

Queensland



**STATUTE LAW
(MISCELLANEOUS
PROVISIONS) ACT 1993**

Act No. 32 of 1993

Queensland



STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1993

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Queensland



**Statute Law (Miscellaneous Provisions) Act
1993**

Act No. 32 of 1993

**An Act to make various amendments of the statute law of
Queensland, to repeal certain Acts and to declare certain matters**

[Assented to 3 June 1993]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1993*.

Commencement

2. This Act commences on the date of assent except so far as is otherwise expressly provided.

Amended Acts

3. Each Act mentioned in Schedules 1 and 2 is amended as set out in those Schedules.

Repeals etc.

4.(1) Each Act mentioned in Schedule 3 is repealed.

(2) Each Imperial law mentioned in Schedule 4 ceases to be in force in Queensland.

(3) Each provision or Act mentioned in Schedule 5 is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

(4) Subsection (3) expires the day after it commences.

Explanatory notes

5. Matter appearing under the heading 'Explanatory note' in this Act does not form part of the Act.

SCHEDULE 1

MINOR AMENDMENTS AND AMENDMENTS BY WAY OF STATUTE REVISION

section 3

ACTS INTERPRETATION ACT 1954

Amendments

1. Section 7—

omit, insert—

‘Act includes statutory instruments under Act etc.

‘7.(1) In an Act, a reference (either generally or specifically) to a law (including the Act), or a provision of a law (including the Act), includes a reference to the statutory instruments made or in force under the law or provision.

‘(2) In subsection (1)—

“law” includes a law of the Commonwealth, another State or a Territory.’.

2. Section 9—

omit, insert—

‘Act to be interpreted not to exceed Parliament’s legislative power

‘9.(1) An Act is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, Parliament’s legislative power; and
- (b) distributively.

‘(2) Without limiting subsection (1), if a provision of an Act would, apart from this section, be interpreted as exceeding power—

- (a) the provision is valid to the extent to which it does not exceed power; and
- (b) the remainder of the Act is not affected.

‘(3) Without limiting subsection (1), if the application of a provision of an Act to a person, matter or circumstance would, apart from this section, be interpreted as exceeding power, the provision’s application to other persons, matters or circumstances is not affected.

‘(4) This section applies to an Act in addition to, and without limiting, any provision of the Act.’.

3. Section 14G(3)—

insert—

‘**“enactment”** includes any portion of an Act.’.

4. Sections 14H and 14I—

omit, insert—

‘References taken to be included in citation of law

‘14H.(1) In an Act, a reference to a law (including the Act) includes a reference to the following—

- (a) the law as originally made, and as amended from time to time since it was originally made;
- (b) if the law has been repealed and remade (with or without modification) since the reference was made—the law as remade, and as amended from time to time since it was remade;
- (c) if a relevant provision of the law has been omitted and remade (with or without modification) in another law since the reference was made—the other law as in force when the provision was remade, and as amended from time to time since the provision was remade.

‘(2) In an Act, a reference to a provision of a law (including the Act) includes a reference to the following—

- (a) the provision as originally made, and as amended from time to

time since it was originally made;

- (b) if the provision has been omitted and remade (with or without modification and whether in the law or another law) since the reference was made—the provision as remade, and as amended from time to time since it was remade.

‘(3) In this section—

“law” includes a law of the Commonwealth, another State or a Territory;

“make” includes enact.

‘References to changed short titles and citations

‘14I.(1) If the short title or citation of a law is amended, a reference in an Act to the short title or citation includes a reference to the short title or citation as amended.

‘(2) In this section—

“law” includes a law of the Commonwealth, another State or a Territory.

‘References to repealed or expired laws

‘14J.(1) If an Act refers to another law as repealed or expired, the reference is to the other law as in force immediately before it was repealed or expired.

Example—

The ‘repealed *ABC Act 1950*’ is a reference to the *ABC Act 1950* as in force immediately before it was repealed.

‘(2) In this section—

“law” includes a law of the Commonwealth, another State or a Territory.’.

5. Section 17(1)(d)—

omit, insert—

‘(d) anything may be done for the purpose of—

- (i) enabling the exercise of the power; or

- (ii) bringing the appointment, instrument or other thing into effect;’.

6. Section 17(3)(d)—

omit, insert—

- ‘(d) if the instrument or provision is expressed to take effect at a later time—the later time.’.

7. Section 17(4)(b)—

omit ‘the’, insert ‘a’.

8. Section 17(4)(d)—

omit, insert—

- ‘(d) if the appointment, instrument or provision is expressed to take effect at a later time—the later time.’.

9. Section 20(1)(c) to (e)—

omit, insert—

- ‘(c) affect a right, privilege or liability acquired, accrued or incurred under the Act or provision; or
- (d) affect a penalty incurred in relation to an offence arising under the Act or provision; or
- (e) affect an investigation, proceeding or remedy in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).’.

10. Section 20(2)—

omit, insert—

- ‘(2) The investigation, proceeding or remedy may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the Act or provision had not been repealed or amended or had not expired.’.

11. Section 20 (at the end)—*insert—*

‘(4) This section is in addition to, and does not limit, any provision of the law by which the repeal, amendment or expiry is effected.’.

12. After section 20—*insert—***‘Repeal does not end saving, transitional or validating effect etc.**

‘20A.(1) If an Act or a provision of an Act—

- (a) declares a thing for a saving or transitional purpose (whether or not the Act or provision is expressed to be made for a purpose of that type); or
- (b) validates a thing that may otherwise be invalid; or
- (c) declares a thing for a purpose that is consequential on a declaration mentioned in paragraph (a) or a validation mentioned in paragraph (b) (whether or not the Act or provision is expressed to be made for a purpose of that type);

the declaratory or validating effect of the Act or provision does not end merely because of the repeal or expiry of the Act or provision.

Example of paragraph (a)—

A provision stating that an existing licence under a repealed law is taken to be a licence of a particular kind under another law and authorising the imposition of conditions under the other law.

Example of paragraph (b)—

A provision declaring an instrument to have been validly made and acts done in reliance on the instrument to have been validly done.

Examples of paragraph (c)—

1. A provision stating that a matter that is declared valid is not justiciable.
2. A provision stating that an instrument that is declared valid is taken to have been amended in a particular way.

‘(2) If an Act or a provision of an Act (the “**savings law**”) declares

another Act or a provision of another Act (the “**declared law**”) to be a law to which this section applies, the effect of the declared law does not end merely because of the repeal or expiry of the declared law or the savings law.

‘(3) This section is in addition to, and does not limit—

- (a) sections 19 and 20; or
- (b) any provision of the law by which the repeal or expiry is effected.

‘Continuance of appointments etc. made under amended provisions

‘20B.(1) This section applies if—

- (a) a provision of a law expressly or impliedly authorises or requires—
 - (i) the making of an appointment; or
 - (ii) the delegation of a power; or
 - (iii) the doing of anything else (other than the making of a statutory instrument); and
- (b) the provision is amended by an Act; and
- (c) under the amended provision—
 - (i) the appointment may be made; or
 - (ii) the power may be delegated; or
 - (iii) the thing may be done.

‘(2) An appointment, delegation or other thing mentioned in subsection (1) that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been done under the amended provision.

‘(3) In this section—

“**amend**” includes omit and re-enact in the same law (with or without modification), but does not include omit and re-enact in another law.’.

13. Section 22A—

omit, insert—

‘Insertion of provisions by amending Act

‘22A.(1) If an Act amends a provision of a law by inserting a subsection that is to form part of a series of subsections, and does not specify the position in the provision where it is to be inserted, the subsection is to be inserted in the appropriate numerical or alphanumerical position.

‘(2) If an Act amends a provision of a law by inserting a paragraph that is to form part of a series of paragraphs, and does not specify the position in the provision where it is to be inserted, the paragraph is to be inserted in the appropriate alphabetical position.

‘(3) If an Act amends a provision of a law by inserting a subparagraph that is to form part of a series of subparagraphs, and does not specify the position in the provision where it is to be inserted, the subparagraph is to be inserted in the appropriate numerical or alphanumerical position.

‘(4) If an Act amends a provision of a law by inserting a sub-subparagraph that is to form part of a series of sub-subparagraphs, and does not specify the position in the provision where it is to be inserted, the sub-subparagraph is to be inserted in the appropriate alphabetical position.

‘(5) If an Act amends a provision of a law by inserting a definition that is to form part of a series of definitions, and does not specify the position in the provision where it is to be inserted, the definition is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

‘(6) If an Act otherwise amends a provision of a law by inserting a provision that is to form part of a series of provisions, and does not specify the position in the first provision where it is to be inserted, the second provision is to be inserted in the appropriate position.

‘(7) In determining the appropriate position in which a provision is to be inserted, regard may be had to current Queensland legislative drafting practice.

‘Amendment to be made wherever possible in provision

‘22B. If an Act amends a provision of a law—

- (a) by omitting a word; or
- (b) by omitting a word and inserting another word; or
- (c) by inserting a word before or after a particular word;

the amendment is to be made wherever possible in the provision.’.

14. Sections 23(2), 24A, 24B(1)(b), 27A(1)(b) and 27A(9)—

omit ‘particular’, insert ‘specified’.

15. Section 24B(4)—

omit, insert—

‘(3A) If the appointer is a body, the appointment may be made or terminated by a resolution of the body.

‘(4) The appointment, or the termination of the appointment, must be in, or evidenced by, writing, signed by the appointer or, if the appointer is a body, by a person authorised by the body for the purpose.’.

16. Section 24B(8)—

omit, insert—

‘(8) While the appointee is acting in the office—

- (a) the appointee has all the functions and powers of the holder of the office; and
- (b) laws apply to the appointee as if the appointee were the holder of the office.’.

17. Section 24B (at the end)—

insert—

‘(11) If—

- (a) the appointer is a specified officer or the holder of a specified office; and
- (b) the person who was the specified officer or holder of the specified

office when the appointment was made ceases to be the officer or holder of the office;

then—

- (c) the appointment continues in force; and
- (d) the person for the time being occupying or acting in the office concerned is taken to be the appointer for the purposes of this section.

‘(12) If—

- (a) the appointer is a body; and
- (b) there is a change in the membership of the body;

then—

- (c) the appointment continues in force; and
- (d) the body as constituted for the time being is taken to be the appointer for the purposes of this section.

‘(13) Writing purporting to be, or to contain, an appointment, or the termination of an appointment, is evidence of the appointment or termination.

‘(14) A certificate signed by the appointer (or, if the appointer is a body, by a person authorised by the body for the purpose) stating anything in relation to an appointment is evidence of the thing.

‘(15) A document purporting to be a certificate mentioned in subsection (14) is taken to be the certificate, and to have been properly given, unless the contrary is established.’.

18. After section 24B—

insert—

‘Acting person nominated by Act etc.

‘**24C.(1)** This section applies if an Act provides that a specified officer, or the holder of a specified office, (the “**nominated person**”) acts as another specified officer or in another specified office on a specified occasion.

‘(2) While the nominated person is acting as the other officer or in the other office—

- (a) the nominated person has all the functions and powers of the officer or holder of the office; and
- (b) laws apply to the nominated person as if the nominated person were the officer or holder of the office.

‘(3) Anything done by or in relation to the nominated person while the nominated person is purporting to act as the other officer or in the other office is not invalid merely because the occasion for the nominated person to act had not happened or had ceased.’.

19. Section 25(1)(b)(v)—

omit, insert—

- ‘(v) power to appoint a person to act in the office if the person appointed to the office is absent or is unable to discharge the functions of the office (whether because of illness or otherwise); and’.

20. Section 27A(1)—

omit ‘in accordance with the Act’,

insert ‘in accordance with the Act and any other applicable law’.

21. Section 27A(3A)—

omit, insert—

‘(3A) If the delegator is a body, the delegation may be made or revoked by a resolution of the body.

‘(3B) All conditions and preliminary steps required for the exercise of a delegation are presumed to have been satisfied and performed unless the contrary is established.

