

Queensland



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

**Act No. 27 of 1993**

# Queensland



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

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Queensland



**Business Licence Deregulation (Milksellers  
and Fish Buyers) Amendment Act 1993**

**Act No. 27 of 1993**

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

*[Assented to 2 June 1993]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Business Licence Deregulation (Milk-sellers and Fish Buyers) Amendment Act 1993*.

### **Commencement**

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

## **PART 2—AMENDMENT OF DAIRY INDUSTRY ACT 1989**

### **Amended Act**

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

### **Amendment of s.57 (Types of licences)**

4. Section 57(e)—  
*omit.*

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

5. Section 114(e)—  
*omit.*

**Amendment of Schedule 2 (Subject matter for regulations)**

6. Schedule 2, clause 17—

*omit* ‘to processors’, *insert* ‘to milksellers or processors’.

**PART 3—AMENDMENT OF FISHING INDUSTRY ORGANISATION AND MARKETING ACT 1982**

**Amended Act**

7. The *Fishing Industry Organisation and Marketing Act 1982* is amended as set out in this Part.

**Amendment of s.6 (Interpretation)**

8.(1) Section 6(1) (definition “**restricted buyer**”)—

*omit.*

(2) Section 6(1)—

*insert—*

“**fish retailer**” means a person who sells fish by retail;”.

**Amendment of s.31 (Licences)**

9.(1) Section 31(1)(c)—

*omit.*

(2) Section 31(1)(d) to (g)—

*renumber* as section 31(1)(c) to (f) respectively.

(3) Section 31(3)(h)—

*omit, insert—*

‘(h) may be—

- (i) surrendered; or
- (ii) if the licence is a processor's licence or a commercial buyer's licence—transferred; or
- (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'.

### **Amendment of s.36 (Offences)**

**10.(1)** Section 36(1A)—

*omit, insert—*

**'(1A)** Subsection (1) does not apply to—

- (a) the preparation of fish for immediate consumption; or
- (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—
  - (i) the treatment consists of freezing, refrigerating, cleaning, filleting, sorting, salting or cooking; and
  - (ii) the treatment takes place—
    - (A) on a vessel; or
    - (B) at a place appointed by the Authority and noted on the licence; and
  - (iii) the fish—
    - (A) have been lawfully taken by or on behalf of the licence holder; and
    - (B) are intended for sale to a processor or commercial buyer; or
- (c) the refrigeration, thawing or sorting of fish by a commercial buyer or fish retailer.'.

**(2)** Section 36(6)—

*omit, insert—*

- ‘(6) Subsection (5) does not apply to the operation of premises for—
- (a) the preparation of fish for immediate consumption; or
  - (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—
    - (i) the treatment consists of freezing, cleaning, filleting, sorting, salting or cooking; and
    - (ii) the treatment takes place—
      - (A) on a vessel; or
      - (B) at a place appointed by the Authority and noted on the licence; and
    - (iii) the fish—
      - (A) have been lawfully taken by or on behalf of the licence holder; and
      - (B) are intended for sale to a processor or commercial buyer; or
  - (c) if no other activity that is required to be licensed or registered under this Act is carried out on the premises—the retailing of fish.’.

**Amendment of s.43 (Disposal of fish)**

**11.** Section 43(2) (after paragraph (d))—

*insert—*

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

