

Queensland



**PRIMARY INDUSTRIES
LEGISLATION AMENDMENT
ACT 2001**

Act No. 63 of 2001

Queensland



**PRIMARY INDUSTRIES LEGISLATION
AMENDMENT ACT 2001**

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Queensland



**Primary Industries Legislation Amendment
Act 2001**

Act No. 63 of 2001

An Act to amend legislation about primary industries

[Assented to 25 October 2001]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Primary Industries Legislation Amendment Act 2001*.

2 Commencement

Parts 3 and 9 and the schedule, amendments of the *Veterinary Surgeons Act 1936*, commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988

3 Act amended in pt 2

This part amends the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

4 Amendment of s 4 (Definitions)

(1) Section 4, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 4, definitions “**crop**”, “**disease**”, “**manufactured stock food**” and “**plant**”—

omit.

(3) Section 4—

insert—

‘**“animal”** has the meaning given by the Agvet Code.

“pest” has the meaning given by the Agvet Code.

“plant” has the meaning given by the Agvet Code.’.

(4) Section 4, definitions (as amended)—

relocate to schedule as inserted by this Act.

5 Amendment of s 8A (Use of registered chemical products in contravention of labels)

(1) Section 8A(1) to (3)—

omit, insert—

‘(1) Subject to section 8D, a person who uses a registered chemical product must use the product in a way stated in the instructions on the approved label for containers for the product.

Maximum penalty—40 penalty units.

‘(2) However, a person does not contravene subsection (1) if the person uses the product—

(a) in a way authorised by a permit or prescribed under a regulation;
or

(b) for an authorised veterinary purpose.’.

(2) Section 8A(4)—

renumber as section 8A(3).

6 Amendment of s 8D (Compliance with instructions)

(1) Section 8D(1)—

omit.

(2) Section 8D(5) to (7)—

omit, insert—

‘(5) A person does not contravene an instruction about using a chemical product to control a pest if the person uses the product to control another

pest, unless the instruction states the product must not be used to control the other pest.

‘(6) A person does not contravene an instruction about a method of using a chemical product if the method used by the person (the “**alternative method**”) is different from the instruction, unless the instruction states the alternative method must not be used.’

(3) Section 8D(2) to (8)—
renumber as section 8D(1) to (6).

7 Amendment to omit headings following cross references

(1) This section applies to a section containing a cross reference to a provision of an Act followed by a heading to the provision in round brackets.

(2) The section is amended by omitting the brackets and the words in the brackets.

PART 3—AMENDMENT OF CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976

8 Act amended in pt 3

This part amends the *Chicken Meat Industry Committee Act 1976*.

9 Amendment of s 17 (Finance)

Section 17(2)—
omit.

10 Omission of s 21 (Processors to notify committee of agreements)

Section 21—
omit.

11 Insertion of new pt 3A

After section 24—

insert—

‘PART 3A—REGISTRATION OF AGREEMENTS AND ANNUAL FEES***‘Division 1—Registration*****‘24A Committee to keep register**

‘The committee must keep a register of agreements.

‘24B Application for registration

‘(1) The processor under an agreement must apply to the committee for registration of the agreement within 30 days after entering into it.

Maximum penalty—10 penalty units.

‘(2) The application must be—

- (a) in the form approved by the committee; and
- (b) accompanied by the fee prescribed under a regulation.

‘24C Registration

‘The committee must—

- (a) register the agreement; and
- (b) give the applicant notice of the registration.

‘Division 2—Annual fees**‘24D Payment of annual fee**

‘(1) This section applies to an agreement in force on its anniversary day.

‘(2) Within 30 days after the anniversary day, the processor under the agreement must give to the committee—

- (a) a return in the form approved by the committee; and
- (b) the annual fee prescribed under a regulation.

Maximum penalty—10 penalty units.

‘(3) If the annual fee is not paid, the committee may recover it as a debt.

‘(4) In this section—

“**anniversary day**” means—

- (a) for an agreement in force immediately before the commencement—each anniversary of the commencement; or
- (b) for another agreement—each anniversary of the day the agreement was entered into.’.

12 Insertion of new pt 5

After section 26—

insert—

‘PART 5—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES LEGISLATION AMENDMENT ACT 2001

‘27 Registration of current agreements

‘Section 24B applies to the processor under an agreement in force immediately before the commencement of the section as if it were entered into on the commencement.

‘28 Expiry

‘This part expires 60 days after the commencement of the part.’.

PART 4—AMENDMENT OF GRAIN RESEARCH FOUNDATION ACT 1976

13 Act amended in pt 4

This part amends the *Grain Research Foundation Act 1976*.

14 Amendment of s 4 (Definitions)

(1) Section 4, definition “**the Association**”—

omit.

