

Queensland



EGG INDUSTRY ACT 1993

**Reprinted as in force on 26 August 1996
(includes amendments up to Act No. 26 of 1996)**

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 26 August 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier 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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EGG INDUSTRY ACT 1993

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EGG INDUSTRY ACT 1993

[as amended by all amendments that commenced on or before 26 August 1996]

An Act about the Queensland egg industry

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Egg Industry Act 1993*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Objects

3. The objects of this Act are to provide for the administration of a hen quota system to regulate the keeping of hens for the commercial production of eggs.

Definitions

4. In this Act—

“**authorised person**” means an authorised person appointed under Part 8, Division 1;

“**Authority**” means the Queensland Egg Industry Management Authority;

“**Court**” in Part 7 means Magistrates Court;

“**eggs**” means hen eggs, and includes products derived from hen eggs and consisting substantially of egg solids, other than products excluded by

Egg Industry Act 1993

regulation from this definition;

“hen” means a bird of the species *Gallus gallus* var. *domesticus*;

“industry” means the egg industry;

“obstruct” means—

- (a) obstruct, hinder or resist; or
- (b) attempt to obstruct, hinder or resist;

“over-quota eggs” has the meaning given by section 5 (Over-quota eggs);

“person in control of a vehicle” includes—

- (a) the driver of the vehicle; and
- (b) the person in command of the vehicle; and
- (c) the person who appears to be in control or command of the vehicle;

“place” includes land and premises;

“premises” includes—

- (a) a building or other structure or part of a building or other structure; and
- (b) land where a building or other structure is situated;

“producer” means a person who carries on a business involving the commercial production of eggs;

“public notice” means a notice published in a newspaper circulating throughout the State;

“quota” means a licence authorising a producer to keep hens for the commercial production of eggs;

“quota lease” means an arrangement under which a producer transfers a right to keep hens for the commercial production of eggs on the basis that the right will later revert to the transferor;

“quota number” means the number of hens that a producer is authorised by a quota to keep for the commercial production of eggs;

“State quota” has the meaning given by section 69 (State quota);

“vehicle” includes an aircraft and a boat.

Over-quota eggs

5.(1) If, during a particular period, a quantity of eggs produced by a producer's hens is more than the quantity worked out under subsection (2) (the producer's "**production quota**"), the quantity over is "**over-quota eggs**".

(2) A producer's production quota for a particular period is worked out by multiplying the producer's quota number by a quantity decided from a scale prescribed by regulation.

PART 5—THE QUEENSLAND EGG INDUSTRY MANAGEMENT AUTHORITY

Division 1—The Authority and its general powers

Establishment of the Authority

53.(1) The Queensland Egg Industry Management 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.

(3) Judicial notice must be taken of the imprint of the Authority's seal appearing on a document and the document must be presumed to have been properly sealed unless the contrary is proved.

Role of the Authority

54. The Authority is responsible for administering the statutory hen quota system established by this Act.

General powers of the Authority

55.(1) The Authority has, in the performance of its functions, all the powers of a natural person and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) make charges for services provided by it.

(2) The Authority may recover a fee or charge that is due to it under this Act as a debt.

Delegation

56.(1) The Authority may delegate its powers to—

- (a) a committee formed by the Authority; or
- (b) a member of the Authority; or
- (c) a member of the Authority's staff.

(2) The Authority may delegate powers only if satisfied that the committee to which, or the person to whom, the delegation is proposed has the expertise and experience necessary for the proper exercise of the powers.

Division 2—Ministerial direction**Ministerial direction**

57.(1) The Minister may direct the Authority in relation to the performance of its statutory functions and the exercise of its statutory powers.

(2) A direction may only be given by the Minister under this section 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 the Authority written notice of intention to

exercise the power of direction; and

- (c) the Authority has been given a reasonable opportunity to discuss the proposed direction with the Minister.

(3) If the Minister gives a direction to the Authority—

- (a) the direction must be given in writing and must state the date it is to take effect; and
- (b) the direction must be published in the Gazette as soon as practicable after it is given; and
- (c) the direction must be tabled in the Legislative Assembly within 14 sitting days after it is given; and
- (d) the Authority may include the text of the direction in its next annual report.

Noncompliance with direction

58. If the Authority fails to comply with a direction under this Division, the Minister must draw the matter to the attention of the Legislative Assembly.

Division 3—Composition of the Authority

Composition of the Authority

59.(1) The Authority is to consist of the following members—

- (a) a chairperson who must be independent of the Government and the industry;
- (b) an officer of the department with experience in the industry;
- (c) a producer nominated by the Minister.

(2) The chairperson and other members of the Authority are to be appointed by the Governor in Council.

