) anything else necessary or convenient to be done for the commissioner's functions.

### **224 Remuneration**

The commissioner is to be paid the remuneration, including allowances, decided by the Governor in Council.

### **225 Disqualifications for appointment**

A person is not qualified to be or to continue as commissioner if the person—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) is convicted of an indictable offence, whether on indictment or summarily; or
- (c) becomes incapable of performing the duties of commissioner because of physical or mental incapacity; or
- (d) is not able to manage a corporation because of the Corporations Act, part 2D.6; or

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4 See section 276 (Transfer and dissolution).



- (e) is named in the register held by the Australian Securities Investment Commission under the Corporations Act, section 1274AA.<sup>5</sup>

## **226 Vacation of office**

The office of commissioner becomes vacant if the commissioner—

- (a) dies; or
- (b) resigns office by notice given to the Governor in Council; or
- (c) is absent, without the Minister's permission and without reasonable excuse, for 14 consecutive days or 28 days in any year; or
- (d) is no longer qualified to continue as commissioner; or
- (e) is removed from office under section 232.

## **227 Commissioner's independence**

In performing functions of office mentioned in section 223,<sup>6</sup> the commissioner must act independently and impartially.

## **228 Commissioner's budget**

- (1) The commissioner must prepare and give to the Minister a draft budget for each financial year in the form and when the Minister directs.
- (2) The Minister must decide the commissioner's budget for the financial year.
- (3) Before the Minister decides the commissioner's budget, the Minister must consult with QSL and industry representative bodies.
- (4) The commissioner's budget is payable by QSL.

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5 Corporations Act, part 2D.6 (Disqualification from managing corporations) and section 1274AA (Register of disqualified company directors and other officers)

6 Section 223 (Functions of commissioner)

- (5) The commissioner must authorise spending only under the budget decided by the Minister, unless the Minister otherwise directs.
- (6) If, under chapter 8,<sup>7</sup> assets or liabilities are transferred to the commissioner, the commissioner may ask the Minister to amend the budget.
- (7) The Minister may vary the budget as requested, either with or without amendment.

**229 Commissioner's staff**

The commissioner may employ the persons the commissioner considers necessary.

**230 Commissioner's power to delegate**

- (1) The commissioner may delegate the commissioner's powers to an appropriately qualified member of the commissioner's staff.
- (2) The commissioner may delegate the commissioner's power to mediate in disputes about the exercise of an access right under section 72(9)<sup>8</sup> to an appropriately qualified mediator.

**231 Prohibition on political activity**

The commissioner must not use any of the funds made available to the commissioner under this Act for any purpose in connection with the politics of any political party or any candidate for political office.

**232 Removal of commissioner**

- (1) This section applies if the Governor in Council is satisfied that the commissioner has contravened section 231.

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<sup>7</sup> See section 276 (Transfer and dissolution).

<sup>8</sup> Section 72 (Variation and cancellation of access right, dispute resolution and enforcement)

- (2) The Governor in Council may remove the commissioner from office by notice given to the commissioner.

## Chapter 5 Appeals

### 234 Appeal to Magistrates Court

- (1) The following persons may appeal to a Magistrates Court (*the court*) against the decisions mentioned in relation to the person—
  - (a) a person whose application to register any matter on a register kept by the commissioner has been refused by the commissioner;
  - (b) a holder of an access right or a land-holder mentioned in section 74 who is dissatisfied with a decision of the commissioner under section 74(2).
- (2) The appeal is started by—
  - (a) giving a notice of appeal stating the grounds to the clerk of the court; and
  - (b) giving a copy of the notice to the respondent.
- (3) An appeal must be started within 28 days after the appellant is given notice of the relevant decision.
- (4) In deciding the appeal, the court—
  - (a) is unaffected by the appealed decision; and
  - (b) is not bound by the rules of evidence; and
  - (c) must observe natural justice.
- (5) In deciding the appeal, the court may confirm the appealed decision or set the appealed decision aside and make another decision.
- (6) If the court makes another decision, the decision is taken to be the decision of the respondent.
- (7) However, a decision mentioned in subsection (6) can not be appealed against under this section.

- (8) A party dissatisfied by the decision of the Magistrates Court may appeal to the District Court, but only on a question of law.
- (9) In this section—  
*decision* includes an order.

### **235 Appeal to Land Court**

- (1) This section applies to a decision by the commissioner under section 65 or 72(3).<sup>9</sup>
- (2) A person aggrieved by the commissioner's decision may appeal to the Land Court within 28 days after the notice of the decision is given by the commissioner under section 66 or 72(8).
- (3) The appeal is started by—
  - (a) giving a notice of appeal stating the grounds to the registrar of the Land Court; and
  - (b) giving a copy of the notice to the following—
    - (i) the commissioner;
    - (ii) any land-holder whose land is or would be affected by the relevant access right;
    - (iii) the holder of any relevant access right;
    - (iv) any grower affected by the relevant variation or cancellation, if the decision appealed against is under section 72(3).
- (4) For subsection (3)(b)(ii) and (iv), it is enough if notice of the appeal is published in a newspaper circulating in the area where the access right is situated.
- (5) The commissioner is not a party to the appeal merely because the commissioner is given a copy of the notice of appeal.

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<sup>9</sup> Section 65 (Commissioner may grant an access right) or 72 (Variation and cancellation of access right, dispute resolution and enforcement)

- (6) In deciding the appeal, the court is unaffected by the appealed decision.<sup>10</sup>
- (7) In deciding the appeal, the court may confirm the appealed decision or set the appealed decision aside and make another decision.
- (8) If the court makes another decision, the decision is taken to be the decision of the commissioner.
- (9) However, a decision mentioned in subsection (8) can not be appealed against under this section.

## Chapter 6      **Authorisations for competition legislation**

### 236      **Definitions for ch 6**

In this chapter—

*Competition Code* means the Competition Code under the *Competition Policy Reform (Queensland) Act 1996*.

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<sup>10</sup> For relevant general powers of the Land Court, see the *Land Court Act 2000*, section 7 (Land Court to be guided by equity and good conscience).

**competition legislation** means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b)<sup>11</sup> or the Competition Code of this jurisdiction, section 51.<sup>12</sup>

## 237 Collective contracts

- (1) This section applies for the making or variation of a collective contract between a group of growers and a mill owner who are within the same region to the extent the collective contract is made or varied for giving effect to a settlement about—
  - (a) the acceptance and crushing of cane by a mill at a time fixed under the collective contact; and
  - (b) the terms on which payments are to be made by a mill owner for cane to be supplied to a mill by a grower under the collective contact.
- (2) For subsection (1)—
  - (a) a region may overlap with another region; and
  - (b) a group of growers and a mill owner are *within the same region* if the land on which each grower's cane is grown is in the same region as the land on which the mill is situated.
- (3) The following things are specifically authorised for the competition legislation—
  - (a) the making of the collective contract;
  - (b) the variation of the collective contract;
  - (c) the acceptance and crushing of cane by a mill at a time fixed under the collective contract;

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11 *Trade Practices Act 1974* (Cwlth), section 51 (Exceptions)

12 The Competition Code, section 51 states that in deciding whether a person has contravened the Code, Part IV, certain things must be disregarded. Section 51(1) of the Code provides that the following must be disregarded—

- (a) ...
- (b) anything done in a State, if the thing is specified in, and specifically authorised by:
  - (i) an Act passed by the Parliament of that State; or
  - (ii) regulations made under such an Act.

- (d) the payment of a price for cane by a mill owner to a grower under the collective contract;
  - (e) the receipt of a price for cane by a grower from a mill owner under the collective contract;
  - (f) a financial incentive scheme of premiums, discounts and allowances relating to cane and sugar quality or to anything that may affect cane and sugar quality having regard to best practice under the collective contract.
- (4) In this section—

**region** means a part of the State that is prescribed under a regulation.

**settlement** means a contract, arrangement or understanding made or arrived at between any or all of the following—

- (a) a group of growers;
- (b) a mill owner;
- (c) an interested third party.

### **243 Pooled export contracts**

- (1) This section applies to the negotiation, making or varying of, or giving effect to, a contract (a **pooled export contract**) between QSL and a mill owner—
- (a) for sugar manufactured by the mill owner to be sold by QSL, as agent or on its own behalf, in export markets; and
  - (b) under which payments by QSL to the mill owner—
    - (i) are made by reference to 1 or more pools of 2 or more mill owners that aggregates prices payable for sugar supplied or delivered by the mill owners to QSL; and
    - (ii) may be calculated and made under a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered.

*Sugar Industry Act 1999*

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- (2) Subsection (1)(b)(i) applies whether or not there is an arrangement or understanding between the mill owners about the entering into of the contract.
- (3) The following things, whether done before or after the commencement of this section, are specifically authorised for the competition legislation—
  - (a) the negotiation of, and the entering into, arrangements or understandings about the terms of the contract—
    - (i) between QSL and the mill owners; or
    - (ii) between or among the mill owners;
  - (b) the making of the contract;
  - (c) the variation of the contract;
  - (d) the supply or delivery of sugar by the mill owner to QSL, and the acquisition or receipt of the sugar by QSL, under the contract;
  - (e) the payment of a price for sugar by QSL to the mill owner under the contract;
  - (f) the receipt of a price for sugar by the mill owner from QSL under the contract;
  - (g) the calculation of the prices to be paid by QSL to each mill owner by applying a formula apportioning some or all of the sale proceeds and costs from the sugar sold in export markets between some or all of the mill owners who have entered into a pooled export contract;
  - (h) a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered by the mill owner to QSL under the contract;
  - (i) the export by QSL of sugar acquired or received under the contract.
- (4) This section expires on the later of the following days—
  - (a) 30 September 2009;
  - (b) if a regulation made under this section before 30 June 2009 prescribes a later day of expiry—the later day.



**244 Pooled domestic contract to satisfy refiner supply contract made before 30 October 2004**

- (1) This section applies to the negotiation, making or varying of, or giving effect to, a contract (a *pooled domestic contract*) between QSL and a mill owner—
  - (a) for sugar manufactured by the mill owner to be sold by QSL, as agent or on its own behalf, to a domestic refiner to fulfil QSL's obligations under a contract made before 30 October 2004 to supply sugar to the refiner; and
  - (b) under which payments by QSL to the mill owner—
    - (i) are made by reference to 1 or more pools of 2 or more mill owners that aggregates prices payable for sugar supplied or delivered by the mill owners to QSL; and
    - (ii) may be calculated and made under a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered.
- (2) Subsection (1)(b)(i) applies whether or not there is an arrangement or understanding between the mill owners about the entering into of the contract.
- (3) The following things, whether done before or after the commencement of this section, are specifically authorised for the competition legislation—
  - (a) the negotiation of, and the entering into, arrangements or understandings about the terms of the contract—
    - (i) between QSL and the mill owners; or
    - (ii) between or among the mill owners;
  - (b) the making of the contract;
  - (c) the variation of the contract;
  - (d) the supply or delivery of sugar by the mill owner to QSL, and the acquisition or receipt of the sugar by QSL, under the contract;
  - (e) the payment of a price for sugar by QSL to the mill owner under the contract;

- (f) the receipt of a price for sugar by the mill owner from QSL under the contract;
  - (g) the calculation of the prices to be paid by QSL to each mill owner by applying a formula apportioning some or all of the sale proceeds and costs from the sugar sold in domestic markets between some or all of the mill owners who have entered into a pooled domestic contract;
  - (h) a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered by the mill owner to QSL under the contract;
  - (i) the supply or delivery to the domestic refiner of sugar acquired or received under the contract.
- (4) This section expires on 30 September 2007.

