

Queensland



**DAIRY INDUSTRY
(IMPLEMENTATION OF
NATIONAL ADJUSTMENT
ARRANGEMENTS)
AMENDMENT BILL 2000**



DAIRY INDUSTRY (IMPLEMENTATION OF NATIONAL ADJUSTMENT ARRANGEMENTS) AMENDMENT BILL 2000

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2000

A BILL

FOR

An Act to amend the Dairy Industry Act 1993

*Dairy Industry (Implementation of National
Adjustment Arrangements) Amendment*

The Parliament of Queensland enacts—

1

Short title

2

Clause **1.** This Act may be cited as the *Dairy Industry (Implementation of
National Adjustment Arrangements) Amendment Act 2000*.

3

4

Commencement

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Clause **2.(1)** This Act commences on a day to be fixed by proclamation.

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(2) The *Acts Interpretation Act 1954*, section 15DA,¹ does not apply to
this Act.

7

8

Act amended

9

Clause **3.** This Act amends the *Dairy Industry Act 1993*.

10

Replacement of title

11

Clause **4.** Title—

12

omit, insert—

13

‘An Act about the dairy industry’.

14

Replacement of s 2 (Objectives)

15

Clause **5.** Section 2—

16

omit, insert—

17

‘Objects

18

‘**2.** The objects of this Act include to make provision for—

19

¹ *Acts Interpretation Act 1954*, section 15DA (Automatic commencement of
postponed law)

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- | | | |
|--|---|--------|
| | (a) licences for producers and processors, and other licences; and | 1 |
| | (b) standards for the dairy industry, quality and safety of dairy produce and incidental matters.’. | 2
3 |

	Amendment of s 3 (Definitions)	4
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|--------|--|-----------------------------------|
| Clause | 6.(1) Section 3, definitions “ competition legislation ”, “ former Act ”, “ market milk access ”, “ market milk entitlement ”, “ pasteurised cream ”, “ pasteurised milk ” and “ pricing order ”—
<i>omit.</i>
(2) Section 3—
<i>insert—</i>
‘ “ administrator ”, for part 6A, see section 99B(1).’. | 5
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11 |
|--------|--|-----------------------------------|

	Amendment of s 7 (Functions of the authority)	12
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|--------|--|----------------------------------|
| Clause | 7.(1) Section 7(a), from ‘and, in particular,’ to ‘provides’—
<i>omit.</i>
(2) Section 7(b) and (c)—
<i>omit.</i>
(3) Section 7(d) to (h)—
<i>renumber</i> as section 7(b) to (f). | 13
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18 |
|--------|--|----------------------------------|

	Amendment of s 8 (General powers of the authority)	19
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- | | | |
|--------|---|----------|
| Clause | 8. Section 8(3)—
<i>omit.</i> | 20
21 |
|--------|---|----------|

	Amendment of pt 3 (Industry regulation)	22
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- | | | |
|--------|---|----------|
| Clause | 9.(1) Part 3, heading—
<i>omit, insert—</i> | 23
24 |
|--------|---|----------|

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‘PART 3—LICENSING’.

(2) Part 3, divisions 1 and 3—

omit.

(3) Part 3, division 2, heading—

omit.

Omission of s 31 (Specific authorisation of non-competitive conditions)

Clause 10. Section 31—

omit.

Amendment of s 47 (Making of standards)

Clause 11. Section 47(1)(j), after ‘quality’—

insert—

‘and safety’.

Amendment of s 96 (Appeals to the tribunal)

Clause 12.(1) Section 96(2)(a)—

omit.

(2) Section 96(2)(b) and (c)—

renumber as section 96(2)(a) and (b).

Insertion of new pt 6A

Clause 13. After section 99—

insert—

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‘PART 6A—ADMINISTRATION AND WINDING-UP OF AUTHORITY	1 2
‘Effect of part on pt 2	3
‘99A. This part—	4
(a) applies despite part 2; and	5
(b) changes the way part 2 operates.	6
‘Appointment of administrator	7
‘99B.(1) The Governor in Council may, by gazette notice, appoint as administrator of the authority (the “ administrator ”) a person the Minister considers has appropriate qualifications and experience to be the administrator.	8 9 10 11
‘(2) The administrator is to be appointed for the term, and on the conditions, approved by the Governor in Council.	12 13
‘(3) The administrator—	14
(a) holds office subject to the direction of the Minister; and	15
(b) unless the administrator earlier ceases holding office because of section 14(2) ² —ceases holding office when the term of the appointment ends or, if an earlier day is specified by the chief executive by gazette notice as the day the purpose of the administration ends, on the earlier day.	16 17 18 19 20
‘Authority members go out of office	21
‘99C.(1) On the appointment of the administrator, the members of the authority go out of office.	22 23
‘(2) No compensation is payable to a member of the authority because of subsection (1).	24 25

² Section 14 (Term of office)

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‘Administrator is authority

‘99D.(1) For all purposes of this Act, the administrator is the authority.

‘(2) Subject to subsection (3), part 2, divisions 5 and 6³ do not apply to the administrator.

‘(3) Section 14(2)(a), (c) and (e) to (g) and section 15 apply to the administrator as if the administrator were a member of the authority.

‘Additional functions of administrator

‘99E.(1) In addition to the functions of the administrator under section 7, the administrator has the following functions—

(a) to implement a program of structural change to the authority’s resources and functions;

(b) to give the Minister a quarterly report on the authority’s financial position, the functions of the authority, and anything else the Minister requires the administrator to include in the report;

(c) to give the Minister a final report on the administration, including details of any directions given by the Minister to the administrator;

(d) if the Minister directs the administrator to wind-up the authority—

(i) to wind-up the authority; and

(ii) to give the Minister a report on the winding-up at any time the Minister requires.