(3) The Governor in Council may appoint a person to act as a member of the Authority during any period, or all periods, when a particular member is absent or cannot, for any reason, perform the duties of office.

Term of office

60.(1) A member of the Authority is to be appointed for a term of not more than 3 years.

(2) A member of the Authority ceases to hold office if the member—

- (a) resigns by signed notice given to the Minister; or
- (b) completes a term of office and is not reappointed; or
- (c) is convicted of an indictable offence or an offence against this Act; or
- (d) is removed from office by the Governor in Council under subsection (3).

(3) The Governor in Council may remove a member of the Authority from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member of the Authority because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) does anything that, in the Governor in Council's opinion, is a reasonable and sufficient justification for removal from office.

Fees and allowances

61. The members of the Authority are entitled to the fees and allowances that may be decided by the Governor in Council.

Division 4—Proceedings of the Authority**Time and place of meetings**

62.(1) Meetings of the Authority are to be held at the times and places the Authority decides.

(2) However, the chairperson may convene a meeting of the Authority at any time.

Procedure governing transaction of business

63.(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is absent, the member chosen by the members present is to preside.

(3) At a meeting of the Authority—

- (a) 2 members form a quorum; and
- (b) a question is to be decided by a majority of votes of members present and voting; and
- (c) each member present has 1 vote on each question to be decided and, if the votes are equal, the member presiding at the meeting has a casting vote.

(4) The Authority may regulate its proceedings (including its meetings) as it considers appropriate.

(5) The Authority may hold meetings, or permit members to take part in meetings, by telephone, closed-circuit television or another form of communication.

(6) A member who takes part in a meeting of the Authority by permission under subsection (5) is taken to be present at the meeting.

(7) If—

- (a) all members of the Authority agree, in writing, to a proposed resolution of the Authority; and
- (b) notice of the proposed resolution was given under procedures approved by the Authority;

the resolution is a valid resolution of the Authority, even though it was not passed at a meeting of the Authority.

Disclosure of interests

64.(1) This section applies to a member of the Authority if—

- (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the Authority (other than an interest that the member has in common with

producers generally, a substantial class of producers or some other substantial class); and

- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

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

(3) The disclosure must be recorded in the Authority's minutes and the member must not, without the Authority's approval—

- (a) be present when the Authority considers the issue; or
- (b) take part in a decision of the Authority on the issue.

(4) Another member who also has a direct or indirect financial interest in the issue must not—

- (a) be present when the Authority is making its decision to give an approval mentioned in subsection (3); or
- (b) take part in making the decision to give the approval.

Minutes

65. The Authority must keep minutes of its proceedings.

Division 5—Staff and superannuation

Staff of the Authority

66.(1) The Authority may employ, or engage the services of, the employees, consultants and contractors that are necessary for the administration and enforcement of this Act.

(2) The terms of employment of the Authority's employees are to be decided by it.

(3) However, subsection (2) has effect subject to any relevant industrial award or agreement.

Superannuation schemes

67.(1) The authority 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 6.¹

Division 6—General statutory responsibilities**Application of certain other laws**

68.(1) The Authority is—

- (a) a public authority for the purposes of the *Freedom of Information Act 1992*; and
- (b) a unit of the public administration for the purposes of the *Criminal Justice Act 1989*; and
- (c) a unit of the public sector for the purposes of the *Public Sector Management Commission Act 1990*; and
- (d) a public authority for the purposes of the *Libraries and Archives Act 1988*; and
- (e) an authority for the purposes of the *Parliamentary Commissioner Act 1974*.

(2) The Authority is subject to the *Judicial Review Act 1991*.

(3) The mention of particular Acts in this section raises no implication that the Authority is not subject to other Acts.

¹ Part 6 (Audit of public accounts and public sector entities).

PART 6—HEN QUOTAS

Division 1—Basis of quota allocation

State quota

69. The basis on which the Authority is to allocate quotas and decide quota numbers under this Act is to be a State quota representing the maximum number of hens that may be economically used for the commercial production of eggs in the State without adversely affecting the stability of the industry.

Deciding the State quota

70. The Authority is to decide the State quota and may revise the State quota from time to time.

Publication of State quota

71. When the Authority decides or revises the State quota, the State quota or the revised State quota must be published in the Gazette.

Division 2—Grant of hen quotas

Grant of quota

72.(1) On the application of a person who proposes to carry on business as a commercial producer of eggs, the Authority may grant the applicant a hen quota authorising the applicant to keep a specified number of hens (the “**quota number**”) for the commercial production of eggs.

(2) An application for a quota—

- (a)** must be made in writing to the Authority and must contain the information required by the Authority; and
- (b)** must be accompanied by the fee prescribed by regulation.