‘(3C) Laws apply to the delegate in the exercise of a delegated power as if the delegate were the delegator.’.

22. Section 27A(8)—

omit, insert—

‘(8) If, when exercised by the delegator, a power is dependent on the delegator’s opinion, belief or state of mind, then, when exercised by the delegate, the power is dependent on the delegate’s opinion, belief or state of mind.’.

23. After section 27A(8)—

insert—

‘(8A) If—

- (a) the delegator is a specified officer or the holder of a specified office; and
- (b) the person who was the specified officer or holder of the specified office when the delegation was made ceases to be the officer or holder of the office;

then—

- (c) the delegation continues in force; and
- (d) the person for the time being occupying or acting in the office concerned is taken to be the delegator for the purposes of this section.

‘(8B) If—

- (a) the delegator is a body; and
- (b) there is a change in the membership of the body;

then—

- (c) the delegation continues in force; and
- (d) the body as constituted for the time being is taken to be the delegator for the purposes of this section.’.

24. After section 27A(10)—

insert—

‘(10A) The delegation of a power does not relieve the delegator of the delegator’s obligation to ensure that the power is properly exercised.’.

25. Section 27A(at the end)—

insert—

‘(13) Writing purporting to be, or to contain, a delegation, or the revocation of a delegation, is evidence of the delegation or revocation.

‘(14) A certificate signed by the delegator (or, if the delegator is a body, by a person authorised by the body for the purpose) stating anything in relation to a delegation is evidence of the thing.

‘(15) A document purporting to be a certificate mentioned in subsection (14) is taken to be the certificate, and to have been properly given, unless the contrary is established.’.

26. Section 29—

omit, insert—

‘Legislative Assembly’s resolutions to be interpreted not to exceed authority

‘29.(1) A resolution of the Legislative Assembly, or a committee of the Legislative Assembly, made under an Act is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, the Legislative Assembly’s constitutional powers; and
- (b) subject to the Act; and
- (c) distributively.

‘(2) Without limiting subsection (1), if part of a resolution would, apart from this section, be interpreted as exceeding authority—

- (a) the resolution is valid to the extent to which it does not exceed authority; and
- (b) the remainder of the resolution is not affected.

‘(3) Without limiting subsection (1), if the application of part of a

resolution to a person, matter or circumstance would, apart from this section, be interpreted as exceeding authority, the part's application to other persons, matters or circumstances is not affected.

'(4) This section applies to an Act in addition to, and without limiting, any provision of the Act.'

27. After section 32A—

insert—

'Terms defined both in this Act and another Act

'32AA. If—

- (a) a word or expression is defined non-exhaustively for the purposes of an Act other than this Act (the "**non-exhaustive definition**"); and
- (b) the word or expression is also defined in this Act (the "**Interpretation Act definition**");

then, for the purposes of the first Act—

- (c) the non-exhaustive definition does not exclude, but may extend, the meaning of the word or expression given by the Interpretation Act definition; and
- (d) the non-exhaustive and Interpretation Act definitions are to be read in the context of each other and the other provisions of the first Act, but, if the definitions so read are inconsistent, the Interpretation Act definition is displaced.'

28. Section 32CB(1)—

omit, insert—

'32CB.(1) Words and expressions used in an Act that amends another law have the same meanings as they have in the other law.'

29. Section 32E—

omit 'means', insert 'way'.

30. Section 33 (heading)—

omit, insert—

‘References to Ministers, departments and chief executives’.

31. Section 33(1)(b)—

omit, insert—

- ‘(b) a reference to a particular Minister by title, or to **“the Minister”** without specifying a particular Minister by title, includes a reference to another Minister, or a member of the Executive Council, who is acting for the Minister.’.

32. Section 33(2)(b) and (c)—

omit, insert—

- ‘(b) if, for the time being, different Ministers administer the provision in relation to different matters—
- (i) if only 1 Minister administers the provision in relation to the relevant matter—the Minister; or
 - (ii) if 2 or more Ministers administer the provision in relation to the relevant matter—any 1 of the Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision—any 1 of the Ministers.’.

33. Section 33(3)—

omit ‘Where’, insert ‘If’.

34. After section 33(4)—

insert—

‘(4A) In an Act, a reference to a specified Minister who no longer exists—

- (a) is a reference to the Minister specified by notification by the

Governor in Council; and

- (b) includes another Minister, or a member of the Executive Council, who is acting for the specified Minister.’

35. Section 33(5)(a)(ii)—

omit, insert—

- ‘(ii) is administered by the Minister or Ministers administering the provision in relation to the matter; or’.

36. After section 33(5)—

insert—

‘**(5A)** In an Act, a reference to a specified department of government that no longer exists is a reference to the department specified by notification by the Governor in Council.

‘**(5B)** In a provision of an Act, a reference to the “**chief executive**” of a department of government without specifying a particular department by name is a reference to the chief executive of—

- (a) if, for the time being, different Ministers administer the provision in relation to different matters—the department of government that—
- (i) deals with the relevant matter; and
 - (ii) is administered by the Minister or Ministers administering the provision in relation to the matter; or
- (b) in any other case—the department of government that—
- (i) deals with the matters to which the provision relates; and
 - (ii) is administered by the Minister or Ministers for the time being administering the provision.’.

37. Section 33(6)—

omit, insert—

- ‘**(6)** To remove any doubt, it is declared that if—

- (a) a provision of an Act is administered by 2 or more Ministers; and
- (b) under this section, the provision authorises or requires anything to be done by or in relation to any 1 of the Ministers;

the provision does not authorise or require it to be done in a particular case by or in relation to more than 1 of the Ministers.’.

38. Section 33(8)—

omit.

39. Section 35(1)(b)—

omit, insert—

- ‘(b) a reference to a locality, jurisdiction or other thing is a reference to such a locality, jurisdiction or other thing in and of Queensland.’.

40. Section 35B—

omit, insert—

‘References to certain provisions of an Act

‘35B. If a provision of an Act (the **“Act concerned”**) refers to—

- (a) a Chapter, section or Schedule by a number without mentioning an Act—the reference is a reference to the Chapter, section or Schedule, designated by the number, of or to the Act concerned; or
- (b) a Schedule without mentioning a number or an Act and there is only 1 Schedule to the Act concerned—the reference is a reference to the Schedule; or
- (c) a Part by a number without mentioning an Act and the Act concerned does not contain Chapters—the reference is a reference to the Part, designated by the number, of the Act concerned; or
- (d) a Part by a number without mentioning an Act and the Act concerned contains Chapters—the reference is a reference to the Part, designated by the number, of the Chapter in which the reference occurs; or

- (e) a Division by a number without mentioning an Act—the reference is a reference to the Division, designated by the number, of the Part in which the reference occurs; and
- (f) a Subdivision by a number without mentioning an Act—the reference is a reference to the Subdivision, designated by the number, of the Division in which the reference occurs; and
- (g) a subsection by a number without mentioning an Act—the reference is a reference to the subsection, designated by the number, of the section in which the reference occurs; and
- (h) a paragraph by a number without mentioning an Act—the reference is a reference to the paragraph, designated by the number, of the section, subsection, Schedule, clause, subclause, item, column, table, form or other provision unit in which the reference occurs; and
- (i) a subparagraph by a number without mentioning an Act—the reference is a reference to the subparagraph, designated by the number, of the paragraph in which the reference occurs; and
- (j) a sub-subparagraph by a number without mentioning an Act—the reference is a reference to the sub-subparagraph, designated by the number, of the subparagraph in which the reference occurs; and
- (k) a clause, subclause, item, column, table, form or other provision unit by a number without mentioning an Act—the reference is a reference to the clause, subclause, item, column, table, form or other provision unit, designated by the number, of or in the Schedule in which the reference occurs; and
- (l) another provision unit by a number without mentioning an Act—the reference is a reference to the provision unit, designated by the number, of or in a relevant provision unit in which the reference occurs.’.

41. Section 35C(3)—

omit ‘those’, insert ‘ the’.

42. Section 35D—*omit, insert—***‘Reference to provisions of a law is inclusive**

‘35D. In an Act, a reference to a part of a law (including the Act) is a reference to the following—

- (a) the provision of the law that forms the beginning of the part;
- (b) the provision of the law that forms the end of the part;
- (c) any provision of the law between the beginning and end of the part.

Example 1—

A reference to ‘sections 5 to 9’ includes both section 5 and section 9. It is not necessary to refer to ‘sections 5 to 9 (both inclusive)’ to ensure that the reference is given an inclusive interpretation.

Example 2—

A reference to ‘sections 260 to 264’ includes a provision such as a Part heading between section 260 and 261.’.

43. Section 36 (definitions “Act”, “adult”, “ASC Law” and “ASC Regulations”, “chief executive”, “Constitution of Queensland”, “contravene”, “Corporations Law” and “Corporations Regulations”, “document”, “Executive Council”, “gazetted”, “Government”, “Industrial Magistrate”, “minor” and “State”)—

*omit.***44. Section 36—***insert—*

‘**“Aborigine”** means a person of the Aboriginal race of Australia;

“Act” has the meaning given by section 6;

“adult” means an individual who is 18 or more;

“ASC Law” has the meaning given by Part 11 of the *Corporations (Queensland) Act 1990*;

“ASC Regulations” has the meaning given by Part 11 of the *Corporations (Queensland) Act 1990*;

“bank” means a bank—

- (a) as defined in section 5 of the *Banking Act 1959* (Commonwealth); or
- (b) constituted under a law of a State;

“building society” has the meaning given by the AFIC (Queensland) Code;

“cheque” includes payment order;

“chief executive”—

- (a) in relation to a specified department—means the chief executive (however described) under whose control the department is placed; or
- (b) without specifying a particular department by name—has the meaning given by section 33;

“Constitution of Queensland” means the following—

- (a) the order in council dated 6 June 1859 mentioned in the preamble to the *Constitution Act 1867*;
- (b) the *Constitution Act 1867*;
- (c) each Act amending the order in council or Act;

“contravene” includes—

- (a) breach; and
- (b) fail to comply with;

“Corporations Law” has the meaning given by Part 3 of the *Corporations (Queensland) Act 1990*;

“Corporations Regulations” has the meaning given by Part 3 of the *Corporations (Queensland) Act 1990*;

“credit union” has the meaning given by the AFIC (Queensland) Code;

“document” includes—

- (a) any paper or other material on which there is writing; and

- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- (c) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device);

“financial institution” means a bank, building society or credit union;

“fundamental legislative principles” has the meaning given by the *Legislative Standards Act 1992*;

“gazetted” means—

- (a) in relation to subordinate legislation (other than an exempt instrument within the meaning of the *Legislative Standards Act 1992*)—notified or published in the Gazette; and
- (b) in any other case—published in the Gazette;

“Industrial Magistrate” has the meaning given by the *Industrial Relations Act 1990*;

“law” of a State includes—

- (a) a law of the State; and
- (b) a law in force in the State as part of the law of the State;

“lease” includes demise and tenancy, whether for a term, for a period or at will;

“lessee” includes tenant and the tenant’s executors, administrators and assigns;

“lessor” includes landlord and the landlord’s executors, administrators and assigns;

“minor” means an individual who is under 18;

“mortgage” includes a charge on a property for securing money or money’s worth;

“mortgagee” includes a person from time to time deriving title to a mortgage under the original mortgagee;

“mortgagee in possession” means a mortgagee who in right of a mortgage has entered into and is in possession of the mortgaged property;

“**mortgagor**” includes a person from time to time deriving title to the equity of redemption under the original mortgagor, or entitled to redeem the mortgage, according to the mortgagor’s interest in the mortgaged property;

“**possession**” of land includes the receipt of income from the land;

“**printed**” includes typewritten, lithographed or produced or reproduced by any mechanical or electronic means;

“**State**” means a State of the Commonwealth, and includes the Australian Capital Territory and the Northern Territory;

“**the Act**” includes any statutory rule made under the Act;

“**under**”, in relation to an Act or a provision of an Act, includes—

- (a) by; and
- (b) for the purposes of;

“**year**”, without specifying the type of year, means calendar year.’.

