

Queensland



**PRIMARY INDUSTRIES
LEGISLATION
AMENDMENT BILL 1998**

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TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	6
PART 2—AMENDMENT OF AGRICULTURAL STANDARDS ACT 1994		
2	Act amended in pt 2	6
3	Amendment of s 4 (Definitions)	6
4	Amendment of s 5 (Chief executive may make standards)	6
5	Amendment of s 12 (False or misleading representations about agricultural requirements)	7
6	Amendment of s 13 (Offence about prohibited materials, harmful ingredients etc.)	7
7	Amendment of s 14 (Offence about false or misleading representations about the use or non-use of hormonal growth promotants) .	7
8	Insertion of new s 14A	7
	14A False or misleading representations about stock	8
PART 3—AMENDMENT OF BRANDS ACT 1915		
9	Act amended in pt 3	8
10	Amendment of s 3 (Definitions)	8
11	Amendment of s 6A (Symbol brands)	9
12	Amendment of s 7 (Order of branding horses, camels and cattle)	9
13	Amendment of s 8 (Age numerals and stud and herd book references) ...	10
14	Amendment of s 9 (Distinctive brands)	11
15	Amendment of s 9A (Special brands)	11
16	Amendment of s 10 (Registration of sheep brands and marks)	11

Primary Industries Legislation Amendment

17	Amendment of s 14 (Distinguishing brand to be used by each public pound)	12
18	Replacement of s 35 (Transitional provision about forms)	12
	35 Transitional provision for Primary Industries Legislation Amendment Act 1998	12
PART 4—AMENDMENT OF CITY OF BRISBANE MARKET ACT 1960		
19	Act amended in pt 4	13
20	Amendment of s 29 (Carrying on business as a wholesaler other than in market prohibited)	13
PART 5—AMENDMENT OF FORESTRY ACT 1959		
21	Act amended in pt 5	13
22	Insertion of new pt 7A	13
PART 7A—COMPETITION POLICY REFORM EXEMPTIONS		
	69A Definitions for pt 7A	13
	69B Specific authorisation for allocation and sale of native forest sawlogs	14
	69C Specific authorisation for grant of permit to get native forest sawlogs	15
	69D Expiry of pt 7A	15
PART 6—AMENDMENT OF GRAIN INDUSTRY (RESTRUCTURING) ACT 1991		
23	Act amended in pt 6	15
24	Omission of schedule (Transitional provisions)	16
PART 7—AMENDMENT OF MEAT INDUSTRY ACT 1993		
25	Act amended in pt 7	16
26	Amendment of s 4 (Definitions)	16
27	Replacement of s 71 (Standards must be approved by regulation)	16
	71 Standard is subordinate legislation	16
28	Amendment of s 104 (Appeal to District Court on questions of law only)	16
29	Amendment of s 109 (Restraining orders)	17
30	Replacement of s 162 (Public Sector Management Commission Act 1990 not to apply)	17
	162 Public Service Act does not apply	17

Primary Industries Legislation Amendment

31	Replacement of pts 9 and 10	17
	PART 9—EXPIRY	
167	Expiry of Act	17

1998

A BILL

FOR

An Act to amend legislation about primary industries

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause 1. This Act may be cited as the *Primary Industries Legislation Amendment Act 1998*.

4

5

PART 2—AMENDMENT OF AGRICULTURAL STANDARDS ACT 1994

6

7

Act amended in pt 2

8

Clause 2. This part amends the *Agricultural Standards Act 1994*.

9

Amendment of s 4 (Definitions)

10

Clause 3. Section 4—

11

insert—

12

‘**“agriculture”** includes the sale of stock.

13

“stock” see *Stock Act 1915*, section 4.1’.

14

Amendment of s 5 (Chief executive may make standards)

15

Clause 4. Section 5(1)—

16

insert—

17

‘(f) selling stock.’.

18

¹ Under the *Stock Act 1915*, “stock” includes camels, cattle, deer, goats, horses, llamas, pigs, poultry and sheep.