(2) Section 4—

insert—

‘**“association”** see section 7(1)(a).’.

15 Amendment of s 7 (Membership of the Foundation)

Section 7(1)(a), ‘the Association;’—

omit, insert—

‘the entity the chief executive considers is the peak industry body representing grain growers in the State’s grain industries (the **“association”**); and’.

PART 5—AMENDMENT OF MEAT INDUSTRY ACT 1993

16 Act amended in pt 5

This part amends the *Meat Industry Act 1993*.

17 Replacement of pt 7B hdg

Part 7B, heading—

omit, insert—

**‘PART 7B—ADMINISTRATION AND WINDING-UP OF
ABATTOIR CORPORATION’.**

18 Amendment of s 162H (Appointment of administrator)

Section 162H(3)(b), ‘section 146(2) or (3)’—

omit, insert—

‘section 146(2) or (3), or 162N(1)(c)’.

19 Amendment of s 162K (Additional functions of administrator)

Section 162K(1)—

insert—

‘(d) if the Minister directs the administrator to wind-up the abattoir corporation—

(i) to wind-up the abattoir corporation; and

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

20 Insertion of new ss 162L–162N

Part 7B, after section 162K—

insert—

‘162L Administrator’s powers

‘(1) The administrator has power to do all things necessary or convenient to be done for winding-up the abattoir corporation.

‘(2) Without limiting subsection (1), the administrator—

(a) has control of the abattoir corporation’s businesses, property and affairs; and

(b) may carry on the business and manage the property and affairs; and

(c) may terminate or dispose of all or part of the businesses; and

(d) may deal with, or dispose of, any of the property.

‘(3) To remove any doubt, it is declared that part 7 does not limit the administrator’s powers.

‘162M Completion of winding-up

‘(1) This section applies if the Minister directs the administrator to wind-up the abattoir corporation.

‘(2) On completion of the winding-up—

- (a) the net proceeds of the winding-up must be paid to the abattoir corporation; or
- (b) if there are no net proceeds but there are debts arising from the winding-up—the debts remain debts of the abattoir corporation.

‘(3) Within 14 days after completion of the winding-up, the administrator must give to the Minister—

- (a) a report on the winding-up; and
- (b) any other information or documents the Minister requests to fully explain the winding-up to the satisfaction of the Minister.

‘(4) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving it.

‘162N Dissolution of abattoir corporation

‘(1) On the dissolution day—

- (a) the net proceeds of the winding-up vest in the State or, if there are no net proceeds but there are debts arising from the winding-up, the debts become debts of the State; and
- (b) the abattoir corporation is dissolved; and
- (c) the administrator—
 - (i) ceases to hold office; and
 - (ii) is, in the absence of fraud or dishonesty, released from any further liability to account for the administration of the abattoir corporation’s affairs or the winding-up.

‘(2) In subsection (1)—

“**dissolution day**” means the day the Minister, by gazette notice, notifies as the dissolution day for this section.’.

21 Amendment of s 167 (Expiry of Act)

Section 167, ‘1 January 2002’—

omit, insert—

‘1 January 2003’.

22 Amendment to omit headings following cross references

(1) This section applies to a section containing a cross reference to a provision of an Act followed by a heading to the provision in round brackets.

(2) The section is amended by omitting the brackets and the words in the brackets.

**PART 6—AMENDMENT OF PLANT PROTECTION ACT
1989****23 Act amended in pt 6**

This part amends the *Plant Protection Act 1989*.

24 Amendment of s 3 (Definitions)

Section 3, definition “**acceptable assurance certificate**”—

omit, insert—

‘**“acceptable assurance certificate”** means—

- (a) an assurance certificate given by an accredited person in accordance with the conditions of the person’s accreditation; or
- (b) a certificate given under a corresponding law to part 4.’.

PART 7—AMENDMENT OF SUGAR INDUSTRY ACT 1999

25 Act amended in pt 7

This part amends the *Sugar Industry Act 1999*.

26 Amendment of s 234 (Appeal to Magistrates Court)

(1) Section 234(1)(b)—

omit, insert—

‘(b) a person who makes an application under chapter 2, part 1, division 2, and is dissatisfied with a decision made by a cane production board about the application that adversely affects the person’s interests;’.

(2) Section 234(9)—

omit, insert—

‘(9) In this section—

“**decision**” includes—

(a) an order; and

(b) for a cane production board’s decision—failure to make the decision.’.

PART 8—TIMBER UTILISATION AND MARKETING ACT 1987

27 Act amended in pt 8

This part amends the *Timber Utilisation and Marketing Act 1987*.

28 Amendment of s 6 (Interpretation)

Section 6(1), definition “**duty**”—

omit.