#### **245 Pooled export and domestic contract**

- (1) This section applies to a contract between QSL and a mill owner for the supply or delivery of sugar manufactured by the mill owner to be sold by QSL, as agent or on its own behalf, both in export markets and domestic markets.
- (2) Section 243(3) applies to the export market component of the contract as if it were a pooled export contract.
- (3) Section 244(3) applies to the domestic market component of the contract as if it were a pooled domestic contract.
- (4) This section expires on the later of the following days—
  - (a) 30 September 2009;
  - (b) if a regulation made under this section before 30 June 2009 prescribes a later day of expiry—the later day.

## Chapter 7      Miscellaneous

### 247      Injunctions

- (1) Subsection (2) applies if a person has engaged, is engaging or is proposing to engage in conduct that is, was, or would be, any of the following—
  - (a) a contravention of chapter 2;
  - (b) attempting to contravene chapter 2;
  - (c) aiding, abetting, counselling or procuring a person to contravene chapter 2;
  - (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene chapter 2;
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of chapter 2;
  - (f) conspiring with others to contravene chapter 2.
- (2) On the application of an interested entity, the court may grant an injunction restraining the person from engaging in the conduct and, if the court considers it is desirable to do so, requiring the person to do anything.
- (3) If a person has failed, is failing, or is proposing to fail, to do anything that the person is required to do under chapter 2, the court may, on the application of an interested entity, grant an injunction requiring the person to do the thing.
- (4) However, the court may grant the injunction under subsection (2) or (3) only if it is satisfied that there is no other adequate remedy.
- (5) On an application under subsection (2) or (3), the court may grant the injunction sought with the consent of all the parties to the proceeding, whether or not the court is satisfied that the subsection applies.
- (6) The court may grant an interim injunction pending a decision on an application under subsection (2).
- (7) The court may discharge or vary an injunction, and may grant an injunction on conditions.

- (8) The court's power to grant an injunction restraining a person from engaging in conduct may be exercised—
- (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in the conduct; and
  - (b) whether or not the person has previously engaged in conduct of that kind; and
  - (c) whether or not there is an imminent danger of substantial damage to another person if the person engages, or continues to engage, in the conduct.
- (9) The court's power to grant an injunction requiring a person to do a thing may be exercised—
- (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the thing; and
  - (b) whether or not the person has previously failed to do a thing of that kind; and
  - (c) whether or not there is an imminent danger of substantial damage to another person if the person fails, or continues to fail, to do the thing.
- (10) The court may, in addition to, or instead of, ordering an injunction against a person, order the person to pay damages to someone.
- (11) The court's powers under this section are in addition to its other powers.
- (12) In this section—

*court* means the Supreme Court.

*interested entity* means an entity established under this Act or another person, whose interests have been, are or would be affected by the relevant conduct.

## 249 Statutory declaration

- (1) This section applies to an application or submission to the commissioner or an entity established under this Act.

- (2) The commissioner or entity may require particular information to be verified by statutory declaration as a condition of its consideration or further consideration of the application or submission.

## **250 Records to be kept**

An entity established under this Act—

- (a) must keep the records that may be necessary for the proper discharge of its functions; and
- (b) is a public authority under the *Public Records Act 2002*.

## **251 Superannuation schemes**

- (1) An entity established under this Act may—
- (a) establish or amend superannuation schemes; or
  - (b) join in establishing or amending superannuation schemes; or
  - (c) take part in superannuation schemes.
- (2) The auditor-general may audit the schemes.
- (3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.<sup>13</sup>

## **252 Offence to make false statement in application or submission**

A person must not, in an application or submission made to an entity under this Act, make any false or misleading statement without reasonable excuse.

Maximum penalty—40 penalty units.

## **253 Improper use of information prohibited**

- (1) A person who is, or has been, the commissioner, or a member, director, officer or employee of an entity established under

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<sup>13</sup> *Financial Administration and Audit Act 1977*, part 6 (Audit of consolidated fund and public sector entities)

this Act, must not make improper use of information acquired because of the person's position, or an opportunity provided by the position, to gain directly or indirectly an advantage for any person or to cause detriment to the entity or any person.

Maximum penalty—500 penalty units or 5 years imprisonment.

- (2) An offence against this section is a misdemeanour.

## **255 Proceedings for an offence**

- (1) Subject to subsection (2), a proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886* within the later of the following—
- (a) 1 year after the offence is committed;
  - (b) 6 months after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.
- (2) A proceeding for an indictable offence may, at the election of the prosecution, be taken—
- (a) by way of summary proceedings under subsection (1);  
or
  - (b) on indictment.
- (3) A proceeding against a person for an indictable offence must be before a magistrate if it is a proceeding—
- (a) for the summary conviction of the person; or
  - (b) for an examination of witnesses in relation to the charge.
- (4) If a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.
- (5) If—
- (a) a person charged with an indictable offence asks at the start of a summary proceeding for the offence that the charge be prosecuted on indictment; or

- (b) the magistrate hearing a charge of an indictable offence considers the charge should be prosecuted on indictment;  
the magistrate—
  - (c) must not decide the charge as a summary offence; and
  - (d) must proceed by way of a committal proceeding.
- (6) If a magistrate acts under subsection (5)—
- (a) any plea of the person charged, made at the start of the proceeding, must be disregarded; and
  - (b) any evidence brought in the proceeding before the magistrate decided to act under subsection (5) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (c) before committing the person for trial or sentence, the magistrate must make a statement to the person under the *Justices Act 1886*, section 104(2)(b).<sup>14</sup>
- (7) The maximum penalty that may be imposed on a summary conviction of an indictable offence is 100 penalty units or 1 year's imprisonment.
- (8) In this section—
- indictable offence* means an offence against section 253.<sup>15</sup>

### **255A Allegations of false or misleading matters**

- (1) This section applies to a proceeding for an offence against this Act described as involving—
- (a) false or misleading information; or
  - (b) a false or misleading document or statement.
- (2) It is enough for the complaint starting the proceeding to state the document, information or statement was 'false or

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<sup>14</sup> *Justices Act 1886*, section 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)

<sup>15</sup> Section 253 (Improper use of information prohibited)

misleading' to the defendant's knowledge, without specifying which.

- (3) In the proceeding, evidence that the document, information or statement was given or made recklessly is evidence that it was given or made so as to be false or misleading.

## **256 Evidence**

- (1) A document purporting to be a copy of a collective contract and purporting to be certified as a copy by or on behalf of a party to the agreement is evidence of the contract.
- (2) A statement in a complaint for an offence against this Act of when the commission of the offence came to the knowledge of the complainant is evidence of that fact.
- (3) A certificate purporting to be signed by a person authorised to do so by an entity established under this Act stating that a particular document is a document lodged with or held by the entity, or a copy of the document, is evidence of anything stated in the certificate.

## **257 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may provide for a maximum penalty of not more than 20 penalty units for a contravention of a regulation.



## Chapter 8      **Transitional provisions for Sugar Industry Amendment Act 2005**

### Part 1              **Preliminary**

#### **258      Definitions for ch 8**

In this chapter—

*authority* means the Sugar Authority established under the unamended Act, section 126.

*commencement* means the day this section commences.

*unamended Act* means this Act as in force immediately before the commencement.

#### **259      References to authority**

For this chapter, a reference in the unamended Act, chapter 3, to the authority is taken to be a reference to the commissioner.

#### **260      References to unamended Act**

(1) If this chapter states that a provision of the unamended Act continues to apply—

(a) the provision applies as if the amending Act had not been enacted; and

(b) any other provision referred to in the provision continues to apply.

(2) In this section—

*amending Act* means the *Sugar Industry Amendment Act 2005*.

## Part 2                      Sugar vested in QSL

### 261      **Payments by QSL to mill owners**

- (1) This section applies if QSL has not, before the commencement, made a payment due to a mill owner for sugar manufactured by the mill owner that, under the unamended act, vested in QSL.
- (2) The unamended Act, sections 101 and 102, continue to apply to the payment.

### 262      **Payment schemes**

- (1) To remove any doubt, it is declared that the repeal of the unamended Act, section 105, does not, after the commencement, prevent QSL giving effect to a sugar quality standard made under the section.
- (2) In this section—  
*sugar quality standard* means a standard made by QSL under the unamended Act, section 105(1), about how sugar quality is decided and affects amounts payable to a mill owner.

### 263      **Obligations of mill owners**

- (1) This section applies to a mill owner who sells, after the commencement, local consumption exempt sugar if the sugar is manufactured from cane supplied to the mill in the crushing season for 2005.
- (2) The unamended Act, section 107(7) and (8), continues to apply to the mill owner.
- (3) In this section—  
*local consumption exempt sugar* means local consumption exempt sugar under the unamended Act, section 107(1).

## Part 3 Exemptions

### 264 Definitions for pt 3

In this part—

*amendment*, of an exemption, means an amendment of an exemption under the unamended Act, section 107A.

*annual return* means an annual return given under the unamended Act, section 107R.

*exemption* means an exemption under the unamended Act, section 107A.

*exempt sugar*, for an exemption, means exempt sugar for an exemption under the unamended Act, section 107A.

*exempt use* means an exempt use under the unamended Act, section 107B.

*late exemption application* means a late exemption application under the unamended Act, section 107E(4).

### 265 Late exemption applications

- (1) This section applies if—
  - (a) a supplier makes a late exemption application before the commencement; and
  - (b) after the commencement but within 15 days after the authority receives the application, the commissioner gives the supplier a notice requiring the supplier, within a stated reasonable period—
    - (i) to give the commissioner a stated document or information relevant to the application; or
    - (ii) to verify the correctness of the document or information by statutory declaration.
- (2) The application is taken to have been withdrawn if the supplier does not comply with the requirement.

**266 Decision made after commencement on late exemption application**

- (1) This section applies if—
  - (a) a supplier makes a late exemption application before the commencement; and
  - (b) immediately before the commencement, the authority has not made a decision about the application.
- (2) The unamended Act, sections 107H to 107L and 107O, continue to apply to the application.

**267 Application for amendment of exemption**

- (1) A supplier may at any time after the commencement apply to the commissioner for an amendment of the supplier's exemption.
- (2) The unamended Act, section 107P, continues to apply to the making and deciding of the application.

**268 Improper use of exempt sugar after commencement**

- (1) This section applies to a person who, after the commencement, uses exempt sugar under an exemption for a use other than—
  - (a) the exempt use stated for the sugar in the exemption; or
  - (b) if the person has a contract with QSL for the use of the exempt sugar under the exemption—the use decided by QSL.
- (2) The unamended Act, section 107Q(2) and (3), continues to apply to the sugar.
- (3) The unamended Act, section 107V, continues to apply to the person.

**269 Annual returns given after commencement**

- (1) This section applies to a supplier if, immediately before the commencement, the supplier—

- (a) is the holder of an exemption that is in force, other than an exemption granted for a late exemption application; and
  - (b) has not, as required under the unamended Act, section 107R, given the authority an annual return.
- (2) The unamended Act, sections 107R(2), 107S and 107W, continue to apply to the supplier.
  - (3) The unamended Act, section 107R(5), continues to apply.

## **270 Further documents or information for annual return**

- (1) This section applies if—
  - (a) before the commencement, a supplier receives a notice under the unamended Act, section 107S, and the supplier has not complied with the notice; or
  - (b) after the commencement but before the end of 15 business days after 31 January 2006, a supplier receives a notice under the unamended Act, section 107S.
- (2) The unamended Act, section 107S(3), continues to apply to the supplier.
- (3) The unamended Act, section 107S(4), continues to apply.