Conditions of quota

73.(1) A quota is subject to—

- (a) conditions prescribed by regulation; and
- (b) other conditions decided by the Authority and specified in the quota.

(2) The holder of a quota must pay an annual fee, to be fixed in accordance with a scale prescribed by regulation.

(3) If the fee is not paid within 3 months after the date fixed in an account for payment given to the holder of the quota, the quota—

- (a) is suspended until the fee is paid; and
- (b) may be cancelled by the Authority if the fee is not paid within a further 3 months.

Division 3—Amendment of quotas and temporary adjustment of quota numbers

Amendment of quotas

74.(1) On the application of the holder of a quota, the Authority may—

- (a) increase or reduce the quota number; or
- (b) amend a condition of the quota.

(2) If the holder of a quota contravenes a provision of this Act or a condition to which the quota is subject, the Authority may, by written notice given to the holder, reduce the quota number, amend the conditions to which the quota is subject, or both.

(3) Before the Authority exercises its powers under subsection (2) to reduce a quota number or amend the conditions to which a quota is subject, the Authority must allow the holder of the quota a reasonable opportunity to make representations to the Authority or an officer of the Authority on the proposed action.

Temporary adjustment of quota numbers

75.(1) If the Authority is of the opinion that seasonal or market conditions justify a temporary increase or decrease of quota numbers, the Authority may, by written notice given to each holder of a quota, adjust numbers by a percentage increase or decrease.

(2) An adjustment under this section operates for the period specified in the notice.

Division 4—Transfer of quotas**Transfer of quotas**

76.(1) The holder of a quota may, with the approval of the Authority—

- (a) transfer the quota to another person; or
- (b) transfer part of the quota number to another person.

(2) An application for the Authority's approval under this section—

- (a) must be made in writing to the Authority and must contain the information required by the Authority; and
- (b) must be accompanied by the fee prescribed by regulation.

(3) The Authority may grant its approval under this section on conditions that the Authority considers appropriate.

(4) If the Authority approves the transfer of part of a quota number under this section—

- (a) the applicant's quota number is reduced by the number approved for transfer by the Authority; and
- (b) if the transferee holds a quota, the transferee's quota number is increased by the number approved for transfer by the Authority and, if not, the Authority must issue a quota in the name of the transferee with a quota number not less than the number approved for transfer by the Authority.

(5) A quota lease has no effect unless approved as a transfer under this section.

(6) A quota lease does not affect the lessor's or the lessee's liabilities under this Act.

(7) However, when the lessor makes a payment under this Act towards a liability the lessor has as the holder of a quota, the lessor may recover a proportion of the payment as a debt from the lessee.

(8) The proportion is the same proportion the number of hens covered by the quota lease bears to the lessor's quota number immediately before the lease was granted.

Division 5—Cancellation and surrender of quotas

Cancellation of quota

77.(1) If the holder of a quota contravenes a provision of this Act or a condition to which the quota is subject, the Authority may cancel the quota by written notice given to the holder of the quota.

(2) Before the Authority exercises its powers under subsection (1) to cancel a quota, the Authority must allow the holder of the quota a reasonable opportunity to make representations to the Authority or an officer of the Authority on the proposed action.

Surrender of quota

78. The holder of a quota may, by written notice given to the Authority—

- (a) surrender the quota; or
- (b) voluntarily reduce the quota number.

Division 6—Offences

Unlawful keeping of hens

79. A person must not keep hens for the commercial production of eggs unless the person holds a quota.

Maximum penalty—20 penalty units.

Number of hens that a producer may keep

80. A producer must not keep a number of hens for the commercial production of eggs that is more than the producer's quota number.

Maximum penalty—20 penalty units.

Division 7—Exemptions**General exemption**

81.(1) The Authority may, by public notice, give a general exemption from the provisions, or any specified provisions, of this Part.

(2) The notice of exemption must state—

- (a) the nature of the exemption; and
- (b) the period for which the exemption is to apply; and
- (c) any conditions to which the exemption is subject.

(3) The Authority may, by public notice, revoke an exemption under this section.

(4) In considering whether to give or revoke an exemption under this section, the Authority must have regard to—

- (a) seasonal conditions; and
- (b) domestic requirements for eggs; and
- (c) the effect the exemption is having or would have on the industry.

Special exemptions

82.(1) The Authority may give a special exemption from this Part or specified provisions of this Part.

(2) In deciding whether to give a special exemption and, if so, the conditions on which the exemption should be given, the Authority should attempt to achieve a reasonable balance between—

- (a) the need to maintain the stability of the industry; and
- (b) the interests of the individual producers who apply for special

exemptions.