29 Amendment of s 38 (Powers of forest officers)

Section 38(2)—

omit, insert—

‘(2) In exercising a power or performing a function under subsection (1), a forest officer may remove, or cause to be removed, any of the following at the place for analysis or testing—

- (a) timber, including, for example, timber that is part of something else;
- (b) a preservative.’.

30 Amendment of s 40 (Forest officer may require name and address)

Section 40(c), ‘duties under this Act’—

omit, insert—

‘functions’.

31 Amendment of s 41 (Obstruction of forest officer etc.)

(1) Section 41(1), from ‘A person’ to ‘this Act;’, first mention—

omit, insert—

‘A person must not—

- (a) obstruct a forest officer in the exercise of the officer’s powers or performance of the officer’s functions, unless the person has a reasonable excuse;’.

(2) Section 41(1)(b), ‘duties under this Act’—

omit, insert—

‘functions’.

(3) Section 41(2), words after ‘forest officer’—

omit, insert—

‘in the exercise of the officer’s powers or the performance of the officer’s functions’.

(4) Section 41—

insert—

‘(4) In this section—

“**obstruct**” includes assault, hinder, insult, threaten and attempt to obstruct.’.

32 Amendment of s 44 (Offences)

Section 44(5)—

omit.

33 Insertion of new s 44A

After section 44—

insert—

‘44A Proceedings for offences

‘A proceeding for an offence against this Act must start—

- (a) within 1 year after the offence is committed; or
- (b) within 1 year after the commission of the offence comes to the complainant’s knowledge, but within 7 years after the commission of the offence.’.

PART 9—AMENDMENT OF VETERINARY SURGEONS ACT 1936

34 Act amended in pt 9

This part amends the *Veterinary Surgeons Act 1936*.

35 Amendment of title

Title, ‘**veterinary surgeons, and for purposes connected therewith**’—

omit, insert—

‘**veterinary science, and for other purposes**’.

36 Amendment of s 3 (Definitions)

(1) Section 3, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 3, definitions “**approved corporation**”, “**approved form**”, “**person**”, “**practice**”, “**president**”, “**registrar**”, “**veterinary centre**”, “**veterinary clinic**”, “**veterinary hospital**”, “**veterinary premises**” and “**veterinary surgery**”—

omit.

(3) Section 3—

insert—

‘ “**approved form**” means a form approved under section 36A.

“**chairperson**” means the chairperson of the board.

“**convicted**” means a finding of guilt, or the acceptance of a plea of guilt, by a court, whether or not a conviction is recorded.

“**elected member**” means a member of the board elected under section 8.

“**registrar**” means the registrar of the board.

“**veterinary premises**” means premises approved for use as veterinary premises under part 4A.’.

(4) Section 3, definitions “**animal nurse**” and “**veterinary specialty**”, ‘surgery’—

omit, insert—

‘science’.

(5) Section 3, definition “**board**”, ‘constituted’—
omit, insert—

‘established’.

(6) Section 3, definitions (as amended)—
relocate to schedule as inserted by this Act.

(7) Section 3—
renumber as section 2.

37 Insertion of new ss 2A and 3

After section 2 as renumbered by this Act—
insert—

‘2A Meaning of “veterinary science”

‘(1) “**Veterinary science**” means the science of veterinary surgery or veterinary medicine.

‘(2) “**Veterinary science**” includes the following—

- (a) diagnosing diseases in, and injuries to, animals, including, for example, testing animals for diagnostic purposes;
- (b) giving advice based on a diagnosis under paragraph (a);
- (c) medical or surgical treatment of animals;
- (d) performing surgical operations on animals;
- (e) administering anaesthetics to animals;
- (f) signing or issuing certificates relating to the description, health, diagnosis or treatment of animals.

‘(3) However, “**veterinary science**” does not include an act done for animal husbandry or animal dentistry prescribed under a regulation not to be veterinary science.

‘3 Mutual recognition legislation not affected

‘This Act does not affect the *Mutual Recognition (Queensland) Act 1992* or the *Trans-Tasman Mutual Recognition (Queensland) Act 1999*.’.

38 Replacement of s 4 (Constitution and composition of board, appointment and tenure of office of members)

Section 4—

omit, insert—

‘PART 2—VETERINARY SURGEONS BOARD OF QUEENSLAND***‘Division 1—Establishment and powers*****‘4 Establishment of board**

‘(1) The Veterinary Surgeons Board of Queensland is established.

‘(2) The board—

- (a) is a body corporate; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

‘4A Board’s relationship with the State

‘(1) The board—

- (a) represents the State; and
- (b) is part of the department for the *Financial Administration and Audit Act 1977*.

‘(2) Without limiting subsection (1)(a), the board has all the privileges and immunities of the State.

