

Queensland



JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) ACT 1991

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SCHEDULE

Queensland



Justice Legislation (Miscellaneous Amendments) Act 1991

Act No. 42 of 1991

**An Act to amend certain Acts administered within the Department of
Justice and to repeal the *Associations Incorporation Act Amendment
Act 1989***

[Assented to 11 December 1991]

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.

Short title

1. This Act may be cited as the *Justice Legislation (Miscellaneous Amendments) Act 1991*.

Commencement

2.(1) Subject to subsection (2), this Act commences on the day it receives the Royal Assent.

(2) The amendments of the *Corporations (Queensland) Act 1990* made by this Act are to be taken to have commenced on 1 January 1991.

Amendment of Acts

3. The Acts specified in the Schedule are amended as set out in the Schedule.

Repeal

4. The *Associations Incorporation Act Amendment Act 1989* is repealed.

SCHEDULE

Associations Incorporation Act 1981

Section 5(1)(e)—

omit 'the Industrial Conciliation and Arbitration Act 1961-1980', insert 'the Industrial Relations Act 1990'.

Section 28(3)—

omit ‘, in the case of an alteration of such rule or rules of an incorporated association as related to its objects,’.

Insertion of new s.67A—

After section 67, *insert—*

‘Exemption from certain provisions of Act

‘67A. Where—

- (a) under section 67, the Minister recalls Letters Patent and requires an association to apply for incorporation under this Act; or
- (b) an association applies for incorporation under this Act and that association could, but for the repeal of the repealed Acts, have been incorporated by the issue of Letters Patent under the repealed Acts;

the Minister may, by Gazette notice, exempt the association from specified provisions of this Act.’.

Bills of Sale and Other Instruments Act 1955

Insertion of new 11B—

After section 11A—

insert—

‘Registration of restraining orders

‘11B.(1) In this section—

“restraining order” means a restraining order within the meaning of the *Crimes (Confiscation of Profits) Act 1989*.

‘(2) A restraining order in respect of chattels of a person may be registered under this Act.

‘(3) Registration of a restraining order under subsection (2) has effect for the duration of the restraining order.

‘(4) Where a restraining order has been made in respect of chattels of a person, the Registrar must upon receipt of a request accompanied by the prescribed evidence of the order, record in the register a memorial that the chattels are the subject of the restraining order.’.

Corporations (Queensland) Act 1990

Section 83—

After subsection (1)—

insert—

‘(1A) This section also applies in respect of a member of the Commission’s staff who—

(a) is employed on the commencement of this section by the Commission under section 120(3) of the ASC Act as regional commissioner of the Commission for Queensland; and

(b) immediately before the commencement of the employment referred to in paragraph (a), was a State superannuation officer employed in the Department of Justice and Corrective Services.’.

Section 83(6)—

In the definition “**commission officer**”—

after ‘subsection (1)’, *insert* ‘or (1A)’.

Section 93—

omit, insert—

‘Exempt bodies

‘93. Each of the following is an exempt body in relation to Queensland for the purposes of the Corporations Law of Queensland—

(a) a society within the meaning of the *Co-operative and Other Societies Act 1967*;

- (b) a building society or foreign building society within the meaning of the *Building Societies Act 1985*;
- (c) a society within the meaning of the *Co-operative Housing Societies Act 1958*;
- (d) an association within the meaning of the *Primary Producers' Co-operative Associations Act 1923*;
- (e) an association, society, institution or body incorporated under the *Associations Incorporation Act 1981*;
- (f) a credit society, a foreign credit society, an association of credit societies or a union of associations of credit societies registered under the *Credit Societies Act 1986*;
- (g) a friendly society or foreign friendly society within the meaning of the *Friendly Societies Act 1991*.

Corrective Services (Administration) Act 1988

Section 10(1)(h)—

omit, insert—

‘(h) another member.’.

Section 10(3)—

(1) paragraph (a)—

omit ‘other than the commissioner *ex officio*.’.

