

Queensland



SUGAR INDUSTRY ACT 1999

**Reprinted as in force on 1 January 2005
(includes commenced amendments up to 2004 Act No. 3)**

Reprint No. 3K revised edition

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- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

Queensland



SUGAR INDUSTRY ACT 1999

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SUGAR INDUSTRY ACT 1999

[as amended by all amendments that commenced on or before 1 January 2005]

An Act about the sugar industry in Queensland, and for other purposes

CHAPTER 1—PRELIMINARY

1 Short title

This Act may be cited as the *Sugar Industry Act 1999*.

2 Commencement

(1) Chapter 4, part 10 commences on 1 October 1999.

(2) The remaining provisions commence on 1 January 2000.

3 Principal object of Act

The principal object of the Act is to facilitate an internationally competitive, export oriented sugar industry based on sustainable production that benefits those involved in the industry and the wider community.

4 Definitions

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

5 Notes in text

A note in the text of this Act is part of the Act.

6 State bound

This Act binds all persons, including the State.

**CHAPTER 2—SUPPLY CONTRACTS AND CANE
ACCESS RIGHTS****PART 1—ARRANGEMENTS FOR SUPPLY
CONTRACTS FROM 1 JANUARY 2005 TO
31 DECEMBER 2005***Division 1—Cane supply is governed by supply contracts***7 Purpose of pt 1**

(1) The purpose of this part is to provide an interim system for cane supply and supply contracts in the crushing season for 2005 that will promote sound economic outcomes for the sugar industry and encourage changes necessary to make the industry viable in the long term.

(2) The purpose is to be achieved mainly by—

- (a) allowing growers the flexibility to be parties to individual contracts or collective contracts; and
- (b) providing a system of compulsory mediation and arbitration for disputes in negotiating supply contracts; and
- (c) preventing a small group of growers using the compulsory mediation and arbitration system to affect the supply contracts to which a larger group of growers are a party; and
- (d) enabling access, by growers, mill owners and interested third parties, to mediation and arbitration for disputes about the terms of supply contracts.

8 Definitions for pt 1

In this part—

“bargaining representative”, for a group of growers, means a person with the written authority of each grower who is a member of the group.

“eligible collective” see section 14.

“group of growers” see section 11(1).

“interested third party” means a person with a direct or indirect monetary interest in—

- (a) the supply by growers of cane to a mill; or
- (b) the milling of cane.

Examples—

1. a harvesting contractor who is engaged by a grower or mill owner to harvest cane
2. a producer of ethanol
3. a person who transports cane to a mill

“supply contract” means a written contract between a grower of cane and a mill owner that governs supply by the grower to the mill and the payment to the grower in return.

9 Supply contract

(1) A grower may supply cane to a mill for a crushing season only if the grower has a supply contract with the mill owner for the season.

(2) A supply contract may be for 1 or more than 1 crushing season.

(3) However, if a supply contract has been negotiated under the dispute resolution process mentioned in division 2, subdivision 1,¹ the supply contract ends, or is taken to end, on or before 31 December 2005.

(4) A supply contract may be either an individual contract or a collective contract.

(5) An interested third party may be a party to a supply contract between a mill owner and a grower.

(6) Each of the parties to a supply contract must sign the contract.

¹ Division 2 (Dispute resolution), subdivision 1 (Negotiating collective contracts)

(7) However, if a supply contract has been arbitrated under section 23,² the parties are not required to sign the supply contract.

10 Individual contract

An individual contract—

- (a) is a supply contract made directly between a grower and a mill owner; and
- (b) may be for all or part of the supply of cane grown by the grower.

11 Collective contract

(1) A collective contract is a supply contract made between 2 or more growers (a “**group of growers**”) and a mill owner.

(2) Each grower in a group of growers must sign the collective contract.

(3) A group of growers may appoint a bargaining representative to negotiate a collective contract on behalf of the group.

(4) There may be more than 1 collective contract in force at the same time for a mill.

(5) A grower may be a party to more than 1 collective contract.

12 Variation of supply contract

(1) The parties to a supply contract may, in writing, vary the contract.

(2) The varied supply contract is taken to be the supply contract for this part.

2 Section 23 (Arbitration)

Division 2—Dispute resolution***Subdivision 1—Negotiating collective contracts*****13 Application of sdiv 1**

This subdivision applies if—

- (a) a dispute arises during negotiations for a collective contract between an eligible collective and a mill owner who are the proposed parties to the collective contract; and
- (b) the eligible collective or mill owner wishes the dispute to be referred to mediation.

14 Meaning of “eligible collective”

An “**eligible collective**”, for a mill, means a group consisting of growers who sign an intention to contract under section 19 to supply to the mill in the crushing season for 2005 at least 75% of the average production of cane that was supplied to the mill in the crushing seasons for 2000 to 2004.

15 Scope of dispute resolution process

The proposed parties can not use the dispute resolution process under this subdivision to attempt to resolve disputes about—

- (a) applying a formula, commonly known as ‘the cane price formula’, to distribute between a mill owner and growers the payments mentioned in section 100(3)³ in relation to the sugar vested in QSL; or
- (b) exemptions under chapter 3, part 2;⁴ or
- (c) whether a person is a supplier.

3 Section 100 (Vesting of sugar in QSL)

4 Chapter 3 (Marketing), part 2 (Exemptions from vesting in QSL)

16 Dispute resolution process

The dispute resolution process under this subdivision that must be followed for resolving a dispute is a 2 stage process that involves—

- (a) mediation of the dispute; and
- (b) if the commissioner is satisfied the dispute has not been resolved by mediation—arbitration of the dispute.

17 When other grower may join dispute resolution process

A grower who did not supply cane to the mill in the crushing season for 2004 may, for the dispute resolution processes under this subdivision, act as a member of the eligible collective only if the mill owner agrees.

18 No final offer arbitration

(1) The parties can not use final offer arbitration or a process substantially the same as final offer arbitration.

(2) The parties to a dispute use “**final offer arbitration**” if, at the end of mediation—

- (a) each party to the mediation gives a written offer (a “**final offer**”) for resolving all issues to—
 - (i) the mediator appointed for the mediation; and
 - (ii) each other party to the dispute; and
- (b) the final offer states the basis on which the party is prepared to settle all issues that have not been agreed; and
- (c) an arbitrator appointed to resolve the dispute can make a decision only by choosing 1 of the offers; and
- (d) if only 1 final offer has been made—the arbitrator may accept the offer as the arbitrator’s decision.

19 Before dispute resolution process

Before an eligible collective for a mill or a mill owner can ask the commissioner to refer to mediation a dispute about a proposed collective contract, the eligible collective and the mill owner must enter into an intention to contract that complies with section 20.

20 Intention to contract

(1) For section 19, an intention to contract must state the amount of cane each member of the eligible collective for a mill intends to supply to the mill in the crushing season for 2005.

(2) A member of an eligible collective may be a party to more than 1 intention to contract.

(3) However, the total amount of cane that the member states the member intends to supply to all mills must not be greater than the amount of cane the member produces in the crushing season for 2005.

(4) Each member of the eligible collective and the mill owner must sign the intention to contract.

(5) The intention to contract must be lodged with the commissioner by the day prescribed under a regulation.

21 Effect of dispute resolution process

(1) If the commissioner is satisfied the dispute has been resolved by mediation under section 22, the eligible collective and the mill owner must, as soon as practicable after mediation ends, enter into a collective contract.

(2) If the dispute has been arbitrated under section 23, the parties to the intention to contract are bound by the collective contract made under arbitration.

22 Mediation

(1) A party to the dispute may ask the commissioner to refer the dispute to mediation.

(2) If the commissioner refers the dispute to mediation, the mediation must be conducted by—

- (a) a person agreed to by the parties; or
- (b) if the parties can not agree on a mediator—the commissioner or a person appointed by the commissioner.

(3) However, the commissioner may appoint a mediator only if the person has the qualifications or experience the commissioner considers appropriate to mediate the dispute.

(4) The parties must pay the mediator the costs of mediation in the proportions decided by the mediator.

(5) An amount of unpaid costs is a debt payable to the mediator.

(6) Nothing in this section affects any rights or remedies to which a party to the dispute may be entitled.

23 Arbitration

(1) If the commissioner is satisfied the dispute has not, under section 22, been resolved by mediation, the commissioner must refer the dispute to an arbitrator.

(2) The arbitrator must be—

- (a) a person agreed to by the parties; or
- (b) if the parties can not agree on an arbitrator—the commissioner or a person appointed by the commissioner.

(3) However, the commissioner may appoint an arbitrator only if the person has the qualifications or experience the commissioner considers appropriate to arbitrate the dispute.

(4) The *Commercial Arbitration Act 1990* applies to the arbitration.

(5) However, the arbitrator—

- (a) can not be ordered to pay the costs, or part of the costs, of the arbitration; and
- (b) may recover from the parties the costs of arbitration in the proportions decided by the arbitrator.

(6) An amount of unpaid costs is a debt payable to the arbitrator.

Subdivision 2—Existing supply contracts

24 Application of sdiv 2

This subdivision applies if a dispute arises between any or all of the parties to a supply contract about its terms.

25 Parties must use dispute resolution process stated in supply contract

- (1) A supply contract must state a process for dispute resolution.
- (2) Subject to section 26, the process may apply—
 - (a) sections 22 and 23;⁵ or
 - (b) another stated dispute resolution process.
- (3) The parties must attempt to resolve the dispute by using the process.

26 No final offer arbitration

(1) The parties can not use final offer arbitration or a process substantially the same as final offer arbitration.

(2) In this section—

“**final offer arbitration**” has the meaning given under section 18(2).⁶

*Division 3—Expiry and savings provisions***27 Expiry of pt 1**

This part expires on 31 December 2005.

28 Saving of operation of pt 1

This part is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A,⁷ applies.

5 Sections 22 (Mediation) and 23 (Arbitration)

6 Section 18 (No final offer arbitration)

7 *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

PART 4—CANE ACCESS, HARVESTING AND MILL SUPPLY

63 Access right to harvest and supply cane

(1) This part provides for the grant by a land-holder or the commissioner of 2 types of right (each an “**access right**”)—

- (a) a permit to pass; and
- (b) a cane railway easement.

(2) A permit (a “**permit to pass**”) may be granted to—

- (a) a grower to facilitate harvest of cane and supply to a mill; or
- (b) a mill owner to facilitate harvest of cane and supply of cane to any mill or between any mills or to service a cane railway easement.

(3) A permit to pass authorises the person to whom it is granted and a person acting on the person’s behalf to use another person’s land under the permit’s conditions.

(4) An easement (a “**cane railway easement**”) may be granted to a mill owner to facilitate harvest of cane and supply of cane to any mill or between any mills.

(5) A cane railway easement may be granted whether or not it is annexed to or used and enjoyed together with any other land.

(6) The grant of an access right is subject to the powers under the *Transport Infrastructure Act 1994* of the chief executive or a railway manager within the meaning of that Act.

64 Land-holder may grant an access right

A land-holder may grant an access right affecting the holder’s land under an agreement with a mill owner or a grower.

65 Commissioner may grant an access right

(1) This section applies if—

- (a) a person seeking an access right affecting land does not reach agreement with the land-holder for the grant, after reasonable negotiation or attempts to negotiate; and
- (b) the commissioner considers the grant necessary for a purpose mentioned in section 63(2) or (4) in relation to the person; and
- (c) the grant, if made, would not affect native title, or if it would, there is an indigenous land use agreement consenting to the grant.

(2) A person may make an application to the commissioner to be granted the access right.

(3) The applicant must give a copy of the application to—

- (a) every person the applicant knows will be entitled to claim compensation if the right is granted; and
- (b) anyone the commissioner directs should be given a copy.

(4) A person given a copy of the application is entitled to make written submissions to, and be heard by, the commissioner about the application.

(5) The commissioner may grant the application and may impose reasonable conditions on the grant.

Examples of conditions—

A condition that the mill owner or grower construct and maintain at or near the boundaries of the land cattle grids or other structures.

(6) However, the commissioner must not grant the application unless the commissioner is satisfied on reasonable grounds that the grant, if made, would not affect native title, or, if it would, there is an indigenous land use agreement consenting to the grant.

(7) In this section—

“indigenous land use agreement” means an indigenous land use agreement under the *Native Title Act 1993* of the Commonwealth registered on the register of indigenous land use agreements.

66 Notice of decision

The commissioner must, within 21 days after the decision, give the applicant an information notice of the decision under section 65 and, if the access right is granted, any person the commissioner considers may be entitled to claim compensation.

67 Grant of access right takes effect on registration

(1) For the grant of an access right by the holder of land to a mill owner or grower to take effect, a notice must be given to the commissioner.

(2) The notice must be—

- (a) in the approved form; and
- (b) signed by the mill owner or grower and the land-holder; and
- (c) accompanied by the fee required under a regulation.

(3) On receiving the notice, the commissioner must record particulars of the access right in the access rights register.

(4) The access right mentioned in subsection (3) then takes effect and not beforehand.

(5) If the commissioner grants an access right, the commissioner must record particulars of the access right in the access rights register.

(6) The access right mentioned in subsection (5) then takes effect and not beforehand.

68 Compensation on grant of access right

(1) Subject to subsection (6), if the commissioner or a land-holder grants an access right, the land-holder whose land is affected and the mill owner or grower to whom the access right is granted may agree on the amount of any compensation payable to the land-holder.

(2) If the land-holder and the mill owner or grower can not agree on the amount—

- (a) the holder or the mill owner or grower may apply to the Land Court to decide the amount; or
- (b) they may jointly apply to the commissioner to appoint a valuer to decide the amount.

(3) On an application under subsection (2)(a), the Land Court may decide the amount.

(4) On an application under subsection (2)(b), the following provisions apply—

- (a) the commissioner may appoint a valuer;

(b) the valuer may decide the amount;

(c) the valuer's decision is final.

(5) The costs of a valuation under subsection (4) are to be paid by—

(a) if the access right granted is a cane railway easement—the mill owner; or

(b) if the access right granted is a permit to pass—the holder of the permit to pass.

(6) The commissioner, in granting a permit to pass to a person, may order the person to pay to the land-holder whose land is affected by the permit 1 or both of the following—

(a) an amount, or amounts from time to time, towards the cost to the land-holder of the use of the permit;

(b) an amount as compensation for significant detriment to the land-holder's use of the land.

69 Access rights register

(1) The commissioner must keep a register called the access rights register.

(2) The commissioner must record in the register the following particulars of an access right—

(a) type;

(b) assigned number;

(c) date of registration;

(d) holder's name;

(e) names and addresses of the holders of the lands affected by the grant of the right;

(f) description of the lands affected;

(g) other particulars decided by the commissioner.

(3) The commissioner must record each access right in the order of granting.

(4) The record of an access right in the register is taken to be adequate notice to all persons of the access right's existence.

(5) The *Land Title Act 1994* is subject to subsection (4).

(6) If an access right is relinquished by its holder, the holder must immediately give notice of the relinquishment to the commissioner and to the land-holders recorded in the register for the right.

Maximum penalty—40 penalty units.

(7) On receiving the notice, the commissioner must record the relinquishment in the register.

(8) The register must be available for inspection at the office of the commissioner during the ordinary working hours of the office.

(9) A person may inspect a particular record in the register on payment of the fee required under a regulation.

70 Certificates

(1) In a proceeding, a certificate purporting to be signed by a person authorised by the commissioner stating any information recorded in the access rights register is evidence of the information stated.

(2) The certificate may be issued at any time on payment of the fee required under a regulation.

71 Noting of access right on other registers

(1) This section applies to the registrar of titles or other person who under an Act keeps a register of title to land that is the subject of an access right (“**registrar**”).

(2) A person to whom an access right is granted must give notice of the grant to the registrar of titles within 28 days after the access right is granted.

Maximum penalty—40 penalty units.

(3) A person to whom an access right is granted may give notice of the grant to any registrar other than the registrar of titles.

(4) On being given a notice under subsection (2) or (3), the registrar must enter in the register a note warning of the existence of the access right recorded in the access rights register.

(5) The note is not taken to be registration of the access right on the register.

72 Variation and cancellation of access right, dispute resolution and enforcement

(1) The land-holder whose land is affected by an access right and the holder of the access right may, by agreement, vary or cancel the access right or a condition on which it is held.

(2) If the access right is recorded or noted in a register kept under this or another Act by any person, notice by the parties to the variation or cancellation, produced with the documents the person requires, is enough authority for the person to vary the particulars of, or remove particulars of, the access right or condition from the register.

(3) Despite subsection (1) but subject to subsection (7), the commissioner may in special circumstances vary or cancel an access right, or a condition on which it is held, on application by—

- (a) the land-holder whose land is affected by the access right; or
- (b) the holder of the access right.

(4) A change in the use of the land affected by the access right is not in itself special circumstances for subsection (3).

(5) The commissioner may direct the applicant to give a copy of the application to any other person the commissioner considers may have an interest in the application.

(6) A person given a copy of the application under subsection (5) is entitled to make written submissions to, and be heard by, the commissioner about the application.

(7) A cane railway easement may be cancelled under subsection (3) only on the basis that it has not been used for at least 2 years.

(8) The commissioner must give an information notice of a decision under subsection (3), by public notice or otherwise, to anyone the commissioner considers may have an interest in the decision.

(9) The commissioner may mediate in disputes about the exercise of an access right.

(10) An access right, and any condition on which it is held, may be enforced by application to the Land Court.

(11) If an access right, or condition of an access right, is recorded or noted in a register kept under this or another Act by any person, written notification by the commissioner—

- (a) of a variation or cancellation of the right under subsection (3); and
- (b) that—
 - (i) no appeal has been properly lodged against the variation or cancellation; or
 - (ii) if an appeal has been lodged—the appeal has been dismissed;

produced with the documents the person requires, is enough authority for the person to vary the particulars of, or remove particulars of, the access right or condition from the register.

73 Compensation on cancellation or variation of access right

(1) If the commissioner cancels or varies an access right under section 72 on an application by a holder of the access right, section 68 applies in the same way it applies to the grant of an access right by the commissioner on the application of a mill owner or grower.

(2) If the commissioner cancels or varies an access right under section 72 on an application by the holder of the land affected by the right, the land-holder and the holder of the access right may agree on the amount of any compensation payable to the holder of the access right.

(3) If the land-holder and the holder of the access right can not agree on the amount—

- (a) the land-holder or the holder of the access right may apply to the Land Court to decide the amount; or
- (b) they may jointly apply to the commissioner to appoint a valuer to decide the amount.

(4) On an application under subsection (3)(a), the Land Court may decide the amount.

(5) On an application under subsection (3)(b), the following provisions apply—

- (a) the commissioner may appoint a valuer;
- (b) the valuer may decide the amount;
- (c) the valuer's decision is final.

(6) The cost of the valuation must be paid by the applicants subject to the following—

- (a) if the access right was held by the mill owner—the mill owner must pay the cost;
- (b) if the access right was held by a grower and the holder of the land affected is another grower—each grower must pay half the cost;
- (c) if the access right was held by a grower and the holder of the land affected by the right is neither a grower nor mill owner—the grower must pay the cost.

74 Rectification or reinstatement of land on cancellation or variation of access right

(1) This section applies if the commissioner cancels an access right affecting land or varies an access right in a way that excludes land affected by the right.