‘4B Powers of board

‘For performing its functions, the board has all the powers of an individual, and may, for example, do the following—

- (a) enter into contracts;
- (b) acquire, hold and dispose of property;
- (c) appoint agents and attorneys;
- (d) engage consultants;

- (e) charge for services and facilities it supplies;
- (f) do anything else necessary or convenient to be done for, or in connection with, the performance of its functions.

‘Division 2—Membership

‘4C Membership

‘(1) The board consists of the following members—

- (a) a senior officer of the department nominated by the Minister;
- (b) 2 persons elected under section 8;
- (c) 3 other persons nominated by the Minister.

‘(2) Each member mentioned in subsection (1)(a) or (b), and 2 of the members mentioned in subsection (1)(c), must be veterinary surgeons.

‘(3) Each member is to be appointed by the Governor in Council.

‘4D Chairperson and deputy chairperson

‘(1) The chairperson of the board is the member mentioned in section 4C(1)(a).

‘(2) The deputy chairperson of the board is the member appointed by the Minister as the deputy chairperson.

‘(3) The deputy chairperson must be a veterinary surgeon.

‘4E Qualifications for membership

‘A person is not qualified to be or to continue as a member if the person—

- (a) is an undischarged bankrupt or, as a debtor, takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) is convicted of an indictable offence, whether on indictment or summarily; or
- (c) is convicted of an offence against this Act; or

- (d) is incapable of performing the duties of a member because of physical or mental incapacity.

‘4F Vacation of office

‘(1) The office of a member becomes vacant if the member—

- (a) dies; or
- (b) resigns office by written notice given to the Minister; or
- (c) is absent without the board’s permission from 3 consecutive meetings of the board of which proper notice was given; or
- (d) ceases to be qualified to be a member.

‘(2) If the member is a veterinary surgeon, the member also ceases to hold office if the member ceases to be a veterinary surgeon.

‘4G Term of appointment

‘(1) A member, other than the chairperson, is to be appointed for a term of not more than 3 years.

‘(2) However, if at the end of the member’s term of appointment a person has not been appointed to replace the member, the member’s term does not end until—

- (a) the member has been reappointed; or
- (b) if the member is not reappointed—another person has been appointed to replace the member.’.

39 Amendment of s 5 (Board to be a body corporate)

(1) Section 5, heading—

omit, insert—

‘5 Filling vacancy in office of board member’.

(2) Section 5(1) and (2)—

omit.

(3) Section 5, heading before subsection (3)—

omit.

(4) Section 5(3) to (5)—
renumber as section 5(1) to (3).

40 Insertion of new pt 2, div 3 hdg

After section 6—
insert—

‘Division 3—Election of members’.

41 Omission of s 7 (Disqualifications from membership of board)

Section 7—
omit.

42 Replacement of ss 10 and 12

Sections 10 and 12—
omit, insert—

‘Division 4—Board business

‘10 Conduct of business

‘Subject to this Act, the board may conduct its business, including its meetings, in the way it considers appropriate.

‘11 Quorum

‘A quorum for a meeting of the board is 3 members.

‘12 Presiding at meetings

‘(1) The chairperson is to preside at all meetings of the board at which the chairperson is present.

‘(2) If the chairperson is absent from a board meeting, but the deputy chairperson is present, the deputy chairperson is to preside.

‘(3) If the chairperson and deputy chairperson are both absent from a board meeting or the offices are vacant, a member chosen by the members present is to preside.

‘12A Conduct of meetings

‘(1) A question at a board meeting is decided by a majority of the votes of the members present.

‘(2) Each member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(3) A member present at the meeting may abstain from voting.

‘(4) The board may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meeting.

Example of ‘technology allowing reasonably contemporaneous and continuous communication’—

Teleconferencing.

‘(5) A member who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

‘(6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—

- (a) a majority of the board members gives written agreement to the resolution; and
- (b) notice of the resolution is given under procedures approved by the board.

‘12B Minutes

‘(1) The board must keep—

- (a) minutes of its meetings; and
- (b) a record of any resolutions made under section 12A(6).

‘(2) Subsection (3) applies if a resolution is passed at a board meeting by a majority of the members present.

‘(3) If asked by a member who voted against the passing of the resolution, the board must ensure the minutes of the meeting record the member voted against the resolution.

‘12C Disclosure of interests

‘(1) This section applies to a board member if—

- (a) the member has an interest in a matter being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the member’s duties about the consideration of the matter.

‘(2) As soon as practicable after the relevant facts come to the member’s knowledge, the member must disclose the nature of the interest to a meeting of the board.

Maximum penalty—40 penalty units.

‘(3) Unless the board otherwise directs, the member must not—

- (a) be present when the board considers the matter; or
- (b) take part in a decision of the board about the matter.

Maximum penalty—40 penalty units.

