



Sugar Industry Act 1999

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Queensland

Sugar Industry Act 1999

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Sugar Industry Act 1999

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.

6 State bound

This Act binds all persons, including the State.

Chapter 2 Supply contracts and cane access rights

Part 2 Arrangements for supply contracts from 1 January 2006

Division 1 Cane supply is governed by supply contracts

29 Purpose of pt 2

The purpose of this part is to ensure the supply by growers of cane to a mill and the payment to growers in return are governed by supply contracts.

30 Definitions for pt 2

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.

group of growers see section 33(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

31 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) A supply contract may be either an individual contract or a collective contract.
- (4) An interested third party may be a party to a supply contract between a mill owner and a grower.
- (5) Each of the parties to a supply contract must sign the contract.

32 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.

33 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.

33A Arbitration of disputed terms of intended supply contract

- (1) This section applies if—
 - (a) a grower is negotiating, or has attempted to negotiate, a supply contract (an *intended supply contract*) with a mill owner, whether the grower is acting on the grower's own behalf or is in a group of growers that has appointed a bargaining representative to negotiate the contract on behalf of the group; and
 - (b) the grower or bargaining representative gives the mill owner a notice requiring the mill owner to use all reasonable endeavours to negotiate a supply contract within a stated period (the *negotiation period*) of at least 10 business days; and
 - (c) at the end of the negotiation period, the grower and mill owner dispute a proposed term of the intended supply contract.
- (2) The grower and mill owner are taken to have made an agreement (the *referral agreement*)—
 - (a) to refer the dispute to arbitration; and
 - (b) for the dispute to be arbitrated under the *Commercial Arbitration Act 2013* subject to subsections (5) to (9).
- (3) If the grower or mill owner refers a dispute about a proposed term of the intended supply contract to arbitration, the *Commercial Arbitration Act 2013* applies to the arbitration subject to subsections (4) to (9).
- (4) Despite the *Commercial Arbitration Act 2013*, section 7, the referral agreement is taken to be an arbitration agreement under that Act.
- (5) The arbitral tribunal appointed for the arbitration may decide the dispute about the proposed term only by deciding the term.
- (6) Subsection (7) applies if a GEI sugar marketing term is a proposed term of the intended supply contract and the grower proposes to nominate an entity to be the GEI sugar marketing entity.

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- (7) A term of the intended supply contract must not have the effect of unreasonably treating the grower less favourably than the grower would be likely to be treated if a mill-related entity were to be the GEI sugar marketing entity.
 - (8) Without limiting subsection (7), a term of the intended supply contract would have the effect of unreasonably treating the grower less favourably for the subsection if the effect were that the grower would unreasonably pay more for a service provided by the mill owner under the intended supply contract than the grower would pay for the service if a mill-related entity were the GEI sugar marketing entity.
 - (9) Each party must bear the party's own costs of the arbitration.
 - (10) If the arbitral tribunal decides each dispute about the proposed terms of the intended supply contract, the grower and mill owner are taken to have made a supply contract including—
 - (a) any terms agreed between the parties; and
 - (b) the terms decided by the arbitral tribunal.
 - (11) In this section—

arbitral tribunal see the *Commercial Arbitration Act 2013*, section 2.

mill-related entity means—

 - (a) the mill owner; or
 - (b) a related body corporate of the mill owner.

33B Terms of supply contract about sale of on-supply sugar

- (1) This section applies to a supply contract for cane between a grower and a mill owner unless the grower is a related body corporate of the mill owner.
- (2) The supply contract must include each of the following—
 - (a) a term providing for the amount, or the basis for working out the amount, of the payment to the grower for the supply of the cane (the *cane payment*);

- (b) unless the grower and mill owner otherwise agree—a term (a *related sugar pricing term*) requiring the amount of the cane payment to be worked out in a stated way by linking that amount to the sale price of the on-supply sugar to which the supply contract relates;
 - (c) if the supply contract includes a related sugar pricing term, both of the following, unless the grower and mill owner otherwise agree—
 - (i) a term requiring the mill owner to bear the sale price exposure for the sale of a proportion of the on-supply sugar that is worked out in a stated way;
 - (ii) a term (a *GEI sugar price exposure term*) requiring the grower to bear the sale price exposure for the sale of the remaining on-supply sugar (the *grower economic interest sugar*);
 - (d) if the supply contract includes a GEI sugar price exposure term—
 - (i) a term (a *GEI sugar marketing term*) requiring the mill owner to have an agreement with a stated entity (the *GEI sugar marketing entity*) to sell the quantity of the on-supply sugar that is at least equal to the quantity of the grower economic interest sugar; and
 - (ii) unless the grower and mill owner otherwise agree, a term providing for an entity nominated by the grower to be the GEI sugar marketing entity;
 - (e) if the supply contract provides for an entity nominated by the grower to be the GEI sugar marketing entity—a term requiring the mill owner to deliver for sale the quantity of the on-supply sugar that is at least equal to the quantity of the grower economic interest sugar, as directed by the entity, within a stated reasonable period.
- (3) However, subsection (2)(d) does not apply if the supply contract states that the mill owner will sell the on-supply sugar.

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- (4) Without limiting subsection (2)(e), the stated period must be reasonable having regard to the likely period in which the mill owner could deliver the on-supply sugar for sale to a related body corporate of the mill owner.

Note—

See section 298.

34 Parties must use dispute resolution process stated in supply contract

- (1) A supply contract must state a process for dispute resolution including by arbitration.
- (2) The parties must attempt to resolve the dispute by using the process.
- (3) Subject to subsection (4), the *Commercial Arbitration Act 2013* applies to an arbitration mentioned in subsection (1).
- (4) Each party must bear the party's own costs of the arbitration.

35 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.

Division 2 Dispute resolution

36 Application of div 2

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

37 No final offer arbitration

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

- (4) A permit to pass must state the period for which it has effect.
- (5) 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.
- (6) A cane railway easement may be granted whether or not it is annexed to or used and enjoyed together with any other land.
- (7) 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 Landholder may grant an access right

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

Note—

See sections 70 and 71 for the requirement to notify the registrar.

65 Land Court may grant an access right

- (1) This section applies if a person seeking an access right affecting land does not reach agreement with the landholder for the grant.
- (2) The person may apply to the Land Court to be granted the access right.
- (3) The applicant must serve a copy of the application on every person the applicant knows may be entitled to claim compensation if the access right is granted.
- (4) Subsection (3) does not limit the persons on whom a copy of the application must be served under the rules of the Land Court.
- (5) The Land Court may grant the application only if it is satisfied—
 - (a) the applicant has failed, after reasonable attempts, to negotiate an agreement with the landholder for the access right; and

- (b) the access right is necessary for a purpose mentioned in section 63(2) or (5) in relation to the applicant; and
- (c) the access right, if granted, would not affect native title, or if it would, there is an indigenous land use agreement consenting to the grant.

Note—

See sections 70 and 71 for the requirement to notify the registrar.

- (6) The Land Court may impose reasonable conditions on the grant.

Example of a condition—

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

- (7) In this section—

indigenous land use agreement means an indigenous land use agreement under the *Native Title Act 1993* (Cwlth) registered on the register of indigenous land use agreements.

68 Compensation on grant of access right

- (1) Subject to subsection (6), if the Land Court or a landholder grants an access right, the landholder whose land is affected and the grantee of the access right may agree on the amount of any compensation payable to the landholder.
- (2) If the landholder and grantee can not agree, either of them may apply to the Land Court for an order.
- (3) On an application under subsection (2), the Land Court may decide the amount of any compensation payable by the grantee to the landholder and make an order for payment.
- (4) In deciding the amount of compensation, the Land Court must have regard to the following matters—
 - (a) if the granting of the access right effectively severs land in which the landholder has an interest from other land in which the landholder has an interest—any change in the values of those interests;

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- (b) any change in the value of any interest in any land held by the landholder that otherwise happens because of the granting of the access right;
 - (c) any loss, injury or damage suffered by the landholder, or expense reasonably incurred by the landholder, as a direct, natural and reasonable consequence of the granting of the access right;
 - (d) anything else relevant to deciding what is just and reasonable compensation for the granting of the access right.
- (5) For calculating the change in the value of an interest in land under subsection (4), the changed value of the interest must be decided as at the day the access right was granted.
- (6) The Land Court, in granting a permit to pass, may order the grantee to pay to the landholder 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 landholder of the use of the permit;
 - (b) an amount as compensation for significant detriment to the landholder's use of the land.

70 Notification and recording of matters relating to permits to pass

- (1) This section applies if any of the following happens (a *permit event*)—
- (a) a permit to pass is granted;
 - (b) a permit to pass is relinquished by the grantee;
 - (c) a permit to pass, or a condition on which a permit to pass is held, is varied or cancelled under section 72.
- (2) Within 28 days after the permit event happens, the grantee must give to the registrar—
- (a) a signed notice—
 - (i) stating that the permit event has happened; and

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- (ii) identifying the parties to the permit to pass and the land affected by the permit; and
- (b) a copy of—
 - (i) for the grant of a permit to pass—the permit to pass; or
 - (ii) otherwise—the document by which the relinquishment, variation or cancellation was effected.