## **271 Exempt matter after commencement**

- (1) After the commencement, a document held by the authority before the commencement under the unamended Act, section 107T—
  - (a) continues to be exempt matter under the *Freedom of Information Act 1992*; and
  - (b) is taken to be held by the commissioner.
- (2) A document given to the commissioner after the commencement in connection with the following is exempt matter under the *Freedom of Information Act 1992*—
  - (a) the making or granting of an application for an exemption;
  - (b) the giving of an annual return.

**272 False or misleading application for amendment of exemption made after commencement**

- (1) This section applies to a person who makes an application for amendment of an exemption after the commencement.
- (2) The unamended Act, section 107U, continues to apply to the person.

**273 Executive officers of corporation**

- (1) This section applies if, after the commencement, a corporation commits an offence against a provision of the unamended Act, chapter 3, part 2, division 8.

*Note—*

The unamended Act, sections 107U(1), 107V and 107W(1), have continued application under sections 272(2), 268(3) and 269(2) respectively.

- (2) The unamended Act, section 107X, continues to apply to the executive officers of the corporation.

**Part 4 Queensland Sugar Limited****274 QSL's audited financial statements for 2005/2006 financial year**

- (1) This section applies for the financial year starting on 1 July 2005 if, immediately before the commencement, QSL has not, as required under the unamended Act, section 123(2), given the Minister, the auditor-general and the authority QSL's audited financial statements for the financial year.
- (2) The unamended Act, section 123, continues to apply for the financial year.

## **Part 5**                      **Dissolution of Sugar Authority**

### **275**     **Definitions for pt 5**

In this part—

*assets*, of the authority, means all assets of the authority immediately before the commencement.

*liabilities*, of the authority, means all liabilities of the authority immediately before the commencement.

### **276**     **Transfer and dissolution**

On the commencement—

- (a) the authority's assets and liabilities are transferred to, and become the assets and liabilities of, the commissioner; and
- (b) the authority is dissolved.

### **277**     **Continuity of proceedings and matters**

- (1) A proceeding that, before the commencement, might have been started or continued by or against the authority may, after the commencement, be started or continued by or against the commissioner.
- (2) All matters started by the authority before the commencement may be completed by the commissioner after the commencement.

### **278**     **Employees**

- (1) A person's employment by the authority immediately before the commencement is, on the commencement, taken to be lawfully terminated under the Industrial Relations Act.
- (2) The person has the rights given to an employee whose employment has been lawfully terminated under that Act.
- (3) The rights given to the person may be exercised against the commissioner as if the commissioner had been the employer who terminated the person's employment.

**279 Members cease holding office**

- (1) Each person who, immediately before the commencement, was a member of the authority goes out of office on the commencement.
- (2) No compensation is payable to a person because of subsection (1).

**Part 6 Appeals****280 Appeal to District Court against authority's decision**

- (1) This section applies to an applicant mentioned in the unamended Act, section 107H, who may appeal to the District Court against a decision of the authority.
- (2) If—
  - (a) the person has appealed to the District Court under the unamended Act, section 234A, against the decision; and
  - (b) the appeal has not been decided before the commencement;the unamended Act, section 234A, continues to apply to the appeal after the commencement.
- (3) If—
  - (a) the person could have appealed to the District Court under the unamended Act, section 234A, against the decision; and
  - (b) the applicant has not appealed before the commencement;the unamended Act, section 234A, continues to apply after the commencement.



## Part 7 Competition policy legislation

### 281 Definitions for pt 7

In this part—

*Competition Code* means the Competition Code under the *Competition Policy Reform (Queensland) Act 1996*.

*competition legislation* means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b),<sup>16</sup> or the Competition Code of this jurisdiction, section 51.<sup>17</sup>

### 282 Pooled export contracts made before commencement

- (1) This section applies to a pooled export contract made before the commencement.
- (2) The following things, whether done before or after the commencement, are specifically authorised for the competition legislation—
  - (a) the negotiation of, and the entering into, arrangements or understandings about the terms of the contract—
    - (i) between QSL and the mill owners; or
    - (ii) between or among the mill owners;
  - (b) the variation of the contract;
  - (c) the supply or delivery of sugar by the mill owner to QSL, and the acquisition or receipt of the sugar by QSL, under the contract;

16 *Trade Practices Act 1974* (Cwlth), section 51 (Exceptions)

17 The Competition Code, section 51, states that in deciding whether a person has contravened the Code, Part IV, certain things must be disregarded. Section 51(1) of the Code provides that the following must be disregarded—

- (a) ...
- (b) anything done in a State, if the thing is specified in, and specifically authorised by:
  - (i) an Act passed by the Parliament of that State; or
  - (ii) regulations made under such an Act.

- (d) the payment of a price for sugar by QSL to the mill owner under the contract;
- (e) the receipt of a price for sugar by the mill owner from QSL under the contract;
- (f) the calculation of the prices to be paid by QSL to the mill owner by applying a formula apportioning some or all of the sale proceeds and costs from the sugar sold in export markets between some or all of the mill owners who have entered into a pooled export contract;
- (g) a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered by the mill owner to QSL under the contract;
- (h) the export by QSL of sugar acquired or received under the contract.

### **283 Export contracts made before commencement**

- (1) This section applies to a contract (an *export contract*) made before the commencement between QSL and a mill owner for sugar manufactured by the mill owner to be sold by QSL, as agent or on its own behalf, in export markets.
- (2) The following things, whether done before or after the commencement, are specifically authorised for the competition legislation—
  - (a) the negotiation of, and the entering into, arrangements or understandings about the terms of the contract between QSL and the mill owner;
  - (b) the making of the contract;
  - (c) the variation of the contract;
  - (d) the supply or delivery of sugar by the mill owner to QSL, and the acquisition or receipt of the sugar by QSL, under the contract;
  - (e) the payment of a price for sugar by QSL to the mill owner under the contract;
  - (f) the receipt of a price for sugar by the mill owner from QSL under the contract;

- (g) the calculation of the prices to be paid by QSL to the mill owner by applying a formula apportioning some or all of the sale proceeds and costs from the sugar sold in export markets between some or all of the mill owners who have entered into an export contract;
- (h) a financial incentive scheme of premiums, discounts and allowances relating to the quality of sugar supplied or delivered by the mill owner to QSL under the contract;
- (i) the export by QSL of sugar acquired or received under the contract.

## Part 8                      Injunctions

### 284      Definitions for pt 8

In this part—

*injunction* includes an interim injunction.

*repealed provision* means a provision of the unamended Act, chapter 3.

*undesirable conduct*, for a person, means the person has engaged, is engaging, or is proposing to engage, in conduct that is, was, or would be, any of the following—

- (a) a contravention of a repealed provision;
- (b) attempting to contravene a repealed provision;
- (c) aiding, abetting, counselling or procuring a person to contravene a repealed provision;
- (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene a repealed provision;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a repealed provision;
- (f) conspiring with others to contravene a repealed provision.

**285 Undecided applications taken to have been withdrawn**

- (1) This section applies if an interested entity applied before the commencement under the unamended Act, section 247, to the Supreme Court for an injunction—
  - (a) either—
    - (i) restraining a person from engaging in undesirable conduct; or
    - (ii) requiring a person to do anything the person is required to do under a repealed provision; and
  - (b) on the commencement, the application had not been decided.
- (2) Subject to section 287—
  - (a) on the commencement, the application is taken to have been withdrawn; and
  - (b) no order for costs may be made for the application.

**286 Injunctions of no effect after commencement**

- (1) This section applies if the Supreme Court has, on the application of an interested entity, granted an injunction, under the unamended Act, section 247—
  - (a) restraining a person from engaging in undesirable conduct and, if the court considered it desirable to do so, requiring the person to do anything; or
  - (b) requiring a person to do anything the person is required to do under a repealed provision.
- (2) Subject to section 287, the injunction is of no effect after the commencement.

**287 Non-application of ss 285 and 286 in relation to improper use of exempt sugar**

Sections 285 and 286 do not apply if—

- (a) the interested entity is the commissioner; and

*Sugar Industry Act 1999*

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- (b) the repealed provision is the unamended Act, section 107V.<sup>18</sup>

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<sup>18</sup> Section 107V (Improper use of exempt sugar)

## Schedule                      Dictionary

### section 4

***access right*** see section 63(1).

***access rights register*** see section 69.

***acquire*** includes purchase, take on lease, licence or under another interest.

***appropriately qualified***, in relation to the exercise of a power, includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

the level at which a person is employed by an entity

***bargaining representative***, for chapter 2, part 2, see section 30.

***cane*** means sugar cane.

***cane railway easement*** see section 63(4).

***collective contract*** means a collective contract under section 33.

***commissioner*** means the Sugar Industry Commissioner appointed under section 222.

***Competition Code—***

- (a) for chapter 6, see section 236; or
- (b) for chapter 8, part 7, see section 281.

***competition legislation—***

- (a) for chapter 6, see section 236; or
- (b) for chapter 8, part 7, see section 281.

***crushing season*** means, for any calendar year, the season for the harvesting and crushing of cane starting in the year.

***decision*** includes an order and a direction.

***employment rights*** includes existing and accruing rights to—

## Schedule (continued)

- (a) remuneration; and
- (b) recreation, long service, sick or other leave; and
- (c) superannuation or other benefits and entitlements.

**group of growers**, for chapter 2, part 2, see section 33(1).

**grower** means a person who supplies cane to a mill.

**Industrial Relations Act** means the *Industrial Relations Act 1999*.

**information notice** for a decision, means a written notice stating the following—

- (a) the reasons for the decision;
- (b) the right of appeal or review provided under this Act to the person given the notice;
- (c) the period within which the appeal must be started or review applied for;
- (d) how to appeal or apply for the review.

**interested third party**, for chapter 2, part 2, see section 30.

**mill** means a building or other structure that is equipped for the manufacture of sugar from cane.

**mill owner** or **owner of a mill** means an entity owning or having the control of a mill including the manager, the managing director or other person controlling the business of a mill.

**notice** means written notice.

**obstructs** includes assaults, threatens, abuses, insults, intimidates, hinders and attempts to obstruct.

**permit to pass** see section 63(2).

**pooled domestic contract** see section 244(1).

**pooled export contract** see section 243(1).

**products** includes by-products.

## Schedule (continued)

***QSL*** means Queensland Sugar Limited ACN 090 152 211.

***sugar*** means all raw sugar, crystal sugar, sugar syrups, inverted syrups, liquid sugar and any other form of manufactured sugar other than the following—

- (a) final molasses;
- (b) a form of sugar manufactured from another form of sugar previously disposed of by QSL;
- (c) sugar the source of which was grown outside Queensland.

***sugar cane*** means any plant or part of a plant, whether or not the part has been crushed, of the genus *Saccharum* or any hybrid of sugarcane.

***supplier***, for sugar, means a person who, immediately before the sugar is manufactured, owns the sugar cane from which the sugar is manufactured.

***supply contract*** see section 29.

***sustainable production*** means farming practices and systems that maintain or enhance—

- (a) economic viability of production; and
- (b) the natural resource base, that is, soil, land and water; and
- (c) other ecosystems that are influenced by agricultural activities.



## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2006. Future amendments of the Sugar Industry Act 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 January 2000	27 January 2000
1A	2000 Act No. 25	28 July 2000	6 October 2000
2	2000 Act No. 25	28 July 2000	3 November 2000
2A	2001 Act No. 45	15 July 2001	1 August 2001
2B	2001 Act No. 63	25 October 2001	8 November 2001
2C	2001 Act No. 73	3 December 2001	14 December 2001
2D	2001 Act No. 73	1 January 2002	15 January 2002

  

Reprint No.	Amendments included	Effective	Notes
2E	2002 Act No. 11	1 July 2002	R2E withdrawn, see R3
3	—	1 July 2002	
3A	2000 Act No. 25	31 October 2002	
3B	2003 Act No. 4	4 March 2003	
3C	2003 Act No. 19	9 May 2003	
3D	2003 Act No. 44	27 August 2003	

Reprint No.	Amendments included	Effective	Notes
3E	2003 Act No. 44	29 August 2003	
3F	2003 Act No. 44	1 September 2003	
3G	1994 Act No. 8 (amd 2003 Act No. 54)	1 December 2003	
3H	2004 Act No. 3	6 May 2004	
3I rv	2003 Act No. 44 2004 Act No. 3	1 July 2004	
3J rv	—	2 July 2004	provs exp 1 July 2004
3K rv	2004 Act No. 3	1 January 2005	
3L	2004 Act No. 3 2005 Act No. 62	1 January 2006	provs exp 31 December 2005 R3L withdrawn, see R4
4	—	1 January 2006	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2
Renumbered provisions	2

## 6 List of legislation

### **Sugar Industry Act 1999 No. 51**

date of assent 18 November 1999

ss 1–2 commenced on date of assent

ch 4 pt 7 commenced 1 October 1999 (see s 2(1))

remaining provisions commenced 1 January 2000 (see s 2(2))

Note— (1) Gazette notice to fix a day (“dissolution day”) is 31 October 2002 for dissolution of the corporation (see 1999 No. 51 s 229P as ins 2000 No. 25 s 15 and Queensland Government gazette No. 43, 25 October 2002 p 689)

(2) Gazette notice to fix a day (“transfer day”) is 1 September 2003 for transfer of assets and liabilities (see 1999 No. 51 s 205 and Queensland Government gazette No. 100, 29 August 2003 p 1442)

amending legislation—

### **Sugar Industry Amendment Act 2000 No. 25 ss 1, 2(2)–2(5), 3(1), 4–17 schs 1–2**

date of assent 27 June 2000

ss 1–2 commenced on date of assent

ss 4, 16, sch 1 amds 1, 3–5, 17–26, 29, 33–34 commenced 27 June 2000 (see s 2(3))

sch 1 amds 31–32, 35 commenced immediately before 1 January 2000 (see s 2(2))

sch 2 commenced 31 October 2002 (see s 2(4), 1999 No. 51 s 229P and Queensland Government gazette No. 43, 25 October 2002 p 689)

remaining provisions commenced 28 July 2000 (2000 SL No. 199)

**Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3**

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

**Primary Industries Legislation Amendment Act 2001 No. 63 s 1, pt 7, s 58 sch**

date of assent 25 October 2001

commenced on date of assent

**Crime and Misconduct Act 2001 No. 69 ss 1–2, 378 sch 1**

date of assent 8 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 221)

**Ombudsman Act 2001 No. 73 ss 1–2, 96 sch 1**

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2001 (2001 SL No. 224)

**Public Records Act 2002 No. 11 ss 1, 2(2), 62 sch 1**

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2002 (2002 SL No. 115)

**Financial Services Reform (Consequential Amendments) Act 2003 No. 4 pts 1, 7**

date of assent 4 March 2003

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 2003 No. 19 ss 1, 3 sch**

date of assent 9 May 2003

commenced on date of assent

**Sugar Industry and Other Legislation Amendment Act 2003 No. 44 pts 1–2, s 3 sch**

date of assent 27 August 2003

ss 1–3, 7–15, 17, 19–21, 26(3), sch amdts 4–12 commenced on date of assent (see s 2(1))

ss 6, 16, 18, 26(2), sch amdt 3 commenced 1 July 2004 (2004 SL No. 71)

sch amdt 14 (amdt could not be given effect)

s 22 commenced 29 August 2003 (2003 SL No. 200)

remaining provisions commenced 1 September 2003 (2003 SL No. 200)

**Transport Infrastructure Act 1994 No. 8 s 491(3) sch 5 (this Act is amended, see amending legislation below)**

amending legislation—

**Transport Infrastructure and Another Act Amendment Act 2003 No. 54 ss 1–2, 34, 39 (amends 1994 No. 8 above)**

date of assent 18 September 2003

ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 December 2003 (2003 SL No. 294)

**Sugar Industry Reform Act 2004 No. 3 pts 1–2, s 37 sch**

date of assent 6 May 2004  
 ss 1–3, 27–29, 36(1), (5) commenced on assent (see s 2(1))  
 ss 9–18, 24, 36(3), (6), (9) commenced 1 July 2004 (see s 2(2))  
 ss 7, 36(4), (8) commenced 1 January 2006 (see s 2(4))  
 remaining provisions commenced 1 January 2005 (see s 2(3))

**Sugar Industry Amendment Act 2005 No. 62**

date of assent 28 November 2005  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 January 2006 (2005 SL No. 333)

## **7 List of annotations**

**This reprint has been renumbered—see table of renumbered provisions in endnote 8.**

### **CHAPTER 1—PRELIMINARY**

#### **Definitions**

**s 4** amd 2001 No. 63 s 58 sch

#### **Notes in text**

**s 5** ins 2000 No. 25 s 3(1) sch 1

### **CHAPTER 2—SUPPLY CONTRACTS AND CANE ACCESS RIGHTS**

**ch hdg** sub 2004 No. 3 s 4

### **PART 1—ARRANGEMENTS FOR SUPPLY CONTRACTS FROM 1 JANUARY 2005 TO 31 DECEMBER 2005**

**pt hdg** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

#### **Division 1—Cane supply is governed by supply contracts**

**div hdg** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

#### **Purpose of pt 1**

**s 7** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

#### **Definitions for pt 1**

**s 8** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

#### **Supply contract**

**s 9** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

#### **Individual contract**

**s 10** sub 2004 No. 3 s 5  
 exp 31 December 2005 (see s 27)

**Collective contract**

- s 11** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Variation of supply contract**

- s 12** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Division 2—Dispute resolution**

- div hdg** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Subdivision 1—Negotiating collective contracts**

- sdiv hdg** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Application of sdiv 1**

- s 13** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Meaning of “eligible collective”**

- s 14** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Scope of dispute resolution process**

- s 15** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Dispute resolution process**

- s 16** amd 2001 No. 63 s 58 sch  
sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**When other grower may join dispute resolution process**

- s 17** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**No final offer arbitration**

- s 18** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Before dispute resolution process**

- s 19** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Intention to contract**

- s 20** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Effect of dispute resolution process**

- s 21** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Mediation**

- s 22** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Arbitration**

**s 23** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Subdivision 2—Existing supply contracts**

**sdiv hdg** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Application of sdiv 2**

**s 24** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Parties must use dispute resolution process stated in supply contract**

**s 25** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**No final offer arbitration**

**s 26** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Division 3—Expiry and savings provisions**

**div hdg** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Expiry of pt 1**

**s 27** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Saving of operation of pt 1**

**s 28** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Subdivision 1—Preliminary**

**sdiv hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

**Subdivision 2—Consent process**

**sdiv hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

**Subdivision 3—Horizontal expansion process**

**sdiv hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

**Subdivision 4—Productivity increase process**

**sdiv hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

**Subdivision 5—Applications relating to receiving mill**

**sdiv hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

**Expiry of pt 1**

**s 27** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Saving of operation of pt 1**

**s 28** sub 2004 No. 3 s 5  
exp 31 December 2005 (see s 27)

**Division 4—Cancellation of cane production area without application**

**div hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)

**Division 5—Registration requirements for grant, variation or cancellation of cane production areas****div hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)**Division 6—Cane production area plans****div hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)**Division 7—Cane production area plans****div hdg** om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)**PART 2—ARRANGEMENTS FOR SUPPLY CONTRACTS FROM 1 JANUARY 2006****pt hdg** prev pt 2 hdg om 2004 No. 3 s 6  
pres pt 2 hdg ins 2004 No. 3 s 7**Division 1—Cane supply is governed by supply contracts****div hdg** prev div 1 hdg om 2004 No. 3 s 6  
pres div 1 hdg ins 2004 No. 3 s 7**Purpose of pt 2****s 29** prev s 29 om 2004 No. 3 s 5  
pres s 29 ins 2004 No. 3 s 7**Definitions for pt 2****s 30** prev s 30 om 2004 No. 3 s 5  
pres s 30 ins 2004 No. 3 s 7**Supply contract****s 31** prev s 31 om 2004 No. 3 s 5  
pres s 31 ins 2004 No. 3 s 7**Individual contract****s 32** prev s 32 om 2004 No. 3 s 5  
pres s 32 ins 2004 No. 3 s 7**Collective contract****s 33** prev s 33 om 2004 No. 3 s 5  
pres s 33 ins 2004 No. 3 s 7**Parties must use dispute resolution process stated in supply contract****s 34** prev s 34 om 2004 No. 3 s 5  
pres s 34 ins 2004 No. 3 s 7**Variation of supply contract****s 35** prev s 35 om 2004 No. 3 s 5  
pres s 35 ins 2004 No. 3 s 7**Division 2—Dispute resolution****div hdg** prev div 2 hdg om 2004 No. 3 s 6  
pres div 2 hdg ins 2004 No. 3 s 7**Application of div 2****s 36** prev s 36 om 2004 No. 3 s 5  
pres s 36 ins 2004 No. 3 s 7



**No final offer arbitration**

**s 37** prev s 37 om 2004 No. 3 s 5  
pres s 37 ins 2004 No. 3 s 7

**Mediation**

**s 38** prev s 38 om 2004 No. 3 s 5  
pres s 38 ins 2004 No. 3 s 7

**Arbitration**

**s 39** prev s 39 om 2004 No. 3 s 6  
pres s 39 ins 2004 No. 3 s 7

**Individual agreement**

**s 40** om 2004 No. 3 s 6

**Collective agreement—nature**

**s 41** om 2004 No. 3 s 6

**Collective agreement—before the start of negotiations**

**s 42** amd 2000 No. 25 s 3A  
om 2004 No. 3 s 6

**Collective agreement—making**

**s 43** om 2004 No. 3 s 6

**Collective agreement—effect**

**s 44** om 2004 No. 3 s 6

**Variation of collective agreement**

**s 45** om 2004 No. 3 s 6

**Which agreement applies to particular grower**

**s 46** om 2004 No. 3 s 6

**Grower may give notice of change of entitlement**

**s 47** om 2004 No. 3 s 6

**Individual agreement entered by grower with mill owner**

**s 48** amd 2000 No. 25 s 4  
om 2004 No. 3 s 6

**Individual agreement—stopping or cancelling**

**s 49** om 2004 No. 3 s 6

**Division 3—Content of supply agreements**

**div hdg** om 2004 No. 3 s 6

**Content of agreement**

**s 50** amd 2000 No. 25 s 3(1) sch 1  
om 2004 No. 3 s 6

**Cane required to be accepted by a mill**

**s 51** om 2004 No. 3 s 6

**Delivery and acceptance of cane**

**s 52** om 2004 No. 3 s 6

**Emergency and natural disaster**

s 53 om 2004 No. 3 s 6

**Dispute resolution**

s 54 om 2004 No. 3 s 6

**General considerations**

s 55 om 2004 No. 3 s 6

**Division 4—Mill owner's cane**

div hdg om 2004 No. 3 s 6

**Object of div 4**

s 56 om 2004 No. 3 s 6

**Owner may hold cane production area and supply cane**

s 57 om 2004 No. 3 s 6

**Owner may opt to supply as if under provisions of individual agreement**

s 58 amd 2000 No. 25 s 3(1) sch 1  
om 2004 No. 3 s 6

**Application of collective agreement and notice**

s 59 om 2004 No. 3 s 6

**PART 3—CANE VARIETY CONTROL**

pt 3 (ss 60–62) om 2003 No. 44 s 4

**Construction etc. of railways, obstruction of access right**

s 75 amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39)