(3) If the Authority decides to give a special exemption, a fee decided by the Authority must be paid by the applicant.

(4) A special exemption is subject to conditions prescribed by regulation and any additional conditions decided by the Authority and specified in the instrument of exemption.

(5) If the person in whose favour a special exemption is given contravenes a condition of the exemption, the Authority may revoke the exemption by written notice given to the person.

PART 7—REVIEW OF ADMINISTRATIVE DECISIONS

Application to Authority for reconsideration of administrative decisions

83.(2) A person aggrieved by a decision of the Authority under this Act may apply to the Authority for reconsideration of the decision.

(3) An application must be made in writing setting out in detail the grounds on which the applicant seeks reconsideration of the decision.

(4) A decision made by the Authority on an application for reconsideration under this section cannot be the subject of a further application for reconsideration under this section.

Powers of Authority on an application under this Part

84. The Authority may on an application under section 83 confirm, amend or reverse the decision subject to the application.

Right to appeal to the Magistrates Court

85.(1) A person aggrieved by a decision of the Authority on a reconsideration under section 83 may appeal against the decision.

(2) The appeal may be made to the Magistrates Court nearest the place where the aggrieved person lives or carries on a business, or proposes to carry on a business, affected by the decision.

How to start appeal

86.(1) An appeal to a Magistrates Court is started by—

- (a) filing a written notice of appeal with the clerk of the court of the Magistrates Court; and
- (b) serving a copy of the notice on the respondent Authority.

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(3) The Court may at any time extend the period for filing the notice of appeal.

(4) The notice of appeal must state the grounds of appeal.

Stay of operation of decisions

87.(1) The Magistrates Court has power to grant a stay of a decision appealed against for the purpose of securing the effectiveness of the appeal.

(2) A stay—

- (a) may be granted on conditions that the Court considers appropriate; and
- (b) has effect for the period specified by the Court; and
- (c) may be revoked or amended by the Court.

(3) The period of a stay specified by the Court must not extend past the time the Court decides the appeal.

(4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Hearing procedures

88.(1) An appeal is to be by way of rehearing, unaffected by the decision appealed against.

- (2) In deciding an appeal, the Court—
- (a) is not bound by the rules of evidence; and
 - (b) must observe natural justice; and
 - (c) may hear the appeal in court or chambers.

Powers of Court on appeal

89.(1) In deciding an appeal, a Magistrates Court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to the respondent Authority with directions that the Court considers appropriate.

(2) In substituting another decision, the Court has the same powers as the respondent Authority.

(3) If the Court substitutes another decision, the substituted decision is taken, for the purposes of this Act, to be the decision of the respondent Authority.

Appeal to District Court on questions of law only

90. A party aggrieved by the decision of the Magistrates Court may appeal to a District Court, but only on a question of law.

PART 8—ENFORCEMENT MATTERS

Division 1—Authorised persons

Appointment of authorised persons

91.(1) The Authority may appoint its employees and other persons to be authorised persons.

(2) Appointment as an authorised person of a person who is not an employee of the Authority does not, of itself, make the person an employee.

(3) A person may be appointed to be an authorised person only if—

(a) the person—

(i) has satisfactorily completed a course of training approved by the Minister; or

(ii) has, in the appointor's opinion, the necessary expertise or experience to be an authorised person; and

(b) the appointment is approved by the chief executive of the department.

(4) The appointor may limit the powers of an authorised person by stating conditions in the instrument of appointment.

Terms of appointment of authorised persons

92.(1) An authorised person holds office on the conditions specified in the instrument of appointment.

(2) An authorised person—

(a) if the appointment provides for a term of appointment—stops holding office as an authorised person at the end of the term; and

(b) may resign by signed notice given to the appointor; and

(c) if the conditions of appointment provide—stops holding office as an authorised person—

(i) on stopping to hold some other office specified in the conditions of appointment; or

(ii) on stopping to be employed by, or engaged under a contract to provide services to, the appointor.

(3) If an authorised officer is appointed or stops holding office, the appointor must—

(a) in the case of an appointment—give the chief executive of the department a copy of the instrument of appointment; and

- (b) in the case of an authorised person stopping to hold office—give the chief executive of the department notice stating when, and in what circumstances, the authorised person stopped holding office.

Powers of authorised persons

93.(1) An authorised person has the powers given under this or another Act.

(2) A regulation may limit the powers of authorised persons of a specified class.

Identity cards

94.(1) The Authority must give an identity card to each authorised person appointed by the Authority.

(2) The identity card must—

- (a) contain a recent photograph of the authorised person; and
- (b) be in a form approved by the Minister; and
- (c) be signed by the authorised person.

