

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 57 of 1981

An Act to amend the Administration of Commercial Laws Act 1962–1971, the Pyramid Selling Schemes (Elimination) Act 1973, the Invasion of Privacy Act 1971–1976, the State Securities Registration Act 1925–1971, the Contractors' Trust Accounts Act 1974–1978, the Alfred Grant Pty. Ltd. and Other Companies (Distribution of Trust Moneys) Act 1979, the Liens on Crops of Sugar Cane Act 1931–1975 and the Bills of Sale and Other Instruments Act 1955–1971, each in certain particulars and for related purposes

[ASSENTED TO 12TH JUNE, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title and citation. This Act may be cited as the *Administration of Commercial Laws Act and Other Acts Amendment Act 1981*.

2. Commencement of the Act. (1) Section 1 and this section shall come into operation on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) This Act, other than sections 1 and 2, shall come into operation on a date to be fixed by Proclamation.

3. Parts of Act. This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF ADMINISTRATION OF COMMERCIAL LAWS ACT 1962–1971;

PART III—AMENDMENTS OF PYRAMID SELLING SCHEMES (ELIMINATION) ACT 1973;

PART IV—AMENDMENTS OF INVASION OF PRIVACY ACT 1971–1976;

PART V—AMENDMENTS OF STATE SECURITIES REGISTRATION ACT 1925–1971;

PART VI—AMENDMENTS OF CONTRACTORS' TRUST ACCOUNTS ACT 1974–1978;

PART VII—AMENDMENT OF ALFRED GRANT PTY. LTD. AND OTHER COMPANIES (DISTRIBUTION OF TRUST MONEYS) ACT 1979;

PART VIII—AMENDMENTS OF LIENS ON CROPS OF SUGAR CANE ACT 1931–1975;

PART IX—AMENDMENTS OF BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955–1971;

PART X—TRANSITIONAL.

PART II—AMENDMENTS OF ADMINISTRATION OF COMMERCIAL LAWS ACT 1962–1971

4. Citation. (1) In this Part, the *Administration of Commercial Laws Act 1962–1971* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Administration of Commercial Laws Act 1962–1981*.

5. Amendment of long title. The Principal Act is amended by omitting from the long title the words “*The Auctioneers, Real Estate Agents, Debt Collectors and Motor Dealers Act 1922 to 1961*” and certain other Commercial Acts” and substituting the words “*certain Commercial Acts*”.

6. Amendment of s. 2. Meaning of terms. Section 2 of the Principal Act is amended by omitting the definition "Commissioner".

7. Amendment of s. 3. Appointment of registrar. Section 3 of the Principal Act is amended by omitting subsections (2), (3) and (4).

8. Amendment of s. 4. Appointment of deputy registrars. Section 4 of the Principal Act is amended by omitting subsection (2).

9. Amendment of s. 6. Offices to be held by registrar. Section 6 of the Principal Act is amended in subsection (1) by omitting paragraph (c).

10. Amendment of s. 7. Offices to be held by deputy registrars. Section 7 of the Principal Act is amended by—

- (a) in subsection (1) omitting paragraphs (a) and (c);
- (b) omitting subsection (3).

11. Amendment of s. 8. Powers etc. of deputy registrars. Section 8 of the Principal Act is amended in subsection (1) by—

- (a) in paragraph (a)—
 - (i) omitting the words "Commissioner and the" where they appear after the words "whatsoever of the";
 - (ii) omitting the words "Commissioner and of the" where they appear after the words "office of the";
 - (iii) omitting the words "Commissioner or" where they appear after the words "until a new";
- (b) in paragraph (b) omitting the words "Commissioner or the" where they appear after the words "that section, as the".

PART III—AMENDMENTS OF PYRAMID SELLING SCHEMES (ELIMINATION) ACT 1973

12. Citation. (1) In this Part the *Pyramid Selling Schemes (Elimination) Act 1973* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Pyramid Selling Schemes (Elimination) Act 1973–1981*.

13. Amendment of s. 9. Constitution of Committee. Section 9 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:—

"(2) The Registrar of Commercial Acts, Brisbane or in his absence the nominee of the Registrar shall, *ex officio*, be a member of the committee.