**PART 5—MILLS**

pt hdg om 2004 No. 3 s 8

**Division 1—What are mills**

div hdg om 2004 No. 3 s 8

**Meaning of “mill”**

s 76 om 2004 No. 3 s 8

**Division 2—Merging of mills**

div hdg ins 2000 No. 25 s 4A  
om 2004 No. 3 s 8

**Declaration of day a merged mill is recognised**

s 77 ins 2000 No. 25 s 4A  
om 2004 No. 3 s 8

**Effect of merger on cane production areas**

s 78 ins 2000 No. 25 s 4A  
om 2004 No. 3 s 8

**Division 3—Proposed mills**

div hdg om 2004 No. 3 s 8

**Object of div 2**

s 79 om 2004 No. 3 s 8

**Establishment of relevant industry bodies**

s 80 om 2004 No. 3 s 8

**Cane production areas and supply agreements**

s 81 om 2004 No. 3 s 8

**Division 4—Mill closure**

div hdg om 2004 No. 3 s 8

**Closure**

s 82 om 2004 No. 3 s 8

**Meaning of “receiving mill” and “closed mill cane”**

s 83 om 2004 No. 3 s 8

**Continuation of mill suppliers’ committee for particular purpose**

s 84 ins 2000 No. 25 s 4B  
om 2004 No. 3 s 8

**Abolition of relevant industry bodies**

s 85 om 2004 No. 3 s 8

**Action may be taken to support transfer of access rights**

s 86 om 2004 No. 3 s 8

**Division 5—Cane analysis programs**

div hdg om 2004 No. 3 s 8

**Requirement to have cane analysis program and purpose**

s 87 om 2004 No. 3 s 8

**Content of program**

s 88 om 2004 No. 3 s 8

**Costs of program**

s 89 om 2004 No. 3 s 8

**Approval process for program**

s 90 om 2004 No. 3 s 8

**Enforcement of program**

s 91 om 2004 No. 3 s 8

**Dispute resolution**

s 92 om 2004 No. 3 s 8

**Division 6—Cane quality programs**

div hdg om 2004 No. 3 s 8

**Requirement to have cane quality program**

s 93 amd 2000 No. 25 s 3(1) sch 1  
om 2004 No. 3 s 8

**Purpose of program**

s 94 amd 2000 No. 25 s 3(1) sch 1  
om 2004 No. 3 s 8

**Content of program**

s 95 om 2004 No. 3 s 8

**Costs of program**

s 96 om 2004 No. 3 s 8

**Dispute resolution**

s 97 om 2004 No. 3 s 8

**Division 7—Commissioner’s function for redirection of cane**

div hdg om 2004 No. 3 s 8

**Redirection of cane**

s 98 om 2004 No. 3 s 8

**Division 8—Payments to be made for growers**

div hdg om 2004 No. 3 s 8

**Mill owner must make payment for grower**

s 99 om 2004 No. 3 s 8

**CHAPTER 3—MARKETING**

ch hdg om 2005 No. 62 s 4

**PART 1—MARKETING OF SUGAR VESTED IN QSL**

pt hdg ins 2004 No. 3 s 9  
om 2005 No. 62 s 4

**Vesting of sugar in QSL**

prov hdg amd 2000 No. 25 s 3(1) sch 1  
s 100 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 10  
om 2005 No. 62 s 4

**QSL to market and pay for vested sugar**

prov hdg amd 2000 No. 25 s 3(1) sch 1  
s 101 amd 2000 No. 25 s 3(1) sch 1  
om 2005 No. 62 s 4

**Schemes for payment**

s 102 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 11  
om 2005 No. 62 s 4

**Production of brands of raw sugar**

s 103 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 12  
om 2005 No. 62 s 4

**Directions about delivery etc.**

s 104 amd 2000 No. 25 s 3(1) sch 1  
om 2005 No. 62 s 4

**Sugar quality standards**

s 105 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 13  
om 2005 No. 62 s 4

**QSL's operating costs**

**prov hdg** amd 2000 No. 25 s 3(1) sch 1  
**s 106** amd 2000 No. 25 s 3(1) sch 1; 2003 No. 44 s 3 sch  
om 2005 No. 62 s 4

**Exemption of sugar for local consumption**

**s 107** amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 14  
om 2005 No. 62 s 4

**PART 2—EXEMPTIONS FROM VESTING IN QSL**

**pt hdg** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 1—Preliminary**

**div 1 (ss 107A–107B)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 2—Periodic estimates**

**div 2 (ss 107C–107D)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 3—Obtaining exemption certificate**

**div hdg** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Subdivision 1—Exemption applications**

**sdiv 1 (ss 107E–107G)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Subdivision 2—Deciding exemption application**

**sdiv 2 (ss 107H–107K)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Subdivision 3—Action after decision on exemption application**

**sdiv 3 (ss 107L–107O)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 4—Procedure for amendment of exemption**

**div 4 (s 107P)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 5—Consequences of improper use of exempt sugar by exemption holder or on-user**

**div 5 (s 107Q)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 6—Annual returns**

**div 6 (ss 107R–107S)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 7—Application of Freedom of Information Act 1992**

**div 7 (s 107T)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**Division 8—Prohibited conduct**

**div 8 (ss 107U–107X)** ins 2004 No. 3 s 15  
om 2005 No. 62 s 4

**CHAPTER 4—ADMINISTRATION****PART 1—MINISTER’S POWERS****Reports to Minister**

**s 109** amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 3 sch;  
2004 No. 3 s 37 sch; 2005 No. 62 s 5

**Minister’s directions**

**s 110** amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 3 sch;  
2004 No. 3 s 37 sch; 2005 No. 62 s 6

**Minister’s directions in commissioner’s annual report**

**s 111** amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 3 sch  
sub 2005 No. 62 s 7

**Review of sugar vesting scheme**

**s 112** prev s 112 om 2000 No. 25 s 6  
pres s 112 ins 2000 No. 25 s 5  
om 2005 No. 62 s 8

**PART 2—QUEENSLAND SUGAR CORPORATION**

**pt hdg** om 2000 No. 25 s 3(1) sch 2

**Division 1—Constitution and membership**

**div hdg** om 2000 No. 25 s 3(1) sch 1

**Establishment of corporation**

**s 113** prev s 113 om 2000 No. 25 s 6  
new s 113 om 2000 No. 25 s 3(1) sch 2

**Judicial notice of corporation’s seal**

**s 114** prev s 114 om 2000 No. 25 s 6  
new s 114 om 2000 No. 25 s 3(1) sch 2

**Division 2—General provisions about the corporation**

**div hdg** om 2000 No. 25 s 6

**Corporation does not represent the state**

**s 115** prev s 115 om 2000 No. 25 s 6  
new s 115 om 2000 No. 25 s 3(1) sch 2

**Objective of corporation**

**s 116** sub 2000 No. 25 s 6  
om 2000 No. 25 s 3(1) sch 2

**General powers of corporation**

**s 117** prev s 117 om 2000 No. 25 s 6  
new 117 amd 2000 No. 25 s 7  
om 2000 No. 25 s 3(1) sch 2

**Application of various public sector Acts**

**s 118** prev s 118 om 2000 No. 25 s 6  
 new s 118 amd 2001 No. 69 s 378 sch 1  
 om 2000 No. 25 s 3(1) sch 2

**Division 3—Corporation and officers—general functions, powers and duties**

**div hdg** om 2000 No. 25 s 6

**PART 3—QUEENSLAND SUGAR LIMITED**

**pt hdg** ins 2000 No. 25 s 9  
 om 2005 No. 62 s 9

**QSL does not represent the State**

**s 119** prev s 119 om 2000 No. 25 s 6  
 pres s 119 ins 2000 No. 25 s 9  
 om 2005 No. 62 s 9

**Application and non-application of certain Acts**

**s 120** prev s 120 om 2000 No. 25 s 6  
 pres s 120 ins 2000 No. 25 s 9  
 amd 2001 No. 69 s 378 sch 1; 2001 No. 73 s 96 sch 1; 2002 No. 11 s 62 sch 1;  
 2003 No. 44 s 3 sch  
 om 2005 No. 62 s 9

**QSL's constitution**

**s 121** prev s 121 om 2000 No. 25 s 6  
 pres s 121 ins 2000 No. 25 s 9  
 om 2005 No. 62 s 9

**QSL's board**

**s 122** prev s 122 om 2000 No. 25 s 6  
 pres s 122 ins 2000 No. 25 s 9  
 amd 2003 No. 44 s 3 sch  
 om 2005 No. 62 s 9

**Audit of QSL**

**s 123** ins 2000 No. 25 s 9  
 amd 2001 No 45 s 29 sch 3  
 om 2005 No. 62 s 9

**Minister's directions to QSL**

**s 124** prev s 124 om 2000 No. 25 s 8  
 pres s 124 ins 2000 No. 25 s 9  
 om 2005 No. 62 s 9

**Minister may require information from QSL**

**s 125** prev s 125 om 2000 No. 25 s 8  
 pres s 125 ins 2000 No. 25 s 9  
 om 2005 No. 62 s 9

**PART 4—THE SUGAR AUTHORITY**

**pt hdg** ins 2000 No. 25 s 9  
 om 2005 No. 62 s 10

**Division 1—Constitution and membership**

**div hdg** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Establishment of authority**

**s 126** prev s 126 om 2000 No. 25 s 8  
pres s 126 ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Judicial notice of corporation's seal**

**s 127** prev s 127 om 2000 No. 25 s 8  
pres s 127 ins 2000 No. 25 s 10  
om 2005 No. 62 s 10

**Membership**

**s 128** ins 2000 No. 25 s 9  
amd 2004 No. 3 s 16  
om 2005 No. 62 s 10

**Remuneration**

**s 129** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Division 2—General provisions about the authority**

**div hdg** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Application of div 2**

**s 130** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Disqualifications for appointment**

**s 131** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Vacation of office**

**s 132** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Meetings of authority**

**s 133** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Member's interest in a matter to be considered by the authority**

**s 134** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Division 3—Authority's functions, powers and duties**

**pt hdg** ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Functions of authority**

**s 135** ins 2000 No. 25 s 9  
amd 2004 No. 3 s 17  
om 2005 No. 62 s 10



**General powers of authority**

s 136 ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Authority's staff**

s 137 ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Authority's budget**

s 138 ins 2000 No. 25 s 9  
amd 2004 No. 3 s 18  
om 2005 No. 62 s 10

**Application of various public sector Acts**

s 139 ins 2000 No. 25 s 9  
amd 2001 No. 69 s 378 sch 1  
om 2005 No. 62 s 10

**Division 4—When authority can take over QSL's functions and powers**

div hdg ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Application of div 4**

s 140 ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**Meaning of “moved out of the control of the Queensland sugar industry”**

s 141 ins 2000 No. 25 s 9  
amd 2001 No. 45 s 29 sch 3; 2003 No. 4 s 17  
om 2005 No. 62 s 10