‘(4) The member must not be present when the board is considering whether to give a direction under subsection (3).

Maximum penalty—40 penalty units.

‘(5) If there is another member who must, under subsection (2), also disclose an interest in the matter, the other person must not—

- (a) be present when the board is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

Maximum penalty—40 penalty units.

‘(6) If—

- (a) because of this section, a board member is not present at a board meeting for considering or deciding a matter, or for considering or deciding whether to give a direction under subsection (3); and
- (b) there would be a quorum if the member were present;

the remaining members present are a quorum of the board for considering or deciding the matter, or for considering or deciding whether to give the direction, at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in the board’s minutes.

‘(8) If the member is a veterinary surgeon, the member does not have a direct or indirect interest in a matter if the interest arises merely because the member is a veterinary surgeon.’.

43 Insertion of new pt 2, div 5 hdg

Before section 13—

insert—

‘Division 5—Other provisions about the board’.

44 Amendment of s 14 (Officers)

(1) Section 14(1)—

omit, insert—

‘(1) There is to be a registrar of the board.

‘(1A) The registrar is employed under the *Public Service Act 1996*.’.

(2) Section 14(1A) to (3)—

renumber as section 14(2) to (4).

45 Amendment of s 15E (Jurisdiction and decisions of tribunal)

Section 15E(1)—

insert—

‘(d) an appeal against a decision of the board—

- (i) to impose a condition, other than a condition mentioned in section 25G(2), on an approval given under section 25D; or
- (ii) to refuse an application under section 25E; or
- (iii) to amend, suspend or cancel an approval under section 25J(3).’.

46 Amendment of s 15F (Proceedings of tribunal)

Section 15F(3)—

omit, insert—

‘(3) In proceedings before the tribunal—

- (a) a lawyer or a member or officer of the board may appear for adducing evidence or assisting the tribunal; and
- (b) a party to the proceedings may be represented by a lawyer or other person unless the tribunal considers it appropriate in the interests of justice to direct otherwise.

‘(3A) In considering if it is appropriate to direct a party may not be represented by a lawyer or other person, the tribunal must have regard to—

- (a) the cost of representation and whether each party can afford to be represented; and
- (b) the potential for lengthening the proceedings if a party is not represented; and
- (c) whether the nature of the subject matter of the proceedings is practical as opposed to legal or technical.’

47 Insertion of new pt 4, div 1 hdg

Part 4, before section 18—

insert—

‘Division 1—Registration of veterinary surgeons and veterinary specialists, and approvals to practise veterinary science’.

48 Omission of s 18B (Approval of corporations)

Section 18B—

omit.

49 Amendment of s 19B (Registration for limited period)

Section 19B(2) and (3)—

omit, insert—

‘(2) The application must be—

- (a) in the approved form; and
- (b) accompanied by the fee prescribed under a regulation.

‘(3) The chairperson or an authorised member of the board may direct the registrar to register the person as a veterinary surgeon for not more than 30 days if satisfied the person is registered as a veterinary surgeon under a law of another State or New Zealand.

‘(4) The registrar must comply with the direction.

‘(5) If the person’s registration as a veterinary surgeon under a law of another State or New Zealand is suspended or cancelled—

- (a) the person’s registration under subsection (3) ceases to have effect on the day the registration is suspended or cancelled; and
- (b) the board must remove the person’s name from the register of veterinary surgeons.’.

50 Insertion of new pt 4, div 2 hdg

Part 4, after section 21—

insert—

‘Division 2—Matters about conduct of veterinary surgeons’.

51 Amendment of s 22F (Misconduct in a professional respect)

(1) Section 22F(b), (f) and (g)—

omit.

(2) Section 22F—

insert—

- ‘(m) directs or allows a person who is not a veterinary surgeon to practise veterinary science in relation to an animal under the veterinary surgeon’s care; or
- (n) holds out that a person who is not a veterinary surgeon may practise veterinary science; or
- (o) conducts a veterinary practice at premises other than veterinary premises; or
- (p) does not comply with a condition of an approval given under part 4A.’.

(3) Section 22F(c) to (p)—
renumber as section 22F(b) to (n).

52 Insertion of new pt 4, div 3 hdg

Part 4, after section 22G—
insert—

‘Division 3—Miscellaneous’.

53 Amendment of s 22H (Appeals)

Section 22H(3) and (3A)—
omit, insert—

‘(3) The procedure for an appeal to the District Court is to be in accordance with—

- (a) the rules of court applicable to the appeal; or
- (b) in the absence of relevant rules—directions of the court.’.

54 Insertion of new s 24A

Part 4, after section 24—
insert—

‘24A Use of title ‘doctor’

‘(1) This section applies to a person who is a veterinary surgeon using the title of doctor.