Maximum penalty—40 penalty units.

- (3) The registrar must ensure a notice appears in the relevant register kept under the *Land Act 1994* or the *Land Title Act 1994* so that a search of the register will show the permit event has happened.

71 Notification and registration of matters relating to cane railway easements

- (1) This section applies if any of the following happens (an *easement event*)—
 - (a) a cane railway easement is granted;
 - (b) a cane railway easement is relinquished by the grantee;
 - (c) a cane railway easement, or a condition on which a cane railway easement is held, is varied or cancelled under section 72.
- (2) Within 28 days after the easement event happens, the grantee must give to the registrar a signed notice—
 - (a) stating that the easement event has happened; and
 - (b) identifying the parties to the cane railway easement and the land affected by the easement.

Maximum penalty—40 penalty units.

- (3) The easement event may be registered under the *Land Act 1994* or the *Land Title Act 1994* only in compliance with that Act.

- (4) Until the easement event is registered, the registrar must ensure a notice appears in the relevant register kept under the *Land Act 1994* or the *Land Title Act 1994* so that a search of the register will show the easement event has happened.
- (5) It is sufficient compliance with subsection (2) for the grantee to give to the registrar, within 28 days after the easement event happens, the documents the registrar requires to register the easement event.

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

- (1) The landholder whose land is affected by an access right and the grantee of the access right may, by agreement, vary or cancel the access right or a condition on which it is held.
- (2) A party to an access right may apply to the Land Court to vary or cancel the access right or a condition on which the access right is held.
- (3) The applicant must serve a copy of the application on every person the applicant knows may be entitled to claim compensation if the application is granted.
- (4) The Land Court may grant the application only if—
 - (a) for an application to cancel a cane railway easement—the court is satisfied the easement has not been used for at least 2 years; or
 - (b) otherwise—the court is satisfied there are special circumstances.
- (5) A change in the use of the land affected by the access right is not in itself special circumstances for subsection (4)(b).
- (6) A cane railway easement included in a register kept under the *Land Act 1994* or the *Land Title Act 1994* may be varied only in compliance with the provisions of that Act about amending an easement.

73 Compensation on cancellation or variation of access right

- (1) A party to an access right may apply to the Land Court for an order for the payment of compensation if the parties to the access right—
 - (a) have, by agreement, varied or cancelled the access right or a condition on which it is held; and
 - (b) can not agree on the payment of compensation for the variation or cancellation.
- (2) Subsection (3) applies if—
 - (a) an application is made under subsection (1); or
 - (b) the Land Court makes an order under section 72 varying or cancelling an access right or a condition on which an access right is held.
- (3) The Land Court may decide the amount of any compensation payable by a party to the access right to the other party and make an order for payment.
- (4) In deciding the amount of any compensation, the Land Court must have regard to the following matters—
 - (a) if the variation or cancellation effectively severs land in which the landholder has an interest from other land in which the landholder has an interest—any change in the values of those interests;
 - (b) any change in the value of any interest in any land held by the landholder that otherwise happens because of the variation or cancellation;
 - (c) any loss, injury or damage suffered by a party, or expense reasonably incurred by a party, as a direct, natural and reasonable consequence of the variation or cancellation;
 - (d) any compensation previously paid in relation to the access right;

- (e) anything else relevant to deciding what is just and reasonable compensation for the variation or cancellation.
- (5) For calculating the change in the value of an interest in land under subsection (4), the changed value of the interest must be decided as at the day the access right was varied or cancelled.

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

- (1) This section applies if the Land Court cancels an access right affecting land or varies an access right in a way that excludes land affected by the right.
- (2) The Land Court may order the person who is or was the grantee of the access right to carry out rectification or reinstatement of the land as directed by the court.

74A Enforcement of Land Court decisions

- (1) This section applies if the Land Court makes an order under this part.
- (2) The registrar of the Land Court must give a copy of the order to the registrar of the Supreme Court who must file it in the Supreme Court registry.
- (3) On filing, the order is enforceable as if it were an order of the Supreme 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 land of the mill owner or over which the mill owner holds an access right; and

- (b) use on the railway or road vehicles or rolling stock and other machinery and equipment the mill owner may consider necessary.
- (2) However, subsection (1)(a) applies—
- (a) in relation to a road other than a State-controlled road, subject to any local laws in force under the *Local Government Act 2009*, section 60; or
 - (b) in relation to a State-controlled road, subject to the *Transport Infrastructure Act 1994*, section 50.
- Editor's note—*
Transport Infrastructure Act 1994, section 50 (Ancillary works and encroachments)
- (3) A person may apply to the Land 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 court may make the order sought on the conditions it considers appropriate.
- (5) 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.

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*.

competition legislation means the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) or the Competition Code of this jurisdiction, section 51.

Editor's note—

Competition Code, section 51 (Exceptions)

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 contract; 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 contract.
- (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;
 - (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.

238 Sale of on-supply sugar

The following things are specifically authorised for the competition legislation—

- (a) a grower and mill owner making a supply contract including a GEI sugar marketing term;
- (b) a mill owner and GEI sugar marketing entity making an agreement to sell on-supply sugar in compliance with a GEI sugar marketing term;
- (c) a GEI sugar marketing entity selling on-supply sugar under an agreement mentioned in paragraph (b);
- (d) a grower and mill owner being taken to have made a supply contract under section 33A(10).

Chapter 7 Miscellaneous

246 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.

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;
 - (b) attempting to contravene chapter 2;
 - (c) aiding, abetting, counselling or procuring a person to contravene chapter 2;
 - (d) inducing or attempting to induce (whether by threats, promises or otherwise) a person to contravene chapter 2;
 - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of chapter 2;
 - (f) conspiring with others to contravene chapter 2.
- (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, the court may, on the 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 an entity established under this Act.
- (2) The 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 *Auditor-General Act 2009*.

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 has been the Sugar Industry Commissioner under this Act, or who is or has been 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.

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).
- (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.

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.
- (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 8 Transitional provisions for Sugar Industry Amendment Act 2005

Chapter 9 Transitional provisions for Primary Industries and Other Acts Amendment Act 2008

Part 1 Preliminary

284 Definitions for ch 9

In this chapter—

access rights register means the register of that name kept by the commissioner before the commencement day under repealed section 69.

commencement day means the day this chapter commences.

commissioner means the Sugar Industry Commissioner holding office under this Act before the commencement day.

Part 2 Provisions relating to access rights

285 Period of operation of permit to pass

- (1) This section applies to a permit to pass that was in force immediately before the commencement day.
- (2) If the permit does not state a period for which it has effect—

- (a) section 63(4) does not apply to the permit; and
- (b) the permit is taken to have effect until it is cancelled or otherwise stops having effect under this Act.

286 Access rights granted by the commissioner

An access right granted by the commissioner, that was in force immediately before the commencement day, continues in force according to its terms as if it had been granted by the Land Court.

287 Land Court to assume jurisdiction for current applications

- (1) An application to the commissioner under old section 65 that, immediately before the commencement day, had not been decided by the commissioner is taken to be an application to the Land Court under new section 65.
- (2) An application to the commissioner under old section 72 that, immediately before the commencement day, had not been decided by the commissioner is taken to be an application to the Land Court under new section 72.
- (3) An application to a Magistrates Court under old section 75 that, immediately before the commencement day, had not been finally dealt with by the Magistrates Court is taken to be an application to the Land Court under new section 75.
- (4) The president of the Land Court may give—
 - (a) a direction or order that an application mentioned in this section, and any materials relating to the application that were held by the commissioner or before a Magistrates Court, be taken to be part of the proceeding before the Land Court; and
 - (b) any other necessary directions about how a proceeding under this section is to be dealt with.
- (5) The chief executive must take all reasonable steps to make any applications mentioned in subsections (1) and (2), and any

materials relating to the applications that were held by the commissioner, available to the Land Court.

- (6) The registrar of a Magistrates Court must take all reasonable steps to make any applications mentioned in subsection (3), and any materials relating to the applications that were before the Magistrates Court, available to the Land Court.
- (7) In this section—
new means as in force from the commencement day.
old means as in force before the commencement day.

288 Outstanding decisions of valuers

- (1) This section applies if—
 - (a) a valuer was appointed under section 68 or 73 to decide an amount; and
 - (b) immediately before the commencement day, the valuer had not finally decided the amount.
- (2) Section 68 or 73, as in force immediately before the commencement day, continues to apply in relation to the making, effect and costs of the decision.

289 Access rights register

- (1) On the commencement day, the access rights register becomes the property of the registrar.
- (2) The registrar must ensure that, for each current access right recorded in the access rights register immediately before the commencement day, a notice appears in the relevant register kept under the *Land Act 1994* or the *Land Title Act 1994* so that a search of the register will show the existence of the access right.