45. Section 37—

omit, insert—

‘Measurement of distance

‘37. In applying an Act, distance is to be measured along the shortest road ordinarily used for travelling unless there is a contrary intention that distance is to be measured in a straight line on a horizontal plane or in another way.’.

46. Section 38(1)—

omit ‘any purpose’, insert ‘a purpose’.

47. Section 38(4)—

omit, insert—

‘(4) If no time is provided or allowed for doing anything, the thing is to be done as soon as possible, and as often as the relevant occasion happens.’.

48. Section 38A—

omit, insert—

‘Age

‘38A. For the purposes of an Act, a person attains an age in years at the beginning of the person’s birthday for the age.’.

49. Section 39(2)(a)—

omit, insert—

‘(a) affects the operation of another law that authorises the service of a document otherwise than as provided in the subsection; or’.

50. Sections 42 to 45—

omit, insert—

‘Penalty etc. may be enforced by anyone

‘42. Any person may take a proceeding for the enforcement of a penalty, or the making of a forfeiture order, under an Act.

‘Appropriation of penalties

‘43.(1) The following rules apply to an amount recovered because of the imposition of a penalty or the making of a forfeiture order—

- (a) any part of the amount that is ordered under subsection (2) to be paid to the party prosecuting must first be paid to the party;
- (b) the remaining part of the amount must then be paid to the Consolidated Fund.

‘(2) The court that imposes the penalty, or makes the forfeiture order, may order that not more than half of the amount recovered be paid to the party prosecuting.

‘(3) Subsection (2) does not apply if the party prosecuting is prosecuting as an officer or employee of the State or an officer of the public service.

‘Summary proceedings

‘44.(1) In an Act, a provision of the type mentioned in subsection (2) means that a proceeding for an offence, or a specified offence, against the Act is a summary proceeding under the *Justices Act 1886*.

‘(2) Subsection (1) applies to provisions of the following type—

- (a) a provision to the effect that a proceeding for the offence is to be heard and decided summarily;
- (b) a provision to the effect that a proceeding for the offence is to be heard and decided by or before justices or a Magistrate;
- (c) a provision to the effect that the offence is a summary offence or is punishable on summary conviction or summarily;
- (d) a provision for an offence that does not expressly or impliedly make the offence an indictable offence.

‘(3) In an Act, a provision that provides that another type of proceeding is to be heard and decided summarily, or before justices or a Magistrate, means that the proceeding is a summary proceeding under the *Justices Act 1886*.

‘(4) A provision providing for the imposition of a penalty or the making of a forfeiture order, without providing how the penalty is to be recovered or the order made, is taken to mean that the penalty may be recovered, or the order made, under the *Justices Act 1886*.

‘Offence punishable only once

‘45.(1) If an act or omission is an offence under each of 2 or more laws, the offender may be prosecuted and punished under any of the laws, but the offender may not be punished more than once for the same offence.

‘(2) Subsection (1) applies to a law unless an Act otherwise expressly provides.

‘(3) In this section—

“law” includes the common law.’.

51. After section 48—

insert—

‘Verification of documents

‘48A. If an Act requires that, for a purpose of the Act or another law, a document, or information or a document included in, attached to or given with a document, be verified in a specified way, the purpose is not fulfilled unless the requirement is satisfied.

Example—

If an Act requires a document accompanying an application form to be verified by statutory declaration and the document is lodged without being verified in this way, the document has not been properly lodged for the purposes of the Act.’.

52. Section 49(1)—

omit, insert—

‘49.(1) If a form is prescribed by an Act, strict compliance with the form is not necessary and substantial compliance is sufficient.’.

Explanatory note

Amendment 1 applies existing section 7 (Act includes statutory instruments under Act) to laws of other Australian jurisdictions and puts beyond doubt that the section applies to statutory instruments.

Amendment 2 replaces section 9 (Acts to be construed not to exceed legislative power of Parliament). Although no changes of substance have been made, proposed section 9(1) expressly states that an Act is to be interpreted as operating distributively. This is the effect of existing section 9(2), that is, provisions are to operate independently of the operation of other provisions and the Act is to operate on various persons, matters and circumstances independently of its operation on other persons, matters and circumstances: see, for example, Dixon J. in R v Poole; Ex parte Henry (No. 2) (1939) 61 CLR 634 at 652. The other proposed subsections make minor technical drafting improvements.

Amendment 3 introduces a definition of “enactment” into section 14G (References to enactments) to clarify the word’s meaning.

Amendment 4 extends existing section 14H (References taken to be included in Act citation etc.) to cover references in an Act to a statutory instrument as well as to an

Act. Proposed section 14H will deal with the various resulting combinations, for example, an Act, or a provision of an Act, that is repealed and remade as a statutory instrument or a provision of a statutory instrument. References to the laws of other Australian jurisdictions will be covered because of the proposed definition “law”.

Amendment 4 also extends existing section 14I (References to changed short titles and citations) to deal with statutory instruments and laws of the Commonwealth, another State or a Territory as well as Queensland Acts. The amendment also inserts a new section 14J to clarify references made to laws after they have been repealed or have expired.

Amendment 5 makes a minor drafting improvement by dividing a paragraph into subparagraphs.

Amendments 6 and 8 make minor technical drafting improvements to section 17(3)(d) and (4)(d). Section 17 deals with the exercise of powers between enactment and commencement.

Amendment 7 also makes a minor technical amendment of section 17. Existing section 17(4)(b) refers to ‘the’ purpose mentioned in section 17(3). There are in fact 2 purposes mentioned in section 17(3).

Amendments 9 and 10 make technical drafting amendments of section 20 (Saving of operation of repealed Act etc.). As ‘liability’ is defined in section 36 to include any obligation, the previous express reference in section 20(1)(c) to ‘obligation’ was unnecessary and has been removed.

Amendment 11 inserts new subsection (4) in section 20 to make it clear that the section is in addition to, and does not limit the effect of, any savings or transitional provision in the law by which the repeal, amendment or expiry is effected.

Amendment 12 inserts new sections 20A and 20B. Proposed section 20A clarifies the operation of existing sections 19 (Repealed Acts etc. not revived) and 20 (Saving of operation of repealed Act etc.) in relation to the repeal or expiry of certain laws of a declaratory or validating nature. The proposed section will enable laws containing declaratory or validating provisions and laws specified under proposed subsection (2) to be repealed without altering their legal effect. Proposed section 20B makes it clear that appointments (including standing acting appointments and other acting appointments), delegations and other things (other than statutory instruments) existing before the amendment of the power under which they were made continue in force after the amendment if they could be made under the amended provision. Statutory instruments are dealt with in proposed section 20C (Continuance etc. of statutory instruments made under amended provisions) of the *Statutory Instruments Act 1992*.

Amendment 13 omits existing section 22A (Insertion of definitions by amending Act) and replaces the section with 2 proposed sections. Proposed section 22A extends the existing automatic placement device that applies to the insertion of definitions to subsections, paragraphs, subparagraphs, sub-subparagraphs and other provisions that are to form part of a series of provisions. Proposed section 22B will remove the need

to use 'wherever occurring' when making amendments. The proposed sections will allow the further simplification of Queensland amending legislation.

Amendment 14 makes a minor drafting improvement to several provisions by replacing 'particular' with 'specified'. The changed language is consistent with proposed section 24C (Acting person nominated by Act etc.).

Amendment 15 amends section 24B (Acting appointments) by inserting a proposed subsection (3A) and replacing existing subsection (4). Proposed subsection (3A) explains how a body (including a body that does not have a separate legal personality eg. an unincorporated committee) may make or terminate an acting appointment. Existing subsection (4) requires acting appointments or the termination of acting appointments to be in, or evidenced by, signed writing. The replacement subsection clarifies the application of the subsection to bodies.

Amendment 16 makes minor technical drafting improvements to section 24B(8) and provides that all laws apply to the acting officer.

Amendment 17 adds a number of new subsections to section 24B. Proposed subsections (11) and (12) cover a change in an appointer who is an officer, the holder of an office or a body. They will, for example, allow a body with a different membership than that at the time of appointment to terminate an appointment under proposed subsection (3A) or authorise the making of an evidentiary certificate under proposed subsection (14). Proposed subsections (13) to (15) provide evidentiary statements for acting appointments.

Amendment 18 inserts a new section 24C. Existing section 24B deals with people who are appointed to act by a person or body. Proposed section 24C deals with people who are nominated to act by an Act (eg. under the *Financial Administration and Audit Act 1977* the Deputy Auditor-General acts as Auditor-General during absences of the Auditor-General). The proposed section will also, for example, apply to a deputy of a member who is authorised by an Act to act as the member during absences of the member (eg. absences from meetings). The proposed section mirrors section 24B(8) and (9) and will overcome the need to repeat these standard provisions in individual Acts.

Amendment 19 corrects a clerical error in section 25 (Powers of appointment imply certain incidental powers) by inserting 'the' before 'functions'.

Amendment 20 makes a minor amendment of section 27A (Delegation of powers). The amendment will allow a delegator authorised under an Act to delegate in accordance with that Act and any other applicable law.

Amendment 21 amends section 27A by omitting subsection (3A) and replacing it with 3 subsections. Proposed subsection (3A) remakes existing subsection (3A)(a) and explains how a body may make or revoke a delegation. The other aspects of existing subsection (3A) have been remade in proposed subsection (3B). Proposed subsection (3B) provides a rebuttable presumption that all conditions and preliminary steps required for the exercise of a delegation have been satisfied. Proposed subsection (3C) is the delegation equivalent of section 24B(8)(b). The proposed

subsection provides that laws apply to the delegate in the exercise of a delegated power as if the delegate were the delegator. Thus, references in Acts to the delegator include the delegate.

Amendment 22 makes minor drafting improvements to subsection 27A(8).

Amendment 23 adds 2 new subsections to section 27A. Proposed subsections (8A) and (8B) cover a change in delegator who is an officer, the holder of an office or a body. Existing subsection (3A) covers a change in a delegator who is a body.

Amendment 24 inserts an additional subsection (10A) dealing with the obligations of a person who delegates a power. The subsection makes it clear that the person remains responsible for ensuring that the power is properly exercised.

Amendment 25 adds 3 new subsections to section 27A relating to evidentiary statements for delegations. The proposed subsections mirror provisions proposed to be inserted in section 24B (Acting appointments).

Amendment 26 replaces section 29 (Construction of resolutions of Legislative Assembly). The replacement section simplifies the existing language and brings it into line with proposed section 9 (Act to be interpreted not to exceed Parliament's legislative power). Under the provision it is intended that a resolution should have a distributive operation, that is, it is to operate on various persons, matters and circumstances independently of its operation on other persons, matters and circumstances. This is to overcome a limitation in severability provisions such as the existing section 29: see, for example, Dixon J. in *R v Poole; Ex parte Henry (No. 2)* (1939) 61 CLR 634 at 652. The replacement section also applies to committees of the Legislative Assembly.

Amendment 27 inserts a proposed new section 32AA to deal with the situation where a term is defined in the Acts Interpretation Act and another Act has a definition of the term that only includes a specified meaning. The other definition is not taken to exclude the definition in the Acts Interpretation Act unless the definitions are actually inconsistent.

Amendment 28 amends section 32CB (Words and expressions used in amending Acts) to put beyond doubt the application of the section to statutory instruments (see *Statutory Instruments Act 1992*, section 14(1)).

Amendment 29 makes a minor drafting improvement to section 32E (Production of records kept in computers etc.).

Amendment 30 amends the heading to section 33 (References to Ministers and departments) to include reference to chief executive officers as introduced by proposed section 33(5B).

Amendment 31 amends section 33 (References to Ministers and departments). The amendment makes minor drafting improvements to section 33(1)(b) by replacing 'any other Minister' with 'another Minister' and 'any member' with 'a member'. It also omits the redundant words 'or on behalf of'. These changes are in accordance with current drafting practice.

Amendment 32 makes minor drafting improvements to section 33(2)(b) and (c) by replacing ‘that Minister’ with ‘the Minister’ and ‘those Ministers’ with ‘the Ministers’.