‘(2) The person does not commit an offence against the *Higher Education (General Provisions) Act 1993*, section 8(3),¹ so far as that subsection applies to the higher education award of the title of doctor, if the person uses the title followed by—

- (a) the person’s name; and

¹ *Higher Education (General Provisions) Act 1993*, section 8 (Limitation on conferring or using certain awards)

- (b) words, or an abbreviation of words, intended to indicate, and could be reasonably understood to indicate, that the person is a veterinary surgeon.

‘(3) In this section—

“title” includes description and status.’.

55 Replacement of ss 25–27

Sections 25 to 27—

omit, insert—

‘PART 4A—APPROVALS TO USE PREMISES AS VETERINARY PREMISES

‘Division 1—Preliminary

‘25 Definitions for pt 4A

‘In this part—

“disqualifying offence” means any of the following offences, for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has not expired or been revived—

- (a) an indictable offence, whether dealt with on indictment or summarily;
- (b) an offence against this Act;
- (c) an offence against the *Animals Protection Act 1925* relating to the care or protection of animals;
- (d) an offence against a law of the Commonwealth or another State if the act or omission that constitutes the offence would, if it happens in Queensland, be an offence mentioned in paragraph (c);
- (e) an offence relating to obtaining, administering, dispensing, prescribing or selling a drug or poison as prescribed under a regulation.

“information notice”, for a decision of the board, means a written notice stating—

- (a) the decision and the reasons for it; and
- (b) that the applicant may appeal against the decision to the tribunal; and
- (c) how to appeal.

‘Division 2—Obtaining approvals

‘25A Applying for approval

‘(1) A person may apply to the board for approval to use premises as veterinary premises.

‘(2) The application must be—

- (a) in the approved form; and
- (b) supported by enough information to enable the board to decide the application; and
- (c) accompanied by the fee prescribed under a regulation.

‘25B Additional information for application

‘The board may, by written notice given to the applicant, require the applicant to—

- (a) give the board a stated document or information relevant to the application; or
- (b) allow a member or officer of the board to inspect the premises, including, for example, fittings and equipment at the premises.

‘25C Deciding application

‘The board must consider the application and either grant or refuse it within 28 days after the last of the following events to happen—

- (a) the board receives the application;
- (b) the board receives all necessary information to decide the application;
- (c) if, under section 25B(a), the board requires a document or information—the board receives the document or information;

- (d) if, under section 25B(b), the board requires premises to be inspected—the premises are inspected under that section.

‘25D Grant of application

‘If the board decides to grant the application, it must, within 14 days after making the decision, give the applicant—

- (a) the approval; and
- (b) if the board decides to impose conditions on the approval, other than a condition mentioned in section 25G(2)—an information notice.

‘25E Refusal of application

‘If the board decides to refuse the application, it must, within 14 days after making the decision, give the applicant an information notice.

‘25F Criteria for decision

‘The board may refuse to grant the application only if satisfied—

- (a) the premises are not suitable for use as veterinary premises having regard to the standards prescribed or determined under section 29A for conducting veterinary premises;² or
- (b) a veterinary surgeon will not be practising veterinary science at the premises; or
- (c) if the applicant is an individual—the applicant has been convicted of a disqualifying offence; or
- (d) if the applicant is a corporation—any of the corporation’s executive officers has been convicted of a disqualifying offence.

2 A copy of the standards is available at the board’s offices at 80 Ann Street, Brisbane.

‘Division 3—Conditions**‘25G Conditions of approvals**

‘(1) The board may impose on the approval the reasonable conditions the board decides, including, for example, conditions about the following—

- (a) the equipment used or intended to be used at the premises;
- (b) hygiene practices, or the safe storage of drugs, at the premises;
- (c) the qualifications or skills required of a person working at the premises;
- (d) the number of staff employed at the premises;
- (e) the branches of veterinary science that may be practised at the premises.

‘(2) Without limiting subsection (1), the approval must state that the approval holder must allow a member or officer of the board to enter the premises stated in the approval to inspect the premises, including, for example, fittings, equipment or records at the premises, for compliance with the conditions of the approval.

‘(3) However, the member or officer may enter the premises only when the premises are open for carrying on business or otherwise open for entry.

‘Division 4—Amendment, suspension or cancellation of approvals**‘25H Amendment—grounds**

‘The board may amend an approval, including, for example, by adding a further condition to the approval—

- (a) with the written agreement of the approval holder; or
- (b) if the board believes the amendment is necessary or desirable to ensure the premises under the approval are suitable for use as veterinary premises and section 25J has been complied with.