(2) The commissioner may give a written order to the person who is or was the holder of the right to carry out rectification or reinstatement of the land as directed by the commissioner.

(3) The commissioner must give a copy of the order to the holder of the land.

(4) The holder of the land may give a copy of the order to the registrar of the Supreme Court.

(5) The order may then be enforced as an order of the court.

75 Construction etc. of railways, obstruction of access right

(1) For supply of cane to a mill, a mill owner or a person authorised by the mill owner may—

- (a) construct, maintain, alter and use a railway or road, and carry out any other necessary works on—
 - (i) land of the mill owner or over which the mill owner holds an access right; or

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- (ii) subject to the *Local Government Act 1993*, section 919,⁸ a road for which the mill owner holds a permit under that section; or
 - (iii) subject to the *Transport Infrastructure Act 1994*, a State-controlled road for which the mill owner holds an approval under section 50⁹ of that Act; and
- (b) use on the railway or road vehicles or rolling stock and other machinery and equipment the mill owner may consider necessary.

(2) A person must not obstruct or attempt to obstruct the use of an access right or a right under subsection (1).

Maximum penalty—40 penalty units.

Example—

Removal or attempt to remove rail line used in connection with an access right.

(3) Without limiting subsection (2), a person may apply to a Magistrates Court for an order restraining anyone else from obstructing or attempting to obstruct the applicant's use of an access right or a right under subsection (1).

(4) The application must be made to the Magistrates Court sitting in the magistrates court district in which the obstruction or attempt is happening or anticipated.

(5) The court may make the order sought on the conditions it considers appropriate.

(6) A person who suffers loss or damage because another person obstructs or attempts to obstruct the person's use of the person's access right or right under subsection (1) may recover the amount of the loss or damage as a debt from the other person.

8 *Local Government Act 1993*, section 919 (Ancillary works and encroachments on roads)

9 *Transport Infrastructure Act 1994*, section 50 (Ancillary works and encroachments)

CHAPTER 3—MARKETING

PART 1—MARKETING OF SUGAR VESTED IN QSL

100 Vesting of sugar in QSL

(1) All sugar on manufacture becomes the absolute property of QSL free from all mortgages, charges, liens, pledges and trusts.

(2) However, the sugar does not become the property of QSL if the authority grants, under part 2, an exemption for the sugar.¹⁰

(3) Property divested from any person because of this section is changed to a right to receive payments under this Act.

(4) To the extent that a contract, agreement, security or other document, whether made before or after this Act, is contrary to this section, it is of no effect.

101 QSL to market and pay for vested sugar

(1) QSL must market the sugar vested in it.

(2) When QSL considers enough information is available for the purpose, QSL must calculate—

(a) the net value for each tonne of sugar included in each payment scheme; and

(b) the payments due to each mill owner.

(3) The payments must be made as provided under the relevant payment scheme.

(4) If QSL does not make a payment to a mill owner, the mill owner may recover the amount as a debt from QSL.

(5) QSL may recover as a debt from a mill owner any excess payments made to the mill owner.

¹⁰ See however sections 107Q(3) (Consequences), 107R(5)(b) (Annual return) and 107S(4)(b) (Authority may seek further documents or information).

102 Schemes for payment

(1) Payment to mill owners for sugar vested in QSL must be calculated and made—

- (a) under payment schemes; and
- (b) by reference to the raw sugar equivalent of sugar that each mill owner delivers to QSL that is the product of cane harvested in each crushing season and manufactured in the year of harvest and the next following year.

(2) QSL may establish as many payment schemes on as many bases as it considers appropriate, including, for example, schemes based on producer pricing or early season sugar production.

(3) Also, QSL may, as it considers appropriate, share out to each payment scheme—

- (a) revenue received by the corporation; and
- (b) the costs of QSL's operations.

(4) Without limiting the power under subsection (3), QSL may share out costs of QSL's operations over a particular period to a future period.

(5) QSL may amend a payment scheme.

(6) Before establishing or amending a payment scheme, QSL must consult with organisations representing mill owners and growers.

(7) QSL may consider anything relevant in establishing a payment scheme, including, for example, the following—

- (a) weight of sugar delivered by a mill owner to QSL;
- (b) quality of sugar delivered by a mill owner to QSL;
- (c) costs incurred by a mill owner in complying with directions under section 103;
- (d) anything else affecting the proceeds of sale by QSL of sugar delivered by a mill owner to QSL.

(8) For a payment scheme to take effect—

- (a) QSL must give notice of it to relevant mill owners; and
- (b) the relevant mill owners must give notice of it to relevant growers.

(9) Even though any part of the process of crushing cane and manufacturing sugar happens at a mill other than the mill (the “**agreement mill**”) where the cane is to be crushed or sugar manufactured under the conditions of the supply contract for the cane, for the purposes of payment to mill owners by QSL, the process is taken to have happened at the agreement mill.

103 Production of brands of raw sugar

(1) The object of this section is to facilitate the marketing of sugar vested in QSL.

(2) QSL may make arrangements with a mill owner under which the owner is to produce a particular brand of raw sugar in a particular period or amount.

(3) Despite subsection (2), QSL may give a direction to a mill owner requiring the owner to produce a particular brand of raw sugar in a particular period or amount.

(4) The following provisions apply to the direction—

- (a) the mill owner must comply with it;
- (b) QSL must pay to the mill owner the part of the amount of the owner’s costs in complying with it that is more than the amount of the costs the owner would otherwise incur in producing the industry standard brand of raw sugar;
- (c) if a mill owner does not comply with it, the owner must pay to QSL the amount of any loss or damage suffered by QSL because of the failure.

(5) An amount payable under subsection (4)(b) or (c) may be recovered as a debt.

(6) The dispute resolution process provided under a regulation must be followed if a dispute arises in relation to costs incurred by a mill owner because of the direction.

(7) The mill owner must inform the relevant growers of an arrangement made under subsection (2) or a direction given under subsection (3) as soon as practicable after it is made or given.

(8) However, a failure to comply with subsection (7) has no effect on the arrangement or direction.

(9) In this section—

“industry standard brand” of raw sugar is the brand of raw sugar stated under a regulation.

104 Directions about delivery etc.

(1) All sugar vested in QSL under section 100(1) must be delivered to QSL as directed under subsection (2).

(2) QSL may give directions it considers appropriate to mill owners or growers about—

- (a) how sugar vested in it must be kept before it is supplied to QSL; or
- (b) how sugar vested in it must be supplied to QSL, including—
 - (i) times, places and way of supply; or
 - (ii) delivery to places or persons or other action that will be treated as supply to QSL; or
- (c) the payment by the manufacturer of sugar of costs associated with its supply to QSL; or
- (d) the conditions on which QSL will accept sugar vested in it; or
- (e) information that must be given to QSL by any person concerned in the supply to, and acceptance by, QSL of sugar, and the form and way in which the information must be given; or
- (f) anything else for which directions are necessary to facilitate the discharge by QSL of its functions for sugar vested in it.

(3) A person who does not comply with a direction is liable for the amount of any loss or damage suffered by QSL because of the failure.

(4) The amount may be recovered by QSL as a debt.

(5) Subsection (3) does not limit the proceedings that may be taken against anyone for a contravention of a direction.

105 Sugar quality standards

(1) QSL may make a standard about how sugar quality is decided and affects amounts payable to a mill owner.

(2) The standard may—

- (a) apply generally to all persons and matters or be limited in its application to—
 - (i) particular persons or matters; or
 - (ii) particular classes of persons or matters; or
- (b) apply generally or be limited in its application by reference to stated exceptions or factors.

(3) The standard may include, for example—

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

(4) For a standard to take effect—

- (a) QSL must give notice of it to the mill owner; and
- (b) the mill owner must give notice of it to the relevant growers.

(5) QSL may notify the standard in a way it considers appropriate, including, for example, in a way that preserves its commercial confidentiality.

106 QSL's operating costs

(1) From the proceeds received by it from the sale of sugar vested in it under section 100, QSL must provide for—

- (a) all costs of the sale of the sugar; and
- (b) all costs of QSL in the discharge of its statutory functions, including the budgets of the authority and the commissioner and other amounts stated as costs in QSL's budget; and
- (c) payments to accounts established under subsection (2).

(2) QSL may keep in its accounts the provisions QSL considers appropriate to fund its operation or to provide for its contingent or future liabilities.

(3) Without limiting subsection (2), QSL may keep provisions in its accounts for the sharing out of its costs for a particular period to a future period.

107 Exemption of sugar for local consumption

(1) A mill owner need not deliver to QSL a quantity of sugar manufactured at the mill (“**local consumption exempt sugar**”) but may instead retain local consumption exempt sugar for local consumption or sell local consumption exempt sugar to another mill owner to be retained for local consumption.

(2) Local consumption exempt sugar—

- (a) must not be more than .25% of the total quantity of the sugar vested in QSL under section 100; and
- (b) is divested from QSL.

(3) Despite subsection (1), a mill owner (the “**first owner**”) may arrange with the owner of another mill to manufacture sugar at the other mill that is to be all or part of the first owner’s local consumption exempt sugar.

(4) Sugar mentioned in subsection (3) is to be treated under subsection (1) as if it were manufactured at the first owner’s mill.

(5) QSL, by notice given to the mill owner, may impose conditions on the retention or sale of local consumption exempt sugar, including, for example, the way the total quantity of sugar vested in QSL is to be calculated for subsection (1).

(6) A mill owner may only sell local consumption exempt sugar—

- (a) to growers and workers connected with the mill; and
- (b) in quantities not less than 15 kg at any one time; and
- (c) on any conditions that may be imposed under subsection (5).

(7) A mill owner must give written notice to QSL as required by QSL of an amount of local consumption exempt sugar sold by the owner.

Maximum penalty—40 penalty units.

(8) A mill owner who sells local consumption exempt sugar must keep at the mill, and allow to be inspected at any time, on reasonable request to the owner by a person authorised to do so by QSL, a record of each sale, including the quantity and the purchaser’s name.

Maximum penalty for subsection (8)—40 penalty units.

PART 2—EXEMPTIONS FROM VESTING IN QSL

Division 1—Preliminary

107A Definitions for pt 2

In this part—

“amendment”, of an exemption, means an amendment of the following details stated in the exemption certificate—

- (a) the exemption’s on-user; or
- (b) the exemption’s exempt use of the sugar.

“annual return” means an annual return given under section 107R.

“applicant”, for an exemption or amendment of an exemption, means a supplier who applies for the exemption or amendment of the exemption.

“exemption” means a grant from the authority to exempt the sugar manufactured from a supplier’s sugar cane from becoming, under section 100, the property of QSL.

“exemption application” means an application for an exemption.

“exemption certificate” means a certificate given under section 107L(1).

“exemption certificate details” see section 107M(2).

“exemption conditions” see section 107J.

“exempt sugar”, for an exemption, means sugar for which the exemption has been granted.

“exempt use” see section 107B.

“late exemption application” see section 107E(4).

“on-user” means a person who has a contract, arrangement or understanding with an applicant for the use of the applicant’s sugar for an exempt use.

“periodic estimate” see section 107C(2).

“periodic estimate day” see section 107C(3).

“use”, for exempt sugar, does not include storing the sugar other than incidentally to another use that is an exempt use.

107B Meaning of “exempt use”

An “**exempt use**”, for sugar, means sugar that is intended to have any of the following uses—

- (a) to be used for the manufacture of an alternative product;

Example of an alternative product—

ethanol

- (b) to be exported in bags (but not bulk);
- (c) a use similar to a use mentioned in paragraphs (a) and (b).

Division 2—Periodic estimates**107C Information given to authority**

(1) This section applies, in each year, to a supplier who applies, or intends to apply, or holds an exemption for the year’s crushing season.

(2) The supplier must give the authority the following information (a “**periodic estimate**”)—

- (a) an estimate of the supplier’s total production of sugar for the year’s crushing season;
- (b) an estimate of the amount of the sugar mentioned in paragraph (a) for which the supplier intends to make an exemption application.

(3) The periodic estimate must be given to the authority on or before each of the following days for the year (a “**periodic estimate day**”)—

- (a) 31 March;
- (b) 31 May;
- (c) 31 July.

(4) If the supplier does not give the authority each periodic estimate for the year, the supplier must not be granted an exemption for the year’s crushing season.

107D Information authority gives QSL

(1) The authority must, within 7 days after each periodic estimate day, give QSL the following information—

- (a) the name of the supplier;
- (b) an estimate of the amount of the supplier's sugar that will, under section 100,¹¹ become the property of QSL.

(2) The authority must not give QSL any periodic estimate given to the authority under section 107C.

Division 3—Obtaining exemption certificate***Subdivision 1—Exemption applications*****107E Applying for exemption**

(1) A supplier may make an exemption application to the authority.

(2) The application must be made—

- (a) within a year's crushing season; and
- (b) on or before 16 September in the year.

(3) However, an exemption application may, for a year's crushing season, be made after 16 September in the year only if the application—

- (a) is made within the year's crushing season; and
- (b) is an application for which the maximum amount of sugar to be exempted is 5 000 tonnes.

(4) An exemption application made under subsection (3) is called a **“late exemption application”**.

107F Requirements for application

An exemption application must—

- (a) state the following—

11 Section 100 (Vesting of sugar in QSL)

- (i) the applicant's name and address;
 - (ii) the period of the exemption;
 - (iii) the proposed use of the sugar;
 - (iv) the amount of sugar to be exempted; and
- (b) be accompanied by—
- (i) evidence that the applicant is the supplier of the sugar to be exempted; and
 - (ii) the reasonable fee fixed by the authority for deciding the application that is no more than its actual costs of deciding the application; and
 - (iii) for a late exemption application—a document to show the applicant's contract, arrangement or understanding with the on-user.

107G Authority may seek further documents or information

(1) This section applies if a supplier makes a late exemption application.

(2) The authority may, after the application has been made, give the applicant a notice requiring the applicant—

- (a) to give the authority a stated document or information relevant to the application; or
- (b) to verify the correctness of the document or information by statutory declaration.

(3) However, the notice may be given only within 15 business days after the authority receives the application.

(4) The application is taken to be withdrawn if, within the stated period in the notice, the applicant does not comply with a requirement under subsection (2).

Subdivision 2—Deciding exemption application**107H Decision on exemption application**

(1) Subject to section 107C(4),¹² the authority must, within 7 days after the last of the following events to happen, consider and decide either to grant, grant on conditions¹³ or refuse each exemption application—

- (a) the making of the application;
- (b) if the authority has, under section 107G, required the applicant to give a document or information—the giving of the required document or information.

(2) If the authority does not make a decision within 7 days after the event stated in subsection (1) happens—

- (a) the exemption application is taken to be granted 7 days after the event happens; and
- (b) the authority must, under section 107L,¹⁴ give the applicant a signed exemption certificate.

107I Criteria for decision

(1) Subject to section 107C(4), the authority must grant an exemption application if satisfied—

- (a) the applicant is the supplier of the sugar to be exempted; and
- (b) the proposed use of the sugar to be exempted under the application is an exempt use.

(2) If the authority is not satisfied as mentioned in subsection (1), it must refuse the application.

107J Exemption conditions

The authority may, in granting a late exemption application, impose conditions on the exemption the authority considers necessary or desirable

12 Section 107C (Information given to authority)

13 See section 107J (Exemption conditions).

14 Section 107L (Grant of exemption application)

to ensure the exempt sugar under the application is used only for an exempt use (“**exemption conditions**”).

107K Period of exemption

(1) An exemption application may be granted for 1 or more than 1 crushing season.

(2) If the authority decides to grant an exemption application, the exemption remains in force for the period—

- (a) commencing on the day when the authority makes its decision; and
- (b) ending on the last day of the period of the exemption.

Subdivision 3—Action after decision on exemption application

107L Grant of exemption application

(1) If an exemption application is granted, the authority must as soon as practicable give the applicant a signed exemption certificate.

(2) The exemption certificate must state the following—

- (a) the applicant’s name and address;
- (b) the period of the exemption;
- (c) the amount of sugar exempted.

(3) However, if the exemption application granted is a late exemption application, the exemption certificate must also state—

- (a) the on-user’s name and address; and
- (b) any other information the authority considers appropriate.

107M Exempt use on copy of exemption certificate

(1) The authority must—

- (a) keep a copy of the exemption certificate; and
- (b) state on the copy—
 - (i) the exempt use of the sugar; and

(ii) any other information the authority considers appropriate.

(2) The information recorded, under section 107L, on the exemption certificate and, under this section, on the copy of the certificate is the applicant's "**exemption certificate details**".

107N Information authority gives QSL

(1) The authority must, for each supplier granted an exemption application for a year's crushing season, give QSL the following information—

- (a) the name of the supplier;
- (b) the amount of the supplier's sugar that will, under section 100, become the property of QSL.

(2) The information mentioned in subsection (1) must be given—

- (a) on or before 30 September in the year; or
- (b) for a late exemption application—within 2 weeks after the exemption application is made; or
- (c) if the authority requires, under section 107G(2),¹⁵ the supplier to give the authority a stated document or information—after the supplier gives the authority the document or information.

107O Notice of refusal of exemption application

The authority must, as soon as practicable after making a decision as follows about an exemption application, give the applicant an information notice about the decision—

- (a) a decision to refuse the application;
- (b) a decision to impose an exemption condition.

15 Section 107G (Authority may seek further documents or information)

*Division 4—Procedure for amendment of exemption***107P Application for amendment of exemption**

(1) A supplier may at any time apply to the authority for an amendment of the supplier's exemption.

(2) The application for amendment must—

(a) state each of the following—

- (i) the applicant's name and address;
- (ii) if the proposed use of the sugar (the **“new use”**) is different from the exempt use stated on the applicant's exemption certificate—the new use;
- (iii) if the period of exemption for which the applicant is applying (the **“new period of exemption”**) is different from the period of exemption stated on the applicant's exemption certificate—the new period of exemption; and

(b) be accompanied by the reasonable fee fixed by the authority for deciding the application that is no more than its actual costs of deciding the application.

(3) However, if the supplier's exemption was for a late exemption application, the application for amendment must also—

(a) if the on-user (the **“new on-user”**) is different from the on-user stated on the applicant's exemption certificate—state the new on-user's name and address; and

(b) be accompanied by—

- (i) if there is a new on-user—a document to show the applicant's contract, arrangement or understanding with the new on-user; and
- (ii) if there is a new proposed use—a document to show the new proposed use.

(4) Sections sections 107G to 107M and 107O apply to the application for an amendment of the exemption as if it were an exemption application, subject to the following—

(a) section 107G(1) applies as if 'a late exemption application' were replaced by 'an application for amendment to the supplier's

exemption and the exemption was for a late exemption application’;

(b) section 107J applies as if ‘a late exemption application’ were replaced by ‘an application for amendment to the supplier’s exemption if the exemption was for a late exemption application’;

(c) section 107L(3) applies as if ‘exemption application granted is a late exemption application’ were replaced by ‘an application for amendment to the supplier’s exemption is granted and the exemption was for a late exemption application’.

(5) If the applicant is granted an amendment of the applicant’s exemption—

(a) the exemption the applicant held before the granting of the amendment of the exemption lapses; and

(b) the exemption that is amended under this section is taken to be the exemption for this part.