	Amendment of s 12 (False or misleading representations about agricultural requirements)	1
		2
Clause	5. Section 12(1), penalty, ‘50’—	3
	<i>omit, insert—</i>	4
	‘100’.	5
	Amendment of s 13 (Offence about prohibited materials, harmful ingredients etc.)	6
		7
Clause	6. Section 13(2), penalty, ‘50’—	8
	<i>omit, insert—</i>	9
	‘100’.	10
	Amendment of s 14 (Offence about false or misleading representations about the use or non-use of hormonal growth promotants)	11
		12
		13
Clause	7.(1) Section 14(1), ‘an animal’—	14
	<i>omit, insert—</i>	15
	‘stock’.	16
	(2) Section 14(1), penalty, ‘50’—	17
	<i>omit, insert—</i>	18
	‘100’.	19
	(3) Section 14(2), ‘animal’—	20
	<i>omit, insert—</i>	21
	‘stock’.	22
	Insertion of new s 14A	23
Clause	8. After section 14—	24
	<i>insert—</i>	25

‘False or misleading representations about stock

‘14A.(1) A person must not, in trade or commerce, in connection with the sale of stock, make a representation about a prescribed matter for the stock the person knows is ‘false or misleading’ to the person’s knowledge, without specifying which.

Maximum penalty—100 penalty units.

‘(2) It is enough for a complaint for an offence against subsection (1) to state the representation made was ‘false or misleading’ to the person’s knowledge, without specifying which.

‘(3) In this section—

“prescribed matter” means—

- (a) the property from which the stock were sourced for the sale; or
- (b) the period the stock were held on the property; or
- (c) the accreditation of the property by an industry body for the stock; or
- (d) the treatment of the stock with, or other exposure of the stock to, a chemical or drug (other than a hormonal growth promotant); or
- (e) the feeding of the stock; or
- (f) another matter prescribed under a regulation.’.

PART 3—AMENDMENT OF BRANDS ACT 1915**Act amended in pt 3**

Clause **9.** This part amends the *Brands Act 1915*.

Amendment of s 3 (Definitions)

Clause **10.(1)** Section 3, definition **“sheep brand”**—
omit.

Primary Industries Legislation Amendment

	(2) Section 3—	1
	<i>insert—</i>	2
	‘ “sheep brand” ’ means—	3
	(a) a registered fire brand permanently impressed on the horn of a sheep or goat; or	4 5
	(b) a registered paint brand imprinted on the wool on any part of a sheep or goat.	6 7
	“twist” , of an animal, means the upper rear portion of the animal’s hind leg between the pin bone and the hock.’.	8 9
	(3) Section 3, definition “distinctive brand” , ‘cheek or’—	10
	<i>omit.</i>	11
	Amendment of s 6A (Symbol brands)	12
Clause	11. Section 6A(3) and (4)—	13
	<i>omit.</i>	14
	Amendment of s 7 (Order of branding horses, camels and cattle)	15
Clause	12.(1) Section 7, heading—	16
	<i>omit, insert—</i>	17
	‘Branding horses, camels and cattle’.	18
	(2) Section 7(1) to (8)—	19
	<i>omit, insert—</i>	20
	‘7.(1) Subject to section 9(3), ² a person may only imprint a brand on a horse or camel in the following positions—	21 22
	(a) quarter;	23
	(b) shoulder;	24
	(c) thigh.	25

² Section 9 (Distinctive brands)

Primary Industries Legislation Amendment

‘(2) Subject to section 9(3), a person may only imprint a brand on a head of cattle in the following positions—	1 2
(a) neck;	3
(b) rump;	4
(c) shoulder;	5
(d) thigh;	6
(e) twist.	7
‘(3) Subject to subsection (4)(a)(i), a person may imprint a brand on an animal at any angle.	8 9
‘(4) If a person imprints a brand in the same position as an existing brand, the person must—	10 11
(a) imprint the brand—	12
(i) at the same angle as the existing brand; and	13
(ii) exactly beneath the existing brand; and	14
(b) ensure the topmost extremity of the brand is at least 35 mm, and not more than 65 mm, beneath the lowest extremity of the existing brand.’.	15 16 17
(3) Section 7(9)—	18
<i>renumber</i> as subsection (5).	19
Amendment of s 8 (Age numerals and stud and herd book references)	20
Clause 13.(1) Section 8(2) and (2A)—	21
<i>omit, insert—</i>	22
‘(2) A person may only imprint a numeral or numerals—	23
(a) for a horse or head of cattle—in a position stated for the brand under section 7; or	24 25
(b) for a pig—in a position stated for the brand under section 11A(5). ³	26 27