(3) The members of the committee, other than the *ex officio* member, shall be appointed by the Governor in Council by notification published in the Gazette.

(4) The members of the committee, other than the *ex officio* member, shall hold office for a term of three years.

(5) The Governor in Council shall in the notification of the appointment of the members of the committee appoint a member to be chairman.

(6) A member of the committee, other than the *ex officio* member, shall be paid such fees, allowances and expenses in respect of the performance of his duties as a member as the Governor in Council from time to time determines.”.

14. Amendment of s. 21. Use by committee of agents and reports. Section 21 of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “ the Commissioner for Consumer Affairs ” the words “ or of the office of the Registrar of Commercial Acts ”;

(b) in subsection (2), inserting after the words “ the Commissioner for Consumer Affairs ” the words “ or of the office of the Registrar of Commercial Acts ”.

PART IV—AMENDMENTS OF INVASION OF PRIVACY ACT 1971-1976

15. Citation. (1) In this Part, the *Invasion of Privacy Act 1971-1976* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Invasion of Privacy Act 1971-1981*.

16. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by—

(a) omitting the definition “ Commissioner ”;

(b) inserting after the definition “ registered address ” the following definition:—

“ “ Registrar ” means the Registrar of Commercial Acts appointed under the *Administration of Commercial Laws Act 1962-1981*: the term includes any Deputy Registrar of Commercial Acts appointed under that Act;”.

17. Substitution of “ Registrar ” for “ Commissioner ” etc. Save where otherwise expressly amended by this Part, the Principal Act is amended by omitting the word “ Commissioner ” where it is used as a reference to the Commissioner for Corporate Affairs, the words “ Commissioner for Corporate Affairs ” and the word “ Commissioner’s ” wherever occurring and substituting the word “ Registrar ” or “ Registrar’s ” in each case as may be applicable.

PART V—AMENDMENTS OF STATE SECURITIES REGISTRATION ACT 1925–1971

18. Citation. (1) In this Part the *State Securities Registration Act 1925–1971* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Securities Registration Act 1925–1981*.

19. Amendment of s. 2. Interpretation. Section 2 of the Principal Act is amended by—

(a) omitting the words “the term “Commissioner” means the Commissioner for Corporate Affairs appointed under the *Securities Industry Act 1971*,”;

(b) inserting after the words “His Majesty the King;” the words “the term “Registrar” means the Registrar of Commercial Acts appointed under the *Administration of Commercial Laws Act 1962–1981*: the term includes any Deputy Registrar of Commercial Acts appointed under that Act”.

20. Substitution of “Registrar” for “Commissioner” etc. Save where otherwise expressly amended by this Part, the Principal Act is amended by omitting the word “Commissioner” and the words “Commissioner for Corporate Affairs” wherever occurring and substituting the word “Registrar” in each case.

PART VI—AMENDMENTS OF CONTRACTORS’ TRUST ACCOUNTS
ACT 1974–1978

21. Citation. (1) In this Part the *Contractors’ Trust Accounts Act 1974–1978* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Contractors’ Trust Accounts Act 1974–1981*.

22. Amendment of s. 3. Interpretation. Section 3 of the Principal Act is amended by—

(a) omitting the definition “Commissioner”;

(b) inserting after the definition “money” the following expression and words:—

“;

“Registrar” means the Registrar of Commercial Acts appointed under the *Administration of Commercial Laws Act 1962–1981*: the term includes any Deputy Registrar of Commercial Acts appointed under that Act”.

23. Substitution of “Registrar” for “Commissioner” etc. Save where otherwise expressly amended by this Part, the Principal Act is amended by omitting the word “Commissioner” and the words “Commissioner for Corporate Affairs” wherever occurring and substituting the word “Registrar” in each case.

PART VII—AMENDMENTS OF ALFRED GRANT PTY. LTD. AND OTHER COMPANIES (DISTRIBUTION OF TRUST MONEYS) ACT 1979

24. Citation. (1) In this Part the *Alfred Grant Pty. Ltd. and Other Companies (Distribution of Trust Moneys) Act 1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Alfred Grant Pty. Ltd. and Other Companies (Distribution of Trust Moneys) Act 1979–1981*.