Amendment 33 makes a minor drafting improvement to section 33(3).

Amendment 34 remakes existing section 33(8)(a) in simpler language and in a more appropriate location.

Amendment 35 makes a minor drafting improvement to section 33(5)(a)(ii) by replacing ‘that matter’ with ‘the matter’.

Amendment 36 inserts 2 new subsections into section 33. Proposed subsection (5A) remakes existing section 33(8)(b) in simpler language and in a more appropriate location. Proposed subsection (5B) clarifies the meaning of ‘chief executive’ when used without specifying the chief executive’s department.

Amendment 37 makes a number of minor drafting improvements to section 33(6).

Amendment 38 omits section 33(8). The subsection is proposed to be remade by other amendments as sections 33(4A) and (5A).

Amendment 39 makes minor technical amendments of section 35 (References to Queensland to be implied) by replacing references to ‘other matter or thing’ with references to ‘other thing’. It is an unnecessary duplication to refer to both ‘matter’ and ‘thing’.

Amendment 40 remakes section 35B (Reference to certain provisions of an Act) to make minor drafting improvements. Proposed section 35B(c) and (d) deal specifically with references to Parts where the Act is divided into Chapters and where it is not. Proposed section 35B(h) covers the existing section 35B(c)(v) and (vi).

Amendment 41 makes a minor drafting improvement to section 35C (Headings part of provision etc.)

Amendment 42 remakes section 35D (Reference to provisions of an Act is inclusive). The remade section clarifies that a reference to a part of an Act by specifying the first and last provisions of the part includes all provisions, whatever their type, between the first and last provisions (including, for example, all headings). The remade section also puts beyond doubt the application of the section to statutory instruments.

Amendment 43 omits a number of definitions from section 36 (Meaning of commonly used words and expressions). Apart from the definitions “Executive Council” and “Government”, the definitions are replaced by Amendment 44. The definitions that have not been replaced are redundant because of section 35 (References to Queensland to be implied).

Amendment 44 inserts a number of definitions into section 36. Some of the definitions replace existing definitions. Others are new.

- “Aborigine”**— This definition is new and complements the existing definition “Aboriginal people”.
- “Act”**— This definition corrects a previous incorrect reference to section 5. The reference was also corrected in Reprint No. 1 of the Acts Interpretation Act using section 7(1)(j) of the *Reprints Act 1992*. The amendment is being made out of an abundance of caution.
- “adult”** and **“minor”**— These are replacement definitions. The unnecessary phrase ‘years of age’ has been removed from both definitions.
- “ASC Law”** and **“ASC Regulations”**— These separate definitions replace the previous combined definition.
- “bank”, “building society”, “cheque”, “credit union”, “financial institution”, “law”** and **“printed”**— These are new definitions of terms commonly used in Acts.
- “chief executive”**— Proposed paragraph (b) is new and complements proposed section 33(5B).
- “Constitution of Queensland”**— This replacement definition makes minor drafting improvements to the existing definition replacing ‘of 6 June 1859’ with ‘dated 6 June 1859’, ‘referred to in the preamble’ with ‘mentioned in the preamble’ and ‘that order in council’ with ‘the order in council’. The definition also makes it clear that the laws mentioned in the definition are to be considered as a group when the defined term is used.
- “contravene”**— Proposed paragraph (a) is new and clarifies the definition’s meaning.
- “Corporations Law”** and **“Corporations Regulations”**— These separate definitions replace the previous combined definition.
- “document”**— A minor drafting improvement has been made to paragraph (c) of this existing definition.
- “fundamental legislative principles”**— This definition is new and provides a cross-reference to the *Legislative Standards Act 1992* (including a further change proposed to be made in this Bill).
- “gazetted”**— This definition has been revised consequentially on the changed procedure for subordinate legislation under Part 5 of the *Statutory Instruments Act 1992* (including a further change proposed to be made by this Bill);
- “Industrial Magistrate”**— This replacement definition makes a minor drafting improvement by removing the reference to the specific provision of the *Industrial Relations Act 1990* that defines the term.
- “lease”, “lessee”** and **“lessor”**— These 3 new lease-related definitions are taken from the *Property Law Act 1974*.

“mortgage”, “mortgagee”, “mortgagee in possession”, “mortgagor” and “possession”— These 4 mortgage-related definitions and the related definition “possession” have also been taken from the *Property Law Act 1974*.

“State”— The inclusion of the territories is designed to simplify references to other Australian jurisdictions.

“the Act”— This new definition mirrors the existing definition “this Act”.

“under”— This new definition will simplify future legislation. For example, it will no longer be necessary to use ‘by or under’ or ‘under or for the purposes of’.

“year”— This new definition complements the existing definition “calendar year”.

Amendment 45 makes a minor drafting improvement to section 37 (Measurement of distance) by remaking the section in simpler language.

Amendment 46 makes a minor drafting improvement to section 38 (Reckoning of time).

Amendment 47 makes a minor drafting improvement to section 38(4) by replacing ‘prescribed occasion arises’ with ‘relevant occasion happens’.

Amendment 48 makes a minor drafting improvement to section 38A by replacing ‘that age’ with ‘the age’.

Amendment 49 makes a minor drafting improvement to section 39 (Service of documents) by replacing ‘any other law’ with ‘another law’.

Amendment 50 remakes existing sections 42 to 45 (that relate to offences and criminal proceedings) to make improvements of a drafting nature. No changes of substance have been made in remaking the sections.

Amendment 51 inserts a new section 48A dealing with the verification of documents. The new section parallels the verification of forms provision in existing section 49(2)(c).

Amendment 52 makes minor drafting improvements to section 49(1) (Forms).

ANTI-DISCRIMINATION ACT 1991

Amendments

1. Section 187(a)—

omit ‘section 186’, *insert* ‘section 195.’

2. Section 250 (heading)—

omit, insert—

‘Appointment of President and other Members’.

3. Section 250 (after subsection (1))—

insert—

‘(1A) One Member is to be appointed President of the Tribunal by the Governor in Council.

‘(1B) The President may resign office as President without resigning office as a Member.’.

4. Section 251(1)—

omit.

5. Section 251(2)—

omit ‘appointed Member’, insert ‘President’.

Explanatory note

Amendment 1 corrects a cross-reference error.

Amendments 2–6 provide for the appointment of 1 of the Members as President and consequential amendments.

ANZAC DAY ACT 1921

Amendments**1. Section 3 (definition “Minister”)—**

omit.

2. Section 5(a)—

omit ‘The Governor in Council by Order in Council’,
insert ‘A regulation’.

3. Section 5(b)—

omit.

4. Section 10(13)—

omit.

5. Section 14—

omit, insert—

‘Regulations

‘14. The Governor in Council may make regulations for the purposes of this Act.’.

Explanatory Note

Amendments 1 and 3 omit redundant provisions.

Amendment 2 and proposed section 14 (inserted by Amendment 5) implement current drafting practice by providing that statutory instruments of a legislative nature used for the purposes of the Act are regulations.

Amendments 4 and 5 omit provisions that are now unnecessary because the matters provided for in them are covered by the *Financial Administration and Audit Act 1977*.

ASSOCIATIONS (NATURAL DISASTER RELIEF) ACT 1976

Amendments**1. Section 3 (definition “Minister”)—**

omit.

2. Section 7—

omit, insert—

‘Committee

‘7.(1) There is a committee of 3 persons appointed by the Governor in Council.

‘(2) The committee is to meet at the times and places, and conduct its business in the way, prescribed by regulation or, if not prescribed by regulation, as it considers appropriate.’.

3. Section 9(3) and (4)—

omit, insert—

‘(3) The approval of a grant or loan may be given subject to the conditions that the Governor in Council considers appropriate.’.

Explanatory note

Amendment 1 omits a redundant definition.

Amendments 2 and 3 recast the provisions in accordance with current drafting practice and remove the need for orders in council of an administrative nature.

BREAKWATER ISLAND CASINO AGREEMENT ACT 1984

Amendments**1. Section 3—**

omit, insert—

‘Variation of formal agreement

‘3.(1) The formal agreement may be varied by a further agreement between the Minister and the other parties to the formal agreement.

‘(2) The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.

‘(3) The Minister must notify the date of the making of the further agreement by Gazette notice.’.

2. Section 5—

omit, insert—

‘Variation of Board and Council agreements

‘5.(1) In this section—

“ancillary agreement” means—

- (a) the Board agreement; or
- (b) the Council agreement.

‘(2) An ancillary agreement may be varied by a further agreement between the parties to the ancillary agreement.

‘(3) The parties to an ancillary agreement may make a further agreement only if the proposed further agreement has been approved by regulation.

‘(4) The parties to an ancillary agreement that is amended under subsection (3) must give the Minister a copy of the further agreement that has been made between them as soon as possible after it has been made.

‘(5) The Minister must notify the date of the making of the further agreement by Gazette notice.’.

3. Section 7—

omit.

4. Section 8—

renumber as section 7.

5. After section 8—

insert—

‘Regulations

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

‘(2) For the purposes of subsection (1), a mention in—

- (a) the formal agreement; or
- (b) the Board agreement; or
- (c) the Council agreement;

of an order in council is taken to be a mention of a regulation.’.

Explanatory Note

The amendments implement current drafting practice by providing that the statutory instruments of a legislative nature to be used for the purposes of the Act are regulations.

CASINO CONTROL ACT 1982**Amendments****1. Section 4(1)—**

insert—

‘“chief executive” means the chief executive of the department;’.

2. Section 62(4)—

omit, insert—

‘(4) A drop box or other receptacle (a **“deposit receptacle”**) that is used for the deposit of money, tokens, vouchers, slips or other papers (whether or not there is anything actually deposited in the deposit receptacle at the relevant time) must be fitted with 2 locks.

‘(4A) A gaming table to which a deposit receptacle is attached must be fitted with a lock that secures the deposit receptacle to the gaming table.

‘(4B) A count room or storage area in which there is a deposit receptacle

that is being used in connection with the operation of the casino must be fitted with 2 locks.

‘(4C) The key or keys of 1 of the locks mentioned in subsections (4) and (4B) must be under the exclusive control of officers of the Division and the key or keys of the other lock must be under the exclusive control of the casino operator.

‘(4D) The keys of the lock mentioned in subsection (4A) must be under the exclusive control of the casino operator.

‘(4E) A lock must not be able to be unlocked by a key of another lock.

‘(4F) A deposit receptacle must not be—

- (a) brought into or removed from the area of the casino used for the conduct and playing of games; or
- (b) locked or unlocked;

except at a time and in a way (and in the case of locking or unlocking in a place) approved by the Director.’.

3. Section 67(2)—

omit, insert—

‘(2) The casino operator must not accept a cheque for deposit to the account unless it is—

- (a) drawn on a bank by the person; and
- (b) made payable to the casino operator; and
- (c) dated but not postdated.

‘(2A) Despite subsection (2), the casino operator may accept a cheque for deposit to the account if it is—

- (a) a traveller’s cheque; or
- (b) a bank cheque drawn in favour of the person and indorsed to the casino operator; or
- (c) a cheque drawn by—
 - (i) a casino licensee; or

- (ii) the holder of a licence to operate a casino issued by another State or Territory under a law corresponding to this Act; in favour of the person and indorsed to the casino operator; or
- (d) a cheque prescribed by regulation.’.

4. Section 112(1)(d) (after ‘not’)—

insert ‘, without the approval of the chief executive,’.

5. Section 112(2)(b) (after ‘not’)—

insert ‘, without the approval of the chief executive,’.

Explanatory note

General comment

The opportunity has been taken in making the amendments outlined in amendments 2 and 3 to recast certain existing provisions in Plain English. Except as outlined by the relevant amendments, the effect of the Act has not been altered.

Amendment 1 inserts a standard definition of chief executive.

Amendment 2

The proposed subsections (4) to (4F) restate existing section 62(4) in Plain English with 1 exception. A drop box or other receptacle now needs to be secured to a gaming table with only 1 lock.