290 Rectification or reinstatement order by the commissioner

- (1) An order made by the commissioner before the commencement day under old section 74, that was in force immediately before the commencement day, continues in force according to its terms as if it had been made by the Land Court.
- (2) In this section—
old means as in force before the commencement day.

Part 3 Provisions relating to the commissioner

291 Commissioner

- (1) On the commencement day, the commissioner goes out of office.
- (2) No compensation is payable to the commissioner because of subsection (1).

292 Agreements and legal proceedings

- (1) An agreement or arrangement in force immediately before the commencement day, between the commissioner and another entity, is taken to be an agreement or arrangement between the State and the entity.
- (2) A proceeding that could have been started or continued by or against the commissioner before the commencement day may be started or continued by or against the State.

293 Assets and liabilities

On the commencement day, an asset or liability of the commissioner, in the commissioner's capacity as commissioner under this Act, immediately before the commencement day becomes an asset or liability of the State.

294 Employees

- (1) A person's employment by the commissioner immediately before the commencement day is, on the commencement day, taken to be lawfully terminated under the *Industrial Relations Act 1999*.
- (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 State as if the State had been the employer who terminated the person's employment.

295 Exempt documents

A document to which section 271 applied immediately before the commencement day continues to be exempt matter under the *Freedom of Information Act 1992*.

Part 4 Appeals

296 Appeal to Magistrates Court

- (1) This section applies in relation to a decision of the commissioner, made before the commencement day, from which a person had a right of appeal under section 234 before the commencement day.
- (2) The appeal may be started or continued on or after the commencement day and, for that purpose—
 - (a) section 234, as in force before the commencement day, continues to apply; and
 - (b) the chief executive is the respondent in place of the commissioner.

297 Appeal to Land Court

- (1) This section applies in relation to a decision of the commissioner made before the commencement day under section 65 or 72(3).
- (2) An appeal against the decision may be started or continued on or after the commencement day and, for that purpose—
 - (a) section 235, as in force before the commencement day, continues to apply; and
 - (b) the chief executive is the respondent in place of the commissioner.

Chapter 10 Other transitional provisions

298 Transitional provision for Sugar Industry (Real Choice in Marketing) Amendment Act 2015

- (1) This section applies to a contract (an *existing cane supply contract*) that, immediately before the commencement, was a supply contract in force under chapter 2.
- (2) Section 33B does not apply to the existing cane supply contract.
- (3) Subsection (2) stops applying if both of the following happen—
 - (a) the current contract period for the existing cane supply contract ends or the contract is terminated;
 - (b) the current agreement period for an existing related raw sugar supply agreement, if any, for the existing cane supply contract ends or the agreement is terminated.
- (4) Despite subsection (3), subsection (2) stops applying on 1 July 2017.

-
- (5) Section 34, as in force immediately before the commencement, applies to—
- (a) the existing cane supply contract; and
 - (b) any existing arbitration.
- (6) Subsection (5)(a) stops applying—
- (a) when the current period for the existing cane supply contract ends; or
 - (b) if the existing cane supply contract is terminated.
- (7) Despite subsections (2) and (5), the existing cane supply contract is taken to be a supply contract.
- (8) In this section—

current agreement period, for an existing related raw sugar supply agreement, means the period stated in the agreement for which it is in force but does not include a period to which an extension or renewal of the agreement relates.

current contract period, for the existing cane supply contract—

- (a) means the period stated in the contract for which it is in force; but
- (b) if the contract is extended or renewed on or after the commencement, does not include a period to which the extension or renewal relates.

existing arbitration means an arbitration proceeding authorised by the existing cane supply contract that has started and not been completed before the commencement.

existing related raw sugar supply agreement, for the existing cane supply contract, means an agreement—

- (a) for the sale of raw sugar that has been manufactured, or is to be manufactured, from the cane supplied, or to be supplied, under the existing cane supply contract; and
- (b) that was in force immediately before the commencement.

Schedule Dictionary

section 4

access right see section 63(1).

acquire includes purchase, take on lease, licence or under another interest.

bargaining representative, for chapter 2, part 2, see section 30.

cane means sugar cane.

cane railway easement see section 63(5).

collective contract means a collective contract under section 33.

Competition Code—

- (a) for chapter 6, see section 236; or
- (b) for chapter 8, part 7, see section 281.

competition legislation—

- (a) for chapter 6, see section 236; or
- (b) for chapter 8, part 7, see section 281.

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.

GEI sugar marketing entity see section 33B(2)(d)(i).

GEI sugar marketing term see section 33B(2)(d)(i).

grantee, of an access right, means the mill owner or grower to whom the access right is granted.

group of growers, for chapter 2, part 2, see section 33(1).

grower—

- (a) generally, means a person who supplies cane to a mill; and

(b) may, if the context permits, include a person who proposes to supply cane to a mill.

interested third party, for chapter 2, part 2, see section 30.

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-supply sugar, to which a supply contract relates, means the raw sugar manufactured, or to be manufactured, from the cane supplied, or to be supplied, under the supply contract.

party, to an access right, means the landholder for the land affected by the access right or the grantee of the access right.

permit to pass see section 63(2).

pooled export contract see section 243(1).

products includes by-products.

QSL means Queensland Sugar Limited ACN 090 152 211.

registrar, in relation to an access right, means—

- (a) if the access right relates to land included in a register kept under the *Land Act 1994*, the chief executive under that Act; or
- (b) if the access right relates to land included in a register kept under the *Land Title Act 1994*, the registrar of titles.

related body corporate see the Corporations Act, section 50.

sell, on-supply sugar, includes set a sale price for, market, export or otherwise arrange to sell, the sugar.

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 sugar cane.

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—

- (a) means a written contract, complying with chapter 2, part 2, division 1, made between a grower and a mill owner for the supply of cane by the grower to the mill; and
- (b) includes a supply contract taken to have been made under section 33A(10).

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.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Table of renumbered provisions
- 7 Information about retrospectivity

2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised edition
d			

Key	Explanation	Key	Explanation
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 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 to	Effective	Reprint date
1	none	1 January 2000	27 January 2000
1A	2000 Act No. 25	28 July 2000	6 October 2000
2	2000 Act No. 25	28 July 2000	3 November 2000
2A	2001 Act No. 45	15 July 2001	1 August 2001
2B	2001 Act No. 63	25 October 2001	8 November 2001
2C	2001 Act No. 73	3 December 2001	14 December 2001

Reprint No.	Amendments to	Effective	Reprint date
2D	2001 Act No. 73	1 January 2002	15 January 2002
Reprint No.	Amendments included	Effective	Notes
2E	2002 Act No. 11	1 July 2002	R2E withdrawn, see R3
3	—	1 July 2002	
3A	2000 Act No. 25	31 October 2002	
3B	2003 Act No. 4	4 March 2003	
3C	2003 Act No. 19	9 May 2003	
3D	2003 Act No. 44	27 August 2003	
3E	2003 Act No. 44	29 August 2003	
3F	2003 Act No. 44	1 September 2003	
3G	1994 Act No. 8 (amd 2003 Act No. 54)	1 December 2003	
3H	2004 Act No. 3	6 May 2004	
3I rv	2003 Act No. 44 2004 Act No. 3	1 July 2004	
3J rv	—	2 July 2004	provs exp 1 July 2004
3K rv	2004 Act No. 3	1 January 2005	
3L	2004 Act No. 3 2005 Act No. 62	1 January 2006	provs exp 31 December 2005 R3L withdrawn, see R4
4	—	1 January 2006	
4A	2007 Act No. 26	1 July 2007	

Reprint No.	Amendments included	Effective	Notes
4B	—	1 October 2007	prov exp 30 September 2007
4C	2008 Act No. 22	1 July 2008	
4D	2009 Act No. 9	1 July 2009	
4E	—	1 October 2009	provs exp 30 September 2009
4F	2009 Act No. 17	1 July 2010	
4G	2010 Act No. 54	1 January 2011	R4G withdrawn, see R5
5	—	1 January 2011	
Current as at		Amendments included	Notes
17 December 2015		2015 Act No. 32	

4 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))

Notes— (1) 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).

(2) Gazette notice to fix a day (“transfer day”) is 1 September 2003 for transfer of assets and liabilities (see 1999 No. 51 s 205 and Queensland Government gazette No. 100, 29 August 2003 p 1442).