Division 5—Consequences of improper use of exempt sugar by exemption holder or on-user

107Q Consequences

(1) This section applies to a person who is a holder of an exemption or an on-user for an exemption if the person uses the exemption’s exempt sugar other than—

(a) for the exempt use stated for the sugar in the exemption; or

(b) if the person has a contract with QSL for the use of the sugar—for the use decided by QSL.

(2) The exemption is taken never to have had any effect.

(3) Without limiting subsection (2), section 100(1)¹⁶ applies as if the exemption had never been granted.¹⁷

16 Section 100 (Vesting of sugar in QSL)

17 See also section 107V (Improper use of exempt sugar).

Division 6—Annual returns**107R Annual return**

(1) This section applies to a supplier who is the holder of an exemption.

(2) The supplier must, on or before 31 January in the year after each year's crushing season for which the supplier holds the exemption, give the authority an annual return that complies with subsection (3), unless the supplier has a reasonable excuse.

Maximum penalty—3 000 penalty units.

(3) An annual return must include the following information and documents about the exemption's exempt sugar—

- (a) if any of the sugar has been used for an exempt use—the amount of sugar used; and
- (b) if any of the sugar is in storage—the amount of sugar in storage; and
- (c) evidence that the sugar was used for the exempt use or is in storage.

Maximum penalty—3 000 penalty units.

(4) However, if the supplier has been granted a late exemption application, the supplier is not required to give the authority an annual return for the exemption's exempt sugar.

(5) If the supplier does not comply with subsection (2)—

- (a) the exemption is taken never to have had any effect; and
- (b) without limiting paragraph (a), section 100(1)¹⁸ applies as if the exemption had never been granted.

107S Authority may seek further documents or information

(1) The authority may, after a supplier's annual return has been given, give the supplier a notice requiring the supplier—

- (a) to give the authority a stated document or information relevant to the annual return; or

18 Section 100 (Vesting of sugar in QSL)

- (b) to verify the correctness of the document or information by statutory declaration.

(2) However, the notice may, for the year's crushing season for which the supplier holds the exemption, be given only within 15 business days after 31 January in the following year.

(3) The supplier must, within 15 business days after the authority gives the notice, comply with the notice, unless the supplier has a reasonable excuse.

Maximum penalty—3 000 penalty units.

(4) If the supplier does not comply with subsection (3)—

- (a) the exemption is taken never to have had any effect; and
(b) without limiting paragraph (a), section 100(1)¹⁹ applies as if the exemption had never been granted.

Division 7—Application of Freedom of Information Act 1992

107T Exempt matter

A document held, under this part, by the authority in connection with the following is exempt matter under the *Freedom of Information Act 1992*—

- (a) the giving of periodic estimates;
(b) the making or granting of exemption applications;
(c) the giving of annual returns.

Division 8—Prohibited conduct

107U False or misleading application

(1) A person must not make an application as follows containing information the person knows is false or misleading in a material particular—

- (a) an exemption application;

19 Section 100 (Vesting of sugar in QSL)

(b) an application for amendment of an exemption.

Maximum penalty—3 000 penalty units.

(2) Section 252²⁰ does not apply to an application mentioned in subsection (1).

107V Improper use of exempt sugar

A person must not use exempt sugar under an exemption for a use other than each of the following—

- (a) for the exempt use stated for the sugar in the exemption;
- (b) if the person has a contract with QSL for the use of the exempt sugar under the exemption—for the use decided by QSL.

Maximum penalty—3 000 penalty units.

107W False or misleading periodic estimate and annual return

(1) A person must not give the authority a periodic estimate or annual return containing information the person knows is false or misleading in a material particular.

Maximum penalty—3 000 penalty units.

(2) Section 252²¹ does not apply to a periodic estimate or annual return mentioned in subsection (1).

107X Executive officers must ensure corporation complies with div 8

(1) The executive officers of a corporation must ensure the corporation complies with this division.

(2) If a corporation commits an offence against a provision of this division, each of its executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty—the penalty for the contravention of the provision by an individual.

20 Section 252 (Offence to make false statement in application or submission)

21 Section 252 (Offence to make false statement in application or submission)

(3) Evidence that the corporation has been convicted of an offence against a provision of this division is evidence that each of its executive officers committed the offence of failing to ensure the corporation complies with the provision.

(4) However, it is a defence for an executive officer to prove that—

- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

(5) It is also a defence in a proceeding against an executive officer for the officer to prove information that tended to incriminate the corporation was obtained under a direction or requirement under this part.

CHAPTER 4—ADMINISTRATION

PART 1—MINISTER'S POWERS

108 Minister may establish advisory bodies

The Minister may establish an advisory committee or other body to help the Minister in the administration of this Act.

109 Reports to Minister

(1) This section applies to the following entities—

- (b) the authority;
- (c) the commissioner.

(2) If the Minister asks, the entity must give the Minister a report about anything specified by the Minister about the discharge by it of functions under this Act or to its activities.

(3) If the Minister specifies a period of time within which a report is to be given, the report must be given within the period.

110 Minister's directions

- (1) This section applies to the following entities—
- (b) the authority;
 - (c) the commissioner.
- (2) The Minister may give written directions to the entity about the discharge of its functions.
- (3) The entity must comply with the directions.
- (4) The Minister may give a direction only if the Minister—
- (a) is satisfied the direction is necessary to ensure the discharge by the entity of its functions does not conflict with major government policies; and
 - (b) has informed the entity in writing that a direction is under consideration and given it an adequate opportunity to discuss with the Minister the need for the direction.
- (5) The Minister must cause a copy of the direction to be tabled in the Legislative Assembly within 14 sitting days after giving the direction.
- (6) This section does not apply to directions the Minister is authorised to give about matters under another provision of this Act or any other Act.

111 Minister's directions in entities' annual report

- (1) This section applies to the following entities—
- (b) the authority;
 - (c) the commissioner.
- (2) The entity must include in each annual report prepared by it under the *Financial Administration and Audit Act 1977*, section 46J,²² a report of any direction given to it by the Minister during the financial year for which the report is prepared.

²² *Financial Administration and Audit Act 1977*, section 46J (Annual report)

112 Review of sugar vesting scheme

(1) The Minister must appoint a person to review the effectiveness of, and the need for the continuation, alteration or abolition of, the sugar vesting scheme established under chapter 3.

(2) The review must be started—

- (a) not later than 1 December 2006; or
- (b) if QSL asks for the review to be started on an earlier date—on the earlier date.

(3) The review must be completed not later than 31 December 2007.

PART 3—QUEENSLAND SUGAR LIMITED**119 QSL does not represent the State**

(1) QSL does not represent the State.²³

(2) QSL can not make the State liable for the debts and obligations of QSL or any other person.

120 Application and non-application of certain Acts

(1) To remove doubt, it is declared that—

- (a) QSL is not a statutory body for—
 - (i) the *Financial Administration and Audit Act 1977*; and
 - (ii) the *Statutory Bodies Financial Arrangements Act 1982*; and
- (b) QSL is not a unit of public administration under the *Crime and Misconduct Act 2001*.

(2) However, in relation to the performance of its statutory functions or the exercise of its statutory powers, QSL is a public authority for—

- (a) the *Ombudsman Act 2001*; and
- (b) the *Freedom of Information Act 1992*.

²³ QSL is a company limited by guarantee, established under the Corporations Law.

121 QSL's constitution

(1) QSL's constitution must be consistent with this Act.

(2) QSL must give the Minister and the authority notice of any proposed change to QSL's constitution dealing with its purpose or function.

Note—

For the effect of a failure to give notice, see section 141(1)(b).²⁴

(3) QSL must give the notice before QSL's board makes a decision on the proposed change.

(4) The Minister may approve the proposed change for the purpose of section 141.

122 QSL's board

(1) QSL's constitution must provide that at least 3 of QSL's directors, other than the managing director or the chief executive officer, must—

- (a) have expertise in commodity marketing, finance, vesting, law or business administration; and
- (b) be independent of sugar industry representative bodies.

(2) For 3 years starting on 1 August 2000, the chairperson of QSL must be a director who—

- (a) has recognised expertise in corporate governance; and
- (b) is independent of sugar industry representative bodies.

123 Audit of QSL

(1) QSL must consult with the auditor-general about the appointment of a registered company auditor to audit QSL.

(2) Each year, QSL must give a copy of its audited financial statements, and the auditor's full report on the financial statements, to the Minister, the auditor-general and the authority.

(3) The Minister, the auditor-general or the authority must not disclose the financial statements or the report on the statements, or anything in the statements or the report, to any other entity.

²⁴ Section 141 (Meaning of "moved out of the control of the Queensland sugar industry")

(4) Subsection (3) does not prevent the Minister, the auditor-general or the authority giving the report, for the purpose of this Act, to staff or consultants under their control.

(5) In this section—

“registered company auditor” means a registered company auditor under the Corporations Act, section 9.

124 Minister’s directions to QSL

(1) The Minister may give written directions to QSL about the performance of its statutory functions and the exercise of its statutory powers.

(2) QSL must comply with the direction.

(3) The Minister may give a sugar price direction only if—

- (a) the Minister has given QSL notice of the Minister’s intention to give the direction; and
- (b) QSL has been given a reasonable opportunity to discuss the proposed direction with the Minister.

(4) The Minister may give any other type of direction only if—

- (a) the Minister is satisfied that exceptional circumstances exist justifying the Minister’s intervention in the public interest; and
- (b) the Minister has given QSL notice of the Minister’s intention to give the direction; and
- (c) QSL has been given a reasonable opportunity to discuss the proposed direction with the Minister.

(5) A direction—

- (a) must state the date from when it is to take effect; and
- (b) must be published in the gazette as soon as practicable after it is given; and
- (c) must be tabled in the Legislative Assembly within 14 sitting days after it is given.

(6) QSL may include in its next annual report—

- (a) the text of a direction given by the Minister; and

(b) a statement of any effect that the direction has had, or is expected to have, on QSL's operations.

(7) The Minister is not taken to be a director of QSL because of the existence, or the exercise, of the Minister's power of direction.

(8) If QSL does not comply with the direction, the Minister must draw the matter to the attention of the Legislative Assembly.

(9) QSL is not entitled to compensation for any actual or prospective loss because of the Minister's direction.

(10) In subsection (3)—

“sugar price direction” means a direction about the pricing of raw sugar for sale to domestic customers.

125 Minister may require information from QSL

(1) The Minister may, by notice given to QSL, require QSL to give to the Minister or the authority information about the performance of its statutory functions or the exercise of its statutory powers.

(2) The notice must state the time within which the information is required to be given.

(3) QSL must comply with the notice.

PART 4—THE SUGAR AUTHORITY

Division 1—Constitution and membership

126 Establishment of authority

(1) The Sugar Authority is established.

(2) The authority—

(a) is a body corporate; and

(b) has a seal; and

(c) may sue and be sued in its corporate name.

127 Judicial notice of corporation's seal

All courts and persons acting judicially are to take judicial notice of the corporation's seal and are to presume the seal affixed to any document to have been duly affixed until the contrary is proved.

128 Membership

(1) The authority consists of—

- (a) the commissioner, as chairperson; and
- (b) if the Governor in Council makes an appointment under subsection (2), the appointed members of the authority.

(2) The Governor in Council may from time to time appoint up to 3 other persons with expertise in the application of competition principles, commodity marketing, finance, vesting, law or business administration to be members of the authority.

(3) Each appointed member of the authority is appointed for the term decided by the Governor in Council.

129 Remuneration

Appointed members of the authority are to be paid the fees and allowances decided by the Governor in Council.

Division 2—General provisions about the authority**130 Application of div 2**

This division applies only if the authority has appointed members.

131 Disqualifications for appointment

A person is not qualified to be, or continue as, an appointed member of the authority if the person—

- (a) is an undischarged bankrupt or is taking 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) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (d) holds an elected or appointed position in QSL or in a sugar industry representative body.

132 Vacation of office

(1) The office of an appointed member of the authority becomes vacant if the member—

- (a) dies; or
- (b) resigns office by notice given to the Minister; or
- (c) is absent without the authority’s permission from 3 consecutive meetings of the authority of which due notice has been given; or
- (d) is no longer qualified to be a member.

(2) In this section—

“**meeting**” means the following—

- (a) if the member does not attend—a meeting with a quorum present;
- (b) if the member attends—a meeting with or without a quorum present.

133 Meetings of authority

(1) The authority must meet as often as its chairperson decides is necessary.

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

(3) A member who takes part in a meeting under subsection (2) is taken to be present at the meeting.

(4) Despite subsection (2), the chairperson of the authority may, in writing, refer a question requiring consideration by the authority to all the authority's members.

(5) For subsection (4)—

- (a) a written decision of the members is taken to be a decision of the members at a duly constituted meeting of the authority; and
- (b) a reference using any technology for transmission to members is adequate reference in writing; and
- (c) a reply to a reference using any technology is an adequate written decision.

(6) The quorum at a meeting of the authority is a majority of the members present and voting.

(7) The chairperson, or in the absence of the chairperson, a member present at a meeting, must preside at a meeting of the authority.

(8) All questions at a meeting must be decided by a majority of votes of the members present.

(9) The member presiding at a meeting is to have a vote, and if there is an equality of votes, a second or casting vote.

(10) Subject to this Act, procedure at meetings of the authority is to be decided by the authority.

134 Member's interest in a matter to be considered by the authority

(1) If a member of the authority has an interest in a matter being considered, or about to be considered, by the authority, the member must disclose the nature of the interest to a meeting of the authority as soon as practicable after the relevant facts come to the member's knowledge.

Maximum penalty—100 penalty units.

(2) The disclosure must be recorded in the minutes of the meeting of the authority.

(3) If the interest is a material personal interest, the member must not—

- (a) vote on the matter; or
- (b) vote on a proposed resolution (a “**related resolution**”) under subsection (4)(a) about the matter (whether in relation to the member or another member); or

- (c) be present while the matter, or a related resolution, is being considered by the authority; or
- (d) otherwise take part in any decision of the authority in relation to the matter or a related resolution.

Maximum penalty—100 penalty units.

(4) Subsection (3) does not apply to the matter if—

- (a) the authority has at any time passed a resolution that states—
 - (i) the member, interest and matter; and
 - (ii) that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter; or
- (b) if a quorum of the authority can not be formed because of subsection (3)—the Minister has given a written direction to that effect for the matter.

Division 3—Authority’s functions, powers and duties

135 Functions of authority

(1) The authority’s main function is to monitor the performance of QSL in the exercise of its powers and the performance of its functions under this Act.

(2) The authority also has—

- (a) the function provided for under division 4; and
- (b) the function of granting exemptions and giving exemption certificates.

136 General powers of authority

The authority has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with, property; and
- (c) appoint and act through agents and attorneys; and

- (d) do anything else necessary or convenient to be done for its functions.

137 Authority's staff

The authority may employ the persons, and engage the consultants and service providers, that it considers necessary.

138 Authority's budget

(1) The commissioner must prepare and give to the Minister a draft budget for the authority for each financial year in the form and when the Minister directs.

(2) The Minister must decide the authority's budget for the financial year.

(3) Before the Minister decides the authority's budget, the Minister must consult with QSL and sugar industry representative bodies.

(4) The authority's budget is payable by QSL and from fees and charges collected from matters associated with the granting of exemptions.

(5) The authority must authorise spending only under the budget decided by the Minister, unless the Minister otherwise directs.

(6) The Minister may vary the budget as requested, either with or without amendment.

139 Application of various public sector Acts

(1) The authority is—

- (a) a statutory body for the *Statutory Bodies Financial Arrangements Act 1982* and the *Financial Administration and Audit Act 1977*; and
- (b) a unit of public administration under the *Crime and Misconduct Act 2001*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B²⁵ states the way in which the authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Division 4—When authority can take over QSL's functions and powers

140 Application of div 4

This division applies only if the Minister is satisfied that QSL has moved out of the control of the Queensland sugar industry.

141 Meaning of “moved out of the control of the Queensland sugar industry”

(1) QSL is taken to have “**moved out of the control of the Queensland sugar industry**” if any of the following happen—

- (a) QSL's constitution is no longer consistent with this Act;
- (b) QSL changes a provision of its constitution dealing with its purpose or function without the Minister's approval;
- (c) QSL becomes an externally-administered body corporate;
- (d) QSL no longer has the required number of grower representatives and mill owners with the required voting power in QSL;
- (e) if QSL converts to a company limited by shares—
 - (i) QSL is listed on a prescribed financial market; and
 - (ii) QSL no longer has the required number of grower representatives and mill owners with the required voting power.

²⁵ *Statutory Bodies Financial Arrangements Act 1982*, part 2B (Powers under this Act and relationship with other Acts)

(2) In this section—

“externally-administered body corporate” has the meaning given by the Corporations Act, section 9.²⁶

“prescribed financial market” see Corporations Act, section 9.

“required number”, of grower representatives and mill owners, means a number of grower representatives and mill owners that is at least 75% of all the members, or shareholders, of QSL.

“required voting power”, in QSL, means the ability to freely exercise at least 75% of the total voting power associated with the membership, or shareholding, of QSL.

142 Minister’s directions to authority to take over QSL’s functions and powers

(1) After consulting with sugar industry representative bodies, the Minister may give written directions to the authority to take over QSL’s functions and powers under this Act.

(2) If the direction is given, a reference to QSL in chapters, 2, 3 4, 6 and 7 is taken to be a reference to the authority.

(3) The direction—

- (a) must state the date from when it is to take effect; and
- (b) be published in the gazette as soon as practicable after it is given; and
- (c) be tabled in the Legislative Assembly within 14 sitting days after it is given.

26 Corporations Act, section 9 (Dictionary) provides—

“externally-administered body corporate” means a body corporate:

- (a) that is being wound up; or
- (b) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
- (c) that is under administration; or
- (ca) that has executed a deed of company arrangement that has not yet terminated; or
- (d) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

PART 10—SUGAR INDUSTRY COMMISSIONER

222 Appointment of commissioner

- (1) There is to be a Sugar Industry Commissioner.
- (2) The commissioner is to be appointed by the Governor in Council.
- (3) The commissioner holds office for the term, not longer than 5 years, and on the conditions stated in the instrument of appointment.

223 Functions of commissioner

The commissioner has the following functions—

- (a) to grant access rights and to keep the access rights register;
- (b) to accept each intention to contract lodged with the commissioner under section 20(5);²⁷
- (c) to mediate in negotiations within the sugar industry in Queensland, other than in matters in which the commissioner is the decision maker, if asked by all parties to the mediation;
- (d) to be a member of the authority;
- (e) to receive any assets and liabilities transferred to the commissioner under chapter 10;²⁸
- (f) to act for the benefit of the sugar industry.

223A Powers of commissioner

The commissioner has power to do any of the following—

- (a) enter into contracts;
- (b) acquire, hold, dispose of and deal with property, including, for example, assets transferred to the commissioner under chapter 10;²⁹
- (c) appoint and act through agents and attorneys;

²⁷ Section 20 (Intention to contract)

²⁸ See section 364 (Continuity of proceedings and matters).

²⁹ See sections 388 (Automatic dissolution) and 410 (Transfer to commissioner).

- (d) anything else necessary or convenient to be done for the commissioner's functions.