³ Section 11A (Registration of pig brands)

Primary Industries Legislation Amendment

‘(2A) A person who imprints a numeral or numerals in the same position as an existing brand must—	1 2
(a) imprint the numeral or numerals—	3
(i) at the same angle as the existing brand; and	4
(ii) exactly beneath the existing brand; and	5
(b) ensure the topmost extremity of the numeral or numerals is at least 35 mm, and not more than 65 mm, beneath the lowest extremity of the existing brand.’.	6 7 8
(2) Section 8(4), ‘The provisions of subsections (2)(b)’—	9
<i>omit, insert—</i>	10
‘Subsections (2A)(b)’.	11
(3) Section 8—	12
<i>insert—</i>	13
‘(5) In this section—	14
“existing brand” on an animal means—	15
(a) the registered brand imprinted on the animal; or	16
(b) a numeral imprinted exactly beneath the registered brand imprinted on the animal.’.	17 18
Amendment of s 9 (Distinctive brands)	19
Clause 14. Section 9(3), ‘cheek or’—	20
<i>omit.</i>	21
Amendment of s 9A (Special brands)	22
Clause 15. Section 9A(4)—	23
<i>omit.</i>	24
Amendment of s 10 (Registration of sheep brands and marks)	25
Clause 16.(1) Section 10, heading—	26

Primary Industries Legislation Amendment

	<i>omit, insert—</i>	1
	‘Registration and position of sheep brands and marks’.	2
	(2) Section 10(3), heading—	3
	<i>omit.</i>	4
	(3) Section 10(3), ‘face or’—	5
	<i>omit.</i>	6
	Amendment of s 14 (Distinguishing brand to be used by each public pound)	7
		8
Clause	17. Section 14(2), from ‘on the positions’—	9
	<i>omit.</i>	10
	Replacement of s 35 (Transitional provision about forms)	11
Clause	18. Section 35—	12
	<i>omit, insert—</i>	13
	‘Transitional provision for Primary Industries Legislation Amendment Act 1998	14
		15
	‘35.(1) This section applies if, immediately before its commencement, a person held an authority under section 6A(3) or 9A(4) ⁴ to imprint a symbol or special brand on an animal.	16
		17
		18
	‘(2) On the commencement, the authority is taken to have effect to authorise the imprinting of a symbol or special brand on an animal only in a position stated under section 7. ⁵	19
		20
		21
	‘(3) Within 30 days after the commencement, the registrar must give to the person written notice stating the positions, under section 7, in which the person may imprint a symbol or special brand on an animal.	22
		23
		24
	‘(4) This section expires on 31 March 1999.’.	25

⁴ Section 6A (Symbol brands) or 9A (Special brands)

⁵ Section 7 (Branding horses, camels and cattle)

**PART 4—AMENDMENT OF CITY OF BRISBANE
MARKET ACT 1960**

	Act amended in pt 4	1 2
Clause	19. This part amends the <i>City of Brisbane Market Act 1960</i> .	3 4
	Amendment of s 29 (Carrying on business as a wholesaler other than in market prohibited)	5 6
Clause	20. Section 29— <i>insert—</i> '(5) This section expires on 31 August 1999.'	7 8 9

PART 5—AMENDMENT OF FORESTRY ACT 1959

	Act amended in pt 5	10 11
Clause	21. This part amends the <i>Forestry Act 1959</i> .	12
	Insertion of new pt 7A	13
Clause	22. After section 69— <i>insert—</i>	14 15
	‘PART 7A—COMPETITION POLICY REFORM EXEMPTIONS	16 17
	‘Definitions for pt 7A	18
	‘69A. In this part—	19
	“allocation holder” means a person who holds an allocation, under the native forest sawlog allocation system, for native forest sawlogs in an allocation zone.	20 21 22

