

Queensland



PRIMARY INDUSTRIES CORPORATION ACT 1992

**Reprinted as in force on 1 October 1992
(Act not amended up to this date)**

Reprint No. 1

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Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 1 October 1992. The opportunity has been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- omit provisions that are no longer required as permitted by section 40 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



PRIMARY INDUSTRIES CORPORATION ACT 1992

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PRIMARY INDUSTRIES CORPORATION ACT 1992

[reprinted as in force on 1 October 1992²]

An Act to provide for the constitution of the Primary Industries Corporation and to facilitate changes to administrative arrangements within the Department of Primary Industries, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries Corporation Act 1992*³⁻⁴.

Commencement

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

Definitions

3. In this Act—

“**chief executive**” means the chief executive of the department;

“**Corporation**” means the Primary Industries Corporation;

“**previous authority**” means—

- (a) the Commissioner of Water Resources; or
- (b) the Conservator of Forests; or
- (c) the Water Resources Commission; or

- (d) the Commissioner of Irrigation and Water Supply.

PART 2—PRIMARY INDUSTRIES CORPORATION

Establishment of Corporation etc.

- 4.(1)** There is a corporation called the Primary Industries Corporation.
- (2)** The Corporation—
- (a) has a seal; and
 - (b) may sue and be sued in its corporate name.

Corporation represents the Crown

- 5.(1)** The Corporation represents the Crown.
- (2)** Without limiting subsection (1), the Corporation has all the privileges and immunities of the Crown.
- (3)** Without limiting subsection (1), the Corporation is an exempt public authority for the purposes of the Corporations Law.

Functions

- 6.** The functions of the Corporation are to—
- (a) carry out such functions as are conferred on it by this Act, the *Forestry Act 1959*, the *Water Resources Act 1989* and any other Act; and
 - (b) act as agent for the State in relation to matters administered by the Minister; and
 - (c) do other things incidental to the functions of the Corporation mentioned in paragraphs (a) and (b).

Powers

7.(1) The Corporation has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the Corporation has such powers as are conferred on it under this or any other Act.

(3) Without limiting subsection (1), the Corporation has, for or in connection with the performance of its functions, all the powers of an individual, and may, for example—

- (a) enter into contracts with any party; and
- (b) acquire, hold, dispose of and deal with property; and
- (c) appoint agents and attorneys; and
- (d) make charges, and fix terms and conditions, for services and information supplied by it to any party; and
- (e) engage consultants.

(4) The Corporation may, when acting as agent of the State, enter into contracts in its own name.

(5) In this section—

“**party**” includes the Crown in any of its capacities.

Duties of the chief executive

8.(1) The chief executive is, under the Minister, to manage the Corporation.

(2) Anything done in the name of, or on behalf of, the Corporation by the chief executive is taken to have been done by the Corporation.

Corporation’s seal

9.(1) The Corporation’s seal is to be kept in such custody as the chief executive directs and may only be used as authorised by the chief executive.

(2) Judicial notice must be taken of the imprint of the Corporation’s seal appearing on a document and the document must be presumed to have been properly sealed until the contrary is proven.

Delegations

10.(1) The chief executive may delegate the Corporation's powers under this or any other Act to an officer or employee of the department.

(2) The chief executive may delegate the chief executive's powers under this or another Act to an officer or employee of the department.

Confirmation of contracts and authentication and execution of documents

11.(1) So far as concerns the formalities of making, varying or discharging a contract, a person acting under the Corporation's express or implied authority may make, vary or discharge a contract in the name of, or on behalf of, the Corporation in the same way as if the contract were made, varied or discharged by a natural person.

(2) The making, varying or discharging of a contract in accordance with subsection (1) is effective in law and binds the Corporation and other parties to the contract.

(3) A contract or other document executed, or purporting to have been executed, under the Corporation's seal is not invalid merely because a person attesting the affixing of the seal is in any way (whether directly or indirectly) interested in the contract or other document or in the matter to which the contract or other document relates.

(4) This section does not prevent the Corporation from making, varying or discharging a contract under its seal.