‘(2) The administrator may at any time give the Minister reports on any matter that, in the administrator’s opinion, it is desirable to report to the Minister.

‘(3) The Minister must table the report mentioned in subsection (1)(c) in the Legislative Assembly within 14 sitting days after receiving it.

³ Part 2, divisions 5 (Membership of the authority) and 6 (Proceedings of the authority)

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‘Administrator’s powers	1
‘99F.(1) The administrator has power to do all things necessary or convenient to be done for administering or winding-up the authority.	2 3
‘(2) Without limiting subsection (1), the administrator—	4
(a) has control of the authority’s businesses, property and affairs; and	5
(b) may carry on the business and manage the property and affairs; and	6 7
(c) may terminate or dispose of all or part of the businesses; and	8
(d) may deal with, or dispose of any of the property, including by refunding a payment, or part of a payment, made to the authority under a licence condition mentioned in section 30(3). ⁴	9 10 11
‘(3) To remove any doubt, it is declared that part 2 does not limit the administrator’s powers.	12 13
 ‘Chairperson’s report	 14
‘99G.(1) Within 14 days after the administrator’s appointment, the chairperson of the authority must prepare and give to the administrator a report about the authority’s affairs.	15 16 17
‘(2) The report must include details of the authority’s affairs as they relate to the authority’s businesses or generally to the authority, as the case may be, as at the date of the administrator’s appointment.	18 19 20
‘(3) Within 1 month after receiving the report, the administrator must give to the Minister a copy of the report and a notice of comments the administrator wishes to make relating to the report.	21 22 23
 ‘Completion of winding-up	 24
‘99H.(1) This section applies if the Minister directs the administrator to wind-up the authority.	25 26
‘(2) On completion of the winding-up—	27

⁴ Section 30 (Conditions of licence)

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(a) the net proceeds of the winding-up must be paid to the authority; or	1 2
(b) if there are no net proceeds but there are debts that arise from the winding-up—the debts remain debts of the authority.	3 4
‘(3) Within 14 days after completion of the winding-up, the administrator must give to the Minister—	5 6
(a) a report on the winding-up; and	7
(b) any other information or documents the Minister requests to fully explain the winding-up to the satisfaction of the Minister.	8 9
‘(4) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving it.	10 11
‘Dissolution of authority	12
‘99I.(1) On the dissolution day—	13
(a) the net proceeds of the winding-up vest in the State or, if there are no net proceeds but there are debts that arise from the winding-up, the debts become debts of the State; and	14 15 16
(b) the authority is dissolved; and	17
(c) the administrator is, in the absence of fraud or dishonesty, released from any further liability to account for the administration of the authority’s affairs or the winding-up.	18 19 20
‘(2) Any net proceeds of the winding-up must be spent for the benefit of producers.	21 22
‘(3) In this section—	23
“ dissolution day ” means the day the Minister, by gazette notice, notifies as the dissolution day for this section.’.	24 25
Amendment of s 105 (Evidentiary provision)	26
Clause 14. Section 105—	27
insert—	28

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‘(3) In this section—

“**entitlement**” means a market milk entitlement granted under section 36 at any time before section 36 was repealed by the *Dairy Industry (Implementation of National Adjustment Arrangements) Amendment Act 2000*, section 9(2).’.

Amendment of s 106 (Regulations)

Clause 15.(1) Section 106, heading—

omit, insert—

‘**Regulation-making power**’.

(2) Section 106(2)(a), ‘other person’—

omit, insert—

‘other persons’.

(3) Section 106(2)(b) and (c), ‘and entitlements’—

omit.

Insertion of new pt 8

Clause 16. After section 106—

insert—

**‘PART 8—TRANSITIONAL PROVISIONS FOR
DAIRY INDUSTRY (IMPLEMENTATION OF
NATIONAL ADJUSTMENT ARRANGEMENTS)
AMENDMENT ACT 2000**

**‘Transitional provision about non-competitive conditions in
producers’ or processors’ licences**

‘**107.(1)** This section applies to a producer’s or a processor’s licence that, immediately before the commencement of the section, is subject to a non-competitive condition.

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‘(2) The non-competitive condition ceases to have effect.	1
‘(3) In this section—	2
“non-competitive condition” means—	3
(a) for a producer’s licence, a condition—	4
(i) prohibiting the transfer of dairy produce between dairies; or	5
(ii) specifying or restricting the source of acquisition of dairy produce obtained or sold by the holder of the licence; or	6 7
(iii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence; or	8 9 10
(b) for a processor’s licence, a condition—	11
(i) specifying or restricting the source of acquisition of dairy produce obtained or sold by the holder of the licence; or	12 13
(ii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence.	14 15 16
 ‘Market milk entitlements	 17
‘108.(1) A market milk entitlement to supply milk for processing as market milk granted under section 36 ⁵ and in force immediately before the commencement of this section ceases to have effect.	18 19 20
‘(2) No compensation is payable merely because of subsection (1).	21
 ‘Determination under Act, s 41	 22
‘109.(1) This section applies despite the repeal of part 3, division 3.	23
‘(2) For the purposes of making a determination under section 41 ⁶ for the month in which this section commences, sections 40 to 42 continue to have	24 25

⁵ Section 36 (Market milk entitlements)

⁶ Section 41 (Determination of monthly adjustments of market milk sales)

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effect as if they had not been repealed.

‘(3) The determination must be made as if the month consisted only of
the number of days in the month before the day this section commences.

‘(4) Without limiting section 8(2),⁷ the authority may require a processor
to give it a certificate by an independent auditor verifying the processor’s
returns about market milk sales.’.

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⁷ Section 8 (General powers of the authority)