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 amdts 1, 3–5, 17–26, 29, 33–34 commenced 27 June 2000 (see s 2(3))

sch 1 amdts 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 amdts 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)

s 22 commenced 29 August 2003 (2003 SL No. 200)

sch amdt 14 commenced 1 July 2004 (2004 SL No. 71) (amdt could not be given effect)

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)

date of assent 7 March 1994

ss 1–2 commenced on date of assent
s 132 sch 3 amdts of the Harbours Act 1955 never proclaimed into force and on 1994 No. 32 s 13(1) (as from 1 July 1994)
ss 86, 122, 132 sch 3 amdts of the State Transport (People-movers) Act 1989 and the Urban Public Passenger Transport Act 1984 and sch 3 amdt 5 of the Transport Infrastructure (Roads) Act 1991 commenced 7 November 1994 (1994 SL No. 378)
remaining provisions commenced 15 April 1994 (1994 SL No. 128)
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 date of 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) commenced 1 January 2006 (see s 2(4))
remaining provisions commenced 1 January 2005 (see s 2(3))

Sugar Industry Amendment Act 2005 No. 62

date of assent 28 November 2005
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2006 (2005 SL No. 333)

Primary Industries Acts Amendment and Repeal Act 2007 No. 26 pts 1, 3

date of assent 28 May 2007
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2007 (see s 2)

Primary Industries and Other Acts Amendment Act 2008 No. 22 pts 1, 3

date of assent 9 May 2008
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2008 (see s 2)

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1

date of assent 12 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2010 (2010 SL No. 122)

Fair Trading (Australian Consumer Law) Amendment Act 2010 No. 54 ss 1–2, 67 sch

date of assent 1 December 2010
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2011 (2010 SL No. 359)

Sugar Industry (Real Choice in Marketing) Amendment Act 2015 No. 32

date of assent 17 December 2015

commenced on date of assent

5 List of annotations**This reprint has been renumbered—see table of renumbered provisions in endnote 6.****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

om 2007 No. 26 s 7

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)

Division 1—Cane supply is governed by supply contracts

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)

Supply contract

s 9 sub 2004 No. 3 s 5

exp 31 December 2005 (see s 27)

Individual contract

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)

Application of sdiv 1

s 13 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Meaning of “eligible collective”

s 14 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Scope of dispute resolution process

s 15 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Dispute resolution process

s 16 amd 2001 No. 63 s 58 sch
sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

When other grower may join dispute resolution process

s 17 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

No final offer arbitration

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)

Mediation

s 22 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Arbitration

s 23 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Subdivision 2—Existing supply contracts

sdiv hdg sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Application of sdiv 2

s 24 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

Parties must use dispute resolution process stated in supply contract

s 25 sub 2004 No. 3 s 5
exp 31 December 2005 (see s 27)

No final offer arbitration

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 (incl in orig ch 2, pt 1, div 3)

Subdivision 2—Consent process

sdiv hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

Subdivision 3—Horizontal expansion process

sdiv hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

Subdivision 4—Productivity increase process

sdiv hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

Subdivision 5—Applications relating to receiving mill

sdiv hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1, div 3)

Expiry of pt 1

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)

Division 4—Cancellation of cane production area without application

div hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)

Division 5—Registration requirements for grant, variation or cancellation of cane production areas

div hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)

Division 6—Cane production area plans

div hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)

Division 7—Cane production area plans

div hdg om 2004 No. 3 s 5 (incl in orig ch 2, pt 1)

PART 2—ARRANGEMENTS FOR SUPPLY CONTRACTS FROM 1 JANUARY 2006

pt hdg prev pt 2 hdg om 2004 No. 3 s 6
pres pt 2 hdg ins 2004 No. 3 s 7

Division 1—Cane supply is governed by supply contracts

div hdg prev div 1 hdg om 2004 No. 3 s 6
pres div 1 hdg ins 2004 No. 3 s 7

Purpose of pt 2

s 29 prev s 29 om 2004 No. 3 s 5
pres s 29 ins 2004 No. 3 s 7
amd 2015 No. 32 s 4

Definitions for pt 2

s 30 prev s 30 om 2004 No. 3 s 5
pres s 30 ins 2004 No. 3 s 7
def *supply contract* om 2015 No. 32 s 5

Supply contract

s 31 prev s 31 om 2004 No. 3 s 5
pres s 31 ins 2004 No. 3 s 7

Individual contract

s 32 prev s 32 om 2004 No. 3 s 5
pres s 32 ins 2004 No. 3 s 7

Collective contract

s 33 prev s 33 om 2004 No. 3 s 5
pres s 33 ins 2004 No. 3 s 7

Arbitration of disputed terms of intended supply contract

s 33A ins 2015 No. 32 s 6

Terms of supply contract about sale of on-supply sugar

s 33B ins 2015 No. 32 s 6

Parties must use dispute resolution process stated in supply contract

s 34 prev s 34 om 2004 No. 3 s 5
pres s 34 ins 2004 No. 3 s 7
amd 2007 No. 26 s 8; 2015 No. 32 s 7

Variation of supply contract

s 35 prev s 35 om 2004 No. 3 s 5
pres s 35 ins 2004 No. 3 s 7

Division 2—Dispute resolution

div hdg prev div 2 hdg om 2004 No. 3 s 6
pres div 2 hdg ins 2004 No. 3 s 7

Application of div 2

s 36 prev s 36 om 2004 No. 3 s 5
pres s 36 ins 2004 No. 3 s 7

No final offer arbitration

s 37 prev s 37 om 2004 No. 3 s 5
pres s 37 ins 2004 No. 3 s 7

Mediation

s 38 orig s 38 om 2004 No. 3 s 5
prev s 38 ins 2004 No. 3 s 7
om 2007 No. 26 s 9

Arbitration

s 39 orig s 39 om 2004 No. 3 s 6
prev s 39 ins 2004 No. 3 s 7
om 2007 No. 26 s 9

Individual agreement

s 40 om 2004 No. 3 s 6

Collective agreement—nature

s 41 om 2004 No. 3 s 6

Collective agreement—before the start of negotiations

s 42 amd 2000 No. 25 s 3A
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

Variation of collective agreement

s 45 om 2004 No. 3 s 6

Which agreement applies to particular grower

s 46 om 2004 No. 3 s 6

Grower may give notice of change of entitlement

s 47 om 2004 No. 3 s 6

Individual agreement entered by grower with mill owner

s 48 amd 2000 No. 25 s 4
om 2004 No. 3 s 6

Individual agreement—stopping or cancelling

s 49 om 2004 No. 3 s 6

Division 3—Content of supply agreements

div hdg om 2004 No. 3 s 6

Content of agreement

s 50 amd 2000 No. 25 s 3(1) sch 1
om 2004 No. 3 s 6

Cane required to be accepted by a mill

s 51 om 2004 No. 3 s 6

Delivery and acceptance of cane

s 52 om 2004 No. 3 s 6

Emergency and natural disaster

s 53 om 2004 No. 3 s 6

Dispute resolution

s 54 om 2004 No. 3 s 6

General considerations

s 55 om 2004 No. 3 s 6

Division 4—Mill owner's cane

div hdg om 2004 No. 3 s 6

Object of div 4

s 56 om 2004 No. 3 s 6

Owner may hold cane production area and supply cane

s 57 om 2004 No. 3 s 6

Owner may opt to supply as if under provisions of individual agreement

s 58 amd 2000 No. 25 s 3(1) sch 1
om 2004 No. 3 s 6

Application of collective agreement and notice

s 59 om 2004 No. 3 s 6

PART 3—CANE VARIETY CONTROL

pt 3 (ss 60–62) om 2003 No. 44 s 4

Access right to harvest and supply cane

s 63 amd 2008 No. 22 s 18

Landholder may grant an access right

s 64 amd 2008 No. 22 s 19

Land Court may grant an access right

s 65 sub 2008 No. 22 s 20

Notice of decision

s 66 om 2008 No. 22 s 21

Grant of access right takes effect on registration

s 67 om 2008 No. 22 s 22

Compensation on grant of access right

s 68 amd 2008 No. 22 s 23

Access rights register

s 69 om 2008 No. 22 s 24

Notification and recording of matters relating to permits to pass

s 70 sub 2008 No. 22 s 24

Notification and registration of matters relating to cane railway easements

s 71 sub 2008 No. 22 s 24

Variation and cancellation of access right, dispute resolution and enforcement

s 72 amd 2007 No. 26 s 10; 2008 No. 22 s 25

Compensation on cancellation or variation of access right

s 73 sub 2008 No. 22 s 26

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

s 74 sub 2008 No. 22 s 26

Enforcement of Land Court decisions

s 74A ins 2008 No. 22 s 26

Construction etc. of railways, obstruction of access right

s 75 amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39); 2008 No. 22 s 27;
2009 No. 17 s 331 sch 1

PART 5—MILLS

pt hdg om 2004 No. 3 s 8

Division 1—What are mills

div hdg om 2004 No. 3 s 8

Meaning of “mill”

s 76 om 2004 No. 3 s 8

Division 2—Merging of mills

div hdg ins 2000 No. 25 s 4A
om 2004 No. 3 s 8

Declaration of day a merged mill is recognised

s 77 ins 2000 No. 25 s 4A
om 2004 No. 3 s 8

Effect of merger on cane production areas

s 78 ins 2000 No. 25 s 4A
om 2004 No. 3 s 8

Division 3—Proposed mills

div hdg om 2004 No. 3 s 8

Object of div 2

s 79 om 2004 No. 3 s 8

Establishment of relevant industry bodies

s 80 om 2004 No. 3 s 8

Cane production areas and supply agreements

s 81 om 2004 No. 3 s 8

Division 4—Mill closure

div hdg om 2004 No. 3 s 8

Closure

s 82 om 2004 No. 3 s 8

Meaning of “receiving mill” and “closed mill cane”