**Minister's directions to authority to take over QSL's functions and powers**

s 142 ins 2000 No. 25 s 9  
om 2005 No. 62 s 10

**PART 5—BUREAU OF SUGAR EXPERIMENT STATIONS**

pt hdg om 2003 No. 44 s 5

**Division 1—Constitution and membership**

(ss 143–148) om 2003 No. 44 s 5

**Division 2—General provisions about BSES**

div hdg om 2003 No. 44 s 5

**Disqualifications for appointment**

s 149 amd 2001 No. 45 s 29 sch 3  
om 2003 No. 44 s 5

**Vacation of office**

s 150 om 2003 No. 44 s 5

**Meetings of the board of directors**

s 151 om 2003 No. 44 s 5

**Director's interest in a matter to be considered by the board**

s 152 om 2003 No. 44 s 5

**Prohibition on political activity**

s 153 om 2003 No. 44 s 5

**Removal of director**

s 154 om 2003 No. 44 s 5

**Division 3—BSES and officers—general functions, powers and duties**

div hdg om 2003 No. 44 s 5

**Functions of BSES**

s 155 om 2003 No. 44 s 5

**General powers of BSES**

s 156 om 2003 No. 44 s 5

**BSES's power to delegate**

s 157 om 2003 No. 44 s 5

**Application of various public sector Acts**s 158 amd 2001 No. 69 s 378 sch 1  
om 2003 No. 44 s 5**Division 4—Funding**

div hdg om 2003 No. 44 s 5

**Chief executive officer and staff of BSES**

s 159 om 2003 No. 44 s 5

**BSES budget**s 160 amd 2000 No. 25 s 3(1) sch 1  
om 2003 No. 44 s 5**PART 6—CANE PRODUCTION BOARDS**

pt hdg om 2004 No. 3 s 19

**Division 1—Establishment and membership**

div hdg om 2004 No. 3 s 19

**Establishment of a cane production board**

s 161 om 2004 No. 3 s 19

**Objectives of a cane production board**

s 162 om 2004 No. 3 s 19

**Functions and powers of a cane production board**s 163 amd 2000 No. 25 s 10  
om 2004 No. 3 s 19**Power to engage assistance**

s 164 om 2004 No. 3 s 19

**Membership of a cane production board**

s 165 om 2004 No. 3 s 19

**Acting appointments**

s 166 om 2004 No. 3 s 19

**Remuneration of members**

s 167 om 2004 No. 3 s 19

**Division 2—General provisions about cane production boards**

div hdg om 2004 No. 3 s 19

**Disqualifications for appointment**s 168 amd 2001 No. 45 s 29 sch 3  
om 2004 No. 3 s 19**Vacation of office**

s 169 om 2004 No. 3 s 19

**Meetings of a cane production board**

s 170 om 2004 No. 3 s 19

**Member's interest in a matter to be considered by a board**

s 171 om 2004 No. 3 s 19

**Administrative costs**

s 172 om 2004 No. 3 s 19

**Legal and professional costs**

s 173 om 2004 No. 3 s 19

**Division 3—Amalgamation of cane production boards**

div hdg om 2004 No. 3 s 19

**Amalgamation**s 174 amd 2000 No. 25 s 10A  
om 2004 No. 3 s 19**Other effects of amalgamation**s 175 amd 2000 No. 25 ss 10B, 3(1) sch 1  
om 2004 No. 3 s 19**Division 4—Cane production board register**

div hdg om 2004 No. 3 s 19

**Cane production board to keep cane production area register**

s 176 om 2004 No. 3 s 19

**PART 7—CANE PROTECTION AND PRODUCTIVITY BOARDS**

pt hdg om 2003 No. 44 s 6

**Division 1—Constitution and membership**

div 1 (ss 177–183) om 2003 No. 44 s 6

**Division 2—General provisions about cane protection and productivity boards**

div hdg om 2003 No. 44 s 6

**Disqualifications for appointment**s 184 amd 2001 No. 45 s 29 sch 3  
om 2003 No. 44 s 6**Vacation of office**

s 185 om 2003 No. 44 s 6

**Meetings of a cane protection and productivity board**

s 186 om 2003 No. 44 s 6

**Member's interest in a matter to be considered by the board**

s 187 om 2003 No. 44 s 6

**Prohibition on political activity**

s 188 om 2003 No. 44 s 6

**Removal of member**

s 189 om 2003 No. 44 s 6

**Division 3—Cane protection and productivity board's functions, powers and duties**

div hdg om 2003 No. 44 s 6

**Functions of a cane protection and productivity board**

s 190 om 2003 No. 44 s 6

**General powers of a cane protection and productivity board**s 191 amd 2000 No. 25 ss 11, 3(1) sch 1  
om 2003 No. 44 s 6**Power to engage assistance**

s 192 om 2003 No. 44 s 6

**Application of various public sector Acts**s 193 amd 2001 No. 69 s 378 sch 1  
om 2003 No. 44 s 6**Regulation may levy a charge payable to a board**s 194 amd 2000 No. 25 s 3(1) sch 1  
om 2003 No. 44 s 6**Division 4—Dissolution of cane protection and productivity boards**

div hdg om 2003 No. 44 s 6

**Dissolution**

s 195 om 2003 No. 44 s 6

**Another cane protection and productivity board to take place of dissolved cane protection and productivity board**s 196 amd 2000 No. 25 s 3(1) sch 1  
om 2003 No. 44 s 6**Change to registers**

s 197 om 2003 No. 44 s 6

**PART 8—REPLACEMENT ENTITIES FOR CANE PROTECTION AND PRODUCTIVITY BOARDS**pt hdg ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)**Division 1—Interpretation and application**div hdg ins 2000 No. 25 s 12  
amd 2003 No. 44 s 7

exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Definitions for pt 5A**

**s 198** ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)  
def “**asset**” om 2003 No. 44 s 8(1)  
def “**assets**” ins 2003 No. 44 s 8(2)  
def “**authorised person**” ins 2003 No. 44 s 8(2)  
def “**board**” sub 2003 No. 44 s 8(1)–(2)  
def “**eligible participant**” om 2003 No. 44 s 8(1)  
def “**liabilities**” ins 2003 No. 44 s 8(2)  
def “**liability**” om 2003 No. 44 s 8(1)  
def “**proposed transfer day**” ins 2003 No. 44 s 8(2)  
def “**replacement entity**” ins 2003 No. 44 s 8(2)  
def “**transfer day**” amd 2003 No. 44 s 8(3)

### **Application to transfers from more than 1 board**

**s 199** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Division 2—Steps to transfer and dissolution**

**div hdg** ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Decision to transfer to person**

**s 200** ins 2000 No. 25 s 12  
sub 2003 No. 44 s 9  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Things that must be decided for the transfer**

**s 201** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 10  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Deciding the replacement entity**

**s 202** ins 2000 No. 25 s 12  
sub 2003 No. 44 s 11  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

### **Notice of decision about replacement entity**

**s 203** ins 2000 No. 25 s 12  
sub 2003 No. 44 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Minister's decision**

**s 204** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 13  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Transfer**

**s 205** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Dissolution**

**s 206** ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Division 3—Provisions facilitating transfer**

**div hdg** ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Exemption for cooperatives**

**s 207** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Registration of transferred assets**

**s 208** ins 2000 No. 25 s 12  
amd 2001 No. 45 s 29 sch 3; 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**References to board**

**s 209** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Continuity of proceedings and matters**

**s 210** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Employees**

**s 211** ins 2000 No. 25 s 12  
sub 2003 No. 44 s 14  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Officers cease holding office**

**s 212** ins 2000 No. 25 s 12  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Division 4—Status of replacement entity**

**div hdg** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Replacement entity**

**prov hdg** amd 2003 No. 44 s 3 sch  
**s 213** ins 2000 No. 25 s 12  
amd 2003 No. 44 s 3 sch  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**Division 5—Expiry and savings provisions**

**div 5 (ss 213A–213B)** ins 2003 No. 44 s 15  
exp 1 July 2004 (see s 213A)  
AIA s 20A applies (see s 213B)

**PART 9—NEGOTIATING TEAMS**

**pt 9 (ss 214–221)** om 2004 No. 3 s 20

**PART 10—SUGAR INDUSTRY COMMISSIONER****Division 1—Commissioner**

**div hdg** om 2004 No. 3 s 37 sch

**Functions of commissioner**

**s 223** amd 2000 No. 25 s 13; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 16; 2004 No. 3 s 21; 2005 No. 62 s 11

**Powers of commissioner**

**s 223A** ins 2003 No. 44 s 17  
amd 2004 No. 3 s 22; 2005 No. 62 s 12

**Disqualifications for appointment**

**s 225** amd 2001 No. 45 s 29 sch 3

**Commissioner's independence**

**s 227** amd 2000 No. 25 s 3(1) sch 1; 2005 No. 62 s 13

**Numbering amd renumbering of Act**

**s 227A** ins 2000 No. 25 s 15  
om R2 (see RA s 37)

**Commissioner's budget**

**s 228** prev s 228 om 2000 No. 25 s 16(2)  
pres s 228 amd 2000 No. 25 s 14, 3(1) sch 1; 2003 No. 44 s 18; 2005 No. 62 s 14

**Objects of ch 7B**

**s 229** om 2000 No. 25 s 16(2)

**Commissioner's power to delegate**

s 230      amd 2004 No. 3 s 37 sch; 2005 No. 62 s 15

**Division 2—Commissioner's function for registers**

div hdg    om 2004 No. 3 s 37 sch

**Commissioner and registers**

s 233      om 2004 No. 3 s 37 sch

**CHAPTER 5—APPEALS****Appeal to Magistrates Court**

s 234      amd 2000 No. 25 s 3(1) sch 1; 2001 No. 63 s 26; 2003 No. 44 s 3 sch; 2004  
            No. 3 ss 23, 37 sch

**Appeal to District Court—exemption application**

s 234A     ins 2004 No. 3 s 24  
            om 2005 SL No. 62 s 16

**Definitions for ch 6**

s 236      def “**harvesting equity committee**” om 2004 No. 3 s 37 sch  
            def “**settlement**” om 2004 No. 3 s 37 sch

**Collective contracts**

s 237      sub 2004 No. 3 s 25

**Expansions**

s 238      om 2004 No. 3 s 25

**Supply agreements—individual agreements**

s 239      om 2004 No. 3 s 25

**Supply agreements—collective agreements**

s 240      om 2004 No. 3 s 25

**Supply agreements—payments**

s 241      om 2004 No. 3 s 25

**Cane quality programs**

s 242      om 2004 No. 3 s 25

**CHAPTER 6—AUTHORISATIONS FOR COMPETITION LEGISLATION****Pooled export contracts**

s 243      amd 2000 No. 25 s 3(1) sch 1  
            sub 2005 No. 62 s 17  
            exp 30 September 2009 or a later day prescribed (see s 243(4))

**Pooled domestic contract to satisfy refiner supply contract made before 30 October 2004**

s 244      amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 1  
            sub 2005 No. 62 s 17  
            exp 30 September 2007 (see s 244(4))

**Pooled export and domestic contract**

s 245      amd 2000 No. 25 s 3(1) sch 1  
            sub 2005 No. 62 s 17  
            exp 30 September 2009 or a later day prescribed (see s 245(4))