(3) A person who stops being an authorised person must return the identity card to the appointor as soon as practicable after stopping to be an authorised person, unless the person has a reasonable excuse for not returning it.

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

Production of authorised person's identity card

95.(1) An authorised person may exercise a power in relation to a person only if the authorised person displays the authorised person's identity card for inspection by the person.

(2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person must produce the identity card for inspection by the person at the first reasonable opportunity.

Protection from liability

96.(1) This section applies to—

- (a) an authorised person; and
- (b) a person acting under the direction of an authorised person.

(2) The person does not incur civil liability for an act or omission done honestly and without negligence under this Act.

(3) A liability that would, apart from this section, attach to the person attaches instead to the Authority.

Division 2—Powers of authorised persons in relation to places and vehicles

Entry of place

97. An authorised person may enter a place if—

- (a) the occupier of the place consents to the entry; or
- (b) the place is a public place—the entry is made when—
 - (i) members of the public attend; or
 - (ii) the place is open for admission by the public; or
- (c) the place is a place used for the commercial production of eggs—the entry is made when the place—
 - (i) is open for conduct of business; or
 - (ii) is otherwise open for entry; or
- (d) the entry is authorised by a warrant.

Warrants

98.(1) An authorised person may apply to a Magistrate for a warrant for a place.

(2) The application must—

- (a) be sworn; and

(b) set out the grounds on which the warrant is sought.

(3) The Magistrate may refuse to consider the application until the authorised person gives the Magistrate all the information the Magistrate requires about the application in the way the Magistrate requires.

Example—

The Magistrate may require additional information supporting the application be given by statutory declaration.

(4) The Magistrate may issue a warrant only if the Magistrate is satisfied there are reasonable grounds for suspecting—

- (a) there is a particular thing or activity (the “**evidence**”) that may provide evidence of the commission of an offence against this Act; and
- (b) the evidence is, or may be within the next 7 days, at the place.

(5) The warrant must state—

- (a) that the authorised person may, with necessary and reasonable assistance and force—
 - (i) enter the place; and
 - (ii) exercise the authorised person’s powers under this Act; and
- (b) the evidence for which the warrant is issued; and
- (c) the hours of the day when entry may be made; and
- (d) the day (within 14 days after the warrant’s issue) on which the warrant stops having effect.

Warrants—applications made otherwise than in person

99.(1) An authorised person may apply for a warrant by phone, fax, radio or another form of communication if the authorised person considers it necessary because of—

- (a) urgent circumstances; or
- (b) other special circumstances, including, for example, the authorised person’s remote location.

(2) Before applying for the warrant, the authorised person must prepare an application setting out the grounds on which the warrant is sought.

(3) The authorised person may apply for the warrant before the application is sworn.

(4) If the Magistrate issues the warrant and it is reasonably practicable to fax a copy of it to the authorised person, the Magistrate must immediately fax the copy to the authorised person.

(5) If the Magistrate issues the warrant but it is not reasonably practicable to fax a copy of it to the authorised person—

(a) the Magistrate must—

(i) tell the authorised person what the terms of the warrant are; and

(ii) tell the authorised person the date and time the warrant was signed; and

(iii) record the reasons for issuing the warrant on the warrant; and

(b) the authorised person must—

(i) complete a form of warrant (“**warrant form**”) in the same terms as the warrant issued by the Magistrate; and

(ii) write on the warrant form the name of the Magistrate and the date and time the Magistrate signed the warrant.

(6) The facsimile warrant, or the warrant form properly completed by the authorised person, is authority for the entry and the exercise of the other powers authorised by the warrant issued by the Magistrate.

(7) The authorised person must send to the Magistrate—

(a) the sworn application; and

(b) if a warrant form was completed by the authorised person—the completed warrant form.

(8) The sworn application and any completed warrant form must be sent to the Magistrate at the earliest practicable opportunity.

(9) When the Magistrate receives the application and any warrant form, the Magistrate must attach them to the warrant issued by the Magistrate.

(10) If—

- (a) it is material for a court to be satisfied the exercise of a power was authorised by a warrant issued under this section; and
- (b) the warrant is not produced in evidence;

the court must assume the exercise of power was not authorised by a warrant, unless the contrary is proved.

Entry or boarding of vehicles

100.(1) An authorised person may enter or board a vehicle if the authorised person has reasonable grounds for suspecting—

- (a) the vehicle is being, or has been, used in the commission of an offence against this Act; or
- (b) the vehicle, or a thing in or on the vehicle, may provide evidence of the commission of an offence against this Act.

(2) If the vehicle is moving or about to move, the authorised person may signal the person in control of the vehicle—

- (a) to stop the vehicle; or
- (b) not to move the vehicle.

