

Queensland



SUGAR INDUSTRY AMENDMENT ACT 1994

Act No. 3 of 1994

Queensland



**SUGAR INDUSTRY AMENDMENT ACT
1994**

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MINOR AND CONSEQUENTIAL AMENDMENTS

Queensland



Sugar Industry Amendment Act 1994

Act No. 3 of 1994

An Act to amend the *Sugar Industry Act 1991*

[Assented to 7 March 1994]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Sugar Industry Amendment Act 1994*.

Amended Act

2. The *Sugar Industry Act 1991* is amended as set out in this Act.

Amendment of s.7.8 (Calculation of price payable to owners of sugar mills)

- 3.(1) Section 7.8(3)—

omit, insert—

‘(3) For the crushing seasons from 1993 to 1996, the net value for each tonne of sugar included in No. 1 Sugar Pool is to be the relevant percentage more than the net value for each tonne of sugar included in No. 2 Sugar Pool.

- ‘(3A) In subsection (3)—

“**relevant percentage**” means—

- (a) for the 1993 crushing season—10%; and
- (b) for the 1994 crushing season—8%; and
- (c) for the 1995 and 1996 crushing seasons—6%.’.

- (2) Section 7.8(6)—

omit ‘raw’.

Insertion of new s. 7.8A

4. After section 7.8—

insert—

‘Minister’s standards

‘7.8A(1) For the purposes of a guideline under section 7.8(6)(b), the Corporation may make a standard about how sugar quality—

- (a) is decided; and
- (b) affects amounts payable to a mill owner.

‘(2) The standard may include, for example—

- (a) specified quality criteria and tests for the criteria; and
- (b) a financial incentive scheme of bonuses, penalties and allowances depending on sugar quality.

‘(3) The standard may also include matters prescribed by regulation.

‘(4) To take effect, the standard must be—

- (a) approved by the Minister; and
- (b) notified by the Minister to mill owners.

‘(5) The Minister may notify the standard in a way the Minister considers appropriate, including, for example—

- (a) by directing the Corporation to notify the mill owners; and
- (b) in a way that preserves its commercial confidentiality.

‘(6) A guideline under section 7.8(6)(b) may incorporate the standard by reference.’.

Amendment of s.8.2 (Matters to which award extends)

5.(1) Section 8.2—

insert—

‘(3) An award made for a crushing season (the **“award season”**) may also—

- (a) require information to be given to the Local Board about an earlier crushing season or the next crushing season; and
- (b) apply by reference to information required to be given under an award made for an earlier crushing season.’.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

section 2

1. Section 1.3—

omit.

2. Section 1.4(1), definitions “Director-General”, “Local Authority”, “repealed Sugar Acquisition Act” and “repealed Sugar Experiment Stations Act”—

omit.

3. Section 1.4(1)—

insert—

“**chief executive**” means the chief executive of the department;
“**mill peak**” of a mill has the meaning given by section 7.11;’.

4. Section 1.8—

omit, insert—

‘Minister’s power to delegate

‘1.8 The Minister may delegate the Minister’s powers under this Act to—

- (a) the chief executive; or
- (b) a body established under this Act, a member of the body or a person holding office within the body.’.

SCHEDULE (continued)

5. Section 2.5(1)(b)—

omit ‘upon the recommendation of the Minister’.

6. Section 2.5(3)—

omit.

7. Section 2.7(1)—

omit, insert—

‘**2.7(1)** Before appointments of members mentioned in section 2.5(1)(b) (other than the member appointed as chairperson) are made, the Minister must establish a selection committee to nominate the members.’.

8. Section 2.7(6) and (7)—

omit, insert—

‘**(6)** If the selection committee fails to make a nomination or follow the directions given by the Minister, the Minister may nominate a person for appointment.’.

9. Section 2.8—

omit ‘, upon the recommendation of the Minister,’.

10. Section 2.13—

omit.

11. Section 2.14(b)—

omit ‘and the *Electoral and Administrative Review Act 1989–1990*’.

SCHEDULE (continued)

12. Section 2.15(1)—

omit ‘paragraphs (b) to (e) (both inclusive) of section 2.11’,
insert ‘section 2.11(b) to (e)’.

13. Section 2.15(5) (1st sentence) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

14. Section 2.20—

omit, insert—

‘Corporation’s power to delegate

‘2.20 The Corporation may delegate its powers to—

- (a) the Corporation’s chairperson; or
- (b) the members of a Corporation committee; or
- (c) a Corporation officer; or
- (d) a Local Board.’.

15. Section 2.22, heading—

omit, insert—

‘Guidelines that are subordinate legislation’.**16. Section 2.22(1)—**

omit.

17. Section 2.22(2)—

omit all words from ‘The’ to ‘Assembly are’,
insert ‘The following guidelines are subordinate legislation’.

SCHEDULE (continued)

18. Section 2.22(2)(f)—

omit ‘raw’.

19. Section 2.22(2)(g)—

omit.