‘25I Suspension or cancellation—grounds

‘The board may suspend or cancel the approval if it believes on reasonable grounds—

- (a) the approval was granted because of a materially false or misleading representation or document, made either orally or in writing; or
- (b) the premises are not suitable for use as veterinary premises having regard to the standards prescribed or determined under section 29A for conducting veterinary premises; or
- (c) a veterinary surgeon does not practise veterinary science at the premises; or
- (d) the holder of the approval has not complied with a condition of the approval; or
- (e) if—
 - (i) the holder is an individual—the holder has committed, or is committing, a disqualifying offence; or
 - (ii) the holder is a corporation—any of the corporation’s executive officers has committed, or is committing, a disqualifying offence.

‘25J Amendment, suspension or cancellation—procedure

‘(1) If the board proposes to amend, suspend or cancel an approval, the board must give the approval holder a written notice stating each of the following—

- (a) the action (the **“proposed action”**) the board proposes taking under this section;
- (b) the grounds for the proposed action;
- (c) the facts and circumstances that are the basis for the grounds;
- (d) if the proposed action is to amend the approval—the proposed amendment;
- (e) if the proposed action is suspension of the approval—the suspension period;
- (f) that the holder may make, within a stated period, written representations to show why the proposed action should not be taken.

‘(2) The stated period must end at least 28 days after the holder is given the notice.

‘(3) If, after considering all representations made within the stated period, the board still believes a ground exists to take the proposed action, the board may—

- (a) if the proposed action is to amend the approval—amend the approval; or
- (b) if the proposed action is to suspend the approval for a stated period—suspend the approval for no longer than the proposed suspension period; or
- (c) if the proposed action is to cancel the approval—cancel the approval or suspend it for a period.

‘(4) This section does not apply if the approval is amended under section 25H(a).

‘25K Notice of amendment, suspension or cancellation

‘(1) The board must, as soon as practicable after making a decision under section 25J(3), give the approval holder an information notice.

‘(2) The decision takes effect on—

- (a) the day the notice is given; or
- (b) if a later day is stated in the notice—the stated day.

‘PART 4B—OFFENCE PROVISIONS

‘25L Conducting veterinary practice

‘A person must not conduct a veterinary practice other than at veterinary premises.

Maximum penalty—40 penalty units.

‘25M Persons who must not practise veterinary science

‘(1) A person who is not a veterinary surgeon must not practise veterinary science.

Maximum penalty—40 penalty units.

‘(2) However, a person does not commit an offence against subsection (1) if—

- (a) the person practises veterinary science other than for fee or reward; or
- (b) the person—
 - (i) is undertaking a course of study, or a qualifying examination, in veterinary science approved by the board; and
 - (ii) practises veterinary science under the supervision of a veterinary surgeon.

‘25N Allowing or directing person who is not a veterinary surgeon to practise veterinary science

‘(1) A veterinary surgeon must not allow or direct another person who is not a veterinary surgeon to practise veterinary science in relation to an animal under the veterinary surgeon’s care.

Maximum penalty—40 penalty units.

‘(2) However, a veterinary surgeon does not commit an offence against subsection (1) if—

- (a) the other person is undertaking a course of study, or a qualifying examination, in veterinary science approved by the board; and
- (b) in practising veterinary science in relation to the animal, the other person acts under the supervision of the veterinary surgeon.

‘25O Directing veterinary surgeon to practise veterinary science

‘A person in control of veterinary premises must not direct a veterinary surgeon to practise veterinary science in a way that would be a ground for a charge against the veterinary surgeon alleging misconduct in a professional respect.

Maximum penalty—40 penalty units.

‘25P Claims about being a veterinary surgeon

‘(1) A person who is not a veterinary surgeon must not—

- (a) claim, or hold himself or herself out, to be a veterinary surgeon; or
- (b) allow himself or herself to be held out as a veterinary surgeon.

Maximum penalty—40 penalty units.

‘(2) A person must not hold out another person as a veterinary surgeon if the person knows or ought reasonably to know the other person is not a veterinary surgeon.

Maximum penalty—40 penalty units.

‘25Q Using titles etc.

‘(1) A person who is not a veterinary surgeon must not use—

- (a) a title that consists of, or includes, the words ‘veterinary surgeon’ or an abbreviation of the words; or
- (b) another title, name or initials suggesting, in the context in which the title, name or initials are used, that the person is a veterinary surgeon or is practising veterinary science.

Maximum penalty—40 penalty units.

‘(2) A person who is not a veterinary specialist must not use—

- (a) a title that consists of, or includes, the words ‘veterinary specialist’ or an abbreviation of the words; or
- (b) another title, name or initials suggesting, in the context in which the title, name or initials are used, that the person is a veterinary specialist.

Maximum penalty—40 penalty units.’.

56 Amendment of s 37 (Regulation-making power)

(1) Section 37(2)(a), ‘powers, duties and functions of the registrar, deputy registrar’—

omit, insert—

‘functions and powers of the registrar’.