Amendment 3

This amendment broadens the type of cheques that may be accepted by a casino operator for deposit into a deposit advance account.

Amendments 4 and 5

Under these amendments a person who was an officer of the Casino Control Division may now, with the approval of the chief executive, take a position as an employee of, or a business or financial associate with, a licensee within 1 year after the person ceased to be an officer of the Division. Comparable provisions already exist in the *Gaming Machine Act 1991* and these amendments are consistent with those provisions.

CHEMICAL USAGE (AGRICULTURAL & VETERINARY) CONTROL ACT 1988

Amendments

1. Section 1—

omit ‘&’, insert ‘and’.

2. Section 4(1) (definition “Minister”)—

omit.

3. Section 7—

omit, insert—

‘Delegation by Minister

‘7. The Minister may delegate the Minister’s powers under this Act to the chief executive of the department.’.

4. Section 13—

omit, insert—

‘Proscription of chemicals

‘13. The Governor in Council may, by regulation, declare a chemical to be a proscribed chemical if the Governor in Council is of the opinion that—

- (a) the use of the chemical may cause harm to—
 - (i) any human, animal, plant or property; or
 - (ii) the environment; or
 - (iii) the State’s trade with another State or a Territory or a foreign country; and
- (b) it is in the public interest to make the proscription.’.

5. Section 38(1)—

omit, insert—

‘**38.(1)** The Governor in Council may make regulations for the purposes of this Act.’.

6. Section 38(3) to (5)—

omit, insert—

‘**(3)** A regulation may provide for the approval of the Minister to be the standard applicable in respect of a particular thing.’.

Explanatory note

Amendment 1 makes a minor change to the Act’s short title.

Amendment 2 omits a redundant definition.

Amendment 3 remakes an existing provision relating to delegations using current drafting practice and in reliance on section 27A of the *Acts Interpretation Act 1954*.

Amendment 4 remakes an existing provision using current drafting practice and changes the method of proscribing chemicals from an order in council to a regulation.

Amendment 5 updates the regulation making power.

Amendment 6 omits redundant provisions and remakes an existing provision.

CITY OF BRISBANE (FLOOD MITIGATION WORKS APPROVAL) ACT 1952

Amendments**1. Section 5(1)—**

omit ‘at any time and from time to time by Order in Council published in the Gazette’.

2. Section 5(1) (2nd and 3rd sentences)—

omit, insert—

‘(1A) The Governor in Council may, in relation to the approval—

- (i) impose conditions; and
- (ii) amend or revoke a condition.’.

3. Section 5(3)—

omit ‘(including any and every term, provision, condition, or stipulation set out in the Order in Council granting the approval or in a separate or further Order in Council)’.

4. Section 11(1)—

omit ‘Order in Council’, *insert* ‘regulation’.

5. Section 11(1)—

omit ‘order’, *insert* ‘regulation’.

6. Section 11(2)—

omit ‘an Order in Council’, *insert* ‘a regulation’.

7. After section 11—

insert—

‘Regulations

‘12. The Governor in Council may make regulations for the purposes of this Act.’.

Explanatory note

Amendments 1, 2 and 3 remove the need for orders in council of an administrative character and recast a provision in accordance with current drafting practice.

Amendments 4 to 6 implement current drafting practice by providing that the

statutory instruments of a legislative character to be used for the purposes of the Act are regulations.

Amendment 7 provides for a general regulation making power.

COLLECTIONS ACT 1966

Amendments

1. Sections 2 to 4—

omit.

2. Section 5(1) (definitions “Art Union”, “Director-General”, “Minister” and “Part”)—

omit.

3. Section 5(1) (definition “Permanent building society”)—

omit.

4. Section 5(1)—

insert—

‘ “art union” has the meaning given by the *Art Unions and Public Amusements Act 1992*;’.

5. Section 5(1) (definition “Appeal for support”)—

omit ‘:The term where used in relation to any art union means any advertisement within the meaning of *The Art Union Regulation Acts, 1964 to 1965*’.

6. Section 25(3)(f)—

omit ‘bank or building society’, *insert* ‘financial institution’.

7. Section 26(1)(d)—

omit ‘bank or building society’, *insert* ‘financial institution’.

8. Section 34(1)(c)—

omit ‘bank, building society’, *insert* ‘financial institution’.

9. Section 47(3)(xii)—

omit ‘bank, building societies’, *insert* ‘financial institution’.

Commencement

Amendments 3 and 6 to 9 of the *Collections Act 1966* commence on a day to be fixed by proclamation.

Explanatory note

Amendments 1 to 5 omit unnecessary provisions and update references.

Amendments 6 to 8 extend the range of financial institutions into which money collected under Part 3 of the *Collections Act* may be deposited to include credit unions (see definition “financial institution” proposed to be inserted into the *Acts Interpretation Act 1954* by this Bill).

DISTRICT COURTS ACT 1967

Amendments**1. Section 10—**

omit, insert—

‘Chief Judge and Senior Judges

‘10.(1) The Governor in Council may, by commission, appoint—

- (a) a District Court Judge as Chief Judge of District Courts; and
- (b) 1 or more District Court Judges as Senior Judge or Senior Judges of District Courts.

‘(2) The Governor in Council may, by Gazette notice, appoint a Judge to act as Chief Judge or a Senior Judge during any period, or all periods, when the Chief Judge or Senior Judge is, for any reason, unable to discharge the person’s office.’.

2. Section 101—

omit ‘by Order in Council’.

Explanatory note

Amendment 1 provides for the replacement of the titles of ‘Chairman’ and ‘Deputy Chairman’ by ‘Chief Judge’ and ‘Senior Judge’ respectively. The provisions relating to acting appointments for the offices have also been updated.

Rules of Court

The District Courts Rules of Court are subordinate legislation under section 9 of the *Statutory Instruments Act 1992*. It is unnecessary for the Governor in Council to sanction the Rules by an instrument that is also subordinate legislation. The amendment removes the requirement that the Governor in Council’s sanction be by way of an order in council.

EDUCATION (GENERAL PROVISIONS) ACT 1989

Amendments

1. Section 3(1) (definitions “company” and “Director-General”)—

omit.

2. Section 3(1)—

insert—

‘“**Director-General**” means the chief executive of the department;’.

3. Section 3(1) (definition “Education Office Gazette”)—

omit ‘Department of Education’, *insert* ‘department’.

4. Section 3(1) (definition “State educational institution”)—

omit ‘, 15, 16 or 17’, insert ‘or 15’.

5. Section 3(1) (definition “State school”)—

omit all words from ‘or such other’.

6. Section 3(2)—

omit ‘prescribed by Order in Council’,

insert ‘approved by the Governor in Council’.

7. Section 4(1)(d)—

omit ‘companies’ (1st mention), insert ‘a corporation or partnership’.

8. Section 4(1)(d)—

omit ‘any company or companies’, insert ‘a corporation or partnership’.

9. Sections 15 to 17—

omit, insert—

‘Establishment of school support centres, student hostels and residential colleges and other State educational institutions

‘15.(1) If the Minister considers it necessary or convenient for the purposes of this Act, the Minister may establish and conduct, in accordance with guidelines approved by the Governor in Council—

- (a) centres for the support and development of teachers and other officers of the department; or
- (b) student hostels or student residential colleges; or
- (c) other State educational institutions.

‘(2) The Minister may provide resources for any association, person or body, the objects of which are to provide for the support and development of teachers and other officers of the department.’.

10. Section 58(2)(a)(i)—

omit ‘prescribed by Order in Council’,

insert ‘approved by the Governor in Council’.

11. Heading to Part 6—

omit ‘COMPANIES’,

insert ‘CORPORATIONS, PARTNERSHIPS’.

12. Section 63 (heading)—

omit ‘companies’, *insert* ‘corporations’.

13. Section 63(1)—

omit ‘company whether incorporated, established or entered into within or outside the State,’,

insert ‘corporation or partnership’.

14. Section 63(2)—

omit ‘any company’, *insert* ‘ a corporation or partnership’.

15. Section 65 (heading)—

omit ‘Companies’, *insert* ‘Corporations and partnerships’.

16. Section 65—

omit ‘Any company’, *insert* ‘A corporation or partnership’.

17. Section 65—

omit ‘company’s affairs’,

insert ‘affairs of the corporation or partnership’.

18. Section 66—

omit ‘any company’, *insert* ‘a corporation or partnership’.

19. Section 67(1)—

omit ‘company’, *insert* ‘corporation or partnership’.

20. Section 75—

omit, insert—

‘Restriction on establishment of places for teaching overseas curriculum

‘75.(1) In this section—

“international educational institution” means an institution, facility, school, college or other place in Queensland that offers or proposes to offer an overseas curriculum or something that purports to be an overseas curriculum;

“overseas curriculum” means a curriculum that is, or is a variation of, the whole or part of the primary or secondary curriculum of a foreign country.

‘(2) A person must not establish or conduct an international educational institution without the approval of the Governor in Council.

‘(3) The Governor in Council may impose conditions on the approval that the Governor in Council considers appropriate.

‘(4) The Minister may cause an international educational institution to be inspected by the executive director of the region in which the institution is situated at the intervals, and in the way, that the Minister determines.

‘(5) The Minister may recover from the person who conducts an international educational institution the reasonable costs incurred in relation to an inspection.

‘(6) Subject to an appropriation by the Parliament for the purpose, a regulation may be made with respect to the payment of allowances to persons enrolled in an international educational institution.

‘(7) Subsection (6) does not apply to—

- (a) a State educational institution; or
- (b) a non-State school; or
- (c) a place where instruction is received under section 58(2)(a).’.

21. Section 76—

omit, insert—

‘Restriction on overseas persons receiving instruction

‘76.(1) A person must not enrol or provide instruction to a person from a foreign country on a fee-paying basis in any of the following educational institutions unless the Governor in Council has given approval to the institution to provide instruction to persons from foreign countries—

- (a) a non-State school;
- (b) another institution (other than a State school) preparing students for a junior or senior certificate;
- (c) an international educational institution in respect of which an approval is given under section 75.

‘(2) The Governor in Council may impose conditions on the approval that the Governor in Council considers appropriate.’.

22. Section 78—

omit, insert—

‘Regulations

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

‘(2) A regulation may be made with respect to the following matters—

- (a) the matters for which fees are payable under this Act, the amounts of the fees, the persons who are liable to pay fees, when the fees are payable, and the recovery of any unpaid amount of fees;
- (b) the management, administration and control of the operations of a State educational institution;

- (c) prescribing offences for contraventions of a regulation and fixing a maximum penalty of 10 penalty units for a contravention.’.

23. Section 80—

omit.

24. After section 81—

insert—

‘Savings—established centres, hostels, colleges and institutions

‘81A.(1) This section applies to the following institutions—

- (a) a centre for the support and development of teachers and other officers of the department;
- (b) a student hostel or student residential college;
- (c) another State educational institution.

‘(2) An institution to which this section applies that—

- (a) was established under this Act before the commencement of this section; and
- (b) was maintained or carried on under this Act immediately before the commencement;

is taken to be an institution established under this Act after the commencement.

‘(3) This section expires at the end of the day it commences.’.

25. Section 84—

omit all words from ‘shall upon’,

insert ‘is evidence of the matters contained in the certificate.’.

Explanatory Note

Amendment 1 omits a definition that contains a reference to an outdated Act and also a definition replaced by amendment 2.

Amendment 2 updates an existing definition in line with the *Acts Interpretation Act 1954*

Amendment 3 updates an existing definition in line with the *Acts Interpretation Act 1954*.

Amendment 4 makes a consequential amendment because of amendment 9.

Amendment 5 corrects a minor error by omitting reference to other means of educational instruction that are dealt with in section 14.

Amendments 6 and 10 remove the requirement for an order in council prescribing administrative guidelines.

Amendments 7, 8 and 11 to 19 makes consequential amendments because of amendment 1 by omitting references to companies and replacing them with references to corporations and partnerships.