**Sugar price directions**

**s 246** amd 2000 No. 25 s 3(1) sch 1  
om 2005 No. 62 s 17

**CHAPTER 7—MISCELLANEOUS****Injunctions**

**s 247** amd 2005 No. 62 s 18

**General provisions about show cause proceedings**

**s 248** om 2004 No. 3 s 26

**Records to be kept**

**s 250** amd 2002 No. 11 s 62 sch 1

**Improper use of information prohibited**

**s 253** amd 2003 No. 44 s 19

**Indemnity**

**s 254** amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 37 sch  
om 2005 No. 62 s 19

**Proceedings for an offence**

**s 255** amd 2000 No. 25 s 3(1) sch 1

**Allegations of false or misleading matters**

**s 255A** ins 2003 No. 44 s 20

**Evidence**

**s 256** amd 2004 No. 3 s 37 sch

**CHAPTER 8—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY  
AMENDMENT ACT 2005**

**ch hdg** prev ch 8 hdg ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres ch 8 hdg ins 2005 No. 62 s 20

**PART 1—PRELIMINARY**

**pt hdg** prev pt 1 hdg ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres pt 1 hdg ins 2005 No. 62 s 20

**Definitions for ch 8**

**s 258** prev s 258 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 258 ins 2005 No. 62 s 20

**References to authority**

**s 259** prev s 259 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 259 ins 2005 No. 62 s 20

**Excluded matters for Corporations legislation**

**s 259A** ins 2001 No. 45 s 29 sch 3  
om 2003 No. 44 s 21

**References to unamended Act**

- s 260**      prev s 260 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 260 ins 2005 No. 62 s 20

**PART 2—SUGAR VESTED IN QSL**

- pt hdg**      prev pt 2 hdg ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres pt 2 hdg ins 2005 No. 62 s 20

**Payments by QSL to mill owners**

- s 261**      prev s 261 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 261 ins 2005 No. 62 s 20

**Payment schemes**

- s 262**      prev s 262 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 262 ins 2005 No. 62 s 20

**Obligations of mill owners**

- s 263**      prev s 263 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 263 ins 2005 No. 62 s 20

**PART 3—EXEMPTIONS**

- pt hdg**      prev pt 3 hdg ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres pt 3 hdg ins 2005 No. 62 s 20

**Definitions for pt 3**

- s 264**      prev s 264 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 264 ins 2005 No. 62 s 20

**Late exemption applications**

- s 265**      prev s 265 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 265 ins 2005 No. 62 s 20

**Decision made after commencement on late exemption application**

- s 266**      orig s 266 om 2000 No. 25 s 3(1) sch  
              prev s 266 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 266 ins 2005 No. 62 s 20

**Application for amendment of exemption**

- s 267**      prev s 267 ins 2000 No. 25 s 15  
              om 2003 No. 44 s 21  
              pres s 267 ins 2005 No. 62 s 20

**Improper use of exempt sugar after commencement**

- s 268**      prev s 268 ins 2000 No. 25 s 15

om 2003 No. 44 s 21  
pres s 268 ins 2005 No. 62 s 20

**Annual returns given after commencement**

**s 269** prev s 269 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 269 ins 2005 No. 62 s 20

**Further documents or information for annual return**

**s 270** prev s 270 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 270 ins 2005 No. 62 s 20

**Exempt matter after commencement**

**s 271** prev s 271 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 271 ins 2005 No. 62 s 20

**False or misleading application for amendment of exemption made after commencement**

**s 272** prev s 272 om 2003 No. 44 s 21  
pres s 272 ins 2005 No. 62 s 20

**Executive officers of corporation**

**s 273** prev s 273 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 273 ins 2005 No. 62 s 20

**PART 4—QUEENSLAND SUGAR LIMITED**

**pt hdg** prev pt 4 hdg ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres pt 4 hdg ins 2005 No. 62 s 20

**Division 1—Interpretation**

**div hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**QSL's audited financial statements for 2005/2006 financial year**

**s 274** prev s 274 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 274 ins 2005 No. 62 s 20

**Division 2—Transfer of STL shares**

**div hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Division 3—Appeals**

**div hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**PART 5—DISSOLUTION OF SUGAR AUTHORITY**

**pt hdg** prev pt 5 hdg ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres pt 5 hdg ins 2005 No. 62 s 20

**Definitions for pt 5**

- s 275** prev s 275 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 275 ins 2005 No. 62 s 20

**Transfer and dissolution**

- s 276** prev s 276 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 276 ins 2005 No. 62 s 20

**Continuity of proceedings and matters**

- s 277** prev s 277 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 277 ins 2005 No. 62 s 20

**Employees**

- s 278** prev s 278 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 278 ins 2005 No. 62 s 20

**Members cease holding office**

- s 279** prev s 279 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 279 ins 2005 No. 62 s 20

**PART 6—APPEALS**

- pt hdg** ins 2005 No. 62 s 20

**Appeal to District Court against authority's decision**

- s 280** prev s 280 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 280 ins 2005 No. 62 s 20

**PART 7—COMPETITION POLICY LEGISLATION**

- pt hdg** ins 2005 No. 62 s 20

**Definitions for pt 7**

- s 281** prev s 281 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 281 ins 2005 No. 62 s 20

**Pooled export contracts made before commencement**

- s 282** prev s 282 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 282 ins 2005 No. 62 s 20

**Export contracts made before commencement**

- s 283** prev s 283 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 283 ins 2005 No. 62 s 20

**PART 8—INJUNCTIONS****pt hdg** ins 2005 No. 62 s 20**Definitions for pt 8****s 284** prev s 284 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 284 ins 2005 No. 62 s 20**Undecided applications taken to have been withdrawn****s 285** prev s 285 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 285 ins 2005 No. 62 s 20**Injunctions of no effect after commencement****s 286** prev s 286 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 286 ins 2005 No. 62 s 20**Non-application of ss 285 and 286 in relation to improper use of exempt sugar****s 287** prev s 287 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 287 ins 2005 No. 62 s 20**CHAPTER 9—DEALINGS WITH CORPORATION ASSETS AND LIABILITIES****ch hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21**PART 1—PRELIMINARY****pt hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21**Non-application of ss 285 and 286 in relation to improper use of exempt sugar****s 287** prev s 287 ins 2000 No. 25 s 15  
om 2003 No. 44 s 21  
pres s 287 ins 2005 No. 62 s 20**Excluded matters for Corporations legislation****287A** ins 2001 No. 45 s 29 sch 3  
om 2003 No. 44 s 21**PART 2—TRANSFER OF ASSETS AND LIABILITIES FROM CORPORATION TO QSL****pt hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21**Classification of corporation marketing assets and liabilities****s 288** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21**QSL day****s 289** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Transfer of marketing assets and liabilities**

**s 290** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Consideration for transfer of marketing assets**

**s 291** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Provisions facilitating transfer**

**s 292** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Legal proceedings**

**s 293** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Continuation of corporation directions, payment schemes and quality standards**

**s 294** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**PART 3—ADMINISTRATION**

**pt hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Division 1—General**

**div hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Officers cease holding office**

**s 295** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Employees**

**s 296** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Division 2—Administrator**

**div hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Appointment**

**s 297** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Administrator is corporation**

**s 298** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Additional functions of administrator**

**s 299** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Minister's directions to administrator**

**s 300** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**PART 4—DISTRIBUTION OF STL SHARES AND DISSOLUTION OF CORPORATION**

**pt hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Distribution**

**s 301** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Dissolution day**

**s 302** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**PART 5—GENERAL**

**pt hdg** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Chapter has effect despite agreements etc.**

**s 303** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Chapter does not affect existing legal relationships**

**s 304** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Other conditions for transactions under chapter to be met**

**s 305** ins 2000 No. 25 s 15  
om 2003 No. 44 s 21

**Division 1—Interpretation**

**div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Definitions for pt 1**

**prov hdg** amd 2000 No. 25 s 3(1) sch 1  
**s 306** amd 2000 No. 25 s 3(1) sch 1 (incl in orig ch 10, pt 1, div 1)  
om 2004 No. 3 s 27

**Division 2—Assignments**

**div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Assignment becomes a cane production area**

**s 307** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

**Plan of transitional assignment becomes plan of a cane production area**

**s 308** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

**Particular Queensland Sugar Corporation guideline to continue in effect**

**prov hdg** amd 2000 No. 25 s 3(1) sch 2  
**s 309** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

**Division 3—Awards and mill supply contracts**

**div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Awards**

**s 310** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 3)

**Mill supply contracts****prov hdg** amd 2000 No. 25 s 3(1) sch 1 (retro)**s 311** amd 2000 No. 25 s 3(1) sch 1 (retro) (incl in orig ch 10, pt 1, div 3)  
om 2004 No. 3 s 27**Existing mill starts as mill****s 312** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 3)**Division 4—Transitional easements and permits to pass****div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)**Transitional easement becomes a cane railway easement****s 313** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)**Transitional permit becomes permit to pass****s 314** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)**Register of easements becomes the access rights register****s 315** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 4)  
om 2004 No. 3 s 27**References to the register of easements****s 316** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)**Transitional applications****s 317** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 4)  
om 2004 No. 3 s 27**Division 5—Marketing****div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)**Vesting preserved****s 318** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)  
om 2004 No. 3 s 27**Pool for payment****s 319** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)  
om 2004 No. 3 s 27**Directions about delivery to and acceptance by corporation****s 320** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)  
om 2004 No. 3 s 27**Sugar quality standards****s 321** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 5)**Division 6—Minister's powers****div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)**Minister's directions to corporation****s 322** amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 6)  
om 2004 No. 3 s 27**Division 7—Queensland Sugar Corporation****div hdg** om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)



**Continuation of corporation**

s 323 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 7)  
om 2004 No. 3 s 27

**Delegation continues**

s 324 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 7)  
om 2004 No. 3 s 27

**Sugar Cane Assignment Register becomes the commissioner's register**

s 325 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 7)

**Division 8—Bureau of Sugar Experiment Stations**

div 8 (ss 326–327) om 2003 No. 44 s 3 sch (incl in orig ch 10, pt 1)

**Division 9—Cane production boards**

div 9 (ss 328–329) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 10—Cane protection and productivity boards**

div 10 (ss 330–331) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 11—Negotiating teams**

div 11 (s 332) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 12—Mill suppliers' committees**

div hdg ins 2000 No. 25 s 16(4)  
om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**References to a mill suppliers' committee**

s 333 ins 2000 No. 25 s 16(4) (incl in orig ch 10, pt 1, div 12)  
om 2004 No. 3 s 27

**Division 13—Sugarcane and sugarcane products examination and testing programs**

div 13 (s 334) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 14—Sugar Industry Tribunal**

div 14 (s 335) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 15—Sugar Industry Commissioner**

div 15 (s 336) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Division 16—Competition policy legislation**

div 16 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

**Definitions for div 16**

s 337 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

**Guidelines**

s 338 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)  
om 2004 No. 3 s 27