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

Abolition of relevant industry bodies

s 85 om 2004 No. 3 s 8

Action may be taken to support transfer of access rights

s 86 om 2004 No. 3 s 8

Division 5—Cane analysis programs

div hdg om 2004 No. 3 s 8

Requirement to have cane analysis program and purpose

s 87 om 2004 No. 3 s 8

Content of program

s 88 om 2004 No. 3 s 8

Costs of program

s 89 om 2004 No. 3 s 8

Approval process for program

s 90 om 2004 No. 3 s 8

Enforcement of program

s 91 om 2004 No. 3 s 8

Dispute resolution

s 92 om 2004 No. 3 s 8

Division 6—Cane quality programs

div hdg om 2004 No. 3 s 8

Requirement to have cane quality program

s 93 amd 2000 No. 25 s 3(1) sch 1

om 2004 No. 3 s 8

Purpose of program

s 94 amd 2000 No. 25 s 3(1) sch 1

om 2004 No. 3 s 8

Content of program

s 95 om 2004 No. 3 s 8

Costs of program

s 96 om 2004 No. 3 s 8

Dispute resolution

s 97 om 2004 No. 3 s 8

Division 7—Commissioner’s function for redirection of cane

div hdg om 2004 No. 3 s 8

Redirection of cane

s 98 om 2004 No. 3 s 8

Division 8—Payments to be made for growers

div hdg om 2004 No. 3 s 8

Mill owner must make payment for grower

s 99 om 2004 No. 3 s 8

CHAPTER 3—MARKETING

ch hdg om 2005 No. 62 s 4

PART 1—MARKETING OF SUGAR VESTED IN QSL

pt hdg ins 2004 No. 3 s 9

om 2005 No. 62 s 4

Vesting of sugar in QSL

s 100 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 10

om 2005 No. 62 s 4

QSL to market and pay for vested sugar

s 101 amd 2000 No. 25 s 3(1) sch 1

om 2005 No. 62 s 4

Schemes for payment

s 102 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 11

om 2005 No. 62 s 4

Production of brands of raw sugar

s 103 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 12

om 2005 No. 62 s 4

Directions about delivery etc.

s 104 amd 2000 No. 25 s 3(1) sch 1

om 2005 No. 62 s 4

Sugar quality standards

s 105 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 13

om 2005 No. 62 s 4

QSL's operating costs

s 106 amd 2000 No. 25 s 3(1) sch 1; 2003 No. 44 s 3 sch

om 2005 No. 62 s 4

Exemption of sugar for local consumption

s 107 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 14

om 2005 No. 62 s 4

PART 2—EXEMPTIONS FROM VESTING IN QSL

pt hdg ins 2004 No. 3 s 15

om 2005 No. 62 s 4

Division 1—Preliminary

div 1 (ss 107A–107B) ins 2004 No. 3 s 15

om 2005 No. 62 s 4

Division 2—Periodic estimates

div 2 (ss 107C–107D) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Division 3—Obtaining exemption certificate

div hdg ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Subdivision 1—Exemption applications

sdiv 1 (ss 107E–107G) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Subdivision 2—Deciding exemption application

sdiv 2 (ss 107H–107K) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Subdivision 3—Action after decision on exemption application

sdiv 3 (ss 107L–107O) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Division 4—Procedure for amendment of exemption

div 4 (s 107P) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

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

div 5 (s 107Q) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Division 6—Annual returns

div 6 (ss 107R–107S) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Division 7—Application of Freedom of Information Act 1992

div 7 (s 107T) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

Division 8—Prohibited conduct

div 8 (ss 107U–107X) ins 2004 No. 3 s 15
om 2005 No. 62 s 4

CHAPTER 4—ADMINISTRATION

ch hdg om 2008 No. 22 s 29

PART 1—MINISTER'S POWERS

pt hdg om 2008 No. 22 s 29

Reports to Minister

s 109 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; 2005 No. 62 s 5
om 2008 No. 22 s 29

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; 2005 No. 62 s 6
om 2008 No. 22 s 29

Minister's directions in commissioner's 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
sub 2005 No. 62 s 7
om 2008 No. 22 s 29

Review of sugar vesting scheme

s 112 orig s 112 om 2000 No. 25 s 6
prev s 112 ins 2000 No. 25 s 5
om 2005 No. 62 s 8

PART 2—QUEENSLAND SUGAR CORPORATION

pt hdg om 2000 No. 25 s 3(1) sch 2

Division 1—Constitution and membership

div hdg om 2000 No. 25 s 3(1) sch 1

Establishment of corporation

s 113 prev s 113 om 2000 No. 25 s 6
new s 113 om 2000 No. 25 s 3(1) sch 2

Judicial notice of corporation's seal

s 114 prev s 114 om 2000 No. 25 s 6
new s 114 om 2000 No. 25 s 3(1) sch 2

Division 2—General provisions about the corporation

div hdg om 2000 No. 25 s 6

Corporation does not represent the state

s 115 prev s 115 om 2000 No. 25 s 6
new s 115 om 2000 No. 25 s 3(1) sch 2

Objective of corporation

s 116 sub 2000 No. 25 s 6
om 2000 No. 25 s 3(1) sch 2

General powers of corporation

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

Application of various public sector Acts

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

Division 3—Corporation and officers—general functions, powers and duties

div hdg om 2000 No. 25 s 6

PART 3—QUEENSLAND SUGAR LIMITED

pt hdg ins 2000 No. 25 s 9

om 2005 No. 62 s 9

QSL does not represent the State

s 119 orig s 119 om 2000 No. 25 s 6
prev s 119 ins 2000 No. 25 s 9
om 2005 No. 62 s 9

Application and non-application of certain Acts

s 120 orig s 120 om 2000 No. 25 s 6
prev s 120 ins 2000 No. 25 s 9
amd 2001 No. 69 s 378 sch 1; 2001 No. 73 s 96 sch 1; 2002 No. 11 s 62 sch 1; 2003
No. 44 s 3 sch
om 2005 No. 62 s 9

QSL's constitution

s 121 orig s 121 om 2000 No. 25 s 6
prev s 121 ins 2000 No. 25 s 9
om 2005 No. 62 s 9

QSL's board

s 122 orig s 122 om 2000 No. 25 s 6
prev s 122 ins 2000 No. 25 s 9
amd 2003 No. 44 s 3 sch
om 2005 No. 62 s 9

Audit of QSL

s 123 ins 2000 No. 25 s 9
amd 2001 No 45 s 29 sch 3
om 2005 No. 62 s 9

Minister's directions to QSL

s 124 orig s 124 om 2000 No. 25 s 8
prev s 124 ins 2000 No. 25 s 9
om 2005 No. 62 s 9

Minister may require information from QSL

s 125 orig s 125 om 2000 No. 25 s 8
prev s 125 ins 2000 No. 25 s 9
om 2005 No. 62 s 9

PART 4—THE SUGAR AUTHORITY

pt hdg ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Division 1—Constitution and membership

div hdg ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Establishment of authority

s 126 orig s 126 om 2000 No. 25 s 8
prev s 126 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Judicial notice of corporation's seal

s 127 orig s 127 om 2000 No. 25 s 8
prev s 127 ins 2000 No. 25 s 10
om 2005 No. 62 s 10

Membership

s 128 ins 2000 No. 25 s 9
amd 2004 No. 3 s 16
om 2005 No. 62 s 10

Remuneration

s 129 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Division 2—General provisions about the authority

div hdg ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Application of div 2

s 130 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Disqualifications for appointment

s 131 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Vacation of office

s 132 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Meetings of authority

s 133 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

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

s 134 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Division 3—Authority's functions, powers and duties

div hdg ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Functions of authority

s 135 ins 2000 No. 25 s 9
amd 2004 No. 3 s 17
om 2005 No. 62 s 10

General powers of authority

s 136 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Authority's staff

s 137 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Authority's budget

s 138 ins 2000 No. 25 s 9
amd 2004 No. 3 s 18
om 2005 No. 62 s 10

Application of various public sector Acts

s 139 ins 2000 No. 25 s 9
amd 2001 No. 69 s 378 sch 1
om 2005 No. 62 s 10

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

div hdg ins 2000 No. 25 s 9
om 2005 No. 62 s 10

Application of div 4

s 140 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

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

s 141 ins 2000 No. 25 s 9
amd 2001 No. 45 s 29 sch 3; 2003 No. 4 s 17
om 2005 No. 62 s 10