Amendment 9 repeals and recasts the existing sections 15 to 17 in accordance with current drafting practice. In addition the requirement for orders in council giving authorisations and approvals under the provisions is removed.

Amendments 20 to 21 recast the existing sections 75 and 76 in accordance with current drafting practice. In addition the requirement for orders in council giving authorisations and approvals under the provisions is removed.

Amendment 22 remakes section 78 in the current drafting style for regulation making powers.

Amendment 23 omits a redundant provision.

Amendment 24 saves the establishment of existing centres, hostels, colleges and other State educational institutions.

Amendment 25 makes a minor change in accordance with current drafting practice.

ELECTRICITY ACT 1976

Amendments

1. Schedule 5 (before clause 4(1))—

insert—

‘4.(1A) In this clause—

“old fund” means a fund mentioned in clause 2(1);

“old fund contributor” means a person who was a contributor to an old fund and has not made an election under subclause (1).’.

2. Schedule 5, clause 4(1)—

omit ‘a fund set out in clause 2(1)’, *insert* ‘an old fund’.

3. Schedule 5 (after clause 4(4))—

insert—

‘(5) The Articles may provide for an old fund contributor to elect to—

- (a) cease to have the benefits, rights, privileges and liabilities provided for under subclause (2); and
- (b) have the benefits, rights, privileges and liabilities provided for under the Articles.’.

Explanatory note

The Act provides for a superannuation scheme for employees in the electricity supply industry. The scheme commenced on 28 July 1980. The scheme is governed by Articles made by the Governor in Council under s.371 of the Act.

When the new scheme commenced, employees who were already contributing to certain other superannuation funds at the time became contributors to the new scheme. These employees were given the opportunity to elect, in the time provided, to convert their interests to interests in the new scheme. If an employee did not make this election, his or her interests are determined under the rules of the relevant old fund.

The purpose of the amendments is to enable the Governor in Council to provide, in the Articles, for further opportunities for such employees to elect to convert to the new scheme on equitable terms.

FIRE SERVICE ACT 1990

Amendments**1. Section 66(2)(b)—**

omit, insert—

- ‘(b) in a State Forest, Timber Reserve or Forest Entitlement Area without the approval of the chief executive of the department that deals with matters arising under the *Forestry Act 1959*.’.

2. Schedule 5 (clauses 7 to 9)—

omit, insert—

‘7. A building other than a drive-in picture theatre used to accommodate more than 200 persons attending for a public meeting or for recreational, cultural or conference purposes.

‘8. A building used as a workplace within the meaning of the *Workplace Health and Safety Act 1989* in which persons are employed to work in a room or rooms—

(a) below ground level; or

(b) at a floor level more than 1 floor level above ground level.

‘9. A building used to provide office accommodation at a floor level more than 6 floor levels above ground level.’.

Explanatory Note

Amendment 1 replaces a mention of the Conservator of Forests with the chief executive of the department and recasts the paragraph.

Amendment 2 inserts the rest of clause 8, part of which was accidentally omitted from the *Fire Service Act Amendment and Fire Safety Act Repeal Act 1991*, because of a printing error.

**FOREIGN GOVERNMENTS (TITLES TO LAND) ACT
1948****Amendments****1. Section 3—**

omit, insert—

‘Authority for foreign government to hold land in Queensland

‘3. The government of a foreign country, or the accredited agent of a government of a foreign country, may only hold an estate or interest in land in Queensland for a purpose mentioned in section 2 if the Governor in Council has, by Gazette notice, authorised the country or agent to hold the estate or interest.’.

2. Section 5—

omit, insert—

‘Exemption from land tax and rates

‘5. Despite any other Act, if—

- (a) the Commonwealth, or an accredited agent of the Commonwealth, holds land in a foreign country for a diplomatic, consular or official purpose of the Commonwealth; and
- (b) the land is exempt from all or any of the taxes and rates charged on land under the laws of the country;

the Governor in Council may, by regulation, exempt land held under an authorisation under section 3 from liability to land tax or rates to the extent specified in the regulation.’.

Explanatory Note

Amendments 1 and 2 rationalise the use of statutory instruments under the Act by changing the types of instruments to be used in accordance with current drafting practice.

FREEDOM OF INFORMATION ACT 1992

Amendments**1. Section 11(1)(j)—**

omit ‘Joint’, insert ‘Defence’.

2. Section 11(1)(n)—

omit, insert—

- ‘(n) Queensland Treasury Holdings Pty Ltd, its wholly owned subsidiaries (within the meaning of the Corporations Law), and the entities in which the subsidiaries have a controlling interest (within the meaning of the Corporations Law), in relation to their commercially competitive activities;’.

3. Section 20(2) (after ‘The principal officer must’)—

insert ‘within 21 days of receiving the notice’.

4. Section 20(2)(a)—

omit ‘within 21 days of receiving the notice’.

5. Section 27(4)—

omit ‘determine an application’,

insert ‘decide an application and notify the applicant under section 34’.

6. Section 52(1)—

omit ‘of an agency’.

7. After section 52(3)(b)—

insert—

‘(c) by a Minister.’.

8. Section 52(6)—

omit ‘under this section’, *insert* ‘and notify the applicant of the decision.’.

9. Section 71(1)(f)(ii)—

omit, insert—

‘(ii) to disclose documents if an agency or Minister should have taken, but has not taken, steps to obtain the views of a person under section 51; and

(iii) not to amend information in accordance with applications under section 53.’.

10. Section 73(3)(a)—

omit ‘the person has made an application’,

insert ‘an application has been made (whether by the person or another person)’.

11. Section 79(1)(b) (after ‘provided in section’)—

insert ‘20(2),’.

12. Section 79(1)—

omit ‘refusing to grant access to the documents on the last day of the relevant time period’,

insert ‘on the last day of the relevant time period refusing—

- (d) to publish a statement of affairs under section 20, or to ensure that a statement of affairs complies with Part 2; or
- (e) to grant access to the document; or
- (f) to amend the information’.

13. Section 79(2)—

omit ‘(whether before or after the end of the time period provided in section 27(4) or 57)’.

Explanatory note

Amendment 1 corrects a naming error.

Amendment 2 reflects changes in corporate structure.

Amendments 3 and 4 correct a drafting error.

Amendment 5 confirms that the Act also requires the applicant to be notified under section 34 within the relevant time. (This requirement is already implicit in section 79(1)).

Amendment 6 removes any doubt that decisions made by persons and bodies other than an agency are reviewable. The Act contemplates decisions by other persons or bodies e.g. Ministerial delegates under section 33.

Amendment 7 confirms that a review of a Minister's decision may go to external review. (This is already implicit in section 73(3).).

Amendment 8 has the same effect as amendment 5.

Amendment 9 corrects an anomaly in the Act that limited the right of a third party to external review only to a third party who was actually consulted. The right is now extended to a third party who should have been consulted but was not. (A person who ought to have been consulted has a right of internal review under section 52(7)(b) and therefore the right to external review is a necessary and logical consequence under the scheme of the Act).

Amendment 10 corrects an anomaly in the Act that limited an original applicant's right to external review. If an original applicant is aggrieved by the outcome of internal review at the instance of a third party consultee, there is no right of internal review for the original applicant because of section 52(3). Section 73(3) states that a person cannot have external review unless *the person* has first sought internal review. Accordingly, the original applicant cannot go to external review either. This amendment rectifies that situation.

Amendment 11 corrects an error in the Act. The intention of section 79(1) was to provide for the 3 situations under the Act where notice of decision was not received by an applicant. The insertion of the reference to section 20(2) corrects this omission in relation to a failure to publish a statement of affairs or ensure that a statement of affairs complies with Part 2.

Amendment 12 is consequential on amendment 11 and also corrects another error in the Act by inserting a reference to the refusal to amend information. This situation is covered by section 57, which is already mentioned in section 79(1)(b).

Amendment 13 removes words that are meaningless because an application mentioned in section 79(1) can not be made until after the relevant time period has ended.

GRAMMAR SCHOOLS ACT 1975

Amendments

1. Section 20(3)—

omit, insert—

‘(3) If the board receives the sanction of the Treasurer mentioned in subsection (2), it may borrow the money after receiving the Governor in Council's authority.

‘(4) An authority under subsection (3) may be given subject to conditions the Governor in Council considers appropriate.’.

2. Section 37(3)(b)—

omit ‘regulation’, *insert* ‘the Governor in Council’.

3. Section 48—

omit, insert—

‘Disposal of assets on discontinuing a school

‘48.(1) If a school is discontinued, the Governor in Council may make a regulation with respect to the way in which property held by the school’s board is to be disposed of or held.

‘(2) Subsection (1) does not apply to Crown land granted in trust or reserved and set apart for the school under the *Land Act 1962*.

‘(3) If the Governor in Council does not make a regulation in relation to property mentioned in subsection (1), the Minister may give directions with respect to the way in which the property is to be disposed of or held.

‘(4) The power to make a regulation, or give directions, includes the power to vary the trustees, and the terms, of any trust created under this section.

‘(5) Subsections (1) and (3) do not authorise the Governor in Council and the Minister to override a trust instrument that—

- (a) was created before the discontinuance of the school; and
- (b) concerns property mentioned in subsection (1); and
- (c) provides for the variation of the trust on the discontinuance of the school.’.

4. Section 52—

omit.

Explanatory note

Amendment 1 recasts the provision in accordance with current drafting practice and omits the need for a statutory instrument.

Amendment 2 omits the need for a statutory instrument.

Amendment 3 implements current drafting practice by providing that the statutory instruments to be used for the purposes of section 48 are regulations and recasts the section in accordance with current drafting practice.

Amendment 4 omits a redundant provision.

HARBOURS ACT 1955**Amendments****1. Section 168A(1)—**

omit ‘Order in Council’, *insert* ‘regulation’.

2. Section 168A(1A)—

omit ‘an Order in Council’, *insert* ‘a regulation’.

3. Section 168A(1A)—

omit ‘the Order in Council’, *insert* ‘the regulation’.

4. Section 168A(2)—

omit ‘An Order in Council issued pursuant to’,
insert ‘A regulation made under’.

5. Section 168A(3)—

omit ‘An Order in Council issued pursuant to’,
insert ‘A regulation made under’.

Explanatory note

Amendments 1 to 5 provide that the statutory instruments made under section 168A are to be regulations.

INDUSTRIAL RELATIONS ACT 1990**Amendments****1. Section 2.1(1) (definition “industrial agreement”)—**

omit ‘pursuant to’,

insert ‘under section 12.4 (as in force immediately before the commencement of section 6 of the *Industrial Relations Amendment Act 1992*) or’.

2. Section 13.73P(2)(a) and (b)—

omit ‘Court’ (wherever occurring), *insert* ‘Commission’.

3. Section 17.16(5)(c)—

omit ‘award or industrial agreement’,

insert ‘award, industrial agreement or certified agreement’.

Explanatory note

Amendment 1 corrects a minor error by replacing and updating a reference previously omitted.

Amendment 2 corrects a reference.

Amendment 3 is consequential on the *Industrial Relations Amendment Act 1992*.

JUPITERS CASINO AGREEMENT ACT 1983

Amendment

1. Section 4—

omit, insert—

‘Variation of Agreement

‘4.(1) The Agreement may be varied by a further agreement between the Minister and the other parties to the Agreement.

‘(2) The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.

‘(3) The Minister must notify the date of the making of the further agreement by Gazette notice.

‘Regulations

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

‘(2) For the purposes of subsection (1), a mention in the Agreement of an order in council is taken to be a mention of a regulation.’.

Explanatory Note

The amendment implements current drafting practice by providing that the statutory instruments to be used for the purposes of the Act are regulations.

JUVENILE JUSTICE ACT 1992

Amendments

1. Section 29(1) (after ‘taken’)—

insert ‘to’.

2. Section 29(2)—

omit ‘(b)’, insert ‘(c)’.

3. Section 40(1)—

omit ‘39’, insert ‘39(2)(a) or (b)’.

4. Section 46(3)—

omit ‘(1)(a) or (b)’.