20. Section 2.23(7) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

21. Section 2.27(2) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

22. Section 3.1(1)—

omit ‘, upon the recommendation of the Minister,’.

23. Section 3.3(1)—

omit ‘, upon the recommendation of the Minister,’.

24. Section 3.3(2)(b)—

omit ‘upon the recommendation of the Minister’.

25. Section 3.5(1) and (2)—

omit, insert—

‘**3.5(1)** Provisions of section 3.3 applying to the appointment of a

SCHEDULE (continued)

member whose office falls vacant during the member's term also apply to the appointment of another person to fill the vacancy'.¹

26. Section 3.6(a)—

omit ‘, upon the recommendation of the Minister’.

27. Section 3.6 (2nd sentence)—

omit, insert—

‘(2) At a meeting for which a person is appointed the deputy of a member, the deputy may attend and act as the member and, if the member is chairperson of a Local Board, the chairperson.’.

28. Section 3.7(5)—

omit.

29. Section 4.1(1)—

omit, insert—

‘4.1(1) The Sugar Experiment Stations Board is established.

‘(1A) The Board is a body corporate.’.

30. Section 4.4(1)(a)—

omit ‘Director-General’, *insert* ‘chief executive’.

31. Section 4.4(2)—

omit ‘, upon the recommendation of the Minister’,.

¹ This and other sections amending provisions allowing the filling of vacancies are amended to take into account section 24C of the *Acts Interpretation Act 1954*.

SCHEDULE (continued)

32. Section 4.4(4)—

omit.

33. Section 4.6(1) and (2)—

omit, insert—

‘4.6(1) Provisions of section 4.4(1)(d) to (f) applying to the appointment of an appointed member whose office falls vacant during the member’s term also apply to the appointment of another person to fill the vacancy.’.

34. Section 4.7(1) and (4)—

omit ‘, upon the recommendation of the Minister,’.

35. Section 4.8 (1st sentence)—

omit ‘upon the recommendation of the Minister’.

36. Section 4.8 (2nd sentence)—

omit, insert—

‘(2) At a meeting for which a person is appointed the deputy of a member, the deputy may attend and act as the member and, if the member is chairperson of the Board, the chairperson.’.

37. Section 4.9(2)—

omit.

38. Section 4.13(5) (1st sentence) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

SCHEDULE (continued)

39. Section 4.15—*omit, insert—***‘Board’s power to delegate****‘4.15** The Board may delegate its powers to—

- (a) the Board’s chairperson; or
- (b) a committee of its members; or
- (c) the Bureau’s Director or a member of the Bureau’s staff; or
- (d) a Productivity Board.’.

40. Section 4.16(b)—*omit ‘the Electoral and Administrative Review Act 1989–1990 and’.***41. Section 4.20(4) (2nd sentence) (at the end)—***insert—***‘Maximum penalty—40 penalty units.’.****42. Section 4.23(1) and (3) (at the end)—***insert—***‘Maximum penalty—40 penalty units.’.****43. Section 5.2(2)(c) (after ‘is’)—***insert ‘capable of’.***44 Section 5.2(2)(c)(i)—***omit ‘capable of’.*

SCHEDULE (continued)

45. Section 5.5(7)—

omit.

46. Section 5.6—

omit, insert—

‘Casual vacancies

‘5.6 A person appointed to fill the vacancy in the office of a Productivity Board member during the member’s term (the **“vacancy term”**)—

- (a) is to be appointed as prescribed by regulation; and
- (b) holds office from the day specified by the Minister until the end of the vacancy term.’.

47. Section 5.7(2)—

omit.

48. Section 5.13(b)—

omit ‘and the Electoral and Administrative Review Act 1989–1990’.

49. Section 5.14(4) (2nd sentence) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

50. Section 5.17—

omit ‘, the Registrar of Dealings’.

51. Section 6.2(c)—

omit from ‘or is convicted elsewhere’ to ‘offence’.

SCHEDULE (continued)

52. Section 6.2(d)—

omit ‘Services’.

53. Section 7.1, heading—

omit, insert—

‘Definitions’.

54. Section 7.1, definition “sugar”—

omit ‘after the commencement of section 7.2’.

55. Section 7.3(3) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

56. Section 7.4(7) (at the end)—

insert—

‘Maximum penalty for subsection (7)—40 penalty units.’.

57. Section 7.5(2) (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

58. Section 7.11(2)—

omit, insert—

‘(2) The mill peak of each mill is the mill peak as adjusted under section 9.38.’.

SCHEDULE (continued)

59. Section 8.6(3) (at the end)—*insert—*

‘Maximum penalty for subsection (3)—40 penalty units.’.

60. Section 8.10(1) (at the end)—*insert—*

‘Maximum penalty—40 penalty units.’.

61. Section 9.2—*omit.***62. Section 9.16(2)(a)—***omit.***63. Section 9.16(2)(b)—***omit* ‘(both inclusive)’.**64. Section 9.20(3) (at the end)—***insert—*

‘Maximum penalty for subsection (3)—40 penalty units.’.