(2) Section 37(2)(k), (ka), (kb) and (ob)—

omit.

(3) Section 37(2)(oa)—

omit, insert—

‘(oa)care of animals at veterinary premises;’.

(4) Section 37(2)(ea) to (t)—

renumber as section 37(2)(f) to (z).

57 Insertion of new pt 6

After section 37—

insert—

‘PART 6—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES LEGISLATION AMENDMENT ACT 2001

‘38 Continuation of board membership

‘(1) This section applies to a person who, immediately before the commencement of the section, is a member.

‘(2) The member—

- (a) continues in office; and
- (b) is taken to be appointed as a member under section 4C; and
- (c) holds office on the conditions not provided for by this Act that are decided by the Minister.

‘(3) Also, the member who, immediately before the commencement of this section, is the president of the board is taken to be the chairperson.

‘39 Continuing effect of approvals

‘(1) This section applies to an approval—

- (a) given under former section 25A; and
- (b) in force immediately before the commencement of this section.

‘(2) From the commencement—

- (a) the approval and any conditions of the approval have effect as if it were an approval given under part 4A; and

- (b) the approval is taken to be subject to a condition that the approval holder must allow a member or officer of the board to enter the premises stated in the approval to inspect the premises, including, for example, fittings, equipment or records at the premises, for compliance with the conditions of the approval.

‘(3) In this section—

“**former section 25A**” means section 25A as in force from time to time before its repeal by the *Primary Industries Legislation Amendment Act 2001*.’.

PART 10—MINOR AMENDMENTS AND REPEALS

58 Acts amended—schedule

The schedule amends the Acts it mentions.

59 Repeals

The following Acts are repealed—

- (a) *Dairy Adjustment Program Agreement Act 1976*;
- (b) *Dairy Adjustment Program Agreement Act 1977*;
- (c) *Wheat Marketing (Facilitation) Act 1989*.

SCHEDULE**MINOR AMENDMENTS**

section 58

**CHEMICAL USAGE (AGRICULTURAL AND
VETERINARY) CONTROL ACT 1988****1 After section 38—***insert—***‘SCHEDULE****‘DICTIONARY**

section 4’.

GRAIN RESEARCH FOUNDATION ACT 1976**2 Section 7(1)(a)(i), ‘research;’—***omit, insert—*

‘research; and’.

SCHEDULE (continued)

MEAT INDUSTRY ACT 1993**3 Section 2—**

omit.

4 Section 162K(1), ‘the following’—

omit, insert—

‘each of the following’.

PLANT PROTECTION ACT 1989**5 Section 6AA(2)(d), ‘sections 38 and 39’—**

omit, insert—

‘sections 25 and 26’.

SUGAR INDUSTRY ACT 1999**6 Section 4, ‘schedule 2’—**

omit, insert—

‘the schedule’.

7 Section 16(2), after ‘application if’—

insert—

‘it’.

SCHEDULE (continued)

TIMBER UTILISATION AND MARKETING ACT 1987**8 Section 6, heading—***omit, insert—***‘6 Definitions’.****9 Section 6(2), ‘(2) For the purposes of this Act’—***omit, insert—***‘7 Statements or representations about timber****‘For this Act’.****10 Section 6(3), ‘(3) A reference’—***omit, insert—***‘8 References to persons in relation to authorisations or brands****‘A reference’.****VETERINARY SURGEONS ACT 1936****11 Sections 18(1), 18A(1), 19C(1)(b), 19D, 19E(1) and (2)(b)(ii), 22C(1) and (3), 22D(1), (3), (5) and (6), 22F(c), 33C(1), 33D(1) and (3), and 37(2)(r), ‘veterinary surgery’—***omit, insert—***‘veterinary science’.****12 Section 6, heading, ‘President to be’—***omit, insert—***‘Chairperson is’.**

SCHEDULE (continued)

13 Section 6(1), ‘president shall be’—*omit, insert—*

‘chairperson is’.

14 Section 6(2), ‘shall be sufficiently authenticated if signed by the president’—*omit, insert—*

‘is sufficiently authenticated if signed by the chairperson’.

15 Section 8(1), ‘elective’—*omit, insert—*

‘elected’.

16 Section 18(1)(a)(iv), ‘State;’—*omit, insert—*

‘State; or’.

17 Sections 19A(1), 32(1), 33(1) and 33(1A), ‘president’—*omit, insert—*

‘chairperson’.

18 Section 29A, ‘constructed and equipped, and’—*omit, insert—*

‘equipped,’.

19 Section 31—*omit.*

SCHEDULE (continued)

20 After section 37—

insert—

‘SCHEDULE

‘DICTIONARY

section 2’.

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