5. Section 219(2)—

omit, insert—

‘(2) A police officer may arrest, without warrant, a person who commits an offence against subsection (1).’.

Explanatory note

Amendment 1 inserts a missing word.

Amendment 2 corrects an incorrect cross reference.

Amendment 3 ensures that the special release notice concerned need only be given to a child if the child is released other than under ordinary bail arrangements.

Amendment 4 is a consequential amendment to the *Bail Amendment Bill 1993*.

Amendment 5 removes some doubt as to whether section 219(2), which currently allows arrest without warrant of escapees and absentees, covers all offences under section 219(1).

LAND ACT 1962

Amendments**1. Section 14(2)—**

omit ‘or vary’.

2. Section 14(2)—

omit ‘of a lease’,

insert ‘of a lease or attach additional conditions to a lease’.

3. Section 14(2)—

omit ‘variation’, *insert* ‘addition’.

4. Section 14(2A) (after ‘deletion’)—

insert ‘, addition’.

5. Section 14(2B) (after ‘as’)—

insert ‘added or’.

6. Section 14(2C) (after ‘deletion’)—

insert ‘, addition’.

7. Section 14(2E)—

omit ‘vary’, *insert* ‘add to’.

8. Section 19(3)(b)—

omit ‘Crown’.

9. After section 123(8)—

insert—

‘**(8A)** Despite subsection (3)(b)(ii), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

10. After section 127(4)—

insert—

‘(4A) If the number of instalments is reduced under subsection (4), the term of the lease is reduced accordingly.’.

11. Section 127(5)(c)—

omit.

12. After section 144A(9)—

insert—

‘(9A) Despite subsection (5)(b)(ii), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

13. After section 147(7)—

insert—

‘(7A) Despite subsection (2), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

14. After section 176(10)—

insert—

‘(10A) Despite subsection (4)(b), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

15. Section 179—

omit.

16. After section 188(4)—

insert—

‘(4A) If the number of instalments is reduced under subsection (4), the term of the lease is reduced accordingly.’.

17. Section 188(6)(c)—

omit.

18. After section 194(10)—

insert—

‘(10A) Despite subsection (5)(b)(ii), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

19. After section 196(7)—

insert—

‘(7A) Despite subsection (2), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

20. Section 207B(1)(i)—

omit ‘its unimproved value or’.

21. After section 207L(8)—

insert—

‘(8A) Despite subsection (5)(b)(ii), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

22. After section 207M(6)—

insert—

‘(6A) Despite subsection (2), if the prescribed rate of interest included in each annual instalment changes, only the instalments due after the day of the change of the prescribed rate of interest need to be of equal amounts.’.

23. After section 247(4)—

insert—

‘(5) The lessee, licensee or permittee is not required to pay any accrued penalty for the late payment of rent, instalment or other payments if the late payment was the result of a failure to send proper notice to the lessee, licensee or permittee.’.

24. Section 333—

omit, insert—

‘Surrender of lease

‘**333.(1)** A lessee may surrender the lessee’s lease—

- (a) on giving the Minister 1 year’s written notice of the intention to surrender; or
- (b) on paying 1 year’s rent or instalment in advance;

and on paying all amounts due to the State up to the day of the surrender.

‘(2) The Minister may approve the surrender of a lease even if the notice required under subsection (1)(a) has not been given or the payment required under subsection (1)(b) has not been made.

‘(3) A lessee may surrender the whole or part only of the lessee’s lease—

- (a) either absolutely; or
- (b) for the purpose of being granted a new lease over the whole or part of the former lease (including over Crown land);

on terms and conditions agreed to between the Minister and the lessee.’.

25. After section 339(6)—

insert—

‘(6A) Subsection (6)(b) applies despite section 9(2)(a) of the *Statutory Instruments Act 1992*.’.

26. Section 346—

omit, insert—

‘Rent etc. to be used for purposes of trust

‘346.(1) All rent, fees and other amounts received by the trustees of land granted in trust or reserved and set apart for a public purpose (in respect of a lease, authority to occupy or use of the trust land or reserve) must only be used for the purposes of the trust.

‘(2) Despite subsection (1), the Minister may approve that the rents, fees or other amounts be used for some other purpose.’.

27. Section 371(1) (after ‘Crown land of’)—

insert ‘not more than’.

Explanatory note

Amendments 1 to 7 provide that developmental and improvement conditions and other conditions can be added to the lease with the agreement of the lessee.

Amendment 8 provides that the delegation of the chief executive applies to all land in respect of which the chief executive has been given powers.

Amendments 9 to 14, 18, 19, 21 and 22 ensure that the requirement for equal annual instalments is not nullified by any change to the prescribed rate of interest.

Amendments 10 and 16 ensure that if the number of instalments in a lease are reduced the term of the lease is reduced accordingly.

Amendments 11 and 16 omit a redundant requirement to surrender a lease before a deed of grant can issue.

Amendment 15 removes a redundant provision.

Amendment 20 provides that the test relating to ‘reasonably improved’ only applies to “purposes for which a lease is used”.

Amendment 23 ensures that a lessee will not be required to make a penalty payment if a late payment is the result of departmental delays in sending out rental notices.

Amendment 24 clarifies that a lessee can surrender part only of a lease.

Amendment 25 clarifies that statutory instruments made under the provisions are subordinate legislation. This will result in the instruments being tabled in, and subject to disallowance by, the Legislative Assembly.

Amendment 26 clarifies that fees collected by trustees under section 346 are to be applied to the purposes of the trust unless the Minister approves otherwise.

Amendment 27 allows acquisitions by the department, with the agreement of an owner, to be made by way of an exchange of land that has a value of not more than the value of the land being acquired. This will be particularly useful in road resumptions where it is often impossible to find 2 parcels of land of exactly the same value.

LANG PARK TRUST ACT 1962

Amendments

1. After section 6(2)—

insert—

‘(3) The trust is a statutory body for the purposes of the *Financial Administration and Audit Act 1977*.’.

2. Section 13(3)—

omit ‘\$500’, *insert* ‘10 penalty units’.

3. Section 13(5) to (7)—

omit.

Explanatory Note

Amendment 1 will ensure that financial accountability for the Trust is the same as other trusts administered by the Department.

Amendment 2 updates a cash penalty to penalty units.

Amendment 3 omits redundant provisions.

LEGAL PRACTITIONERS ACTS AMENDMENT ACT 1968

Amendment

1. Section 7(2)(a)(iv)—

omit ‘Department of the Attorney-General’, *insert* ‘the department’.

Explanatory note

Amendment 1 implements current drafting practice by removing an unnecessary reference to a department by name.

MOTOR VEHICLES CONTROL ACT 1975

Amendments

1. Section 4 (definitions “Minister” and “police force”)—

omit.

2. Section 4 (definition “owner”)—

omit ‘regulations made pursuant to the *Main Roads Act 1920–1972*’,
insert ‘*Transport Infrastructure (Roads) Act 1991*’.

3. Section 4 (definition “public place”)—

omit ‘Order in Council’, *insert* ‘regulation’.

4. Section 4 (definition “public place”, paragraph (b))—

omit, insert—

‘(b) a place that is a road within the meaning of the *Transport Infrastructure (Roads) Act 1991* or the *Traffic Act 1949*;’.

5. Section 4 (definition “recreation vehicle”)—

omit ‘and in accordance with the *Main Roads Act 1920–1972*’,
insert ‘the *Transport Infrastructure (Roads) Act 1991*’.

6. Section 5(1)(a)—

omit, insert—

‘(a) a police officer; or’.

7. Section 10(a)—

omit ‘and in accordance with the *Main Roads Act 1920–1972*’,
insert ‘the *Transport Infrastructure (Roads) Act 1991*’.

8. Section 10 (penalty)—

omit, insert—

‘Maximum penalty—4 penalty units.’.

9. Section 12(1) (penalty)—

omit, insert—

‘Maximum penalty—4 penalty units.’.

10. Section 13 (penalty)—

omit, insert—

‘Maximum penalty—4 penalty units.’.

11. Section 14(1)(a)—

omit ‘and in accordance with the *Main Roads Act 1920–1972*’,
insert ‘the *Transport Infrastructure (Roads) Act 1991*’.

12. Section 14(1) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’

13. Section 15(1)(a)—

omit ‘and in accordance with the *Main Roads Act 1920–1972*’,
insert ‘the *Transport Infrastructure (Roads) Act 1991*’.

14. Section 15(1) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’

15. Section 16 (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’

16. Section 22(1) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units or imprisonment for 6 months.’

17. Section 22(2) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’

18. Section 22(3)—

omit ‘penalty of \$500’, *insert* ‘maximum penalty of 10 penalty units’.

19. Section 23(2)—

omit, insert—

‘(2) A person must not drive dangerously a motor vehicle to which this section applies.

Maximum penalty—10 penalty units or imprisonment for 6 months.’.

20. Section 23(3)—

omit ‘drives’, insert ‘drive’.

21. Section 24 (penalty)—

omit, insert—

‘Maximum penalty—4 penalty units.’.

22. Section 30(2) (penalty)—

omit, insert—

‘Maximum penalty—4 penalty units.’.

23. Section 31(4) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’.

24. Section 32(1) (penalty)—

omit, insert—

‘Maximum penalty—10 penalty units.’.

25. Section 33(1)—

omit ‘penalty of \$200’, insert ‘maximum penalty of 4 penalty units’.

26. Section 33(2)(b)—

omit ‘member of the police force’, *insert* ‘police officer’.

27. Section 34(b) to (f)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence’.

28. Section 34(c)—

omit ‘and conclusive evidence’.

29. Section 34(d)—

omit all words from ‘pursuant to’ to ‘commissioner of Main Roads’,
insert ‘under the *Transport Infrastructure (Roads) Act 1991* or another person authorised by the chief executive of the department within the meaning of the Act.’.

30. Section 36(1) and (2)—

omit ‘member of the police force’, *insert* ‘police officer’.

31. Section 38—

omit ‘The Governor in Council may make regulations, not inconsistent with this Act, with respect to—’,

insert—

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

‘(2) A regulation may be made with respect to any of the following matters—’.

32. Section 38(1)(f)—

omit ‘\$100’, *insert* ‘2 penalty units’.

33. Section 38(1)(k) and (l)—

omit.

Explanatory note

Amendment 1 omits redundant definitions.

Amendments 2, 4 to 7, 11, 13, 26, 29 and 30 update references.

Amendment 3 implements current drafting practice by providing that the statutory instruments to be used for the purposes of the Act are regulations.

Amendments 8 to 10, 12, 14 to 25 and 32 convert a penalty expressed as a monetary amount to penalty units. Amendment 19 recasts a provision as a consequence, and amendment 20 alters a word because of the recasting.

Amendments 27 and 28 remove provisions that unnecessarily offend against fundamental legislative principles.

Amendment 31 updates the regulation making power in accordance with current drafting practice.

Amendment 33 is consequential on amendment 31.

MOTOR VEHICLES SECURITIES ACT 1986

Amendment**1. Section 17 (at the end)—**

insert—

‘Maximum penalty—5 penalty units.’.

Explanatory note

Recent amendments of the Act repealed the general offences provision and inserted specific penalty provisions. Section 17 was overlooked at the time.

MT GRAVATT SHOWGROUNDS ACT 1988

Amendment

1. After section 15—

insert—

‘Application of Financial Administration and Audit Act 1977

‘15A. The trust is a statutory body for the purposes of the *Financial Administration and Audit Act 1977*.’.

Explanatory Note

The amendment will ensure that financial accountability for the Trust is the same as other trusts administered by the Department.

MUTUAL RECOGNITION (QUEENSLAND) ACT 1992

Amendment

1. Section 7—

omit ‘Governor’, *insert* ‘Governor in Council’.

Explanatory note

The amendment is required to correct an error about how regulations are made under the Act.

PLANT PROTECTION ACT 1989

Amendments

1. Section 3(1) (definitions “Minister”, “notification” and “this Act”)—

omit.

2. Section 2—

omit.