**Awards**

s 339 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

**Mill supply agreements**

s 340 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

**Directions about delivery to and acceptance by Queensland Sugar Corporation****prov hdg** amd 2000 No. 25 s 3(1) sch 2**s 341** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)  
om 2004 No. 3 s 27**Minister's directions to Queensland Sugar Corporation****prov hdg** amd 2000 No. 25 s 3(1) sch 2**s 342** amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)  
om 2004 No. 3 s 27**Compliance with notice requirements****s 343** ins 2000 No. 25 s 16(5) (incl in orig ch 10, pt 2)  
om 2004 No. 3 s 27**CHAPTER 10—TRANSITIONAL PROVISIONS****ch hdg** sub 2000 No. 25 s 16(1)  
om 2005 No. 62 s 20**PART 1—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY AND  
OTHER LEGISLATION AMENDMENT ACT 2003****pt hdg** orig pt 1 hdg om 2000 No. 25 s 16(2)  
prev pt 1 hdg sub 2000 No. 25 s 16(3)  
om 2004 No. 3 s 27  
pres pt 1 hdg ins 2004 No. 3 s 28  
om 2005 No. 62 s 20**Division 1—Preliminary****div 1 (s 344)** ins 2003 No. 44 s 22  
om 2005 No. 62 s 20**Division 2—Dissolution of BSES****div hdg** ins 2003 No. 44 s 22  
om 2005 No. 62 s 20**Subdivision 1—Preliminary****sdiv 1 (ss 345–346)** ins 2003 No. 44 s 22  
om 2005 No. 62 s 20**Subdivision 2—Steps to transfer and dissolution****sdiv 2 (ss 347–353)** ins 2003 No. 44 s 22  
om 2005 No. 62 s 20**Subdivision 3—Provisions facilitating transfer****sdiv 3 (ss 354–359)** ins 2003 No. 44 s 22  
om 2005 No. 62 s 20**Division 3—Automatic dissolution of cane protection and productivity boards if no  
replacement entity****div 3 (ss 360–366)** ins 2003 No. 44 s 23  
om 2005 No. 62 s 20**Division 4—Appeals****div 4 (ss 367–369)** ins 2003 No. 44 s 24  
om 2005 No. 62 s 20

**Division 5—Injunctions**

**div 5 (ss 370–372)** ins 2003 No. 44 s 25  
om 2005 No. 62 s 20

**PART 2—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY REFORM  
ACT 2003**

**pt hdg** orig pt 2 hdg om 2000 No. 25 s 16(3)  
prev pt 2 ins 2000 No. 25 s 16(5)  
om 2004 No. 3 s 27  
pres pt 2 hdg ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Division 1—Preliminary**

**div 1 (s 373)** ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Division 2—Dissolution of cane production boards**

**div hdg** ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Subdivision 1—Preliminary**

**sdiv 1 (s 374)** ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Subdivision 2—Voluntary dissolution**

**sdiv 2 (ss 375–387)** ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Subdivision 3—Involuntary dissolution**

**sdiv 3 (ss 388–391)** ins 2004 No. 3 s 29  
om 2005 No. 62 s 20

**Division 3—Abolition of cane production areas**

**div 3 (ss 392–396)** ins 2004 No. 3 s 30  
om 2005 No. 62 s 20

**Division 4—Supply agreements**

**div 4 (ss 397–399)** ins 2004 No. 3 s 31  
om 2005 No. 62 s 20

**Division 5—Mill suppliers' committees**

**div hdg** ins 2004 No. 3 s 32  
om 2005 No. 62 s 20

**Subdivision 1—Preliminary**

**sdiv 1 (s 400)** ins 2004 No. 3 s 32  
om 2005 No. 62 s 20

**Subdivision 2—Incorporated mill suppliers' committees**

**sdiv 2 (s 401)** ins 2004 No. 3 s 32  
om 2005 No. 62 s 20

**Subdivision 3—Transfer of assets and liabilities of unincorporated mill suppliers’ committees to replacement corporation**

**sdiv 3 (ss 402–408)** ins 2004 No. 3 s 32  
om 2005 No. 62 s 20

**Division 6—Abolition of negotiating teams**

**div 6 (ss 409–414)** ins 2004 No. 3 s 33  
om 2005 No. 62 s 20

**Division 7—Appeals**

**div 7 (ss 415–417)** ins 2004 No. 3 s 34  
om 2005 No. 62 s 20

**Division 8—Injunctions**

**div 8 (ss 418–420)** ins 2004 No. 3 s 35  
om 2005 No. 62 s 20

**PART 3—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY AND OTHER LEGISLATION AMENDMENT ACT 2003**

**pt hdg** om 2004 No. 3 s 28

**SCHEDULE 1—AMENDMENT OF OTHER ACTS AND REGULATIONS**

om R1 (see RA s 40)  
amd 2000 No. 25 s 3(1) sch 1 (amdt could not be given effect)

**SCHEDULE—DICTIONARY**

def “**adjacent**” om 2004 No. 3 s 36(2)

def “**amendment**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)

def “**annual return**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)

def “**applicant**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)

def “**appointed director**” sub 2000 No. 25 s 3(1) sch 1  
om 2003 No. 44 s 26(1)

def “**appointed member**” ins 2000 No. 25 s 17(2)  
om 2005 No. 62 s 21(1)

def “**assets**” ins 2003 No. 44 s 26(3)  
om 2004 No. 3 s 36(3)

def “**authority**” ins 2000 No. 25 s 17(2)  
om 2005 No. 62 s 21(1)

def “**bargaining representative**” ins 2004 No. 3 s 36(7)  
sub 2004 No. 3 s 36(4), (8)

def “**board**” ins 2003 No. 44 s 26(3)  
om 2004 No. 3 s 36(3)

def “**BSES**” om 2003 No. 44 s 26(1)

def “**business manager**” om 2005 No. 62 s 21(1)

def “**cane analysis program**” om 2004 No. 3 s 36(2)

def “**cane production area**” om 2004 No. 3 s 36(2)

def “**cane production board**” om 2004 No. 3 s 36(2)

def “**cane productivity**” om 2004 No. 3 s 36(2)

def “**cane protection and productivity board**” om 2003 No. 44 s 26(2)

def “**cane quality program**” om 2004 No. 3 s 36(2)

- def “**cane supply and processing agreement**” om 2004 No. 3 s 36(2)
- def “**closed mill**” om 2004 No. 3 s 36(2)
- def “**closed mill cane**” om 2004 No. 3 s 36(2)
- def “**collective agreement**” om 2004 No. 3 s 36(2)
- def “**collective contract**” ins 2004 No. 3 s 36(7)  
sub 2004 No. 3 s 36(4), (8)
- def “**commercial cane sugar**” om 2004 No. 3 s 36(2)
- def “**Competition Code**” sub 2004 No. 3 s 36(1), (5); 2005 No. 62 s 21
- def “**competition legislation**” sub 2004 No. 3 s 36(1), (5); 2005 No. 62 s 21
- def “**consent process**” om 2004 No. 3 s 36(2)
- def “**corporation**” om 2000 No. 25 s 3(1) sch 2
- def “**crushing capacity**” om 2004 No. 3 s 36(2)
- def “**current cane production area**” om 2004 No. 3 s 36(2)
- def “**current cane production board**” om 2004 No. 3 s 36(2)
- def “**current mill**” om 2004 No. 3 s 36(2)
- def “**eligible collective**” ins 2004 No. 3 s 36(7)  
om 2004 No. 3 s 36(4)
- def “**eligible person**” ins 2000 No. 25 s 17(2)  
om 2004 No. 3 s 36(2)
- def “**employment rights**” ins 2003 No. 44 s 26(3)
- def “**exemption**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exemption application**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exemption certificate**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exemption certificate details**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exemption conditions**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exempt sugar**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**exempt use**” ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def “**expansion**” om 2004 No. 3 s 36(2)
- def “**grant of unallocated hectares**” om 2004 No. 3 s 36(2)
- def “**group of growers**” ins 2004 No. 3 s 36(7)  
sub 2004 No. 3 s 36(4), (8)
- def “**grower**” sub 2004 No. 3 s 36(2), (7)
- def “**guidelines**” om 2004 No. 3 s 36(2)
- def “**harvesting equity committee**” om 2004 No. 3 s 36(2)
- def “**horizontal expansion**” om 2004 No. 3 s 36(2)
- def “**horizontal expansion process**” om 2004 No. 3 s 36(2)
- def “**industrial association**” ins 2000 No. 25 s 17(2)  
om 2005 No. 62 s 21(1)
- def “**Industrial Relations Act**” ins 2003 No. 44 s 26(3)
- def “**industry participant**” amd 2000 No. 25 s 3(1) sch 1  
om 2005 No. 62 s 21(1)
- def “**intention to contract**” ins 2004 No. 3 s 36(7)  
om 2004 No. 3 s 36(4)

- def **“interest”** om 2005 No. 62 s 21(1)
- def **“interested third party”** ins 2004 No. 3 s 36(7)  
sub 2004 No. 3 s 36(4), (8)
- def **“land included in a cane production area”** om 2004 No. 3 s 36(2)
- def **“late exemption application”** ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def **“liabilities”** ins 2003 No. 44 s 26(3)  
om 2004 No. 3 s 36(3)
- def **“material personal interest”** sub 2003 No. 19 s 3 sch  
om 2005 No. 62 s 21(1)
- def **“mill”** sub 2004 No. 3 s 36(2), (7)
- def **“mill supplier’s committee”** sub 2000 No. 25 s 17(1)–(2)  
om 2004 No. 3 s 36(2)
- def **“negotiating team”** om 2004 No. 3 s 36(2)
- def **“non-approved cane”** om 2003 No. 44 s 26(1)
- def **“number of hectares included in a cane production area”** om 2004 No.  
3 s 36(2)
- def **“on-user”** ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def **“payment scheme”** amd 2000 No. 25 s 3(1) sch 1  
om 2005 No. 62 s 21(1)
- def **“penalty sugar”** om 2004 No. 3 s 36(2)
- def **“periodic estimate”** ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def **“periodic estimate day”** ins 2004 No. 3 s 36(6)  
om 2005 No. 62 s 21(1)
- def **“pest”** om 2004 No. 3 s 36(3)
- def **“pest infestation”** om 2004 No. 3 s 36(3)
- def **“pooled domestic contract”** ins 2005 No. 62 s 21(2)
- def **“pooled export contract”** ins 2005 No. 62 s 21(2)
- def **“productivity increase”** om 2004 No. 3 s 36(2)
- def **“productivity increase process”** om 2004 No. 3 s 36(2)
- def **“proposed transfer day”** ins 2003 No. 44 s 26(3)  
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- def **“QSL”** ins 2000 No. 25 s 17(2)
- def **“Queensland Sugar Corporation”** ins 2000 No. 25 s 3(1) sch 2  
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- def **“raw sugar equivalent”** amd 2000 No. 25 s 3(1) sch 1  
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- def **“receiving cane production board”** om 2004 No. 3 s 36(2)
- def **“receiving mill”** om 2004 No. 3 s 36(2)
- def **“register of easements”** om 2004 No. 3 s 36(1)
- def **“regulation process”** om 2004 No. 3 s 36(2)
- def **“repealed Act”** sub 2000 No. 25 s 3(1) sch 1  
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- def **“replacement entity”** ins 2003 No. 44 s 26(3)  
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- def **“research”** om 2005 No. 62 s 21(1)
- def **“settlement”** om 2004 No. 3 s 36(2)

- def “**STL**” ins 2000 No. 25 s 17(2)  
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- def “**sugar**” amd 2000 No. 25 s 3(1) sch 1
- def “**sugar cane**” amd 2004 No. 3 s 36(9)
- def “**Sugar Cane Assignment Register**” om 2004 No. 3 s 36(1)
- def “**Sugar Industry Tribunal**” om 2004 No. 3 s 36(1)
- def “**suitable cane land**” om 2004 No. 3 s 36(2)
- def “**supplier**” ins 2004 No. 3 s 36(6)
- def “**supply agreement**” om 2004 No. 3 s 36(2)
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- def “**third party**” om 2004 No. 3 s 36(2)
- def “**transfer**” om 2004 No. 3 s 36(2)
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- def “**transitional assignment**” om 2004 No. 3 s 36(1)
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- def “**transitional permit**” om 2004 No. 3 s 36(1)
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- def “**variation**” om 2004 No. 3 s 36(2)
- def “**verified**” om 2005 No. 62 s 21(1)

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## 9 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in footnotes to the text.