65. Section 9.22(3) (at the end)—*insert—*

‘Maximum penalty for subsection (3)—40 penalty units.’.

SCHEDULE (continued)

66. Section 9.25(3) (at the end)—*insert—*

‘Maximum penalty for subsection (3)—40 penalty units.’.

67. Section 9.30—*omit.***68. Section 9.39(1)—***omit* ‘made under the *Oaths Act 1867–1989*’.**69. Section 10.16(1) (2nd sentence)—***omit.***70. Section 10.17(1) (at the end)—***insert—*

‘Maximum penalty—40 penalty units.’.

71. Section 11.10(3) (at the end)—*insert—*

‘Maximum penalty for subsection (3)—40 penalty units.’.

72. Section 11.11(2) (at the end)—*insert—*

‘Maximum penalty for subsection (2)—40 penalty units.’.

SCHEDULE (continued)

73. Section 11.12(1)(a)(iii)—

omit, insert—

‘(iii) subject to the *Transport Infrastructure (Roads) Act 1991*, on a declared road for which the mill owner holds an approval under section 7.12 of that Act; and’.

74. Section 11.12(2) (at the end)—

insert—

‘Maximum penalty for subsection (2)—40 penalty units.’.

75. Section 11.12(3)—

omit.

76. Section 11.14—

insert—

‘(1A) An application to the Land Court must be made within 21 days after the day notice of the determination is given to the applicant.’.

77. Section 12.2(d)—

omit from ‘or convicted elsewhere’ to ‘offence’.

78. Section 12.2(e)—

omit ‘*Services*’.

79. Section 12.4(2)—

omit, insert—

‘(2) A person appointed to act in the office of a member of the Tribunal

SCHEDULE (continued)

must satisfy the requirements of the paragraph of section 12.1(2) under which the member was appointed.’.

80. Section 12.5—

omit, insert—

‘Casual vacancies

‘12.5(1) Provisions of section 12.1(2) applying to the appointment of a Tribunal member whose office falls vacant during the member’s term (the **“vacancy term”**) also apply to the appointment of another person to fill the vacancy.

‘(2) A person appointed to fill the vacancy holds office from the date specified by the Governor in Council until the end of the vacancy term.’.

81. Section 12.6(2)—

omit.

82. Section 12.12(2)—

omit ‘prescribed form’, *insert* ‘form approved by the Tribunal chairperson’.

83. Section 12.14(4)—

omit, insert—

‘(4) Section 12.9(5) to (7) applies to a preliminary hearing.’.

84. Section 12.17 (at the end)—

insert—

‘Maximum penalty—40 penalty units.’.

SCHEDULE (continued)

85. Section 12.19(1) (at the end)—*insert—*

‘Maximum penalty—40 penalty units.’

86. Section 12.20(1) (at the end)—*insert—*

‘Maximum penalty—40 penalty units.’

87. Section 13.3—*omit.***88. Section 13.5(1)—***omit* ‘made under the *Oaths Act 1867–1989*’.**89. Section 13.6(1)—***omit.***90. Section 13.7 (at the end)—***insert—*

‘Maximum penalty—40 penalty units.’

91. Section 13.8(2) (at the end)—*insert—*

‘Maximum penalty—40 penalty units.’

SCHEDULE (continued)

92. Section 13.10—

omit ‘12 months’, *insert* ‘1 year’.

93. Section 13.11—

omit.

94. Section 13.15(1) to (4)—

omit, insert—

‘**13.15(1)** The Governor in Council may make regulations for the purposes of this Act.

‘**(2)** A regulation may be made with respect to the matters mentioned in the Schedule.’.

95. Part 14, Divisions 1 to 5—

omit.

96. Part 14, Division 6, heading—

omit.

97. Section 14.24 to 14.27—

*omit.*²

98. Section 14.28(2)—

omit ‘commencement date’,

² It is no longer necessary to keep the text of these provisions in the Act because of section 20A of the *Acts Interpretation Act 1954*.

SCHEDULE (continued)

insert ‘date of the repeal of the repealed Regulation of Sugar Cane Prices Act’.

99. Sections 14.29 to 14.44—

*omit.*³

100. After section 14.28—

insert—

‘Sugar Pool arrangements for 1993 crushing season

‘14.29(1) Section 7.8(3) (as amended by the *Sugar Industry Amendment Act 1993*) applies to the whole of the 1993 crushing season.

‘(2) This section expires at the end of the day it commences.

‘Numbering and renumbering of Act

‘14.30 In the first reprint of the Act produced under the *Reprints Act 1992*, section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used.’.

101. Schedule 1—

omit.

102. Schedule 2, heading—

omit, insert—

‘SCHEDULE’.

³ Footnote 2 also applies for these omissions.

SCHEDULE (continued)

103. Schedule—*insert—***‘Penalties**

‘15. Maximum penalties of not more than 40 penalty units for contraventions of the regulations.’.