(5) This section does not affect the operation of any law that requires some consent or sanction to be obtained, or some procedure to be complied with, in relation to the making, varying or discharging of a contract.

Acquisition of land by Corporation

12.(1) The Corporation may acquire, by agreement or resumption, land that in the Corporation's opinion is required for the purpose of carrying out its functions.

(2) For the purpose of acquiring land by resumption, the Corporation has the functions and powers of a constructing authority under the *Acquisition of Land Act 1967* and, subject to this section, that Act applies accordingly.

(3) The Corporation may, as a constructing authority under the *Acquisition of Land Act 1967*, take land held from the Crown by way of lease or any interest less than freehold.

(4) The power conferred on the Governor in Council by section 22 of the *Acquisition of Land Act 1967* includes power to vest land in the Corporation under the *Land Act 1962* as leasehold under such tenure as the Governor in Council considers appropriate.

PART 4—SAVINGS AND TRANSITIONAL

References in Acts to previous authorities

14.(1) A reference in an Act, other than an Act mentioned in the Schedule, to a previous authority is taken to be—

- (a) in relation to the ownership or vesting of property in the previous authority— a reference to the Corporation; and
- (b) in any other case—a reference to the chief executive.

(2) In subsection (1)—

“Act” does not include a statutory instrument made under an Act.

References in statutory instruments to previous authorities

15. A reference in a statutory instrument made before the commencement of this section to a previous authority is taken to be a reference to—

- (a) if the instrument was made under or in force for the purposes of a provision of an Act mentioned in the Schedule and the provision contained a reference to the previous authority that was amended by this Act to change the reference to the Corporation— the Corporation; and
- (b) in any other case—the chief executive.

Decisions etc. of previous authorities

16. A decision or recommendation made, licence, notice or other document made or given, or other action taken, before the commencement of this section by a previous authority is taken to have been made, given or taken by—

- (a) if the matter was made, given or taken under or for the purposes of a provision of an Act mentioned in the Schedule and the provision contained a reference to the previous authority that was amended by this Act to change the reference to the Corporation—the Corporation; and
- (b) in any other case—the chief executive.

Transfer of property and liabilities of Conservator and Commission etc.

17.(1) On the commencement of this section—

- (a) all property and liabilities of the Conservator of Forests and the Water Resources Commission become property and liabilities of the Corporation; and
- (b) the Corporation is substituted for the Conservator of Forests and the Water Resources Commission in all contracts to which the Conservator or Commission is a party; and
- (c) the Corporation is substituted as a party for the Conservator of Forests and the Water Resources Commission in all pending and existing proceedings to which the Conservator or Commission is a party.

(2) The Registrar of Titles and all other persons responsible for keeping registers in relation to dealings with property are, on request made by the Corporation, to make in the registers all endorsements necessary to record the vesting of property in the Corporation under this section.

(3) A request made for the purposes of subsection (2) is not liable to stamp duty and no fees or charges are payable in relation to the request.

(4) Stamp duty is not otherwise payable because of the operation of this Act.

Unforeseen circumstances

18. If, in relation to a particular case, it appears to the Governor in Council that no provision or insufficient provision is made to give effect to the transition from the law in force before the commencement of this section to the provisions of this Act and of the Acts in the Schedule as amended by this Act, the Governor in Council may, by regulation, make such provision as the Governor in Council considers necessary or convenient to deal with the case.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. However, no amendments have commenced operation before that day. Future amendments of the *Primary Industries Corporation Act 1992* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 List of legislation**Primary Industries Corporation Act 1992 No 15**

date of assent 13 May 1992

ss 1–2 commenced on date of assent

s 3, Part 2 and s 18 of Part 4 commenced 19 June 1992 (SL No 157)

remaining provisions commenced 30 September 1992 (SL No 271)

4 List of annotations

Key to abbreviations in list of annotations

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
orig	=	original
pres	=	present

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

PART 3—CONSEQUENTIAL AMENDMENTS

Pt 3 (s 13) om (see s 40 RA)

CONSEQUENTIAL AND MINOR AMENDMENTS

Sch om (see s 40 RA)