(3) To enable the vehicle to be entered or boarded, the authorised person may—

- (a) act with necessary and reasonable assistance and force; and
- (b) require the person in control of the vehicle to give reasonable assistance to the authorised person.

(4) A person must not disobey a signal under subsection (2), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(5) A person must not fail to comply with a requirement under subsection (3)(b), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(6) It is a reasonable excuse for a person to disobey a signal under subsection (2) if—

- (a) the person reasonably believes that to obey the signal immediately would have endangered the person or another person; and
- (b) the person obeys the signal as soon as it is practicable to obey it.

General powers in relation to places and vehicles

101.(1) An authorised person who enters a place, or enters or boards a vehicle, under this Part may—

- (a) inspect, examine, photograph or film anything in or on the place or vehicle; or
- (b) search any part of the place or vehicle; or
- (c) take samples of or from anything in or on the place or vehicle; or
- (d) take extracts from, or make copies of, any documents in or on the place or vehicle; or
- (e) take into or onto the place or vehicle any persons, equipment and materials that the authorised person reasonably requires for exercising any powers in relation to the place or vehicle; or
- (f) require the occupier of the place, or any person in or on the place or vehicle, to give the authorised person reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (e); or
- (g) if the authorised person enters or boards a vehicle—require the person in control of the vehicle—
 - (i) to bring the vehicle to a specified place; and
 - (ii) to remain in control of the vehicle at the place for a reasonable time;

to enable the authorised person to exercise the powers mentioned in paragraphs (a) to (e).

(2) A person who is required by an authorised person under subsection (1)(f) to give reasonable assistance to the authorised person in relation to the exercise of a power must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(3) If the assistance is required to be given by a person by—

- (a) answering a question; or
- (b) producing a document (other than a document required to be kept by the person under this Act);

it is a reasonable excuse for the person to fail to answer the question, or produce the document, if complying with the requirement might tend to incriminate the person.

(4) A person who is required by an authorised person under subsection (1)(g) to take action in relation to a vehicle must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

Division 3—Other enforcement powers of authorised persons

Power to require name and address

102.(1) An authorised person may require a person to state the person's name and address if the authorised person—

- (a) finds the person committing an offence against this Act; or
- (b) finds the person in circumstances that lead, or has information that leads, the authorised person to suspect on reasonable grounds the person has just committed an offence against this Act.

(2) When making the requirement, the authorised person must warn the person it is an offence to fail to state the person's name and address, unless the person has a reasonable excuse.

(3) The authorised person may require the person to give evidence of the correctness of the person's name or address if the authorised person suspects, on reasonable grounds, that the name or address given is false.

(4) A person must comply with an authorised person's requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(5) The person does not commit an offence against this section if—

- (a) the authorised person required the person to state the person's name and address on suspicion of the person having committed an offence against this Act; and
- (b) the person is not proved to have committed the offence.

Power to require information from certain persons

103.(1) This section applies if an authorised person suspects, on reasonable grounds—

- (a) an offence against this Act has happened; and
- (b) a person may be able to give information about the offence.

(2) The authorised person may require the person to give information about the offence.

(3) When making the requirement, the authorised person must warn the person it is an offence to fail to give the information, unless the person has a reasonable excuse.

(4) The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(5) It is a reasonable excuse for the person to fail to give information if the information might tend to incriminate the person.

(6) The person does not commit an offence against this section if the information sought by the authorised person is not in fact relevant to the offence.

Power to require production of quotas etc.

104.(1) An authorised person may—

- (a) require a producer to produce to the authorised person—
 - (i) a quota, entitlement or other authority held by the producer relating to the producer's business; or
 - (ii) a document relating to the production or sale of eggs; and

(b) inspect, take extracts from or make copies of a document produced to the authorised person under paragraph (a).

(2) A person must comply with a requirement made of the person under subsection (1)(a), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(3) An authorised person may keep a document under subsection (1)(b) to take an extract from it or make a copy of it;

(4) The authorised person must return the document to the person who produced it as soon as practicable after taking the extract or making the copy.

Division 4—Other enforcement matters

False or misleading information

106.(1) A person must not—

- (a) state anything to an authorised person that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to an authorised person anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—40 penalty units.

(2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states that the statement made was false or misleading to the person's knowledge.

False or misleading documents

107.(1) A person must not give to an authorised person a document containing information that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a person if, when the person gives the document to the authorised person, the person—

- (a) informs the authorised person of the extent to which the document is false, misleading or incomplete; and
- (b) gives the correct information to the authorised person if the person has, or can reasonably obtain, the correct information.

Compensation

108.(1) A person may claim compensation from the Authority if the person incurs any loss or expense—

- (a) because of the exercise or purported exercise of a power under this Part; or
- (b) in complying with a requirement made of the person under this Part.

