



Queensland

Primary Industry Bodies Reform Amendment Act 2004

Act No. 41 of 2004



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Primary Industry Bodies Reform Amendment Act 2004

Act No. 41 of 2004

An Act to amend the *Primary Industry Bodies Reform Act 1999*

[Assented to 27 October 2004]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Primary Industry Bodies Reform Amendment Act 2004*.

2 Act amended

This Act amends the *Primary Industry Bodies Reform Act 1999*.

3 Replacement of s 43 (Meaning of *eligible grower* for sdiv 3)

Section 43—

omit, insert—

‘43 Meaning of *eligible grower* for sdiv 3

‘(1) In this subdivision, an *eligible grower* is a person who, from time to time, supplies sugar cane to a building or other structure that is equipped for the manufacture of sugar from sugar cane.

‘(2) In this section—

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 Queensland Sugar Limited ACN 090 152 211;
- (c) sugar the source of which was grown outside the State.

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

4 Replacement of s 46 (Change of trustee or termination of trust)

Section 46—

omit, insert—

‘46 Termination of trust by notice

- ‘(1) The required number of eligible growers may, by signed notice (a *termination notice*) to the trustee—
- (a) terminate the trust; and
 - (b) direct the trustee to—
 - (i) transfer all of the trust property to a stated corporation or corporations, absolutely; or
 - (ii) divide the trust property into stated parts and transfer each of the parts to a stated corporation or corporations, absolutely.
- ‘(2) However, a termination notice may be given only if—
- (a) it is signed by or for each stated corporation or corporations; and
 - (b) the constitution of the stated corporation or corporations—
 - (i) does not allow the stated corporation or corporations to act for the profit or gain of any individual eligible grower; and
 - (ii) does not prevent any eligible grower in the relevant area from applying to become a member of the stated corporation or corporations if the grower resides in the area.
- ‘(3) A termination notice may be made up of different documents to the same effect that, together, are signed by the required number eligible growers.
- ‘(4) For subsection (1)(b)(ii), a different corporation or corporations may be stated for each stated part of the trust property.
- ‘(4A) On the giving of a termination notice, any liability mentioned in section 45 and any liability of the replacement corporation

as trustee of the trust becomes a liability of the stated corporation or corporations.

‘(5) In this section—

relevant area means the part of the State that corresponds to the area of production of sugar cane that is, or is to be, the principal area of operation of the stated corporation or corporations.

required number, of eligible growers, means a number of eligible growers that is at least two thirds of all the eligible growers.

‘46A Obligation of replacement corporation to give notice of its proposed use of trust property

‘If a termination notice has not been given on or before 31 December 2004, the replacement corporation¹ must give each eligible grower a written notice stating how it proposes to use the trust property should, under section 46B, the trust property become its property.

‘46B Automatic termination of trust if termination notice not given by 30 June 2005 and s 46A has been complied with

‘(1) This section applies if a termination notice has not been given on or before 30 June 2005.

‘(2) On 1 July 2005—

- (a) the trust is terminated; and
- (b) all of the trust property is taken to have been transferred to the replacement corporation, absolutely; and
- (c) any liability mentioned in section 45 and any liability of the replacement corporation as trustee of the trust becomes a liability of the replacement corporation.

‘(3) However, if the replacement corporation has not complied with section 46A, subsection (2) only applies if—

¹ The replacement corporation is Queensland Cane Growers Organisation Limited A.C.N. 089 992 969.

- (a) the replacement corporation gives each eligible grower a notice mentioned in section 46A; and
- (b) no termination notice is given within 30 business days after the giving of the notice.

‘46C Obligation of replacement corporation to give copies of particular notices

- ‘(1) The replacement corporation must, as soon as practicable after the date of assent, give the Minister a copy of any notice given under old section 46(1).
- ‘(2) If the replacement corporation is given a termination notice it must give the Minister a copy as soon as practicable.
- ‘(3) If no termination notice has been given by 1 July 2005, the replacement corporation must, as soon as practicable, give the Minister written notice of that fact.
- ‘(4) If the replacement corporation gives a notice under section 46A or 46B(3) it must give the Minister a copy as soon as practicable.
- ‘(5) In this section—

date of assent means the date of assent of the *Primary Industry Bodies Reform Amendment Act 2004*.

old section 46(1) means section 46(1), as immediately in force before the date of assent.’.

5 Amendment of s 108 (Expiry)

Section 108, ‘30 June 2005’—

omit, insert—

‘31 December 2005’.

6 Amendment of schedule (Dictionary)

Schedule—

insert—

'termination notice see section 46(1).'