224 Remuneration

The commissioner is to be paid the remuneration, including allowances, decided by the Governor in Council.

225 Disqualifications for appointment

A person is not qualified to be or to continue as commissioner if the person—

- (a) is an undischarged bankrupt or is taking 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) becomes incapable of performing the duties of commissioner because of physical or mental incapacity; or
- (d) is not able to manage a corporation because of the Corporations Act, part 2D.6; or
- (e) is named in the register held by the Australian Securities Investment Commission under the Corporations Act, section 1274AA.³⁰

226 Vacation of office

The office of commissioner becomes vacant if the commissioner—

- (a) dies; or
- (b) resigns office by notice given to the Governor in Council; or
- (c) is absent, without the Minister's permission and without reasonable excuse, for 14 consecutive days or 28 days in any year; or

³⁰ Corporations Act, part 2D.6 (Disqualification from managing corporations) and section 1274AA (Register of disqualified company directors and other officers)

- (d) is no longer qualified to continue as commissioner; or
- (e) is removed from office under section 232.

227 Commissioner's independence

(1) In performing functions of office mentioned in section 223,³¹ the commissioner must act independently and impartially.

(2) However, subsection (1) does not prevent QSL providing staff and other resources to the commissioner to carry out his or her functions effectively and efficiently.

228 Commissioner's budget

(1) The commissioner must prepare and give to the Minister a draft budget for each financial year in the form and when the Minister directs.

(2) The Minister must decide the commissioner's budget for the financial year.

(3) Before the Minister decides the commissioner's budget, the Minister must consult with QSL and industry representative bodies.

(4) The commissioner's budget is payable by QSL.

(5) The commissioner must authorise spending only under the budget decided by the Minister, unless the Minister otherwise directs.

(6) If, under chapter 10,³² assets or liabilities are transferred to the commissioner, the commissioner may ask the Minister to amend the budget.

(7) The Minister may vary the budget as requested, either with or without amendment.

229 Commissioner's staff

The commissioner may employ the persons the commissioner considers necessary.

31 Section 223 (Functions of commissioner)

32 See section 364 (Continuity of proceedings and matters).

230 Commissioner's power to delegate

(1) The commissioner may delegate the commissioner's powers to—

- (a) an appropriately qualified member of the commissioner's staff;
or
- (b) an entity established under this Act; or
- (c) an appropriately qualified member or officer of an entity established under this Act.

(3) The commissioner may delegate the commissioner's power to mediate in disputes about the exercise of an access right under section 72(9)³³ to an appropriately qualified mediator.

231 Prohibition on political activity

The commissioner must not use any of the funds made available to the commissioner under this Act for any purpose in connection with the politics of any political party or any candidate for political office.

232 Removal of commissioner

(1) This section applies if the Governor in Council is satisfied that the commissioner has contravened section 231.

(2) The Governor in Council may remove the commissioner from office by notice given to the commissioner.

CHAPTER 5—APPEALS

234 Appeal to Magistrates Court

(1) The following persons may appeal to a Magistrates Court (“**the court**”) against the decisions mentioned in relation to the person—

- (a) a person whose application to register any matter on a register kept by the commissioner has been refused by the commissioner;

33 Section 72 (Variation and cancellation of access right, dispute resolution and enforcement)

- (b) a holder of an access right or a land-holder mentioned in section 74 who is dissatisfied with a decision of the commissioner under section 74(2).

(2) The appeal is started by—

- (a) giving a notice of appeal stating the grounds to the clerk of the court; and
- (b) giving a copy of the notice to the respondent.

(3) An appeal must be started within 28 days after the appellant is given notice of the relevant decision.

(4) In deciding the appeal, the court—

- (a) is unaffected by the appealed decision; and
- (b) is not bound by the rules of evidence; and
- (c) must observe natural justice.

(5) In deciding the appeal, the court may confirm the appealed decision or set the appealed decision aside and make another decision.

(6) If the court makes another decision, the decision is taken to be the decision of the respondent.

(7) However, a decision mentioned in subsection (6) can not be appealed against under this section.

(8) A party dissatisfied by the decision of the Magistrates Court may appeal to the District Court, but only on a question of law.

(9) In this section—

“**decision**” includes an order.

234A Appeal to District Court—exemption application

(1) This section applies to a decision by the authority under section 107H.³⁴

(2) The applicant may appeal to the District Court (the “**court**”).

(3) The appeal is started by—

34 Section 107H (Decision on exemption application)

- (a) giving a notice of appeal stating the grounds to the clerk of the court; and
- (b) giving a copy of the notice to the authority.

(4) An appeal must be started within 28 days after the appellant is given notice of the authority's decision under section 107O.³⁵

(5) In deciding the appeal, the court—

- (a) is unaffected by the appealed decision; and
- (b) is not bound by the rules of evidence; and
- (c) must observe natural justice.

(6) In deciding the appeal, the court may confirm the appealed decision or set the appealed decision aside and make another decision.

(7) If the court makes another decision, the decision, other than for this section, is taken to be the decision of the respondent.

235 Appeal to Land Court

(1) This section applies to a decision by the commissioner under section 65 or 72(3).³⁶

(2) A person aggrieved by the commissioner's decision may appeal to the Land Court within 28 days after the notice of the decision is given by the commissioner under section 66 or 72(8).

(3) The appeal is started by—

- (a) giving a notice of appeal stating the grounds to the registrar of the Land Court; and
- (b) giving a copy of the notice to the following—
 - (i) the commissioner;
 - (ii) any land-holder whose land is or would be affected by the relevant access right;
 - (iii) the holder of any relevant access right;

35 Section 107O (Notice of refusal of exemption application)

36 Section 65 (Commissioner may grant an access right) or 72 (Variation and cancellation of access right, dispute resolution and enforcement)

(iv) any grower affected by the relevant variation or cancellation, if the decision appealed against is under section 72(3).

(4) For subsection (3)(b)(ii) and (iv), it is enough if notice of the appeal is published in a newspaper circulating in the area where the access right is situated.

(5) The commissioner is not a party to the appeal merely because the commissioner is given a copy of the notice of appeal.

(6) In deciding the appeal, the court is unaffected by the appealed decision.³⁷

(7) In deciding the appeal, the court may confirm the appealed decision or set the appealed decision aside and make another decision.

(8) If the court makes another decision, the decision is taken to be the decision of the commissioner.

(9) However, a decision mentioned in subsection (8) can not be appealed against under this section.

CHAPTER 6—AUTHORISATIONS FOR COMPETITION LEGISLATION

236 Definitions for ch 6

In this chapter—

“**Competition Code**” means the Competition Code under the *Competition Policy Reform (Queensland) Act 1996*.

³⁷ For relevant general powers of the Land Court, see the *Land Court Act 2000*, section 7 (Land Court to be guided by equity and good conscience).

“**competition legislation**” means the *Trade Practices Act 1974* (Cwlth), section 51(1)(b)³⁸ or the Competition Code of this jurisdiction, section 51.³⁹

237 Collective contracts

(1) This section applies for the making or variation of a collective contract between a group of growers and a mill owner who are within the same region to the extent the collective contract is made or varied for giving effect to a settlement about—

- (a) the acceptance and crushing of cane by a mill at a time fixed under the collective contact; and
- (b) the terms on which payments are to be made by a mill owner for cane to be supplied to a mill by a grower under the collective contact.

(2) For subsection (1)—

- (a) a region may overlap with another region; and
- (b) a group of growers and a mill owner are “**within the same region**” if the land on which each grower’s cane is grown is in the same region as the land on which the mill is situated.

(3) The following things are specifically authorised for the competition legislation—

- (a) the making of the collective contract;
- (b) the variation of the collective contract;
- (c) the acceptance and crushing of cane by a mill at a time fixed under the collective contract;

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

39 The Competition Code, section 51 states that in deciding whether a person has contravened the Code, Part IV, certain things must be disregarded. Section 51(1) 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.

- (d) the payment of a price for cane by a mill owner to a grower under the collective contract;
- (e) the receipt of a price for cane by a grower from a mill owner under the collective contract;
- (f) a financial incentive scheme of premiums, discounts and allowances relating to cane and sugar quality or to anything that may affect cane and sugar quality having regard to best practice under the collective contract.

(4) In this section—

“region” means a part of the State that is prescribed under a regulation.

“settlement” means a contract, arrangement or understanding made or arrived at between any or all of the following—

- (a) a group of growers;
- (b) a mill owner;
- (c) an interested third party.

243 Payment schemes

The establishment by QSL of payment schemes under section 102,⁴⁰ and anything done under or because of a payment scheme, is specifically authorised for the competition legislation.

244 Brand sugar

(1) The entry into of, and the giving of effect to, an arrangement between QSL and a mill owner under section 103⁴¹ under which the owner is to produce a particular brand of raw sugar in a particular period or amount is specifically authorised for the competition legislation.

(2) The following things are specifically authorised for the competition legislation—

- (a) the giving of a direction by QSL to a mill owner of a mill under section 103(3) about sugar produced at the mill requiring the owner to produce a particular brand of raw sugar;

40 Section 102 (Schemes for payment)

41 Section 103 (Production of brands of raw sugar)

- (b) the production by the mill owner of a particular brand of raw sugar because of a direction given to the owner by QSL under section 103(3).

245 Directions about delivery

(1) This section applies to a direction given by QSL under section 104(2).⁴²

(2) The following things are specifically authorised for the competition legislation—

- (a) the giving of a direction about—
 - (i) how sugar vested in QSL must be kept before it is supplied to QSL; or
 - (ii) how sugar vested in QSL must be supplied to QSL, including—
 - (A) when, where and how the sugar is to be supplied; and
 - (B) delivery of the sugar to places or persons or other action that will be treated as supply to QSL; or
 - (iii) the payment by the manufacturer of sugar of costs associated with its supply to QSL; or
 - (iv) the conditions on which QSL will accept sugar vested in it; or
 - (v) information that must be given to QSL by any person concerned in the supply to, and acceptance by, QSL of sugar, and the form and way in which the information must be given;
- (b) anything done under, or because of, a direction mentioned in paragraph (a) by—
 - (i) QSL; or
 - (ii) a person to whom the direction is given.

42 Section 104 (Directions about delivery etc.)

246 Sugar price directions

(1) The entry by QSL into a contract for the sale of sugar for a price stated in a sugar price direction is specifically authorised for the competition legislation.

(2) In this section—

“**sugar price direction**” means a direction given by the Minister to QSL under section 124(1)⁴³ about the pricing of raw sugar for sale to domestic customers.

CHAPTER 7—MISCELLANEOUS

247 Injunctions

(1) Subsection (2) applies if a person has engaged, is engaging or is proposing to engage in conduct that is, was, or would be, any of the following—

- (a) a contravention of chapter 2 or 3;
- (b) attempting to contravene chapter 2 or 3;
- (c) aiding, abetting, counselling or procuring a person to contravene chapter 2 or 3;
- (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene chapter 2 or 3;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of chapter 2 or 3;
- (f) conspiring with others to contravene chapter 2 or 3.

(2) On the application of an interested entity, the court may grant an injunction restraining the person from engaging in the conduct and, if the court considers it is desirable to do so, requiring the person to do anything.

(3) If a person has failed, is failing, or is proposing to fail, to do anything that the person is required to do under chapter 2 or 3, the court may, on the

43 Section 124 (Minister’s directions to QSL)

application of an interested entity, grant an injunction requiring the person to do the thing.

(4) However, the court may grant the injunction under subsection (2) or (3) only if it is satisfied that there is no other adequate remedy.

(5) On an application under subsection (2) or (3), the court may grant the injunction sought with the consent of all the parties to the proceeding, whether or not the court is satisfied that the subsection applies.

(6) The court may grant an interim injunction pending a decision on an application under subsection (2).

(7) The court may discharge or vary an injunction, and may grant an injunction on conditions.

(8) The court's power to grant an injunction restraining a person from engaging in conduct may be exercised—

- (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in the conduct; and
- (b) whether or not the person has previously engaged in conduct of that kind; and
- (c) whether or not there is an imminent danger of substantial damage to another person if the person engages, or continues to engage, in the conduct.

(9) The court's power to grant an injunction requiring a person to do a thing may be exercised—

- (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the thing; and
- (b) whether or not the person has previously failed to do a thing of that kind; and
- (c) whether or not there is an imminent danger of substantial damage to another person if the person fails, or continues to fail, to do the thing.

(10) The court may, in addition to, or instead of, ordering an injunction against a person, order the person to pay damages to someone.

(11) The court's powers under this section are in addition to its other powers.

(12) In this section—

“court” means the Supreme Court.

“**interested entity**” means an entity established under this Act or another person, whose interests have been, are or would be affected by the relevant conduct.

249 Statutory declaration

(1) This section applies to an application or submission to the commissioner or an entity established under this Act.

(2) The commissioner or entity may require particular information to be verified by statutory declaration as a condition of its consideration or further consideration of the application or submission.

250 Records to be kept

An entity established under this Act—

- (a) must keep the records that may be necessary for the proper discharge of its functions; and
- (b) is a public authority under the *Public Records Act 2002*.

251 Superannuation schemes

(1) An entity established under this Act may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

(2) The auditor-general may audit the schemes.

(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.⁴⁴

⁴⁴ *Financial Administration and Audit Act 1977*, part 6 (Audit of consolidated fund and public sector entities)

252 Offence to make false statement in application or submission

A person must not, in an application or submission made to an entity under this Act, make any false or misleading statement without reasonable excuse.

Maximum penalty—40 penalty units.

253 Improper use of information prohibited

(1) A person who is, or has been, the commissioner, or a member, director, officer or employee of an entity established under this Act, must not make improper use of information acquired because of the person's position, or an opportunity provided by the position, to gain directly or indirectly an advantage for any person or to cause detriment to the entity or any person.

Maximum penalty—500 penalty units or 5 years imprisonment.

(2) An offence against this section is a misdemeanour.

254 Indemnity

(1) The persons mentioned in subsections (2) and (3) are to be indemnified as mentioned in the subsections against all actions, proceedings and claims in relation to acts done or omitted to be done by any of them in good faith and without negligence under this Act.

(2) The commissioner and the chairperson of QSL are to be indemnified by QSL.

(3) Subject to subsection (2), a person who is a chairperson, director or member of a body corporate established under this Act, or of a board of the body corporate, or who is an employee or agent of the body corporate, is to be indemnified by the body corporate.

(4) The following are declared to be excluded matters for the Corporations Act, section 5F, in relation to the Corporations Act, part 2D.2, division 1⁴⁵—

(a) a person who is, or is to be, indemnified under this section;

⁴⁵ Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter) and part 2D.2, division 1 (Indemnities and insurance for officers and auditors)

- (b) QSL;
- (c) another body corporate established under this Act.

255 Proceedings for an offence

(1) Subject to subsection (2), a proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886* within the later of the following—

- (a) 1 year after the offence is committed;
- (b) 6 months after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

(2) A proceeding for an indictable offence may, at the election of the prosecution, be taken—

- (a) by way of summary proceedings under subsection (1); or
- (b) on indictment.

(3) A proceeding against a person for an indictable offence must be before a magistrate if it is a proceeding—

- (a) for the summary conviction of the person; or
- (b) for an examination of witnesses in relation to the charge.

(4) If a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

(5) If—

- (a) a person charged with an indictable offence asks at the start of a summary proceeding for the offence that the charge be prosecuted on indictment; or
- (b) the magistrate hearing a charge of an indictable offence considers the charge should be prosecuted on indictment;

the magistrate—

- (c) must not decide the charge as a summary offence; and
- (d) must proceed by way of a committal proceeding.

(6) If a magistrate acts under subsection (5)—

- (a) any plea of the person charged, made at the start of the proceeding, must be disregarded; and
- (b) any evidence brought in the proceeding before the magistrate decided to act under subsection (5) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
- (c) before committing the person for trial or sentence, the magistrate must make a statement to the person under the *Justices Act 1886*, section 104(2)(b).⁴⁶

(7) The maximum penalty that may be imposed on a summary conviction of an indictable offence is 100 penalty units or 1 year's imprisonment.

(8) In this section—

“**indictable offence**” means an offence against section 253.⁴⁷

255A Allegations of false or misleading matters

(1) This section applies to a proceeding for an offence against this Act described as involving—

- (a) false or misleading information; or
- (b) a false or misleading document or statement.

(2) It is enough for the complaint starting the proceeding to state the document, information or statement was ‘false or misleading’ to the defendant’s knowledge, without specifying which.

(3) In the proceeding, evidence that the document, information or statement was given or made recklessly is evidence that it was given or made so as to be false or misleading.

256 Evidence

(1) A document purporting to be a copy of a collective contract and purporting to be certified as a copy by or on behalf of a party to the agreement is evidence of the contract.

46 *Justices Act 1886*, section 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)

47 Section 253 (Improper use of information prohibited)

(2) A statement in a complaint for an offence against this Act of when the commission of the offence came to the knowledge of the complainant is evidence of that fact.

(3) A certificate purporting to be signed by a person authorised to do so by an entity established under this Act stating that a particular document is a document lodged with or held by the entity, or a copy of the document, is evidence of anything stated in the certificate.

257 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may provide for a maximum penalty of not more than 20 penalty units for a contravention of a regulation.

CHAPTER 10—TRANSITIONAL PROVISIONS

PART 1—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY AND OTHER LEGISLATION AMENDMENT ACT 2003

Division 1—Preliminary

344 Definitions for pt 3

In this part—

“**amending Act**” means the *Sugar Industry and Other Legislation Amendment Act 2003*.

“**unamended Act**” means this Act as in force immediately before the date of assent for the amending Act.

*Division 2—Dissolution of BSES**Subdivision 1—Preliminary***345 Definitions for div 2**

In this division—

“assets”, of BSES, means all assets of BSES immediately before the transfer day.

“authorised person”, for the replacement corporation, means its secretary or another individual with the written authority of its board of directors.

“BSES” means the Bureau of Sugar Experiment Stations established under the unamended Act, section 143.

“cane protection and productivity board” means a cane protection and productivity board established under the unamended Act, section 177, and in existence under this Act immediately before the commencement.

“commencement” means the day the amending Act, section 22, commences.

“company limited by guarantee” means a company limited by guarantee under the Corporations Act, section 9.⁴⁸

“constitution”, of the replacement corporation, means its constitution, or proposed constitution, under the Corporations Act.

“liabilities”, of BSES, means all liabilities of BSES immediately before the transfer day.

“proposed transfer day” see section 348(a).

48 Corporations Act, section 9—

“company limited by guarantee” means a company formed on the principle of having the liability of its members limited to the respective amounts that the members undertake to contribute to the property of the company if it is wound up.

Corporations Act, section 124(1) (Legal capacity and powers of a company) provides that: ‘A company limited by guarantee does not have the power to issue shares.’

“replacement corporation” see section 348(b).

“transfer day” means the day approved by the Minister under section 351⁴⁹ as the transfer day for BSES.

“under the control of the Queensland sugar industry” see section 346.

346 Meaning of “under the control of the Queensland sugar industry”

(1) The replacement corporation is taken to be **“under the control of the Queensland sugar industry”** if the corporation has the required number of grower representatives and mill owners with the required voting power in the corporation.

(2) In this section—

“required number”, of grower representatives and mill owners, means a number of grower representatives and mill owners that is at least 75% of all the members of the replacement corporation.