Minister's directions to authority to take over QSL's functions and powers

s 142 ins 2000 No. 25 s 9
om 2005 No. 62 s 10

PART 5—BUREAU OF SUGAR EXPERIMENT STATIONS

pt hdg om 2003 No. 44 s 5

Division 1—Constitution and membership

div 1 (ss 143–148) om 2003 No. 44 s 5

Division 2—General provisions about BSES

div hdg om 2003 No. 44 s 5

Disqualifications for appointment

s 149 amd 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 5

Vacation of office

s 150 om 2003 No. 44 s 5

Meetings of the board of directors

s 151 om 2003 No. 44 s 5

Director's interest in a matter to be considered by the board

s 152 om 2003 No. 44 s 5

Prohibition on political activity

s 153 om 2003 No. 44 s 5

Removal of director

s 154 om 2003 No. 44 s 5

Division 3—BSES and officers—general functions, powers and duties
div hdg om 2003 No. 44 s 5

Functions of BSES

s 155 om 2003 No. 44 s 5

General powers of BSES

s 156 om 2003 No. 44 s 5

BSES's power to delegate

s 157 om 2003 No. 44 s 5

Application of various public sector Acts

s 158 amd 2001 No. 69 s 378 sch 1
om 2003 No. 44 s 5

Division 4—Funding

div hdg om 2003 No. 44 s 5

Chief executive officer and staff of BSES

s 159 om 2003 No. 44 s 5

BSES budget

s 160 amd 2000 No. 25 s 3(1) sch 1
om 2003 No. 44 s 5

PART 6—CANE PRODUCTION BOARDS

pt hdg om 2004 No. 3 s 19

Division 1—Establishment and membership

div hdg om 2004 No. 3 s 19

Establishment of a cane production board

s 161 om 2004 No. 3 s 19

Objectives of a cane production board

s 162 om 2004 No. 3 s 19

Functions and powers of a cane production board

s 163 amd 2000 No. 25 s 10
om 2004 No. 3 s 19

Power to engage assistance

s 164 om 2004 No. 3 s 19

Membership of a cane production board

s 165 om 2004 No. 3 s 19

Acting appointments

s 166 om 2004 No. 3 s 19

Remuneration of members

s 167 om 2004 No. 3 s 19

Division 2—General provisions about cane production boards

div hdg om 2004 No. 3 s 19

Disqualifications for appointment

s 168 amd 2001 No. 45 s 29 sch 3
om 2004 No. 3 s 19

Vacation of office

s 169 om 2004 No. 3 s 19

Meetings of a cane production board

s 170 om 2004 No. 3 s 19

Member's interest in a matter to be considered by a board

s 171 om 2004 No. 3 s 19

Administrative costs

s 172 om 2004 No. 3 s 19

Legal and professional costs

s 173 om 2004 No. 3 s 19

Division 3—Amalgamation of cane production boards

div hdg om 2004 No. 3 s 19

Amalgamation

s 174 amd 2000 No. 25 s 10A
om 2004 No. 3 s 19

Other effects of amalgamation

s 175 amd 2000 No. 25 ss 10B, 3(1) sch 1
om 2004 No. 3 s 19

Division 4—Cane production board register

div hdg om 2004 No. 3 s 19

Cane production board to keep cane production area register

s 176 om 2004 No. 3 s 19

PART 7—CANE PROTECTION AND PRODUCTIVITY BOARDS

pt hdg om 2003 No. 44 s 6

Division 1—Constitution and membership

div 1 (ss 177–183) om 2003 No. 44 s 6

Division 2—General provisions about cane protection and productivity boards

div hdg om 2003 No. 44 s 6

Disqualifications for appointment

s 184 amd 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 6

Vacation of office

s 185 om 2003 No. 44 s 6

Meetings of a cane protection and productivity board

s 186 om 2003 No. 44 s 6

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

s 187 om 2003 No. 44 s 6

Prohibition on political activity

s 188 om 2003 No. 44 s 6

Removal of member

s 189 om 2003 No. 44 s 6

Division 3—Cane protection and productivity board’s functions, powers and duties

div hdg om 2003 No. 44 s 6

Functions of a cane protection and productivity board

s 190 om 2003 No. 44 s 6

General powers of a cane protection and productivity board

s 191 amd 2000 No. 25 ss 11, 3(1) sch 1
om 2003 No. 44 s 6

Power to engage assistance

s 192 om 2003 No. 44 s 6

Application of various public sector Acts

s 193 amd 2001 No. 69 s 378 sch 1
om 2003 No. 44 s 6

Regulation may levy a charge payable to a board

s 194 amd 2000 No. 25 s 3(1) sch 1
om 2003 No. 44 s 6

Division 4—Dissolution of cane protection and productivity boards

div hdg om 2003 No. 44 s 6

Dissolution

s 195 om 2003 No. 44 s 6

Another cane protection and productivity board to take place of dissolved cane protection and productivity board

s 196 amd 2000 No. 25 s 3(1) sch 1
om 2003 No. 44 s 6

Change to registers

s 197 om 2003 No. 44 s 6

PART 8—REPLACEMENT ENTITIES FOR CANE PROTECTION AND PRODUCTIVITY BOARDS

pt hdg ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Division 1—Interpretation and application

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)

Definitions for pt 5A

s 198 ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)
def *asset* om 2003 No. 44 s 8(1)
def *assets* ins 2003 No. 44 s 8(2)
def *authorised person* ins 2003 No. 44 s 8(2)
def *board* sub 2003 No. 44 s 8(1)–(2)
def *eligible participant* om 2003 No. 44 s 8(1)
def *liabilities* ins 2003 No. 44 s 8(2)
def *liability* om 2003 No. 44 s 8(1)
def *proposed transfer day* ins 2003 No. 44 s 8(2)
def *replacement entity* ins 2003 No. 44 s 8(2)
def *transfer day* amd 2003 No. 44 s 8(3)

Application to transfers from more than 1 board

s 199 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 2—Steps to transfer and dissolution

div hdg ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Decision to transfer to person

s 200 ins 2000 No. 25 s 12
sub 2003 No. 44 s 9
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Things that must be decided for the transfer

s 201 ins 2000 No. 25 s 12
amd 2003 No. 44 s 10
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Deciding the replacement entity

s 202 ins 2000 No. 25 s 12
sub 2003 No. 44 s 11
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Notice of decision about replacement entity

s 203 ins 2000 No. 25 s 12
sub 2003 No. 44 s 12
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Minister's decision

s 204 ins 2000 No. 25 s 12
amd 2003 No. 44 s 13
exp 1 July 2004 (see s 213A)
AIA s 20A applies (see s 213B)

Transfer

s 205 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)

Dissolution

s 206 ins 2000 No. 25 s 12
exp 1 July 2004 (see s 213A)
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

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

pt hdg om 2008 No. 22 s 29

Division 1—Commissioner

div hdg om 2004 No. 3 s 37 sch

Appointment of commissioner

s 222 om 2008 No. 22 s 29

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; 2005 No. 62 s 11; 2007 No. 26 s 11
om 2008 No. 22 s 29

Powers of commissioner

s 223A ins 2003 No. 44 s 17
amd 2004 No. 3 s 22; 2005 No. 62 s 12
om 2008 No. 22 s 29

Remuneration

s 224 om 2008 No. 22 s 29

Disqualifications for appointment

s 225 amd 2001 No. 45 s 29 sch 3
om 2008 No. 22 s 29

Vacation of office

s 226 om 2008 No. 22 s 29

Commissioner's independence

s 227 amd 2000 No. 25 s 3(1) sch 1; 2005 No. 62 s 13
om 2008 No. 22 s 29

Numbering amd renumbering of Act

s 227A ins 2000 No. 25 s 15
om R2 (see RA s 37)

Commissioner's budget

s 228 orig s 228 om 2000 No. 25 s 16(2)
prev s 228 amd 2000 No. 25 s 14, 3(1) sch 1; 2003 No. 44 s 18; 2005 No. 62 s 14;
2007 No. 26 s 12
om 2008 No. 22 s 29

Commissioner's staff

s 229 orig s 229 om 2000 No. 25 s 16(2)
prev s 229 om 2008 No. 22 s 29

Commissioner's power to delegate

s 230 amd 2004 No. 3 s 37 sch; 2005 No. 62 s 15; 2007 No. 26 s 13
om 2008 No. 22 s 29

Prohibition on political activity

s 231 om 2008 No. 22 s 29

Removal of commissioner

s 232 om 2008 No. 22 s 29

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

ch hdg om 2008 No. 22 s 29

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
om 2008 No. 22 s 29

Appeal to District Court—exemption application

s 234A ins 2004 No. 3 s 24
om 2005 SL No. 62 s 16

Appeal to Land Court

s 235 om 2008 No. 22 s 29

CHAPTER 6—AUTHORISATIONS FOR COMPETITION LEGISLATION

Definitions for ch 6

s 236 def *competition legislation* amd 2010 No. 54 s 67 sch
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