Primary Industries Legislation Amendment

“allocation zone” means an allocation zone under the native forest sawlog allocation system.	1 2
“competition legislation” means the <i>Trade Practices Act 1974</i> (Cwlth), section 51(1)(b) ⁶ or section 51 ⁷ of the Competition Code of Queensland. ⁸	3 4 5
“native forest sawlog” means native hardwood or cypress timber for use for sawmilling.	6 7
“native forest sawlog allocation system” means the non-competitive system established by the corporation for the allocation and sale, under part 6, of native forest sawlogs.	8 9 10
“sales permit” means a permit granted under section 56 ⁹ for getting native forest sawlogs under the native forest sawlog allocation system.	11 12
‘Specific authorisation for allocation and sale of native forest sawlogs	13
‘69B. The following things are specifically authorised for the competition legislation—	14 15
(a) the allocation and sale of native forest sawlogs by the corporation under the native forest sawlog allocation system;	16 17
(b) the allocation of native forest sawlogs in an allocation zone to a person based on—	18 19
(i) the sustainable yield of sawlogs in the zone; and	20

⁶ *Trade Practices Act 1974* (Cwlth), section 51 (Exceptions)

⁷ Section 51 of the Competition Code of Queensland states that in deciding whether a person has contravened the Competition Code, Part IV, certain things must be disregarded. Section 51 of the Code provides that the following must be disregarded—

(a) ...

(b) anything done in a State, if the thing is specified in, and specifically authorised by:

- (i) an Act passed by the Parliament of that State; or
- (ii) regulations made under such an Act.

⁸ The Code applies as a law of Queensland under the *Competition Policy Reform (Queensland) Act 1996*, part 2.

⁹ Section 56 (Permits etc.)

Primary Industries Legislation Amendment

- (ii) the past performance of each allocation holder in getting
sawlogs in the zone. 1
2

‘Specific authorisation for grant of permit to get native forest sawlogs 3

‘69C.(1) The following things are specifically authorised for the
competition legislation— 4
5

- (a) the grant of a sales permit to a person; 6
(b) the imposition by the corporation of a permit condition on the
grant of a sales permit. 7
8

‘(2) In this section— 9

“permit condition”, for a sales permit, means a condition imposed on the
permit about any of the following— 10
11

- (a) the area to which the permit applies; 12
(b) the volume of native forest sawlogs the permittee may get under
the permit; 13
14
(c) the period in which the permittee may get the sawlogs; 15
(d) the minimum tree size a permittee may get under the permit; 16
(e) the prices payable under the permit by the permittee to the
corporation. 17
18

‘Expiry of pt 7A 19

‘69D. This part expires 1 year after it commences.’. 20

**PART 6—AMENDMENT OF GRAIN INDUSTRY
(RESTRUCTURING) ACT 1991** 21
22

Act amended in pt 6 23

Clause **23.** This part amends the *Grain Industry (Restructuring) Act 1991*. 24

	Omission of schedule (Transitional provisions)	1
Clause	24. Schedule—	2
	<i>omit.</i>	3
	 PART 7—AMENDMENT OF MEAT INDUSTRY ACT 1993	 4 5
	Act amended in pt 7	6
Clause	25. This part amends the <i>Meat Industry Act 1993</i> .	7
	Amendment of s 4 (Definitions)	8
Clause	26. Section 4—	9
	<i>insert—</i>	10
	‘ “chief meat officer” means the person appointed under this Act as the chief meat officer.’.	11 12
	Replacement of s 71 (Standards must be approved by regulation)	13
Clause	27. Section 71—	14
	<i>omit, insert—</i>	15
	‘Standard is subordinate legislation	16
	‘71. A standard is subordinate legislation.’.	17
	Amendment of s 104 (Appeal to District Court on questions of law only)	18 19
Clause	28. Section 104, ‘a District Court’—	20
	<i>omit, insert—</i>	21
	‘the District Court’.	22

	Amendment of s 109 (Restraining orders)	1
Clause	29. Section 109(1), ‘a District Court’—	2
	<i>omit, insert—</i>	3
	‘the District Court’.	4
	Replacement of s 162 (Public Sector Management Commission Act 1990 not to apply)	5
		6
Clause	30. Section 162—	7
	<i>omit, insert—</i>	8
	‘Public Service Act does not apply	9
	‘162. The <i>Public Service Act 1996</i> does not apply to the abattoir corporation or its employees.’.	10
		11
	Replacement of pts 9 and 10	12
Clause	31. Parts 9 and 10—	13
	<i>omit, insert—</i>	14
	‘PART 9—EXPIRY	15
	‘Expiry of Act	16
	‘167. This Act expires on 1 January 2001.’.	17
		18