“required voting power”, in the replacement corporation, means the ability to freely exercise at least 75% of the total voting power associated with the membership of the corporation.

Subdivision 2—Steps to transfer and dissolution

347 Decision to transfer to replacement corporation

BSES must decide to dissolve itself and transfer its assets and liabilities to a corporation—

- (a) that is not a statutory body; and
- (b) that is under the control of the Queensland sugar industry.

348 Things that must be decided for the transfer

Under section 347, BSES must decide the following—

- (a) the day on which BSES proposes to transfer its assets and liabilities (the **“proposed transfer day”**);

⁴⁹ Section 351 (Minister’s decision)

- (b) the corporation to which it will transfer its assets and liabilities (the “**replacement corporation**”).

349 Conditions for transfer

BSES may decide a corporation will be its replacement corporation only if—

- (a) the corporation has, by notice to BSES signed by an authorised person for the corporation, agreed to be the replacement corporation; and
- (b) the corporation is under the control of the Queensland sugar industry; and
- (c) the corporation is a company limited by guarantee; and
- (d) BSES is satisfied that, on the transfer of the assets and liabilities, having regard to the requirements and purposes of the transfer, the following will be appropriate—
 - (i) the corporation’s constitution;
 - (ii) the obligations, restrictions and rights that will attach to members of the corporation;
 - (iii) the corporation’s officers.

350 Notice of decision about replacement corporation

(1) BSES must give the Minister notice of its decision under section 347.

(2) The notice must state the following—

- (a) the day the decision was made;
- (b) the proposed transfer day;
- (c) the replacement corporation’s name;
- (d) the replacement corporation is a company limited by guarantee;
- (e) the corporation is under the control of the Queensland sugar industry;
- (f) BSES is satisfied that, on the transfer of BSES’s assets and liabilities to the replacement corporation, having regard to the requirements and purposes of the transfer, the following will be appropriate—

- (i) the corporation's constitution;
- (ii) the obligations, restrictions and rights that will attach to members of the corporation;
- (iii) the corporation's officers.

(3) The notice must be accompanied by a copy of the notice mentioned in section 349(a).⁵⁰

351 Minister's decision

(1) The Minister must consider the notice and may require information from BSES.

(2) If the Minister does not consider that all requirements for this division have been complied with for the transfer, the Minister may give BSES written directions.

(3) BSES must comply with the directions.

(4) The Minister must, by notice given to BSES, approve the proposed transfer day, or another day after the proposed transfer, as the transfer day for BSES.

(5) The day approved by the Minister as the transfer day for BSES must be declared by gazette notice.

352 Transfer and dissolution

On the transfer day—

- (a) BSES's assets and liabilities are transferred to, and become the assets and liabilities of, the replacement corporation; and
- (b) BSES is dissolved.

353 Replacement corporation does not represent the State

The replacement corporation—

- (a) does not represent the State; and
- (b) can not make the State liable for the debts and obligations of the corporation or any other person.

⁵⁰ Section 349 (Conditions for transfer)

Subdivision 3—Provisions facilitating transfer**354 Registration of transferred assets**

(1) A certificate signed by an authorised person for the replacement corporation is evidence of an asset having become an asset of the corporation on the transfer day if the certificate—

- (a) identifies the asset; and
- (b) states the asset was, immediately before the transfer day, an asset of BSES; and
- (c) states that, under this division, the asset became an asset of the replacement corporation on the transfer day.

(2) If the certificate is given to an entity with registration functions under a law of the State for assets of that kind under a law of the State, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—

- (a) register the matter in the same way as transactions for assets of that kind;
- (b) deal with, and give effect to, the certificate.

Example of entity with registration functions—

- the registrar of titles.

(3) A transfer of the asset to the replacement corporation may be registered or given effect to under the law of another State or the Commonwealth if—

- (a) the certificate is given to an entity with registration functions for assets of that kind under the other State's or the Commonwealth's law; and
- (b) the entity is permitted by law to do so.

355 References to BSES

A reference to BSES in an Act or document existing before its dissolution has effect, from its dissolution, as if it were a reference to the replacement corporation, if the context permits.

356 Continuity of proceedings and matters

(1) A proceeding that, if BSES were not dissolved, might have been started or continued by or against BSES may, from its dissolution, be started or continued by or against the replacement corporation.

(2) All matters started by BSES before its dissolution may be completed by the replacement corporation after BSES's dissolution.

357 Employees

(1) A person employed by BSES immediately before the transfer day becomes, on the transfer day, an employee of the replacement corporation.

(2) Subsection (1) does not—

- (a) constitute a redundancy or retrenchment of the person's employment by BSES; or
- (b) entitle the person to a benefit or payment merely because the person is no longer employed by BSES; or
- (c) interrupt the person's continuity of service.

(3) For the Industrial Relations Act, the person's period of employment with BSES is taken to be an equivalent period of employment with the replacement corporation.

(4) Subject to the Industrial Relations Act, the person has the same employment rights against the replacement corporation that the person had against BSES immediately before the transfer day.

(5) If an industrial instrument under the Industrial Relations Act bound the person and BSES immediately before the transfer day, it binds the person and the replacement corporation.

358 Directors cease holding office

(1) Each person who, immediately before the transfer day, was a director of BSES goes out of office on the transfer day.

(2) No compensation is payable to a person because of subsection (1).

359 Officer to remain member of cane protection and productivity board

(1) This section applies to a member of a cane protection and productivity board who—

- (a) is nominated by BSES to be a member of the board; and
- (b) immediately before the transfer day, is an officer of BSES.

(2) The member continues, from the transfer day, to be a member of the board for the balance of the member's term.

*Division 3—Automatic dissolution of cane protection and productivity boards if no replacement entity***360 Definitions for div 3**

In this division—

“**assets**”, of a board, means all assets of the board immediately before the board's transfer day.

“**authorised person**”, for the replacement corporation, means its secretary or someone else with the written authority of its board of directors.

“**board**” means a cane protection and productivity board established under the unamended Act, section 177, and in existence under this Act immediately before the commencement.

“**BSES**” means the Bureau of Sugar Experiment Stations established under the unamended Act, section 143.

“**commencement**” means the day the amending Act, section 23, commences.

“**liabilities**”, of a board, means all liabilities of the board immediately before the board's transfer day.

“**replacement corporation**” means the replacement corporation to which BSES's assets and liabilities were transferred.⁵¹

“**replacement entity**”, for a cane protection and productivity board established under the unamended Act but not in existence

⁵¹ See section 352 (Transfer and dissolution).

immediately before the commencement, means its replacement entity under section 201(b).⁵²

“transfer day”, for a board, means—

- (a) 30 June 2004 if—
 - (i) the board does not, before 30 June 2004, give the Minister a notice under section 203;⁵³ or
 - (iii) the Minister has, before 30 June 2004, refused to approve each proposed transfer for the board; or
- (b) if the Minister refuses, on or after 30 June 2004, to approve the transfer for the board—the day the Minister refuses to approve the transfer.

361 Automatic dissolution

(1) This section applies if—

- (a) a board does not, before 30 June 2004, give the Minister a notice under section 203;⁵⁴ or
- (b) the Minister refuses, under section 204(3),⁵⁵ to approve each proposed transfer for the board made before 30 June 2004.

(2) On the transfer day for the board—

- (a) subject to subsection (3), the board’s assets and liabilities are transferred to the replacement corporation; and
- (b) the board is dissolved; and
- (c) the board’s productivity area is abolished.

(3) The liabilities mentioned in subsection (2)(a) do not include a liability that may lead to a proceeding that, if the board were not dissolved, might be started or continued by or against the board.⁵⁶

52 Section 201 (Things that must be decided for the transfer)

53 Section 203 (Notice of decision about replacement entity)

54 Section 203 (Notice of decision about replacement entity)

55 Section 204 (Minister’s decision)

56 See section 364 (Continuity of proceedings and matters).

362 Registration of transferred assets

(1) A certificate signed by an authorised person for the replacement corporation is evidence of an asset of a board having become an asset of the replacement corporation on the transfer day for the board if the certificate—

- (a) identifies the asset; and
- (b) states the asset was, immediately before the transfer day, an asset of the board; and
- (c) states that, under this division, the asset became an asset of the replacement corporation on the transfer day.

(2) If the certificate is given to an entity with registration functions under a law of the State for assets of that kind under a law of the State, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—

- (a) register the matter in the same way as transactions for assets of that kind;
- (b) deal with, and give effect to, the certificate.

Example of an entity with registration functions—

- the registrar of titles.

(3) A transfer of the asset to the replacement corporation may be registered or given effect to under the law of another State or the Commonwealth if—

- (a) the certificate is given to an entity with registration functions for assets of that kind under the other State's or the Commonwealth's law; and
- (b) the entity is permitted by law to do so.

363 References to board

A reference to a board in an Act or document existing before its dissolution has effect, from its dissolution, as if it were a reference to the replacement corporation, if the context permits.

364 Continuity of proceedings and matters

(1) A proceeding that, if a board were not dissolved, might have been started or continued by or against the board may, from its dissolution, be started or continued by or against the commissioner.

(2) All matters started by the board before its dissolution may be completed by the commissioner after the board's dissolution.

365 Employees

(1) A person employed by a board immediately before the transfer day becomes, on the transfer day, an employee of the replacement corporation.

(2) Subsection (1) does not—

- (a) constitute a redundancy or retrenchment of the person's employment by the board; or
- (b) entitle the person to a benefit or payment merely because the person is no longer employed by the board; or
- (c) interrupt the person's continuity of service.

(3) For the Industrial Relations Act, the person's period of employment with the board is taken to be an equivalent period of employment with the replacement corporation.

(4) Subject to the Industrial Relations Act, the person has the same employment rights against the replacement corporation that the person had against the board immediately before the transfer day.

(5) If an industrial instrument under the Industrial Relations Act bound the person and the board immediately before the transfer day, it binds the person and the replacement corporation.

366 Members cease holding office

(1) Each person who, immediately before the transfer day for a board, was a member of the board goes out of office on the transfer day.

(2) No compensation is payable to a person because of subsection (1).

Division 4—Appeals**367 Definitions for div 4**

In this division—

“**BSES**” means the Bureau of Sugar Experiment Stations established under the unamended Act, section 143.

“**commencement**” means the day the amending Act, section 24, commences.

368 Appeal to Magistrates Court against BSES’s decision

(1) This section applies to a person mentioned in the unamended Act, section 234(1)(f),⁵⁷ who may appeal to a Magistrates Court against the decision, mentioned in relation to the person, of BSES.

(2) If—

- (a) the person has appealed to a Magistrates Court under the unamended Act, section 234, against the decision; and
- (b) the appeal has not been decided before the commencement;

the appeal lapses.

(3) No order for costs may be made for the appeal.

(4) If—

- (a) the person could have appealed to a Magistrates Court under the unamended Act, section 234, against the decision; and
- (b) the person has not appealed before the commencement;

the unamended Act, section 234, does not apply to the decision.

369 Appeal to District Court against Magistrates Court’s decision

(1) This section applies to a person mentioned in the unamended Act, section 234(1)(f), who—

- (a) has appealed to a Magistrates Court against the decision, mentioned in relation to the person, of BSES; and

⁵⁷ Section 234 (Appeal to Magistrates Court)

(b) is dissatisfied with the decision of the Magistrates Court (the “**court decision**”).

(2) If—

(a) the person has appealed to the District Court under the unamended Act, section 234(8), against the court decision; and

(b) the appeal has not been decided before the commencement;

the appeal lapses.

(3) No order for costs may be made for the appeal.

(4) If—

(a) the person could have appealed to the District Court under the unamended Act, section 234(8), against the court decision; and

(b) the person has not appealed before the commencement;

the unamended Act, section 234(8), does not apply to the court decision.

Division 5—Injunctions

370 Definitions for div 5

In this division—

“**commencement**” means the day the amending Act, section 25, commences.

“**court**” means the Supreme Court.

“**injunction**” includes an interim injunction.

“**repealed provision**” means a provision of the unamended Act, chapter 2, part 3.

“**undesirable conduct**”, for a person, means the person has engaged, is engaging, or is proposing to engage, in conduct that is, was, or would be, any of the following—

(a) a contravention of a repealed provision;

(b) attempting to contravene a repealed provision;

(c) aiding, abetting, counselling or procuring a person to contravene a repealed provision;

- (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene a repealed provision;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a repealed provision;
- (f) conspiring with others to contravene a repealed provision.

371 Undecided applications taken to have lapsed

(1) This section applies if an interested entity applied before the commencement under the unamended Act, section 247,⁵⁸ to the court for an injunction—

- (a) either—
 - (i) restraining a person from engaging in undesirable conduct; or
 - (ii) requiring a person to do anything the person is required to do under a repealed provision; and
- (b) on the commencement, the application had not been decided.

(2) The application is taken to have lapsed.

(3) No order for costs may be made for the application.

372 Injunctions of no effect after commencement

(1) This section applies if the court has, on the application of an interested entity, granted an injunction, under the unamended Act, section 247—

- (a) restraining a person from engaging in undesirable conduct and, if the court considered it desirable to do so, requiring the person to do anything; or
- (b) requiring a person to do anything the person is required to do under a repealed provision.

(2) The injunction is of no effect after the commencement.

58 Section 247 (Injunctions)

PART 2—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY REFORM ACT 2004

Division 1—Preliminary

373 Definitions for pt 2

In this part—

“amending Act” means the *Sugar Industry Reform Act 2004*.

“unamended Act” means this Act as in force immediately before the date of assent for the amending Act.

Division 2—Dissolution of cane production boards

Subdivision 1—Preliminary

374 Definitions for div 2

In this division—

“assets”, of a board, means all assets of the board, or of members of the board held by them as members of the board, immediately before the board’s transfer day.

“board” means a cane production board under the unamended Act.

“liabilities”, of a board, means all liabilities of the board, or of members of the board incurred by them as members of the board, immediately before the board’s transfer day.

“receiving entity” see section 377.

“transfer day”, for a board, means—

(a) 1 January 2005 if—

(i) the board does not, before 1 January 2005, give the Minister a notice under section 379;⁵⁹ or

59 Section 379 (Notice of decision about receiving entity)

- (ii) the Minister approves, on or before 1 January 2005, a proposed transfer for the board; or
 - (iii) the Minister has refused, on or before 1 January 2005, to approve each proposed transfer for the board; or
- (b) if the Minister approves, or refuses to approve, after 1 January 2005, the transfer for the board—the day the Minister approves, or refuses to approve, the transfer.

Subdivision 2—Voluntary dissolution

375 Application to transfers from more than 1 board

(1) This subdivision applies to a transfer of assets and liabilities of boards from more than 1 board to a single receiving entity on the transfer day for the boards in the same way it applies to a transfer from a single board to a receiving entity.

(2) For subsection (1), each provision of subdivision 2 is applied separately to each board.

376 Decision to transfer to person

A board may, before 1 January 2005, decide to dissolve itself and transfer its assets and liabilities to a person.

377 Things that must be decided for the transfer

Under section 376, the board must decide the person to which it will transfer its assets and liabilities (the “receiving entity”).

378 Deciding the receiving entity

A board may decide a person will be its receiving entity only if—

- (a) the receiving entity has, by notice to the board signed by an authorised person for the entity, agreed to be the receiving entity; and
- (b) the relevant mill owner and a majority of the growers who supply cane to the relevant mill agree with the proposed transfer.

379 Notice of decision about receiving entity

(1) The board must give the Minister notice of its decision under section 376.

(2) The notice must state the following—

- (a) the day the decision was made;
- (b) the receiving entity's name.

(3) The notice must be accompanied by—

- (a) a copy of the notice mentioned in section 378(a); and
- (b) evidence that the relevant mill owner and a majority of the growers who supply cane to the relevant mill agree with the proposed transfer.

380 Minister's decision

(1) The Minister must consider the notice and may require information from the board.

(2) If the Minister considers that all requirements of this Act have been complied with for the transfer, the Minister must, by notice given to the board, approve the transfer for the board.

(3) If the Minister does not consider that all the requirements for the transfer have been complied with, the Minister must, by notice given to the board, refuse to approve the transfer and state the reasons for the refusal.

381 Transfer and dissolution

(1) This section applies if the Minister approves the transfer of a board.

(2) On the transfer day for the board—

- (a) the board's assets and liabilities are transferred to, and become the assets and liabilities of, the receiving entity; and
- (b) the board is dissolved.

382 Exemption for cooperatives

If a receiving entity is a cooperative, the *Cooperatives Act 1997*, section 268⁶⁰ does not apply to the transfer of the board's assets and liabilities to the receiving entity.

383 Registration of transferred assets

(1) A certificate signed by an authorised person for a receiving entity is evidence of an asset having become an asset of the receiving entity on the board's transfer day if the certificate—

- (a) identifies the asset; and
- (b) states the asset was, immediately before the transfer day, an asset of the board; and
- (c) states that, under this division, the asset became an asset of the receiving entity on the transfer day.

(2) If the certificate is given to an entity with registration functions under a law of the State for assets of that kind under a law of the State, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—

- (a) register the matter in the same way as transactions for assets of that kind;
- (b) deal with, and give effect to, the certificate.

Example of an entity with registration functions—

- the registrar of titles

(3) A transfer of the asset to the receiving entity may be registered or given effect to under the law of another State or the Commonwealth if—

- (a) the certificate is given to an entity with registration functions for assets of that kind under the other State's or the Commonwealth's law; and
- (b) the entity is permitted by law to do so.

60 *Cooperatives Act 1997*, section 268 (Acquisition and disposal of assets)

384 References to board

A reference to a board in an Act or document existing before its dissolution has effect, from its dissolution, as if it were a reference to the receiving entity, if the context permits.

385 Continuity of proceedings and matters

(1) A proceeding that, if a board were not dissolved, might have been started or continued by or against the board may, from the dissolution, be started or continued by or against the receiving entity.

(2) All matters started by a board before its dissolution may be completed by the receiving entity after the board's dissolution.

386 Employees

(1) A person's employment by a board immediately before the board's transfer day is, on the transfer day, taken to be lawfully terminated under the Industrial Relations Act.

(2) The receiving entity and the employee may agree the employee is, on the transfer day, to be employed by the receiving entity.

(3) If an agreement is made under subsection (2), subsections (4) to (7) apply.

(4) Subsection (2) does not—

- (a) constitute a redundancy or retrenchment of the person's employment by the board; or
- (b) entitle the person to a benefit or payment merely because the person is no longer employed by the board; or
- (c) interrupt the person's continuity of service.

(5) For the Industrial Relations Act, the person's period of employment with the board is taken to be an equivalent period of employment with the replacement corporation.

(6) Subject to the Industrial Relations Act, the person has the same employment rights against the replacement corporation that the person had against the board immediately before the transfer day.

(7) If an industrial instrument under the Industrial Relations Act bound the person and the board immediately before the transfer day, it binds the person and the replacement corporation.

(8) If an agreement is not made under subsection (2)—

- (a) the person has, under the Industrial Relations Act, the rights given to an employee whose employment has been lawfully terminated under that Act; and
- (b) the rights given to the person may be exercised against the receiving entity as if the receiving entity had been the employer who terminated the person's employment.

387 Members cease holding office

(1) Each person who, immediately before a board's transfer day, was a member of the board goes out of office on the transfer day.

