

Queensland



**BUSINESS LICENCE
DEREGULATION
(MILKSELLERS AND FISH
BUYERS) AMENDMENT
BILL 1993**

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**BUSINESS LICENCE DEREGULATION
(MILKSELLERS AND FISH BUYERS)
AMENDMENT BILL 1993**

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1993

A BILL

FOR

An Act to discontinue certain business licences under the *Dairy Industry Act 1989* and the *Fishing Industry Organisation and Marketing Act 1982*

*Business Licence Deregulation (Milksellers
and Fish Buyers) Amendment*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

PART 1—PRELIMINARY

Short title

Clause1. This Act may be cited as the *Business Licence Deregulation (Milksellers and Fish Buyers) Amendment Act 1993*.

Commencement

Clause2. This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF DAIRY INDUSTRY ACT 1989

Amended Act

Clause3. The *Dairy Industry Act 1989* is amended as set out in this Part.

Amendment of s.57 (Types of licences)

Clause4. Section 57(e)—
omit.

Amendment of s.114 (Offence to trade without licence)

Clause5. Section 114(e)—
omit.

Amendment of Schedule 2 (Subject matter for regulations)	1
<i>Clause 6.</i> Schedule 2, clause 17—	2
<i>omit</i> ‘to processors’, <i>insert</i> ‘to milksellers or processors’.	3
PART 3—AMENDMENT OF FISHING INDUSTRY ORGANISATION AND MARKETING ACT 1982	4 5
Amended Act	6
<i>Clause 7.</i> The <i>Fishing Industry Organisation and Marketing Act 1982</i> is amended as set out in this Part.	7 8
Amendment of s.6 (Interpretation)	9
<i>Clause 8.(1)</i> Section 6(1) (definition “ restricted buyer ”)—	10
<i>omit.</i>	11
(2) Section 6(1)—	12
<i>insert</i> —	13
‘ fish retailer ’ means a person who sells fish by retail;’.	14
Amendment of s.31 (Licences)	15
<i>Clause 9.(1)</i> Section 31(1)(c)—	16
<i>omit.</i>	17
(2) Section 31(1)(d) to (g)—	18
<i>renumber</i> as section 31(1)(c) to (f) respectively.	19
(3) Section 31(3)(h)—	20
<i>omit, insert</i> —	21
‘(h) may be—	22

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(i) surrendered; or	1
(ii) if the licence is a processor’s licence or a commercial buyer’s licence—transferred; or	2 3
(iii) if the licence is a fishing vessel licence and an inspector has sighted the vessel to which the licence applies and confirmed it to be the relevant vessel—transferred; and’.	4 5 6
Amendment of s.36 (Offences)	7
Clause 10.(1) Section 36(1A)—	8
<i>omit, insert—</i>	9
‘(1A) Subsection (1) does not apply to—	10
(a) the preparation of fish for immediate consumption; or	11
(b) the treatment of fish by the holder of a master fisherman’s licence, a community fisherman’s licence or a commercial fishing vessel licence if—	12 13 14
(i) the treatment consists of freezing, refrigerating, cleaning, filleting, sorting, salting or cooking; and	15 16
(ii) the treatment takes place—	17
(A) on a vessel; or	18
(B) at a place appointed by the Authority and noted on the licence; and	19 20
(iii) the fish—	21
(A) have been lawfully taken by or on behalf of the licence holder; and	22 23
(B) are intended for sale to a processor or commercial buyer; or	24 25
(c) the refrigeration, thawing or sorting of fish by a commercial buyer or fish retailer.’.	26 27
(2) Section 36(6)—	28
<i>omit, insert—</i>	29

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- ‘(6) Subsection (5) does not apply to the operation of premises for— 1
- (a) the preparation of fish for immediate consumption; or 2
 - (b) the treatment of fish by the holder of a master fisherman’s 3
licence, a community fisherman’s licence or a commercial fishing 4
vessel licence if— 5
 - (i) the treatment consists of freezing, cleaning, filleting, sorting, 6
salting or cooking; and 7
 - (ii) the treatment takes place— 8
 - (A) on a vessel; or 9
 - (B) at a place appointed by the Authority and noted on the 10
licence; and 11
 - (iii) the fish— 12
 - (A) have been lawfully taken by or on behalf of the licence 13
holder; and 14
 - (B) are intended for sale to a processor or commercial 15
buyer; or 16
 - (c) if no other activity that is required to be licensed or registered 17
under this Act is carried out on the premises—the retailing of 18
fish.’. 19

Amendment of s.43 (Disposal of fish) 20

Clause 11. Section 43(2) (after paragraph (d))— 21

insert— 22

- ‘(e) in relation to a fish retailer— 23
- (i) the sale or delivery of fish by a processor or commercial 24
buyer to the fish retailer; or 25
 - (ii) the purchase or receipt of fish by the fish retailer from a 26
processor or commercial buyer; or 27
 - (iii) the sale or delivery of fish by the fish retailer to another 28
person.’. 29

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