Sale of on-supply sugar

s 238 prev s 238 om 2004 No. 3s 25
pres s 238 ins 2015 No. 32 s 8

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

Pooled export contracts

s 243 amd 2000 No. 25 s 3(1) sch 1
sub 2005 No. 62 s 17
exp 30 September 2009 (see s 243(4))

Pooled domestic contract to satisfy refiner supply contract made before 30 October 2004

s 244 amd 2000 No. 25 s 3(1) sch 1; 2000 No. 25 s 3(1) sch 1
sub 2005 No. 62 s 17
exp 30 September 2007 (see s 244(4))

Pooled export and domestic contract

s 245 amd 2000 No. 25 s 3(1) sch 1
sub 2005 No. 62 s 17
amd 2008 No. 22 s 30
exp 30 September 2009 (see s 245(4))

CHAPTER 7—MISCELLANEOUS

Minister may establish advisory bodies

s 246 prev s 246 amd 2000 No. 25 s 3(1) sch 1
om 2005 No. 62 s 17
pres s 246 (prev s 108) renum and reloc 2008 No. 22 s 28

Injunctions

s 247 amd 2005 No. 62 s 18

General provisions about show cause proceedings

s 248 om 2004 No. 3 s 26

Statutory declaration

s 249 amd 2008 No. 22 s 31

Records to be kept

s 250 amd 2002 No. 11 s 62 sch 1

Superannuation schemes

s 251 amd 2009 No. 9 s 136 sch 1

Improper use of information prohibited

s 253 amd 2003 No. 44 s 19; 2008 No. 22 s 32

Indemnity

s 254 amd 2000 No. 25 s 3(1) sch 1; 2004 No. 3 s 37 sch
om 2005 No. 62 s 19

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—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY
AMENDMENT ACT 2005**

ch hdg prev ch 8 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres ch 8 hdg ins 2005 No. 62 s 20

PART 1—PRELIMINARY

pt hdg orig pt 1 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev pt 1 hdg ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Definitions for ch 8

s 258 orig s 258 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 258 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

References to authority

s 259 orig s 259 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 259 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Excluded matters for Corporations legislation

s 259A ins 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 21

References to unamended Act

s 260 orig s 260 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 260 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

PART 2—SUGAR VESTED IN QSL

pt hdg orig pt 2 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev pt 2 hdg ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Payments by QSL to mill owners

s 261 orig s 261 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 261 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Payment schemes

s 262 orig s 262 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 262 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Obligations of mill owners

s 263 orig s 263 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 263 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

PART 3—EXEMPTIONS

pt hdg orig pt 3 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev pt 3 hdg ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Definitions for pt 3

s 264 orig s 264 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 264 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Late exemption applications

s 265 orig s 265 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 265 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Decision made after commencement on late exemption application

s 266 orig s 266 om 2000 No. 25 s 3(1) sch
ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 266 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

Application for amendment of exemption

s 267 orig s 267 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 267 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Improper use of exempt sugar after commencement

s 268 orig s 268 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 268 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Annual returns given after commencement

s 269 orig s 269 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 269 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Further documents or information for annual return

s 270 orig s 270 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 270 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Exempt matter after commencement

s 271 orig s 271 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 271 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

False or misleading application for amendment of exemption made after commencement

s 272 orig s 272 om 2003 No. 44 s 21

prev s 272 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Executive officers of corporation

s 273 orig s 273 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 273 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

PART 4—QUEENSLAND SUGAR LIMITED

pt hdg orig pt 4 hdg ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev pt 4 hdg ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Division 1—Interpretation

div hdg ins 2000 No. 25 s 15

om 2003 No. 44 s 21

QSL's audited financial statements for 2005/2006 financial year

s 274 orig s 274 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 274 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Division 2—Transfer of STL shares

div hdg 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

PART 5—DISSOLUTION OF SUGAR AUTHORITY

pt hdg orig pt 5 hdg ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev pt 5 hdg ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Definitions for pt 5

s 275 orig s 275 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 275 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Transfer and dissolution

s 276 orig s 276 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 276 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Continuity of proceedings and matters

s 277 orig s 277 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 277 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Employees

s 278 orig s 278 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 278 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Members cease holding office

s 279 orig s 279 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 279 ins 2005 No. 62 s 20

om 2008 No. 22 s 33

PART 6—APPEALS

pt hdg ins 2005 No. 62 s 20

om 2008 No. 22 s 33

Appeal to District Court against authority's decision

s 280 orig s 280 ins 2000 No. 25 s 15

om 2003 No. 44 s 21

prev s 280 ins 2005 No. 62 s 20
om 2008 No. 22 s 33

PART 7—COMPETITION POLICY LEGISLATION

pt hdg ins 2005 No. 62 s 20
exp 30 September 2009 (see s 283A)

Definitions for pt 7

s 281 orig s 281 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 281 ins 2005 No. 62 s 20
def *commencement* ins 2008 No. 22 s 34
exp 30 September 2009 (see s 283A)

Pooled export contracts made before commencement

s 282 orig s 282 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 282 ins 2005 No. 62 s 20
exp 30 September 2009 (see s 283A)

Export contracts made before commencement

s 283 orig s 283 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 283 ins 2005 No. 62 s 20
exp 30 September 2009 (see s 283A)

Expiry of pt 7

s 283A ins 2008 No. 22 s 35
exp 30 September 2009 (see s 283A)

PART 8—INJUNCTIONS

pt hdg ins 2005 No. 62 s 20
om 2008 No. 22 s 36

CHAPTER 9—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES AND OTHER ACTS AMENDMENT ACT 2008

ch hdg prev ch 9 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres ch 9 hdg ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

PART 1—PRELIMINARY

pt hdg prev pt 1 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres pt 1 hdg ins 2008 No. 22 s 37

Definitions for ch 9

s 284 orig s 284 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 284 ins 2005 No. 62 s 20
om 2008 No. 22 s 36
pres s 284 ins 2008 No. 22 s 37

PART 2—PROVISIONS RELATING TO ACCESS RIGHTS

pt hdg prev pt 2 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres pt 2 hdg ins 2008 No. 22 s 37

Period of operation of permit to pass

s 285 orig s 285 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 285 ins 2005 No. 62 s 20
om 2008 No. 22 s 36
pres s 285 ins 2008 No. 22 s 37

Access rights granted by the commissioner

s 286 orig s 286 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 286 ins 2005 No. 62 s 20
om 2008 No. 22 s 36
pres s 286 ins 2008 No. 22 s 37

Land Court to assume jurisdiction for current applications

s 287 orig s 287 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
prev s 287 ins 2005 No. 62 s 20
om 2008 No. 22 s 36
pres s 287 ins 2008 No. 22 s 37

Excluded matters for Corporations legislation

s 287A ins 2001 No. 45 s 29 sch 3
om 2003 No. 44 s 21

Outstanding decisions of valuers

s 288 prev s 288 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 288 ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

Access rights register

s 289 prev s 289 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 289 ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

Rectification or reinstatement order by the commissioner

s 290 prev s 290 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 290 ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

PART 3—PROVISIONS RELATING TO THE COMMISSIONER

pt hdg prev pt 3 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres pt 3 hdg ins 2008 No. 22 s 37

Commissioner

s 291 prev s 291 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 291 ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

Agreements and legal proceedings

s 292 prev s 292 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 292 ins 2007 No. 26 s 14
sub 2008 No. 22 s 37

Assets and liabilities

s 293 prev s 293 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 293 ins 2008 No. 22 s 37

Employees

s 294 prev s 294 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 294 ins 2008 No. 22 s 37

Division 1—General

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Exempt documents

s 295 prev s 295 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 295 ins 2008 No. 22 s 37

PART 4—APPEALS

pt hdg prev pt 4 hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres pt 4 hdg ins 2008 No. 22 s 37

Appeal to Magistrates Court

s 296 prev s 296 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 296 ins 2008 No. 22 s 37

Division 2—Administrator

div hdg ins 2000 No. 25 s 15
om 2003 No. 44 s 21

Appeal to Land Court

s 297 prev s 297 ins 2000 No. 25 s 15
om 2003 No. 44 s 21
pres s 297 ins 2008 No. 22 s 37

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

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

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

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

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—Sugar cane 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

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—OTHER TRANSITIONAL PROVISIONS

ch hdg prev ch 10 sub 2000 No. 25s 16(1)
om 2005 No. 62s 20
pres ch 10 hdg ins 2015 No. 32 s 9

Transitional provision for Sugar Industry (Real Choice in Marketing) Amendment Act 2015

s 298 prev s 298 ins 2000 No. 25s 15
om 2003 No. 44s 21
pres s 298 ins 2015 No. 32 s 9

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)
sub 2000 No. 25 s 16(3)
om 2004 No. 3 s 27
prev pt 1 hdg ins 2004 No. 3 s 28
om 2005 No. 62 s 20