(2) No compensation is payable to a person because of subsection (1).

Subdivision 3—Involuntary dissolution

388 Automatic dissolution

(1) This section applies if—

- (a) a board does not, before 1 January 2005, give the Minister a notice under section 379;⁶¹ or
- (b) the Minister refuses, under section 380(3),⁶² to approve the transfer for the board.

(2) On the transfer day for the board—

- (a) the board's assets and liabilities are transferred to the commissioner; and
- (b) the board is dissolved.

61 Section 379 (Notice of decision about receiving entity)

62 Section 380 (Minister's decision)

389 Continuity of proceedings and matters

(1) A proceeding that, if a board were not dissolved, might have been started or continued by or against the board may, from the dissolution, be started or continued by or against the commissioner.

(2) All matters started by a board before its dissolution may be completed by the commissioner after the board's dissolution.

390 Employees

(1) A person's employment by a board immediately before the board's transfer day is, on the transfer day, taken to be lawfully terminated under the Industrial Relations Act.

(2) The person has the rights given to an employee whose employment has been lawfully terminated under that Act.

(3) The rights given to the person may be exercised against the commissioner as if the commissioner had been the employer who terminated the person's employment.

391 Members cease holding office

(1) Each person who, immediately before a board's transfer day, was a member of the board goes out of office on the transfer day.

(2) No compensation is payable to a person because of subsection (1).

Division 3—Abolition of cane production areas**392 Definition for div 3**

In this division—

“commencement” means the day the amending Act, section 30, commences.

393 Abolition of existing cane production areas

(1) This section applies to a cane production area under the unamended Act in existence under this Act immediately before the commencement.

(2) On the commencement, the cane production area is abolished.

(3) No compensation is payable to the holder of the cane production area because of subsection (2).

394 Undecided applications taken to have lapsed

(1) This section applies if—

- (a) a person applied before the commencement under the unamended Act, chapter 2, part 1, division 2, for a grant, variation or cancellation of a cane production area; and
- (b) on the commencement, the application had not been decided.

(2) On the commencement, the application is taken to have lapsed.

(3) No compensation is payable to an applicant because of subsection (2).

395 End of processes relating to cane production areas

(1) This section applies if a horizontal expansion or productivity increase process under the unamended Act has started but has not ended before the commencement.

(2) On the commencement—

- (a) the process ends; and
- (b) any application relating to the process that has not been decided is taken to have lapsed.

(3) No compensation is payable to an applicant because of subsection (2).

396 Existing instrument, agreement, understanding and undertaking

(1) This section applies to a reference in an instrument to a grower who is identified by the grower's cane production area if the instrument is, on the commencement, capable of being made by the grower.

Example of an instrument under which a grower may be identified by the grower's cane production area—

- BSES Services Agreement
- PBR Licence Agreement

(2) On the commencement—

- (a) the reference is taken to be a reference to the grower; and
- (b) the instrument gives rise to the same rights and liabilities as would have arisen if the unamended Act were not amended by the amending Act.

(4) In this section—

“**instrument**” includes an oral agreement, understanding or undertaking.

Division 4—Supply agreements

397 Definition for div 4

In this division—

“**commencement**” means the day the amending Act, section 31, commences.

398 Termination of existing supply agreements

(1) This section applies to a supply agreement in existence immediately before the commencement.

(2) The agreement is terminated from the commencement.

(3) No compensation is payable to a party to the agreement because of subsection (2).

(4) To remove any doubt, subsection (2) does not affect any liability incurred under the agreement before the commencement.

(5) In this section—

“**supply agreement**” means a supply agreement made under the unamended Act, chapter 2, part 2.⁶³

399 Undecided applications taken to have lapsed

(1) This section applies if—

⁶³ Chapter 2 (Production, supply and milling), part 2 (Cane supply and processing agreements)

- (a) a person applied before the commencement, under the unamended Act, section 45,⁶⁴ for a variation of a collective agreement; and
- (b) on the commencement, the application had not been decided.
- (2) On the commencement, the application is taken to have lapsed.
- (3) No compensation is payable to an applicant because of subsection (2).
- (4) In this section—
- “collective agreement”** means a collective agreement under the unamended Act, section 41.⁶⁵

Division 5—Mill suppliers’ committees

Subdivision 1—Preliminary

400 Definition for div 5

In this division—

- “commencement”** means the day the amending Act, section 32, commences.
- “mill suppliers’ committee”** means a mill suppliers’ committee defined under the unamended Act, schedule.⁶⁶

Subdivision 2—Incorporated mill suppliers’ committees

401 No effect on corporate status

(1) This section applies to a mill suppliers’ committee that, immediately before the commencement, is a corporation.

64 Section 45 (Variation of collective agreement)

65 Section 41 (Collective agreement—nature)

66 Schedule (Dictionary)

(2) To remove any doubt, it is declared that the repeal of former provisions of this Act relating to mill suppliers' committees does not affect the committee's corporate status.

Subdivision 3—Transfer of assets and liabilities of unincorporated mill suppliers' committees to replacement corporation

402 Application of sdiv 3

This subdivision applies to a mill suppliers' committee that, immediately before the commencement, is not a corporation.

403 Definitions for sdiv 3

In this subdivision—

“assets”, of a mill suppliers' committee, means all assets of the committee, or of members of the committee held by them as members of the committee, immediately before the transfer day.

“eligible grower” means a person who, immediately before the transfer day, is, under the definition of the term “grower” under the repealed *Primary Producers' Organisation and Marketing Act 1926*, section 30,⁶⁷ a grower for the mill or mills a mill suppliers' committee represents.

“liabilities”, of a mill suppliers' committee, means all liabilities of the committee, or of members of the committee incurred by them as members of the committee, immediately before the transfer day.

“PIBR Act” means the *Primary Industry Bodies Reform Act 1999*.

“replacement corporation”, for a mill suppliers' committee, see section 404.

“replacement corporation trust”, for a replacement corporation, means the trust established under the PIBR Act, section 44.⁶⁸

“transfer day” means 1 January 2005.

67 The repealed *Primary Producers' Organisation and Marketing Act 1926*, section 30 (Cane to be a commodity)

68 PIBR Act, section 44 (Purpose trust for eligible growers)

404 Transfer of mill suppliers' committee's assets and liabilities

Subject to section 405, a mill suppliers' committee's assets and liabilities are transferred to the following corporation (its "**replacement corporation**") on the transfer day and become assets and liabilities of the replacement corporation—

- (a) generally—the corporation appointed under the PIBR Act, section 41,⁶⁹ as the replacement corporation for the former Queensland Cane Growers' Organisation;
- (b) if under the PIBR Act, section 46(1)(a),⁷⁰ another corporation has replaced the corporation mentioned in paragraph (a) as trustee of the replacement corporation trust—the other corporation;
- (c) if under the PIBR Act, section 46(1)(b), the replacement corporation trust has been terminated—the corporation to which the former trust property of the trust has been transferred under that paragraph.

405 Purpose trust for eligible growers

(1) This section applies only if the replacement corporation trust for a replacement corporation had not been terminated under the PIBR Act, section 46(1)(b), before the transfer day.

(2) The assets (the "**trust property**") transferred to the replacement corporation under section 404 are taken to be held by it under the replacement corporation trust.

(3) The trust property is taken to be the trust property of the replacement corporation trust.

(4) The PIBR Act, section 48,⁷¹ applies to the assets as if the transfer day were the replacement corporation transfer day.

(5) The PIBR Act, section 45,⁷² applies to the liabilities transferred under section 404 as if the transfer day were the replacement corporation transfer day.

(6) In this section—

69 PIBR Act, section 41 (Transfer of producer body's assets and liabilities)

70 PIBR Act, section 46 (Change of trustee or termination of trust)

71 PIBR Act, section 48 (Registration of transferred assets)

72 PIBR Act, section 45 (Reimbursement for transferred liabilities)

“**replacement corporation transfer day**” means the transfer day under the PIBR Act, section 10(3).⁷³

406 Exemption for cooperatives

If the replacement corporation for a mill suppliers’ committee is a cooperative, the *Cooperatives Act 1997*, section 268,⁷⁴ does not apply to the transfer of a mill suppliers’ committee’s assets and liabilities to the replacement corporation.

407 Employees

(1) A person’s employment by a mill suppliers’ committee immediately before the commencement is, on the commencement, taken to be lawfully terminated under the Industrial Relations Act.

(2) The person has the rights given to an employee whose employment has been lawfully terminated under that Act.

(3) The rights given to the person may be exercised against the replacement corporation as if the replacement corporation had been the employer who terminated the person’s employment.

408 Members cease holding office

(1) Each person who, immediately before the commencement, was a member of a mill suppliers’ committee goes out of office on the commencement.

(2) No compensation is payable to a person because of subsection (1).

Division 6—Abolition of negotiating teams

409 Definitions for div 6

In this division—

73 PIBR Act, section 10 (Meaning of “transfer day”)

74 *Cooperatives Act 1997*, section 268 (Acquisition and disposal of assets)

“**assets**”, of a negotiating team, means all assets of the negotiating team, or of members of the negotiating team held by them as members of the negotiating team, immediately before the commencement.

“**commencement**” means the day the amending Act, section 33, commences.

“**negotiating team**” means a negotiating team established under the unamended Act and in existence immediately before the commencement.

“**liabilities**”, of a negotiating team, means all liabilities of the negotiating team, or of members of the negotiating team incurred by them as members of the negotiating team, immediately before the commencement.

410 Transfer to commissioner

On the commencement, a negotiating team’s assets and liabilities are transferred to, and become the assets and liabilities of, the commissioner.

411 Abolition

On the commencement, each negotiating team is abolished.

412 Continuity of proceedings and matters

(1) A proceeding that, before the commencement, might have been started or continued by or against a negotiating team may, after the commencement, be started or continued by or against the commissioner.

(2) All matters started by a negotiating team before the commencement may be completed by the commissioner after the commencement.

413 Employees

(1) A person’s employment by a negotiating team immediately before the commencement is, on the commencement, taken to be lawfully terminated under the Industrial Relations Act.

(2) The person has the rights given to an employee whose employment has been lawfully terminated under that Act.

(3) The rights given to the person may be exercised against the commissioner as if the commissioner had been the employer who terminated the person's employment.

414 Members cease holding office

(1) Each person who, immediately before the commencement, was a member of a negotiating team goes out of office on the commencement.

(2) No compensation is payable to a person because of subsection (1).

Division 7—Appeals

415 Definitions for div 7

In this division—

“**board**” means a cane production board established under the unamended Act, section 161.⁷⁵

“**commencement**” means the day the amending Act, section 34, commences.

416 Appeal to Magistrates Court against board's decision

(1) This section applies to a person mentioned in the unamended Act, section 234(1)(a) to (e),⁷⁶ who may appeal to a Magistrates Court against the decision, mentioned in relation to the person, of a board.

(2) If—

(a) the person has appealed to a Magistrates Court under the unamended Act, section 234, against the decision; and

(b) the appeal has not been decided before the commencement;

on the commencement, the appeal lapses.

(3) No order for costs may be made for the appeal.

(4) If—

⁷⁵ Section 161 (Establishment of a cane production board)

⁷⁶ Section 234 (Appeal to Magistrates Court)

- (a) the person could have appealed to a Magistrates Court under the unamended Act, section 234, against the decision; and
- (b) the person has not appealed before the commencement;

from the commencement, the unamended Act, section 234, does not apply to the decision.

417 Appeal to District Court against Magistrates Court’s decision

(1) This section applies to a person mentioned in the unamended Act, section 234(1)(a) to (e), who—

- (a) has appealed to a Magistrates Court against the decision, mentioned in relation to the person, of a board; and
- (b) is dissatisfied with the decision of the Magistrates Court (the “**court decision**”).

(2) If—

- (a) the person has appealed to the District Court under the unamended Act, section 234(8), against the court decision; and
- (b) the appeal has not been decided before the commencement;

on the commencement, the appeal lapses.

(3) No order for costs may be made for the appeal.

(4) If—

- (a) the person could have appealed to the District Court under the unamended Act, section 234(8), against the court decision; and
- (b) the person has not appealed before the commencement;

from the commencement, the unamended Act, section 234(8), does not apply to the court decision.

Division 8—Injunctions

418 Definitions for div 8

In this division—

“**commencement**” means the day the amending Act, section 35, commences.

“court” means the Supreme Court.

“injunction” includes an interim injunction.

“repealed provision” means a provision of the unamended Act, chapter 2, part 1, 2 or 5.⁷⁷

“undesirable conduct”, for a person, means the person has engaged, is engaging, or is proposing to engage, in conduct that is, was, or would be, any of the following—

- (a) a contravention of a repealed provision;
- (b) attempting to contravene a repealed provision;
- (c) aiding, abetting, counselling or procuring a person to contravene a repealed provision;
- (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene a repealed provision;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a repealed provision;
- (f) conspiring with others to contravene a repealed provision.

419 Undecided applications taken to have lapsed

(1) This section applies if an interested entity applied before the commencement under the unamended Act, section 247,⁷⁸ to the court for an injunction—

- (a) either—
 - (i) restraining a person from engaging in undesirable conduct; or
 - (ii) requiring a person to do anything the person is required to do under a repealed provision; and
- (b) on the commencement, the application had not been decided.

(2) On the commencement, the application is taken to have lapsed.

(3) No order for costs may be made for the application.

77 Chapter 2 (Production, supply and milling), part 1 (Cane production areas), 2 (Cane supply and processing agreements) or 5 (Mills)

78 Section 247 (Injunctions)

420 Injunctions of no effect after commencement

(1) This section applies if the court has, on the application of an interested entity, granted an injunction, under the unamended Act, section 247—

- (a) restraining a person from engaging in undesirable conduct and, if the court considered it desirable to do so, requiring the person to do anything; or
- (b) requiring a person to do anything the person is required to do under a repealed provision.

(2) The injunction is of no effect after the commencement.

SCHEDULE

DICTIONARY

section 4

“access right” see section 63(1).

“access rights register” see section 69.

“acquire” includes purchase, take on lease, licence or under another interest.

“amendment”, for chapter 3, part 2, see section 107A.

“annual return” see section 107A.

“applicant”, for chapter 3, part 2, see section 107A.

“appointed member”, for the authority, means each member of the authority other than the commissioner.

“appropriately qualified”, in relation to the exercise of a power, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

The level at which a person is employed by an entity.

“authority” means the Sugar Authority established under section 126.

“bargaining representative”, for chapter 2, part 1, see section 8.

“business manager”, of an industry participant, means—

- (a) a director, employee or officer of the industry participant; or
- (b) a manager or trustee of, or a partner in, an entity that is an industry participant.

“cane” means sugar cane.

“cane railway easement” see section 63(4).

“collective contract” means a collective contract under section 11.

“commissioner” means the Sugar Industry Commissioner appointed under section 222.

SCHEDULE (continued)

“**Competition Code**” see section 236.

“**competition legislation**” see section 236.

“**crushing season**” means, for any calendar year, the season for the harvesting and crushing of cane starting in the year.

“**decision**” includes an order and a direction.

“**eligible collective**”, for chapter 2, part 1, see section 14.

“**employment rights**” includes existing and accruing rights to—

- (a) remuneration; and
- (b) recreation, long service, sick or other leave; and
- (c) superannuation or other benefits and entitlements.

“**exemption**”, for chapter 3, part 2, see section 107A.

“**exemption application**” see section 107A.

“**exemption certificate**” see section 107A.

“**exemption certificate details**” see section 107M(2).

“**exemption conditions**” see section 107J.

“**exempt sugar**” see section 107A.

“**exempt use**” see section 107B.

“**group of growers**”, for chapter 2, part 1, see section 11(1).

“**grower**” means a person who supplies cane to a mill.

“**industrial association**” means an industrial association as defined in the *Industrial Relations Act 1999*, section 102.

“**Industrial Relations Act**” means the *Industrial Relations Act 1999*.

“**industry participant**” means—

- (a) a person who—
 - (i) grows cane; or
 - (ii) mills cane; or
 - (iii) produces, refines or manufactures sugar; or
 - (iv) other than QSL, sells sugar solely by wholesale or retail; or

SCHEDULE (continued)

- (b) an entity representing the interests of persons carrying on any of the things mentioned in paragraph (a); or
- (c) a business manager of a person or entity mentioned in paragraph (a) or (b).

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

- (a) the reasons for the decision;
- (b) the right of appeal or review provided under this Act to the person given the notice;
- (c) the period within which the appeal must be started or review applied for;
- (d) how to appeal or apply for the review.

“intention to contract” means an intention to contract under section 20.

“interest” of a director or member of an entity established under this Act about a matter for consideration at a meeting, means a direct or indirect interest.

“interested third party”, for chapter 2, part 1, see section 8.

“late exemption application” see section 107E(4).

“material personal interest”, of a director or member of an entity established under this Act about a matter for consideration at a meeting, means an interest relating to the personal affairs of the director or member that may have, or be seen to have, a significant influence on the conduct of the director or member at the meeting.

“mill” means a building or other structure that is equipped for the manufacture of sugar from cane.

“mill owner” or **“owner of a mill”** means an entity owning or having the control of a mill including the manager, the managing director or other person controlling the business of a mill.

“notice” means written notice.

“obstructs” includes assaults, threatens, abuses, insults, intimidates, hinders and attempts to obstruct.

“on-user” see section 107A.

SCHEDULE (continued)

“**payment scheme**”, for payment to mill owner for sugar vested in QSL, means a payment scheme under section 102(2).

“**periodic estimate**” see section 107C(2).

“**periodic estimate day**” see section 107C(3).

“**permit to pass**” see section 63(2).

“**products**” includes by-products.

“**QSL**” means Queensland Sugar Limited ACN 090 152 211.

“**raw sugar equivalent**” means the amount of raw sugar that is the equivalent of any sugar vested in QSL under the relevant payment scheme under section 102.⁷⁹

“**research**” includes investigation or consideration.

“**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 QSL;
- (c) sugar the source of which was grown outside Queensland.

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

“**supplier**”, for sugar, means a person who, immediately before the sugar is manufactured, owns the sugar cane from which the sugar is manufactured.

“**supply contract**” see section 8.

“**sustainable production**” means farming practices and systems that maintain or enhance—

- (a) economic viability of production; and
- (b) the natural resource base, that is, soil, land and water; and
- (c) other ecosystems that are influenced by agricultural activities.

⁷⁹ Section 102 (Schemes for payment)

SCHEDULE (continued)

“**use**”, for chapter 3, part 2, see section 107A.