(3) Payment of compensation may be claimed and ordered in a proceeding for—

- (a) compensation brought in a court of competent jurisdiction for the recovery of compensation; or
- (b) an offence against this Act brought against the person by whom the claim is made.

(4) A court may order the payment of compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.

Authorised person to give notice of damage

109.(1) An authorised person who, in the exercise of a power under this Part, damages anything must immediately give written notice of the particulars of the damage.

(2) The notice must be given to the person who appears to the authorised person to be the owner of the thing.

(3) If, for any reason, it is not practicable to comply with subsection (2), the authorised person must—

- (a) leave the notice at the place where the damage happened; and
- (b) ensure the notice is left—
 - (i) in a reasonably secure way; and
 - (ii) in a conspicuous position.

(4) In this section—

“owner” of a thing includes the person in possession or control of the thing.

Consent to entry by an authorised person

110.(1) This section applies if an authorised person intends to seek the consent of an occupier of a place to the entry of the place by the authorised person under this Part.

(2) Before seeking the consent, the authorised person must inform the occupier that the occupier may refuse to give the consent.

(3) If the consent is given, the authorised person may ask the occupier to sign an acknowledgment of the consent.

(4) The acknowledgment must—

- (a) state the occupier was informed of the occupier’s right to refuse to give the consent; and
- (b) state the occupier gave the authorised person consent under this Part—
 - (i) to enter the place; and
 - (ii) to exercise the powers mentioned in section 101 (General powers in relation to places and vehicles); and
- (c) specify the time at and date on which the consent was given.

Evidence of consent

111.(1) This section applies to a proceeding if—

- (a) it is material for a court to be satisfied of the consent of an occupier of a place to the entry of the place by an authorised person under this Part; and
- (b) an acknowledgment under section 110 (Consent to entry by an authorised person) is not produced in evidence.

(2) In a proceeding to which this section applies, the court may assume the occupier did not consent, unless the contrary is proved.

Obstruction of authorised persons

112. A person must not obstruct an authorised person in the exercise of a power, unless the person has a reasonable excuse.

Maximum penalty—60 penalty units.

Impersonation of authorised person

113. A person must not pretend to be an authorised person.

Maximum penalty—80 penalty units.

PART 9—MISCELLANEOUS**Prosecution of offences**

115.(1) An offence against this Act is a summary offence.

(2) A prosecution for an offence against this Act may be started only with the consent of—

- (a) the chief executive of the department; or
- (b) the Attorney-General.

Regulations

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

(2) A regulation may be made prescribing offences for a contravention of a regulation and fixing a maximum penalty of not more than 20 penalty units for a contravention.

Expiry of Act

117.(1) This Act expires on 31 December 1998.

(2) The expiry of this Act does not give rise to any right to compensation.

PART 10—TRANSITIONAL PROVISIONS

Poultry Industry Fund

127.(1) The Poultry Industry Fund under the *Poultry Industry Act 1988* (the “**Fund**”) continues in existence until abolished under this section.

(2) The Fund is to be administered by the chief executive of the department.

(3) The fund may be applied, with the Minister’s approval—

- (a)** towards the costs of administering this Act; and
- (b)** for the development and improvement of the poultry industry.

(4) The Fund is to be abolished on a date fixed by regulation (the “**abolition date**”) and any money remaining to its credit must be distributed in the way prescribed by the regulation providing for its abolition.

(5) This section expires 6 months after the abolition date.

Declaration about repeal of s 13

128.(1) To remove any doubt, it is declared that section 13 is a law to which the Acts Interpretation Act 1954, section 20A applies.

(2) This section expires on the day after it commences.²

² This section has expired and is included in this reprint for informational purposes only. It will be omitted in the next reprint.

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 26 August 1996. Future amendments of the Egg Industry Act 1993 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

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| om | = | omitted | sch | = | schedule |
| o in c | = | order in council | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |
| prev | = | previous | | | |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|-----------------|
| 1 | none | 17 January 1994 |
| 1A | to Act No. 57 of 1995 | 16 July 1996 |

5 List of legislation

Egg Industry Act 1993 No. 72 (prev Egg Industry (Restructuring) Act 1993)

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 1994 (1993 SL No. 472)

Note—(1) This Act expires on 31 December 1998 (see s 117)

(2) The changeover day is 18 November 1994 (see s 124(1) and 1993 SL No. 477 s 5)