25. Amendment of Schedule. The Principal Act is amended in clause 12 of the Schedule by omitting the words “Commissioner for Corporate Affairs” and substituting the words “Registrar of Auctioneers and Agents”.

PART VIII—AMENDMENTS OF LIENS ON CROPS OF SUGAR CANE ACT 1931–1975

26. Citation. (1) In this Part, the *Liens on Crops of Sugar Cane Act 1931–1975* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Liens on Crops of Sugar Cane Act 1931–1981*.

27. Amendment of s. 2 Interpretation. Section 2 of the Principal Act is amended by—

(a) omitting the definition “Assistant Commissioner” and the definition “Commissioner”;

(b) inserting after the definition “Register” the following expression and words:—

“;

“Registrar”—The Registrar of Commercial Acts, Brisbane appointed under the *Administration of Commercial Laws Act 1962–1981*: The term includes—

(a) the Registrar of the Supreme Court at Rockhampton;

(b) the Assistant Commissioner for Corporate Affairs at Townsville appointed under the *Securities Industry Act 1975–1978*”.

28. Amendment of s. 14. Provisions as to renewal of liens. Section 14 of the Principal Act is amended by omitting the words “Commissioner or Assistant Commissioner” and substituting the word “Registrar”.

29. Substitution of "Registrar" for "Commissioner" etc. Save where otherwise expressly amended by this Part, the Principal Act is amended by omitting the word "Commissioner" and the words "Commissioner for Corporate Affairs" wherever occurring and substituting the word "Registrar" in each case.

PART IX—AMENDMENTS OF BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955–1971

30. Citation. (1) In this Part the *Bills of Sale and Other Instruments Act 1955–1971* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Bills of Sale and Other Instruments Act 1955–1981*.

31. Amendment of s. 6. Meaning of terms. Section 6 of the Principal Act is amended by—

- (a) omitting the definition "Commissioner";
- (b) inserting after the definition "Office" the following definition:—
" "Registrar"—The Registrar of Commercial Acts, Brisbane appointed under the *Administration of Commercial Laws Act 1962–1981*: The term uncludes—
 - (a) the Registrar of the Supreme Court at Rockhampton;
 - (b) the Assistant Commissioner for Corporate Affairs at Townsville appointed under the *Securities Industry Act 1975–1978*;
 - (c) the Clerk of the Court by or with whom or in whose office anything is required by this Act to be done or effected;"

32. Amendment of s. 18. Transmission of copies of register entries. Section 18 of the Principal Act is amended by—

(a) in subsection (1) omitting the words "Assistant Commissioner for Corporate Affairs at Rockhampton or at Townsville, or the Commissioner for Corporate Affairs at Brisbane" and substituting the words "Registrar of the Supreme Court at Rockhampton, Assistant Commissioner for Corporate Affairs at Townsville or the Registrar of Commercial Acts at Brisbane";

(b) in subsection (2) omitting the words "the Commissioner for Corporate Affairs or the Assistant Commissioner for Corporate Affairs" and substituting the words "a Registrar".

33. Substitution of "Registrar" for "Commissioner" etc. Save where otherwise expressly amended by this Part, the Principal Act is amended by omitting the word "Commissioner" where it is used as a reference to the Commissioner for Corporate Affairs and the words "Commissioner for Corporate Affairs" wherever occurring and substituting the word "Registrar" in each case.

PART X—TRANSITIONAL

34. Transitional. (1) Immediately upon the commencement of this Act, the Commissioner for Corporate Affairs shall in respect of each Act amended by a Part, transmit to the Registrar at the Registrar's office all copies of securities, licences and other documents filed in his office under that Act and all records therein relating to those securities, licences and documents.

(2) A Registrar as defined in a Part shall keep in his office all copies of securities, licences and other documents and records transmitted to him pursuant to this section and those records shall be the records required to be kept by him under the Act amended by that Part.

(3) Every registration of or in respect of any security or any licence to which an Act referred to in a Part applied, of force and effect immediately before the commencement of this Act, shall, on and from that commencement, be deemed to have been registered in the office of the Registrar.

(4) In this section the word "Registrar" shall in respect of each Act referred to in a Part have the meaning assigned to it in that Part.