“**verified**” means verified in writing.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2005. Future amendments of the Sugar Industry Act 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 January 2000	27 January 2000
1A	to 2000 Act No. 25	28 July 2000	6 October 2000
2	to 2000 Act No. 25	28 July 2000	3 November 2000
2A	to 2001 Act No. 45	15 July 2001	1 August 2001
2B	to 2001 Act No. 63	25 October 2001	8 November 2001
2C	to 2001 Act No. 73	3 December 2001	14 December 2001
2D	to 2001 Act No. 7	1 January 2002	15 January 2002
			(Column discontinued)
			Notes
2E	to 2002 Act No. 11	1 July 2002	R2E withdrawn, see R3
3	to 2002 Act No. 11	1 July 2002	
3A	to 2002 Act No. 11	31 October 2002	
3B	to 2003 Act No. 4	4 March 2003	
3C	to 2003 Act No. 19	9 May 2003	
3D	to 2003 Act No. 44	27 August 2003	

Reprint No.	Amendments included	Effective	Notes
3E	to 2003 Act No. 44	29 August 2003	
3F	to 2003 Act No. 44	1 September 2003	
3G	to 2003 Act No. 54	1 December 2003	
3H	to 2004 Act No. 3	6 May 2004	
3I rv	to 2004 Act No. 3	1 July 2004	
3J rv	to 2004 Act No. 3	2 July 2004	provs exp 1 July 2004
3K rv	to 2004 Act No. 3	1 January 2005	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2
Renumbered provisions	2

6 List of legislation

Sugar Industry Act 1999 No. 51

date of assent 18 November 1999

ss 1–2 commenced on date of assent

ch 4 pt 7 commenced 1 October 1999 (see s 2(1))

remaining provisions commenced 1 January 2000 (see s 2(2))

Note— Gazette notice to fix a day (“dissolution day”) is 31 October 2002 for dissolution of the corporation (see 1999 No. 51 s 229P as ins 2000 No. 25 s 15 and Queensland Government gazette No. 43, 25 October 2002 p 689)

amending legislation—

Sugar Industry Amendment Act 2000 No. 25 ss 1, 2(2)–2(5), 3(1), 4–17 schs 1–2

date of assent 27 June 2000

ss 1–2 commenced on date of assent

ss 4, 16, sch 1 items 1, 3–5, 17–26, 29, 33–34 commenced 27 June 2000 (see s 2(3))

sch 1 items 31–32, 35 commenced immediately before 1 January 2000 (see s 2(2))

sch 2 commenced 31 October 2002 (see s 2(4), 1999 No. 51 s 229P and Queensland Government gazette No. 43, 25 October 2002 p 689)

remaining provisions commenced 28 July 2000 (2000 SL No. 199)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Primary Industries Legislation Amendment Act 2001 No. 63 s 1, pt 7, s 58 sch

date of assent 25 October 2001

commenced on date of assent

Crime and Misconduct Act 2001 No. 69 ss 1–2, 378 sch 1

date of assent 8 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 221)

Ombudsman Act 2001 No. 73 ss 1–2, 96 sch 1

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2001 (2001 SL No. 224)

Public Records Act 2002 No. 11 ss 1, 2(2), 62 sch 1

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2002 (2002 SL No. 115)

Financial Services Reform (Consequential Amendments) Act 2003 No. 4 pts 1, 7

date of assent 4 March 2003

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 2003 No. 19 ss 1, 3 sch

date of assent 9 May 2003

commenced on date of assent

Sugar Industry and Other Legislation Amendment Act 2003 No. 44 pts 1–2, s 3 sch

date of assent 27 August 2003

ss 1–3, 7–15, 17, 19–21, 26(3), sch items 4–12 commenced on date of assent
(see s 2(1))

ss 6, 16, 18, 26(2), sch amdt 3 commenced 1 July 2004 (2004 SL No. 71)

sch amdt 14 (amdt could not be given effect)

s 22 commenced 29 August 2003 (2003 SL No. 200)

remaining provisions commenced 1 September 2003 (2003 SL No. 200)

Transport Infrastructure Act 1994 No. 8 s 491(3) sch 5 (this Act is amended, see amending legislation below)

amending legislation—

**Transport Infrastructure and Another Act Amendment Act 2003 No. 54
ss 1–2, 34, 39 (amends 1994 No. 8 above)**

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2003 (2003 SL No. 294)

Sugar Industry Reform Act 2004 No. 3 pts 1–2, s 37 sch

date of assent 6 May 2004

ss 1–3, 27–29, 36(1), (5) commenced on assent (see s 2(1))

ss 9–18, 24, 36(3), (6), (9) commenced 1 July 2004 (see s 2(2))

ss 7, 36(4), (8) commence 1 January 2006 (see s 2(4))

remaining provisions commenced 1 January 2005 (see s 2(3))

7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 8.

CHAPTER 1—PRELIMINARY

Definitions

s 4 amd 2001 No. 63 s 58 sch

Notes in text

s 5 ins 2000 No. 25 s 3(1) sch 1

CHAPTER 2—SUPPLY CONTRACTS AND CANE ACCESS RIGHTS

ch hdg sub 2004 No. 3 s 4

PART 1—ARRANGEMENTS FOR SUPPLY CONTRACTS FROM 1 JANUARY 2005 TO 31 DECEMBER 2005

pt hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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div hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Purpose of pt 1

s 7 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Definitions for pt 1

s 8 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 9 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 10 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Collective contract

s 11 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Variation of supply contract

s 12 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Division 2—Dispute resolution

div hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Subdivision 1—Negotiating collective contracts

sdiv hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 13 sub 2004 No. 3 s 5
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Meaning of “eligible collective”

s 14 sub 2004 No. 3 s 5
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s 15 sub 2004 No. 3 s 5
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s 16 amd 2001 No. 63 s 58 sch
sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 17 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 18 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Before dispute resolution process

s 19 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Intention to contract

s 20 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Effect of dispute resolution process

s 21 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 22 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 23 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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sdiv hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 24 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 25 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

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s 26 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Division 3—Expiry and savings provisions

div hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Subdivision 1—Preliminary

sdiv hdg om 2004 No. 3 s 5

Subdivision 2—Consent process

sdiv hdg om 2004 No. 3 s 5

Subdivision 3—Horizontal expansion process

sdiv hdg om 2004 No. 3 s 5

Subdivision 4—Productivity increase process

sdiv hdg om 2004 No. 3 s 5

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s 27 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Saving of operation of pt 1

s 28 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Other provisions that may be included in the process

s 29 om 2004 No. 3 s 5

Subdivision 5—Applications relating to receiving mill

sdiv 5 (ss 30–31) om 2004 No. 3 s 5

Division 4—Cancellation of cane production area without application

div 4 (s 32) om 2004 No. 3 s 5

Division 5—Registration requirements for grant, variation or cancellation of cane production areas

div 5 (s 33) om 2004 No. 3 s 5

Division 6—Cane production area plans

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Division 7—Cane production area plans

div 7 (ss 37–38) om 2004 No. 3 s 5

PART 2—CANE SUPPLY AND PROCESSING AGREEMENTS

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div hdg om 2004 No. 3 s 6

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s 40 om 2004 No. 3 s 6

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om 2004 No. 3 s 6

Collective agreement—making

s 43 om 2004 No. 3 s 6

Collective agreement—effect

s 44 om 2004 No. 3 s 6

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s 45 om 2004 No. 3 s 6

Which agreement applies to particular grower

s 46 om 2004 No. 3 s 6

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s 47 om 2004 No. 3 s 6

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div hdg om 2004 No. 3 s 6

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s 48 amd 2000 No. 25 s 4
om 2004 No. 3 s 6

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s 49 om 2004 No. 3 s 6

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s 50 amd 2000 No. 25 s 3(1) sch 1
om 2004 No. 3 s 6

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s 51 om 2004 No. 3 s 6

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s 52 om 2004 No. 3 s 6

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s 53 om 2004 No. 3 s 6

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s 54 om 2004 No. 3 s 6

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s 55 om 2004 No. 3 s 6

Division 4—Mill owner's cane

div hdg om 2004 No. 3 s 6

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s 56 om 2004 No. 3 s 6

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s 57 om 2004 No. 3 s 6

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s 58 amd 2000 No. 25 s 3(1) sch 1
om 2004 No. 3 s 6

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s 59 om 2004 No. 3 s 6

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s 75 amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39)

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div hdg om 2004 No. 3 s 8

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div hdg ins 2000 No. 25 s 4A
om 2004 No. 3 s 8

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div hdg om 2004 No. 3 s 8

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s 80 om 2004 No. 3 s 8

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s 81 om 2004 No. 3 s 8

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div hdg om 2004 No. 3 s 8

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s 82 om 2004 No. 3 s 8

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s 83 om 2004 No. 3 s 8

Continuation of mill suppliers’ committee for particular purpose

s 84 ins 2000 No. 25 s 4B
om 2004 No. 3 s 8

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s 85 om 2004 No. 3 s 8

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s 86 om 2004 No. 3 s 8

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s 94 amd 2000 No. 25 s 3(1) sch 1
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s 100 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 10

QSL to market and pay for vested sugar

prov hdg amd 2000 No. 25 s 3(1) sch 1

s 101 amd 2000 No. 25 s 3(1) sch 1

Schemes for payment

s 102 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 11

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s 103 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 12

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s 105 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 13

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s 106 amd 2000 No. 25 s 3(1) sch 1; 2003 No. 44 s 3 sch

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s 107 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 14

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2004 No. 3 s 37 sch**Minister's directions**s 110 amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 3 sch;
2004 No. 3 s 37 sch**Minister's directions in entities' annual report**

s 111 amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 3 sch

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s 112 prev s 112 om 2000 No. 25 s 6
 pres s 112 ins 2000 No. 25 s 5

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div hdg om 2000 No. 25 s 3(1) sch 1

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s 113 prev s 113 om 2000 No. 25 s 6
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s 114 prev s 114 om 2000 No. 25 s 6
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Division 2—General provisions about the corporation

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s 115 prev s 115 om 2000 No. 25 s 6
 new s 115 om 2000 No. 25 s 3(1) sch 2

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s 116 sub 2000 No. 25 s 6
 om 2000 No. 25 s 3(1) sch 2

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s 117 prev s 117 om 2000 No. 25 s 6
 new 117 amd 2000 No. 25 s 7
 om 2000 No. 25 s 3(1) sch 2

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s 118 prev s 118 om 2000 No. 25 s 6
 new s 118 amd 2001 No. 69 s 378 sch 1
 om 2000 No. 25 s 3(1) sch 2

PART 3—QUEENSLAND SUGAR LIMITED

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 pres s 119 ins 2000 No. 25 s 9

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amd 2003 No. 44 s 3 sch**Audit of QSL****s 123** ins 2000 No. 25 s 9
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amd 2004 No. 3 s 18**Application of various public sector Acts**s 139 ins 2000 No. 25 s 9
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div hdg om 2003 No. 44 s 5

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om 2003 No. 44 s 5**Vacation of office**

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s 151 om 2003 No. 44 s 5

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s 152 om 2003 No. 44 s 5

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s 153 om 2003 No. 44 s 5

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s 164 om 2004 No. 3 s 19

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s 165 om 2004 No. 3 s 19

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om 2004 No. 3 s 19**Vacation of office**

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om 2004 No. 3 s 19**Other effects of amalgamation**s 175 amd 2000 No. 25 ss 10B, 3(1) sch 1
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s 191 amd 2000 No. 25 ss 11, 3(1) sch 1

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s 192 om 2003 No. 44 s 6

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s 193 amd 2001 No. 69 s 378 sch 1

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s 194 amd 2000 No. 25 s 3(1) sch 1

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Division 4—Dissolution of cane protection and productivity boards

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Another cane protection and productivity board to take place of dissolved cane protection and productivity board

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s 197 om 2003 No. 44 s 6

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div hdg ins 2000 No. 25 s 12

amd 2003 No. 44 s 7

exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

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def “**assets**” ins 2003 No. 44 s 8(2)
def “**authorised person**” ins 2003 No. 44 s 8(2)
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def “**proposed transfer day**” ins 2003 No. 44 s 8(2)
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s 199 ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
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exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

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AIA s 20A applies (see s 213B)

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AIA s 20A applies (see s 213B)

Division 3—Provisions facilitating transfer

div hdg ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Exemption for cooperatives

s 207 ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Registration of transferred assets

s 208 ins 2000 No. 25 s 12
amd 2001 No. 45 s 29 sch 3; 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

References to board

s 209 ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Continuity of proceedings and matters

s 210 ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Employees

s 211 ins 2000 No. 25 s 12
sub 2003 No. 44 s 14
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Officers cease holding office

s 212 ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Division 4—Status of replacement entity

div hdg ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Replacement entity

prov hdg amd 2003 No. 44 s 3 sch
s 213 ins 2000 No. 25 s 12
amd 2003 No. 44 s 3 sch
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Division 5—Expiry and savings provisions

div 5 (ss 213A–213B) ins 2003 No. 44 s 15
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

PART 9—NEGOTIATING TEAMS

pt 9 (ss 214–221) om 2004 No. 3 s 20

PART 10—SUGAR INDUSTRY COMMISSIONER**Division 1—Commissioner**

div hdg om 2004 No. 3 s 37 sch

Functions of commissioner

s 223 amd 2000 No. 25 s 13; 2000 No. 25 s 3(1) sch 2; 2003 No. 44 s 16; 2004 No. 3 s 21

Powers of commissioner

s 223A ins 2003 No. 44 s 17
amd 2004 No. 3 s 22

Disqualifications for appointment

s 225 amd 2001 No. 45 s 29 sch 3

Commissioner's independence

s 227 amd 2000 No. 25 s 3(1) sch 1

Numbering amd renumbering of Act

s 227A ins 2000 No. 25 s 15
om R2 (see RA s 37)

Commissioner's budget

s 228 prev s 228 om 2000 No. 25 s 16(2)
pres s 228 amd 2000 No. 25 s 14, 3(1) sch 1; 2003 No. 44 s 18

Objects of ch 7B

s 229 om 2000 No. 25 s 16(2)

Commissioner's power to delegate

s 230 amd 2004 No. 3 s 37 sch

Division 2—Commissioner's function for registers

div hdg om 2004 No. 3 s 37 sch

Commissioner and registers

s 233 om 2004 No. 3 s 37 sch

CHAPTER 5—APPEALS**Appeal to Magistrates Court**s 234 amd 2000 No. 25 s 3(1) sch 1; 2001 No. 63 s 26; 2003 No. 44 s 3 sch;
2004 No. 3 ss 23, 37 sch**Appeal to District Court—exemption application**

s 234A ins 2004 No. 3 s 24

Definitions for ch 6s 236 def “**harvesting equity committee**” om 2004 No. 3 s 37 sch
def “**settlement**” om 2004 No. 3 s 37 sch**Collective contracts**

s 237 sub 2004 No. 3 s 25

Expansions

s 238 om 2004 No. 3 s 25

Supply agreements—individual agreements

s 239 om 2004 No. 3 s 25

Supply agreements—collective agreements

s 240 om 2004 No. 3 s 25

Supply agreements—payments

s 241 om 2004 No. 3 s 25

Cane quality programs

s 242 om 2004 No. 3 s 25

CHAPTER 6—AUTHORISATIONS FOR COMPETITION LEGISLATION**Payment schemes**

s 243 amd 2000 No. 25 s 3(1) sch 1

Brand sugar

s 244 amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 1

Directions about delivery

s 245 amd 2000 No. 25 s 3(1) sch 1

Sugar price directions

s 246 amd 2000 No. 25 s 3(1) sch 1

CHAPTER 7—MISCELLANEOUS**General provisions about show cause proceedings**

s 248 om 2004 No. 3 s 26

Records to be kept

s 250 amd 2002 No. 11 s 62 sch 1

Improper use of information prohibited

s 253 amd 2003 No. 44 s 19

Indemnity

s 254 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 37 sch

Proceedings for an offence

s 255 amd 2000 No. 25 s 3(1) sch 1

Allegations of false or misleading matters

s 255A ins 2003 No. 44 s 20

Evidence

s 256 amd 2004 No. 3 s 37 sch

CHAPTER 8—DEALINGS WITH BULK SUGAR TERMINAL ASSETS AND LIABILITIES

ch hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 1—PRELIMINARY

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Objects of ch 8

s 258 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Definitions for ch 8

s 259 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Excluded matters for Corporations legislation

s 259A ins 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 21

PART 2—TRANSFER OF ASSETS AND LIABILITIES TO CORPORATION

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Definitions for pt 2

s 260 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Classification of BST assets and liabilities

s 261 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Vesting preserved

s 262 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

BST day

s 263 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer of transferable BST assets and liabilities

s 264 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Consideration for transfer of BST assets

s 265 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Provisions facilitating transfer

s 266 prev s 266 om 2000 No. 25 s 3(1) sch
pres s 266 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Legal proceedings

s 267 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 3—TRANSFER OF ASSETS AND LIABILITIES TO STL

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Definitions for pt 3

s 268 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer day

s 269 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer of BST assets and liabilities

s 270 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Consideration for transfer of BST assets

s 271 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Issue of shares in STL

s 272 om 2003 No. 44 s 21

Provisions facilitating transfer

s 273 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Legal proceedings

s 274 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 4—STL SHARE TRANSFERS BY CORPORATION

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 1—Interpretation

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Definitions for pt 4

s 275 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 2—Transfer of STL shares

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Corporation's obligation to transfer STL shares to eligible persons

s 276 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Entitlement to STL shares

s 277 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Notice of STL's decision on share entitlement

s 278 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer of STL shares

s 279 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 3—Appeals

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Appeal

s 280 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer of STL shares as a result of appeal

s 281 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 5—GENERAL

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Chapter has effect despite agreements etc.

s 282 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Chapter does not affect existing legal relationships

s 283 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Other conditions for transactions under chapter to be met

s 284 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Minister's directions

s 285 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

CHAPTER 9—DEALINGS WITH CORPORATION ASSETS AND LIABILITIES

ch hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 1—PRELIMINARY

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Objects of ch 9

s 286 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Definitions for ch 9

s 287 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Excluded matters for Corporations legislation

287A ins 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 21

PART 2—TRANSFER OF ASSETS AND LIABILITIES FROM CORPORATION TO QSL

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Classification of corporation marketing assets and liabilities

s 288 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

QSL day

s 289 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Transfer of marketing assets and liabilities

s 290 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Consideration for transfer of marketing assets

s 291 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Provisions facilitating transfer

s 292 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Legal proceedings

s 293 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Continuation of corporation directions, payment schemes and quality standards

s 294 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 3—ADMINISTRATION

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 1—General

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Officers cease holding office

s 295 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Employees

s 296 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 2—Administrator

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Appointment

s 297 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Administrator is corporation

s 298 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Additional functions of administrator

s 299 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Minister's directions to administrator

s 300 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 4—DISTRIBUTION OF STL SHARES AND DISSOLUTION OF CORPORATION

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Distribution

s 301 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Dissolution day

s 302 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

PART 5—GENERAL

pt hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Chapter has effect despite agreements etc.

s 303 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Chapter does not affect existing legal relationships

s 304 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Other conditions for transactions under chapter to be met

s 305 ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Division 1—Interpretation

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Definitions for pt 1

prov hdg amd 2000 No. 25 s 3(1) sch 1
s 306 amd 2000 No. 25 s 3(1) sch 1 (incl in orig ch 10, pt 1, div 1)
om 2004 No. 3 s 27

Division 2—Assignments

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Assignment becomes a cane production area

s 307 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

Plan of transitional assignment becomes plan of a cane production area

s 308 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

Particular Queensland Sugar Corporation guideline to continue in effect

prov hdg amd 2000 No. 25 s 3(1) sch 2
s 309 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 2)

Division 3—Awards and mill supply contracts

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Awards

s 310 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 3)

Mill supply contracts

prov hdg amd 2000 No. 25 s 3(1) sch 1 (retro)
s 311 amd 2000 No. 25 s 3(1) sch 1 (retro) (incl in orig ch 10, pt 1, div 3)
om 2004 No. 3 s 27