(3) The abolition date is defined in s 127(4)

as amended by—

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 **ss 1–2, 9 sch 2**

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Egg Industry (Restructuring) Amendment Act 1996 No. 26

date of assent 15 August 1996

commenced on date of assent

6 List of annotations

Short title

s 1 amd 1996 No. 26 s 3

Objects

s 3 amd 1996 No. 26 s 4

Definitions

s 4 def “**Central Queensland**” om 1996 No. 26 s 5

def “**Company**” om 1996 No. 26 s 5

- def “**compulsory marketing scheme**” om 1996 No. 26 s 5
- def “**Council**” om 1996 No. 26 s 5
- def “**CQEMB**” om 1996 No. 26 s 5
- def “**dissolution date**” om 1996 No. 26 s 5
- def “**EMB**” om 1996 No. 26 s 5
- def “**Far North Queensland**” om 1996 No. 26 s 5
- def “**former egg marketing authorities**” om 1996 No. 26 s 5
- def “**Mid-North Queensland**” om 1996 No. 26 s 5
- def “**share distribution scheme**” om 1996 No. 26 s 5
- def “**South Queensland**” om 1996 No. 26 s 5
- def “**transfer date**” om 1996 No. 26 s 5

PART 2—THE COMPANY

pt hdg om 1996 No. 26 s 6

Division 1—Special provisions about the Company’s board

div 1 (ss 6–10) om 1996 No. 26 s 6

Division 2—The Company’s constituent documents

div 2 (s 11) om 1996 No. 26 s 6

Division 3—Transfer of assets and liabilities of the former egg marketing authorities to the Company

div hdg om 1996 No. 26 s 6

Transfer of assets and liabilities

s 12 om 1996 No. 26 s 6

Continuity of proceedings

s 13 om 1996 No. 26 s 6
s 20A AIA applies (see s 128(1))

Division 4—Share distribution scheme

div 4 (ss 14–19) om 1996 No. 26 s 6

Division 5—Administration of former egg marketing authorities and distribution of shares in the Company

div 5 (ss 20–24) om 1996 No. 26 s 6

Division 6—Distribution of shares among northern and independent producers

div 6 (s 25) om 1996 No. 26 s 6

PART 3—ADMINISTRATION AND REVIEW

pt 3 (ss 26–40) om 1996 No. 26 s 6

PART 4—THE COMPULSORY MARKETING SCHEME

pt 4 (ss 41–52) om 1996 No. 26 s 6

Composition of the Authority

s 59 amd 1996 No. 26 s 7

Superannuation schemes

s 67 sub 1995 No. 36 s 9 sch 2

Deciding the State quota

s 70 amd 1996 No. 26 s 8

Temporary adjustment of quota numbers

s 75 amd 1996 No. 26 s 9

Transfer of quotas

s 76 amd 1996 No. 26 s 10

Application to Authority for reconsideration of administrative decisions

prov hdg amd 1996 No. 26 s 11

s 83 amd 1996 No. 26 s 11

Powers of Authority on an application under this Part

prov hdg amd 1996 No. 26 s 12

s 84 amd 1996 No. 26 s 12

Right to appeal to the Magistrates Court

s 85 amd 1996 No. 26 s 13

How to start appeal

s 86 amd 1996 No. 26 s 14

Hearing procedures

s 88 amd 1995 No. 57 s 4 sch 1

Powers of Court on appeal

s 89 amd 1996 No. 26 s 15

Appointment of authorised persons

s 91 amd 1996 No. 26 s 16

Identity cards

s 94 amd 1996 No. 26 s 17

Protection from liability

s 96 amd 1996 No. 26 s 18

Restraining orders

s 105 om 1996 No. 26 s 19

Compensation

s 108 amd 1996 No. 26 s 20

Poll of producers

s 114 om 1996 No. 26 s 21

PART 10—TRANSITIONAL PROVISIONS

pt hdg amd R1 (see RA s 40)

Repeal of the Poultry Industry Act 1988

s 118 om R1 (see RA s 40)

Amendment of Primary Producers' Organisation and Marketing Act 1926

s 119 om R1 (see RA s 40)

Repeal of Hen Quotas Act 1973

s 120 om R1 (see RA s 40)

Repeal of certain orders in council

s 121 om R1 (see RA s 40)

Continuance of quotas

s 122 om 1996 No. 26 s 22

Hen quota fees

s 123 om 1996 No. 26 s 22

Continuation of Hen Quota Committee

s 124 exp 18 May 1995 (see s 124(5) and 1994 SL No. 400 s 5)

Continuity of proceedings

s 125 om 1996 No. 26 s 23

Staff of former egg marketing authorities

s 126 om 1996 No. 26 s 23

Poultry Industry Fund

s 127 exp 6 months after abolition date (see s 127(5))

Declaration about repeal of s 13

s 128 ins 1996 No. 26 s 24
exp 16 August 1996 (see s 128(2))