Division 1—Preliminary

div 1 (s 344) ins 2003 No. 44 s 22
om 2005 No. 62 s 20

Division 2—Dissolution of BSES

div hdg ins 2003 No. 44 s 22
om 2005 No. 62 s 20

Subdivision 1—Preliminary

sdiv 1 (ss 345–346) ins 2003 No. 44 s 22
om 2005 No. 62 s 20

Subdivision 2—Steps to transfer and dissolution

sdiv 2 (ss 347–353) ins 2003 No. 44 s 22
om 2005 No. 62 s 20

Subdivision 3—Provisions facilitating transfer

sdiv 3 (ss 354–359) ins 2003 No. 44 s 22
om 2005 No. 62 s 20

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
om 2005 No. 62 s 20

Division 4—Appeals

div 4 (ss 367–369) ins 2003 No. 44 s 24
om 2005 No. 62 s 20

Division 5—Injunctions

div 5 (ss 370–372) ins 2003 No. 44 s 25
om 2005 No. 62 s 20

**PART 2—TRANSITIONAL PROVISIONS FOR SUGAR INDUSTRY REFORM
ACT 2003**

pt hdg orig pt 2 hdg om 2000 No. 25 s 16(3)
ins 2000 No. 25 s 16(5)
om 2004 No. 3 s 27
prev pt 2 hdg ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Division 1—Preliminary

div 1 (s 373) ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Division 2—Dissolution of cane production boards

div hdg ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Subdivision 1—Preliminary

sdiv 1 (s 374) ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Subdivision 2—Voluntary dissolution

sdiv 2 (ss 375–387) ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Subdivision 3—Involuntary dissolution

sdiv 3 (ss 388–391) ins 2004 No. 3 s 29
om 2005 No. 62 s 20

Division 3—Abolition of cane production areas

div 3 (ss 392–396) ins 2004 No. 3 s 30
om 2005 No. 62 s 20

Division 4—Supply agreements

div 4 (ss 397–399) ins 2004 No. 3 s 31
om 2005 No. 62 s 20

Division 5—Mill suppliers' committees

div hdg ins 2004 No. 3 s 32
om 2005 No. 62 s 20

Subdivision 1—Preliminary

sdiv 1 (s 400) ins 2004 No. 3 s 32
om 2005 No. 62 s 20

Subdivision 2—Incorporated mill suppliers' committees

sdiv 2 (s 401) ins 2004 No. 3 s 32
om 2005 No. 62 s 20

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

sdiv 3 (ss 402–408) ins 2004 No. 3 s 32
om 2005 No. 62 s 20

Division 6—Abolition of negotiating teams

div 6 (ss 409–414) ins 2004 No. 3 s 33
om 2005 No. 62 s 20

Division 7—Appeals

div 7 (ss 415–417) ins 2004 No. 3 s 34
om 2005 No. 62 s 20

Division 8—Injunctions

div 8 (ss 418–420) ins 2004 No. 3 s 35
om 2005 No. 62 s 20

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—DICTIONARY

def *access rights register* om 2008 No. 22 s 38(1)
def *adjacent* om 2004 No. 3 s 36(2)
def *amendment* ins 2004 No. 3 s 36(6)
om 2005 No. 62 s 21(1)
def *annual return* ins 2004 No. 3 s 36(6)
om 2005 No. 62 s 21(1)
def *applicant* ins 2004 No. 3 s 36(6)
om 2005 No. 62 s 21(1)
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)
om 2005 No. 62 s 21(1)
def *appropriately qualified* om 2008 No. 22 s 38(1)
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)
om 2005 No. 62 s 21(1)
def *bargaining representative* ins 2004 No. 3 s 36(7)
sub 2004 No. 3 s 36(4), (8)
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 *business manager* om 2005 No. 62 s 21(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 railway easement* amd 2008 No. 22 s 38(3)
- 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)
- sub 2004 No. 3 s 36(4), (8)
- def *commercial cane sugar* om 2004 No. 3 s 36(2)
- def *commissioner* om 2008 No. 22 s 38(1)
- def *Competition Code* sub 2004 No. 3 s 36(1), (5); 2005 No. 62 s 21
- def *competition legislation* sub 2004 No. 3 s 36(1), (5); 2005 No. 62 s 21
- 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)
- om 2004 No. 3 s 36(4)
- 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)
- om 2008 No. 22 s 38(1)
- def *exemption* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exemption application* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exemption certificate* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exemption certificate details* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exemption conditions* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exempt sugar* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *exempt use* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *expansion* om 2004 No. 3 s 36(2)
- def *GEI sugar marketing entity* ins 2015 No. 32 s 10(2)
- def *GEI sugar marketing term* ins 2015 No. 32 s 10(2)

- def *grantee* ins 2008 No. 22 s 38(2)
- def *grant of unallocated hectares* om 2004 No. 3 s 36(2)
- def *group of growers* ins 2004 No. 3 s 36(7)
- sub 2004 No. 3 s 36(4), (8)
- def *grower* sub 2004 No. 3 s 36(2), (7); 2015 No. 32 s 10
- 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)
- om 2005 No. 62 s 21(1)
- def *Industrial Relations Act* ins 2003 No. 44 s 26(3)
- om 2008 No. 22 s 38(1)
- def *industry participant* amd 2000 No. 25 s 3(1) sch 1
- om 2005 No. 62 s 21(1)
- def *information notice* om 2008 No. 22 s 38(1)
- def *intention to contract* ins 2004 No. 3 s 36(7)
- om 2004 No. 3 s 36(4)
- def *interest* om 2005 No. 62 s 21(1)
- def *interested third party* ins 2004 No. 3 s 36(7)
- sub 2004 No. 3 s 36(4), (8)
- 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)
- om 2005 No. 62 s 21(1)
- 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
- om 2005 No. 62 s 21(1)
- def *mills* 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-supply sugar* ins 2015 No. 32 s 10(2)
- def *on-user* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *party* ins 2008 No. 22 s 38(2)
- def *payment scheme* amd 2000 No. 25 s 3(1) sch 1
- om 2005 No. 62 s 21(1)
- def *penalty sugar* om 2004 No. 3 s 36(2)
- def *periodic estimate* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *periodic estimate day* ins 2004 No. 3 s 36(6)
- om 2005 No. 62 s 21(1)
- def *pest* om 2004 No. 3 s 36(3)
- def *pest infestation* om 2004 No. 3 s 36(3)
- def *pooled domestic contract* ins 2005 No. 62 s 21(2)

- om 2008 No. 22 s 38(1)
- def *pooled export contract* ins 2005 No. 62 s 21(2)
- 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
- om 2005 No. 62 s 21(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 *registrar* ins 2008 No. 22 s 38(2)
- def *regulation process* om 2004 No. 3 s 36(2)
- def *related body corporate* ins 2015 No. 32 s 10(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 *research* om 2005 No. 62 s 21(1)
- def *sell* ins 2015 No. 32 s 10(2)
- 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)
- sub 2004 No. 3 s 36(4), (8); 2015 No. 32 s 10
- 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)
- om 2005 No. 62 s 21(1)
- def *variation* om 2004 No. 3 s 36(2)
- def *verified* om 2005 No. 62 s 21(1)

6 Table of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Sugar Industry Act 1999 s 227A
[Reprint No. 2]

Previous	Renumbered as
4A	5
5	6
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
18	19
19	20
20	21
21	22
22	23
23	24
24	25

Previous	Renumbered as
25	26
26	27
27	28
28	29
29	30
30	31
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)

Previous	Renumbered as
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
50	51
51	52
52	53
53	54
54	55
55	56
56	57
57	58
58	59
59	60
60	61
61	62
62	63
63	64
64	65

Previous	Renumbered as
65	66
66	67
67	68
68	69
69	70
70	71
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

Previous	Renumbered as
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

Previous	Renumbered as
103	107
104	108
105	109
105(1)(aa)	109(1)(b)
105(1)(b)	109(1)(c)
105(1)(c)	109(1)(d)
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

Previous	Renumbered as
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

Previous	Renumbered as
128U	139
128V	140
128W	141
128X	142
pt 3	pt 5
129	143
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

Previous	Renumbered as
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

Previous	Renumbered as
168	182
169	183
170	184
171	185
172	186
173	187
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

Previous	Renumbered as
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

Previous	Renumbered as
195	225
196	226
197	227
198	228
199	229
200	230
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

Previous	Renumbered as
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

Previous	Renumbered as
228N	272
228O	273
228P	274
228Q	275
228R	276
228S	277
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

Previous	Renumbered as
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

Previous	Renumbered as
242	318
243	319
244	320
245	321
246	322
247	323
248	324
249	325
250	326
251	327
252	328
253	329
254	330
255	331
256	332
div 11A	div 12
256A	333
div 12	div 13
257	334
div 13	div 14
258	335
div 14	div 15
259	336
div 15	div 16

Previous	Renumbered as
260	337
261	338
262	339
263	340
264	341
265	342
267	343
sch 2	sch

7 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. From mid-2013 any retrospective amendment that has not been consolidated is noted on the cover page.

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