Existing mill starts as mill

s 312 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 3)

Division 4—Transitional easements and permits to pass

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Transitional easement becomes a cane railway easement

s 313 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)

Transitional permit becomes permit to pass

s 314 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)

Register of easements becomes the access rights register

s 315 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 4)
om 2004 No. 3 s 27

References to the register of easements

s 316 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 4)

Transitional applications

s 317 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 4)
om 2004 No. 3 s 27

Division 5—Marketing

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Vesting preserved

s 318 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)
om 2004 No. 3 s 27

Pool for payment

s 319 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)
om 2004 No. 3 s 27

Directions about delivery to and acceptance by corporation

s 320 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 5)
om 2004 No. 3 s 27

Sugar quality standards

s 321 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 5)

Division 6—Minister's powers

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Minister's directions to corporation

s 322 amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10,
pt 1, div 6)
om 2004 No. 3 s 27

Division 7—Queensland Sugar Corporation

div hdg om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Continuation of corporation

s 323 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 7)
om 2004 No. 3 s 27

Delegation continues

s 324 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 7)
om 2004 No. 3 s 27

Sugar Cane Assignment Register becomes the commissioner's register

s 325 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 7)

Division 8—Bureau of Sugar Experiment Stations

div 8 (ss 326–327) om 2003 No. 44 s 3 sch (incl in orig ch 10, pt 1)

Division 9—Cane production boards

div 9 (ss 328–329) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 10—Cane protection and productivity boards

div 10 (ss 330–331) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 11—Negotiating teams

div 11 (s 332) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 12—Mill suppliers' committees

div hdg ins 2000 No. 25 s 16(4)
om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

References to a mill suppliers' committee

s 333 ins 2000 No. 25 s 16(4) (incl in orig ch 10, pt 1, div 12)
om 2004 No. 3 s 27

Division 13—Sugarcane and sugarcane products examination and testing programs

div 13 (s 334) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 14—Sugar Industry Tribunal

div 14 (s 335) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 15—Sugar Industry Commissioner

div 15 (s 336) om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Division 16—Competition policy legislation

div 16 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1)

Definitions for div 16

s 337 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

Guidelines

s 338 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)
om 2004 No. 3 s 27

Awards

s 339 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

Mill supply agreements

s 340 om 2004 No. 3 s 27 (incl in orig ch 10, pt 1, div 16)

Directions about delivery to and acceptance by Queensland Sugar Corporation

prov hdg amd 2000 No. 25 s 3(1) sch 2

s 341 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)
om 2004 No. 3 s 27

Minister's directions to Queensland Sugar Corporation

prov hdg amd 2000 No. 25 s 3(1) sch 2

s 342 amd 2000 No. 25 s 3(1) sch 2 (incl in orig ch 10, pt 1, div 16)
om 2004 No. 3 s 27

Compliance with notice requirements

s 343 ins 2000 No. 25 s 16(5) (incl in orig ch 10, pt 2)
om 2004 No. 3 s 27

CHAPTER 10—TRANSITIONAL PROVISIONS

ch hdg sub 2000 No. 25 s 16(1)

PART 1—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY AND OTHER LEGISLATION AMENDMENT ACT 2003

pt hdg orig pt 1 hdg om 2000 No. 25 s 16(2)
prev pt 1 hdg sub 2000 No. 25 s 16(3)
om 2004 No. 3 s 27
pres pt 1 hdg ins 2004 No. 3 s 28

Division 1—Preliminary**div 1 (s 344)** ins 2003 No. 44 s 22**Division 2—Dissolution of BSES****div 2 (ss 345–359)** ins 2003 No. 44 s 22**Division 3—Automatic dissolution of cane protection and productivity boards if no replacement entity****div 3 (ss 360–366)** ins 2003 No. 44 s 23**Division 4—Appeals****div 4 (ss 367–369)** ins 2003 No. 44 s 24**Division 5—Injunctions****div 5 (ss 370–372)** ins 2003 No. 44 s 25**PART 2—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY REFORM ACT 2003****pt hdg** orig pt 2 hdg om 2000 No. 25 s 16(3)
prev pt 2 ins 2000 No. 25 s 16(5)
om 2004 No. 3 s 27
pres pt 2 hdg ins 2004 No. 3 s 29**Division 1—Preliminary****div 1 (s 373)** ins 2004 No. 3 s 29**Division 2—Dissolution of cane production boards****div 2 (ss 374–391)** ins 2004 No. 3 s 29**Division 3—Abolition of cane production areas****div 3 (ss 392–396)** ins 2004 No. 3 s 30**Division 4—Supply agreements****div 4 (ss 397–399)** ins 2004 No. 3 s 31**Division 5—Mill suppliers' committees****div 5 (ss 400–408)** ins 2004 No. 3 s 32**Division 6—Abolition of negotiating teams****div 6 (ss 409–414)** ins 2004 No. 3 s 33**Division 7—Appeals****div 7 (ss 415–417)** ins 2004 No. 3 s 34**Division 8—Injunctions****div 8 (ss 418–420)** ins 2004 No. 3 s 35**PART 3—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY AND OTHER LEGISLATION AMENDMENT ACT 2003****pt hdg** om 2004 No. 3 s 28**SCHEDULE 1—AMENDMENT OF OTHER ACTS AND REGULATIONS**

om R1 (see RA s 40)

amd 2000 No. 25 s 3(1) sch 1 (amdt could not be given effect)

SCHEDULE—DICTIONARYdef “**adjacent**” om 2004 No. 3 s 36(2)

- def **“amendment”** ins 2004 No. 3 s 36(6)
def **“annual return”** ins 2004 No. 3 s 36(6)
def **“applicant”** ins 2004 No. 3 s 36(6)
def **“appointed director”** sub 2000 No. 25 s 3(1) sch 1
om 2003 No. 44 s 26(1)
def **“appointed member”** ins 2000 No. 25 s 17(2)
def **“assets”** ins 2003 No. 44 s 26(3)
om 2004 No. 3 s 36(3)
def **“authority”** ins 2000 No. 25 s 17(2)
def **“bargaining representative”** ins 2004 No. 3 s 36(7)
def **“board”** ins 2003 No. 44 s 26(3)
om 2004 No. 3 s 36(3)
def **“BSES”** om 2003 No. 44 s 26(1)
def **“cane analysis program”** om 2004 No. 3 s 36(2)
def **“cane production area”** om 2004 No. 3 s 36(2)
def **“cane production board”** om 2004 No. 3 s 36(2)
def **“cane productivity”** om 2004 No. 3 s 36(2)
def **“cane protection and productivity board”** om 2003 No. 44 s 26(2)
def **“cane quality program”** om 2004 No. 3 s 36(2)
def **“cane supply and processing agreement”** om 2004 No. 3 s 36(2)
def **“closed mill”** om 2004 No. 3 s 36(2)
def **“closed mill cane”** om 2004 No. 3 s 36(2)
def **“collective agreement”** om 2004 No. 3 s 36(2)
def **“collective contract”** ins 2004 No. 3 s 36(7)
def **“commercial cane sugar”** om 2004 No. 3 s 36(2)
def **“Competition Code”** sub 2004 No. 3 s 36(1), (5)
def **“competition legislation”** sub 2004 No. 3 s 36(1), (5)
def **“consent process”** om 2004 No. 3 s 36(2)
def **“corporation”** om 2000 No. 25 s 3(1) sch 2
def **“crushing capacity”** om 2004 No. 3 s 36(2)
def **“current cane production area”** om 2004 No. 3 s 36(2)
def **“current cane production board”** om 2004 No. 3 s 36(2)
def **“current mill”** om 2004 No. 3 s 36(2)
def **“eligible collective”** ins 2004 No. 3 s 36(7)
def **“eligible person”** ins 2000 No. 25 s 17(2)
om 2004 No. 3 s 36(2)
def **“employment rights”** ins 2003 No. 44 s 26(3)
def **“exemption”** ins 2004 No. 3 s 36(6)
def **“exemption application”** ins 2004 No. 3 s 36(6)
def **“exemption certificate”** ins 2004 No. 3 s 36(6)
def **“exemption certificate details”** ins 2004 No. 3 s 36(6)
def **“exemption conditions”** ins 2004 No. 3 s 36(6)
def **“exempt sugar”** ins 2004 No. 3 s 36(6)
def **“exempt use”** ins 2004 No. 3 s 36(6)
def **“expansion”** om 2004 No. 3 s 36(2)
def **“grant of unallocated hectares”** om 2004 No. 3 s 36(2)
def **“group of growers”** ins 2004 No. 3 s 36(7)
def **“grower”** sub 2004 No. 3 s 36(2), (7)
def **“guidelines”** om 2004 No. 3 s 36(2)
def **“harvesting equity committee”** om 2004 No. 3 s 36(2)

- def “**horizontal expansion**” om 2004 No. 3 s 36(2)
- def “**horizontal expansion process**” om 2004 No. 3 s 36(2)
- def “**industrial association**” ins 2000 No. 25 s 17(2)
- def “**Industrial Relations Act**” ins 2003 No. 44 s 26(3)
- def “**industry participant**” amd 2000 No. 25 s 3(1) sch 1
- def “**intention to contract**” ins 2004 No. 3 s 36(7)
- def “**interested third party**” ins 2004 No. 3 s 36(7)
- def “**land included in a cane production area**” om 2004 No. 3 s 36(2)
- def “**late exemption application**” ins 2004 No. 3 s 36(6)
- def “**liabilities**” ins 2003 No. 44 s 26(3)
om 2004 No. 3 s 36(3)
- def “**material personal interest**” sub 2003 No. 19 s 3 sch
- def “**mill**” sub 2004 No. 3 s 36(2), (7)
- def “**mill supplier’s committee**” sub 2000 No. 25 s 17(1)–(2)
om 2004 No. 3 s 36(2)
- def “**negotiating team**” om 2004 No. 3 s 36(2)
- def “**non-approved cane**” om 2003 No. 44 s 26(1)
- def “**number of hectares included in a cane production area**” om 2004
No. 3 s 36(2)
- def “**on-user**” ins 2004 No. 3 s 36(6)
- def “**payment scheme**” amd 2000 No. 25 s 3(1) sch 1
- def “**penalty sugar**” om 2004 No. 3 s 36(2)
- def “**periodic estimate**” ins 2004 No. 3 s 36(6)
- def “**periodic estimate day**” ins 2004 No. 3 s 36(6)
- def “**pest**” om 2004 No. 3 s 36(3)
- def “**pest infestation**” om 2004 No. 3 s 36(3)
- def “**productivity increase**” om 2004 No. 3 s 36(2)
- def “**productivity increase process**” om 2004 No. 3 s 36(2)
- def “**proposed transfer day**” ins 2003 No. 44 s 26(3)
om 2004 No. 3 s 36(3)
- def “**QSL**” ins 2000 No. 25 s 17(2)
- def “**Queensland Sugar Corporation**” ins 2000 No. 25 s 3(1) sch 2
om 2004 No. 3 s 36(2)
- def “**raw sugar equivalent**” amd 2000 No. 25 s 3(1) sch 1
- def “**receiving cane production board**” om 2004 No. 3 s 36(2)
- def “**receiving mill**” om 2004 No. 3 s 36(2)
- def “**register of easements**” om 2004 No. 3 s 36(1)
- def “**regulation process**” om 2004 No. 3 s 36(2)
- def “**repealed Act**” sub 2000 No. 25 s 3(1) sch 1
om 2004 No. 3 s 36(2)
- def “**replacement entity**” ins 2003 No. 44 s 26(3)
om 2004 No. 3 s 36(3)
- def “**settlement**” om 2004 No. 3 s 36(2)
- def “**STL**” ins 2000 No. 25 s 17(2)
om 2004 No. 3 s 36(2)
- def “**sugar**” amd 2000 No. 25 s 3(1) sch 1
- def “**sugar cane**” amd 2004 No. 3 s 36(9)
- def “**Sugar Cane Assignment Register**” om 2004 No. 3 s 36(1)
- def “**Sugar Industry Tribunal**” om 2004 No. 3 s 36(1)
- def “**suitable cane land**” om 2004 No. 3 s 36(2)

def “**supplier**” ins 2004 No. 3 s 36(6)
 def “**supply agreement**” om 2004 No. 3 s 36(2)
 def “**supply contract**” ins 2004 No. 3 s 36(7)
 def “**third party**” om 2004 No. 3 s 36(2)
 def “**transfer**” om 2004 No. 3 s 36(2)
 def “**transfer day**” ins 2003 No. 44 s 26(3)
 om 2004 No. 3 s 36(3)
 def “**transitional assignment**” om 2004 No. 3 s 36(1)
 def “**transitional easement**” om 2004 No. 3 s 36(1)
 def “**transitional permit**” om 2004 No. 3 s 36(1)
 def “**unallocated**” om 2004 No. 3 s 36(2)
 def “**use**” ins 2004 No. 3 s 36(6)
 def “**variation**” om 2004 No. 3 s 36(2)

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS [Reprint No. 2]

under the Reprints Act 1992 s 43 as required by the Sugar Industry Act 1999 s 227A

Previous	Renumbered as
4A	5
5	6
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9	10
10	11
11	12
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30	31

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31.....	32
32.....	33
33.....	34
34.....	35
35.....	36
36.....	37
37.....	38
38.....	39
39.....	40
40.....	41
41.....	42
42.....	43
43.....	44
44.....	45
45.....	46
46.....	47
47.....	48
47(2A).....	48(3)
47(2B).....	48(4)
47(2C).....	48(5)
47(3).....	48(6)
47(4).....	48(7)
47(5).....	48(8)
47(6).....	48(9)
47(7).....	48(10)
48.....	49
49.....	50
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51.....	52
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71.....	72
72.....	73
73.....	74
74.....	75
75.....	76
div 1A	div 2
75A	77
75B	78
div 2.....	div 3
76.....	79
77.....	80
78.....	81
div 3.....	div 4
79.....	82
80.....	83
80A	84
81.....	85
82.....	86
div 4.....	div 5
83.....	87
84.....	88
85.....	89
86.....	90
87.....	91
88.....	92
div 5.....	div 6
89.....	93
90.....	94
91.....	95
92.....	96
93.....	97
div 6.....	div 7
94.....	98
div 7.....	div 8
95.....	99
96.....	100
97.....	101
98.....	102
99.....	103
100.....	104
101.....	105
102.....	106
103.....	107
104.....	108
105.....	109
105(1)(aa)	109(1)(b)
105(1)(b)	109(1)(c)
105(1)(c)	109(1)(d)

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105(1)(d)	109(1)(e)
105(1)(e)	109(1)(f)
106	110
106(1)(aa)	110(1)(b)
106(1)(b)	110(1)(c)
106(1)(c)	110(1)(d)
106(1)(d)	110(1)(e)
106(1)(e)	110(1)(f)
107	111
107(1)(aa)	111(1)(b)
107(1)(b)	111(1)(c)
107(1)(c)	111(1)(d)
107(1)(d)	111(1)(e)
107A	112
108	113
109	114
110	115
111	116
123	117
128	118
pt 2A	pt 3
128A	119
128B	120
128C	121
128D	122
128E	123
128F	124
128G	125
pt 2B	pt 4
128H	126
128I	127
128J	128
128K	129
128L	130
128M	131
128N	132
128O	133
128P	134
128Q	135
128R	136
128S	137
128T	138
128U	139
128V	140
128W	141
128X	142
pt 3	pt 5
129	143

Previous	Renumbered as
130.....	144
131.....	145
132.....	146
133.....	147
134.....	148
135.....	149
136.....	150
137.....	151
138.....	152
139.....	153
140.....	154
141.....	155
142.....	156
143.....	157
144.....	158
145.....	159
146.....	160
pt 4.....	pt 6
147.....	161
148.....	162
149.....	163
149(1)(ea).....	163(1)(f)
149(1)(f).....	163(1)(g)
150.....	164
151.....	165
152.....	166
153.....	167
154.....	168
155.....	169
156.....	170
157.....	171
158.....	172
159.....	173
160.....	174
161.....	175
162.....	176
pt 5.....	pt 7
163.....	177
164.....	178
165.....	179
166.....	180
167.....	181
168.....	182
169.....	183
170.....	184
171.....	185
172.....	186
173.....	187

Previous	Renumbered as
174.....	188
175.....	189
176.....	190
177.....	191
177(1)(ca)	191(d)
177(1)(d)	191(e)
178.....	192
179.....	193
180.....	194
181.....	195
182.....	196
183.....	197
pt 5A	pt 8
183A	198
183B	199
183C	200
183D	201
183E.....	202
183F.....	203
183G	204
183H	205
183I	206
183J.....	207
183K	208
183L.....	209
183M.....	210
183N	211
183O	212
183P.....	213
pt 6.....	pt 9
184.....	214
185.....	215
186.....	216
187.....	217
188.....	218
189.....	219
190.....	220
191.....	221
pt 7.....	pt 10
192.....	222
193.....	223
194.....	224
195.....	225
196.....	226
197.....	227
198.....	228
199.....	229
200.....	230

Previous	Renumbered as
201.....	231
202.....	232
203.....	233
204.....	234
205.....	235
206.....	236
207.....	237
208.....	238
209.....	239
210.....	240
211.....	241
212.....	242
213.....	243
214.....	244
215.....	245
216.....	246
217.....	247
218.....	248
219.....	249
220.....	250
221.....	251
222.....	252
223.....	253
224.....	254
225.....	255
226.....	256
227.....	257
ch 7A.....	ch 8
228.....	258
228A.....	259
228B.....	260
228C.....	261
228D.....	262
228E.....	263
228F.....	264
228G.....	265
228H.....	266
228I.....	267
228J.....	268
228K.....	269
228L.....	270
228M.....	271
228N.....	272
228O.....	273
228P.....	274
228Q.....	275
228R.....	276
228S.....	277

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228T.....	278
228U.....	279
228V.....	280
228W.....	281
228X.....	282
228Y.....	283
228Z.....	284
228ZA.....	285
ch 7B.....	ch 9
229.....	286
229A.....	287
229B.....	288
229C.....	289
229D.....	290
229E.....	291
229F.....	292
229G.....	293
229H.....	294
229I.....	295
229J.....	296
229K.....	297
229L.....	298
229M.....	299
229N.....	300
229O.....	301
229P.....	302
229Q.....	303
229R.....	304
229S.....	305
ch 8.....	ch 10
230.....	306
231.....	307
232.....	308
233.....	309
234.....	310
235.....	311
236.....	312
237.....	313
238.....	314
239.....	315
240.....	316
241.....	317
242.....	318
243.....	319
244.....	320
245.....	321
246.....	322
247.....	323

Previous	Renumbered as
248.....	.324
249.....	.325
250.....	.326
251.....	.327
252.....	.328
253.....	.329
254.....	.330
255.....	.331
256.....	.332
div 11Adiv 12
256A333
div 12.....	.div 13
257.....	.334
div 13.....	.div 14
258.....	.335
div 14.....	.div 15
259.....	.336
div 15.....	.div 16
260.....	.337
261.....	.338
262.....	.339
263.....	.340
264.....	.341
265.....	.342
267.....	.343
sch 2.....	.sch