(2) paragraph (b)—

omit ‘except for the commissioner *ex officio*.’.

Section 12(3)—

omit ‘, other than the commissioner *ex officio*’ (twice occurring).

Section 13(1)—

(1) *omit* ‘the commissioners referred to in paragraphs (a), (b), (c), (d), (e), (f) and (g) of section 10(1) are appointed’, *insert* ‘their appointment’.

(2) paragraph (a)—

omit ‘or the commissioner *ex officio*’.

Section 14(1)—

omit ‘the commissioner *ex officio* or’.

Section 14(2)—

omit ‘, other than the commissioner *ex officio*,’.

Section 14(3)(c)—

omit ‘where he is other than the commissioner *ex officio*,’.

Section 15(1)—

omit ‘the commissioner *ex officio* and’.

Section 46(1)(b)—

after ‘Act’, *insert* ‘or an officer of the department nominated by the chief executive’.

District Courts Act 1967

Insertion of new s.19A

After section 19—

insert—

‘Adjournment within District

‘19A. Despite sections 5(1) and 19 and any other provision of this Act, when any action, matter or proceeding is pending or is being heard in a District Court in its civil or criminal jurisdiction at any place, the Judge to whom the Court is assigned may order that the hearing be adjourned from that place to some other place within the same District, if the Judge determines that on the balance of convenience the adjournment should be ordered.’

Jury Act 1929**Section 8(1)(x)—**

After subparagraph (xb)—

insert—

‘(xc) Persons employed in the Department of the Attorney-General;’.

Hire Purchase Act 1959**Section 1(3)—**

omit.

Section 3(3)—

omit.

Section 3(4)—

omit ‘subsections two and three of this section’, *insert* ‘subsection (2)’.

Section 21—

omit.

Section 22—*omit.***Section 23—***omit.***Part VI—***omit.***Section 29—***omit.***Land Sales Act 1984****Section 19(2)—***omit* ‘Minister’, *insert* ‘chief executive of the department’.**Section 19(3)—***omit* ‘Minister’, *insert* ‘chief executive of the department’.**Motor Vehicles Securities Act 1986****Insertion of new s.7A**

After section 7—

*insert—***‘Registration of restraining orders****‘7A.(1)** In this section—

“**restraining order**” means a restraining order within the meaning of the *Crimes (Confiscation of Profits) Act 1989*.

‘(2) A restraining order made in relation to a motor vehicle of a person may be registered under this Act and that registration has effect for the duration of the restraining order.

‘(3) A person who deals with a motor vehicle affected by a restraining order registered under this section is taken to know of the restraining order for the purposes of section 21 of the *Crimes (Confiscation of Profits) Act 1989*.

‘(4) Where a restraining order has been made in respect of a motor vehicle of a person, the Registrar must on receipt of a request accompanied by the prescribed evidence of the order, record in the register a memorial that the motor vehicle is the subject of the restraining order.’.

Registration of Births, Deaths and Marriages Act 1962

Section 15—

omit ‘in the general registry’.

Trustee Companies Act 1968

Second Schedule, First Part—

(1) *omit*—

‘QUEENSLAND TRUSTEES, LIMITED
THE UNION-FIDELITY TRUSTEE COMPANY
OF AUSTRALIA LIMITED’

insert—

‘PERPETUAL TRUSTEES QUEENSLAND LIMITED
TRUST COMPANY OF AUSTRALIA LIMITED’.

(2) *omit*—

‘TEA (1983) LIMITED’.

Second Schedule, Second Part—

(1) *omit—*

‘QUEENSLAND TRUSTEES, LIMITED’

insert—

‘PERPETUAL TRUSTEES QUEENSLAND LIMITED’.

(2) *omit—*

‘THE UNION-FIDELITY TRUSTEE COMPANY
OF AUSTRALIA LIMITED’

insert—

‘TRUST COMPANY OF AUSTRALIA LIMITED’.

(3) *omit—*

‘TEA (1983) LIMITED’ and the following paragraphs (a), (b), (c), (d) and (e).