3. Section 3(2) and (3)—

omit, insert—

‘(2) If the Governor in Council is satisfied that—

- (a) an organism of the plant or animal kingdom (other than vertebrates); or
- (b) a virus or viroid; or
- (c) a disorder, condition or cause of specified symptoms in plants;

(an “**undeclared pest**”) is harmful to the growth or quality (including the commercial or marketable quality) of crop plants, the Governor in Council may, by regulation, prescribe the undeclared pest to be a pest for the purposes of this Act.

‘(3) If the Minister is of the opinion—

- (a) that—
 - (i) an organism of the plant or animal kingdom (other than vertebrates); or
 - (ii) a virus or viroid; or
 - (iii) a disorder, condition or cause of specified symptoms in plants;

(an “**undeclared pest**”) is harmful to the growth or quality (including the commercial or marketable quality) of crop plants; and

- (b) that the circumstances require that urgent action should be taken to declare the undeclared pest to be a pest;

the Minister may, by notice, declare the undeclared pest to be a pest for the purposes of this Act.

‘(3A) A notice under subsection (3) remains in force until whichever of the following first happens—

- (a) the commencement of a regulation prescribing the undeclared

pest to be a pest for the purposes of this Act;

(b) the end of 21 days.

‘(3B) A notice under subsection (3) is subordinate legislation.’.

4. Section 3(6) and (7)—

omit.

5. Section 7—

omit, insert—

‘Registration of certain places

‘7.(1) For the purpose of preventing, controlling or eradicating pest infestation of plants, the Governor in Council may, by regulation, require that every farm or other place of a specified type where a specified type of plant is grown must be registered under the regulation.

‘(2) The regulation may specify—

- (a) who must register the farm or place; and
- (b) the way in which the farm or place must be registered; and
- (c) a registration fee; and
- (d) any other matter that is necessary or convenient to achieve the objects of subsection (1).’.

6. Section 8(1)(a)—

omit ‘Order in Council’, insert ‘regulation’.

7. Section 8(1)(b)—

omit ‘notification published in the Gazette’, insert ‘notice’.

8. Section 8(1)(e)—

omit ‘by or under an Order in Council’, insert ‘under a regulation’.

9. After section 8(1)—

insert—

‘(1A) A notice under subsection (1)(b) is subordinate legislation.’.

10. Section 8(3)—

omit, insert—

‘(3) A notice under subsection (1)(b) remains in force until whichever of the following first happens—

- (a) the commencement of a regulation under subsection (1)(b) in relation to the same matter;
- (b) the end of 21 days.’.

11. Section 8(4)—

omit, insert—

‘(4) A person must not contravene a regulation or notice made for the purposes of this section.

Maximum penalty—1 000 penalty units.’.

12. Section 9—

omit, insert—

‘Control over spread of pest infestations within Queensland

‘9.(1) For the purpose of preventing, controlling or eradicating pest infestation of plants—

- (a) the Governor in Council, by regulation; or
- (b) if the Minister is of the opinion that the circumstances require that urgent action should be taken under this section—the Minister, by notice;

may prohibit, either generally or in specified circumstances or except under specified conditions, the movement of any plant, soil, appliance or other specified matter—

- (c) from a place in Queensland to another place in Queensland; or
- (d) from a place within a specified part of Queensland to another place in that part of Queensland; or
- (e) into or out of a specified part of Queensland; or
- (f) to or from a specified place; or
- (g) from a place within a farm, orchard, holding or other specified place to another specified place.

‘(2) A notice under subsection (1)(b) is subordinate legislation.

‘(3) A notice under subsection (1)(b) remains in force until whichever of the following first happens—

- (a) the commencement of a regulation under subsection (1)(a) in relation to the same matter;
- (b) the end of 21 days.’.

13. Section 10(1)—

omit ‘Order in Council’, *insert* ‘regulation’.

14. Section 10(2)—

omit ‘by notification published in the Gazette, may give such directions as in his opinion’,

insert ‘by notice, may give directions that the Minister considers’.

15. Section 10(2)(a), (b) and (f)—

omit ‘notification’, *insert* ‘notice’.

16. Section 10(3)—

omit ‘the provisions of a notification made under this section’,

insert ‘notice under subsection (2)’.

17. After section 10(3)—

insert—

‘(3A) A notice under subsection (2) is subordinate legislation.’.

18. Section 11(1)(a)—

omit ‘Order in Council’, *insert* ‘regulation’.

19. Section 11(1)(b)—

omit ‘by notification published in the Gazette’, *insert* ‘by notice’.

20. Section 11(2)—

omit ‘by notification published in the Gazette’, *insert* ‘, by notice,’.

21. After section 11(2)—

insert—

‘(2A) A notice under subsection (1)(b) or (2) is subordinate legislation.’.

22. Section 11(4)—

omit ‘any notification made’, *insert* ‘a notice’.

23. Sections 11(5) and(6)—

omit, insert—

‘(5) A notice under subsection (1)(b) remains in force until whichever of the following first happens—

- (a) the commencement into effect of a regulation under subsection (1)(a) in relation to the same matter;
- (b) the end of 21 days.

‘(6) A person must not—

- (a) contravene a regulation or notice made for the purposes of this

section; or

- (b) contravene a condition imposed by the Minister under subsection (3); or
- (c) contravene a direction given by an inspector under subsection (4); or
- (d) obstruct an inspector in the exercise of powers under this section.

Maximum penalty—1 000 penalty units.’.

24. Section 12(1)—

omit ‘by Order in Council’, *insert* ‘, by regulation,’.

25. Section 34—

omit, insert—

‘Regulations

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

‘**(2)** A regulation may be made with respect to a matter mentioned in Schedule 2.’.

26. After section 34—

insert—

‘Transitional on commencement of this Act

‘**35.(1)** On the commencement of this Act, a person appointed and holding office as an inspector under an Act repealed by this Act is taken to have been appointed as an inspector for the purposes of this Act.

‘**(2)** This section expires at the end of the day it commences.

‘Transitional on Statute Law (Miscellaneous Provisions) Act 1993

‘**36.(1)** An instrument that, immediately before the commencement of this section, because of section 2(2) as then in force, was having effect as if

it were an order in council under section 8 is taken, after the commencement, to be a regulation under section 8.

‘(2) A notification published in the Gazette under section 3(3), 8(1)(b), 9(1)(b) or 11(1)(b), and in force immediately before the commencement of this section, continues to have effect after the commencement until whichever of the following first happens (the “**relevant event**”)—

- (a) the commencement of a regulation in relation to the same matter;
- (b) the end of 21 days after the day the notification is published in the Gazette.

‘(3) Subsection (1) and this subsection expire at the end of the day they commence.

‘(4) Subsection (2) and this subsection expire at the end of the day on which the relevant event happens.’.

27. Schedule 1—

omit.

28. Schedule 2, item 7—

omit.

Explanatory Note

Amendment 1 omits redundant definitions.

Amendment 2 omits exhausted material and, with amendment 26, shifts continuing transitional provisions to the end of the Act in an updated form.

Amendment 25 replaces an outmoded general regulation making power.

Amendment 26 omits exhausted repeals.

The other amendments—

- (a) replace orders in council with regulations; and
- (b) declare various ministerial notices to be subordinate legislation, ensuring tabling and scrutiny under the *Statutory Instruments Act 1992*; and
- (c) recasts provisions significantly affected by the amendments mentioned in paragraphs (a) and (b).

PROPERTY LAW ACT 1974

Amendments

1. Section 20(5)—

omit ‘Governor in Council’, *insert* ‘Minister’.

2. Section 20(5)—

omit ‘order in council’, *insert* ‘Gazette notice’.

3. Section 20(7)—

omit ‘, the Governor in Council by the order in council making the waiver or by a further order in council may’,

insert ‘the Minister, by the Gazette notice or a further Gazette notice, may’.

4. Section 20(7)(a)—

omit ‘Governor in Council’, *insert* ‘Minister’.

5. Section 20(7)(c)—

omit, insert—

‘(c) give directions that the Minister considers necessary or desirable to give effect to the waiver (including the terms of the waiver) and the directions are to be given effect.’.

6. Schedule 1, clause 7—

omit ‘order in council’, *insert* ‘instrument’.

Explanatory Note

As a waiver to State property is not considered an instrument of a legislative

character, 'orders in council' has been replaced. The Minister will now exercise the power to waive.

QUEENSLAND LAW SOCIETY ACT 1952

Amendments

1. Section 5(2) (2nd sentence)—

omit, insert—

'(2A) The Council may appoint a person who is the immediate past president to be a member of the Council.

'(2B) The appointment may be for a term of not longer than 1 year.

'(2C) The appointment may be made despite the following—

- (a) that there are already 17 members of the Council;
- (b) that the person was not elected as a member of the Council, although eligible for nomination and election as a member of the Council.'

2. Section 5(9) to (11)—

renumber as sections 5A to 5D respectively.

3. Section 5A (as renumbered)—

renumber the paragraphs in the series (i) to (x) as subsections (1) to (10) respectively.

4. Section 5A(2) (as renumbered) (heading)—

omit.

5. Section 5A(2) (as renumbered)—

omit—

‘by Order in Council, and shall be published in the Gazette’,
insert ‘by regulation’.

6. Section 5A(3) (as renumbered) (heading)—

omit.

7. Section 5A(3) (as renumbered)—

omit—

‘by the Governor in Council by Order in Council published in the Gazette’,

insert ‘by regulation’.

8. Section 5A(4) (as renumbered)—

omit, insert—

‘(4) Rules made under subsection (1)(ha) are the **“Indemnity Rules”**’.

9. Section 5A(6) (as renumbered)—

omit ‘subparagraph (ha) of paragraph (i) or paragraph (v)’,

insert ‘subsection (1)(ha) or subsection (5)’.

10. Section 5A(6)(d) (as renumbered)—

omit ‘subparagraph (c) of paragraph (v)’, *insert* ‘subsection (5)(c)’.

11. Section 5A(9) (as renumbered)—

omit, insert—

‘(a) Rules made under subsection (1)(hb) are the **“Continuing Legal Education Rules”**’.

12. Section 5A(10) (as renumbered)—

omit ‘subsection (hb) of paragraph (i)’, *insert* ‘subsection (1)(hb)’.

13. Section 6A(2) and (3)—

omit, insert—

‘(2) The Tribunal consists of the following 12 members—

- (a) 9 persons selected from a panel of 18 practitioners eligible for membership of the statutory committee and nominated by the Council;
- (b) 3 lay persons.

‘(3) The members of the Tribunal are to be appointed by the Governor in Council.

‘(3A) A member mentioned in subsection (2)(a) is to be appointed the chairperson by the Governor in Council.’.

14. Section 6A(4)—

omit ‘therefor in the Order in Council by which the appointment is made’,

insert ‘in the instrument of appointment’.

15. Section 6J(6)—

omit, insert—

‘(6) The power to make an order varying an order includes the power—

- (a) to revoke an original order and to make an order that could be made in the first instance under subsection (1); and
- (b) to make an order that the practitioner, clerk or servant must pay to the Society a reasonable amount that the Tribunal considers appropriate for the costs and expenses of and incidental to the application for variation.’.

16. Section 6K(3)—

omit.

17. After section 6K—

insert—

‘Hearings to be in public unless Tribunal otherwise orders

‘6KA.(1) Hearings of the Tribunal must be held in public unless the Tribunal orders otherwise.

‘(2) The Tribunal may make an order under subsection (3) if it is satisfied that it is desirable to do so—

- (a) because of the confidential nature of the evidence or other matter;
or
- (b) for any other reason.

‘(3) The Tribunal may, by order—

- (a) direct that a hearing (or part of a hearing) is to be held in private;
and
- (b) give directions as to the persons who may be present at a hearing held in private.

‘(4) The Tribunal may, by order, prohibit or restrict the publication—

- (a) of evidence given before the Tribunal (whether the hearing was in public or in private); and
- (b) of a matter contained in documents filed with, or received in evidence by, the Tribunal.’.

18. Section 6M(2)—

omit ‘by Order in Council’, insert ‘by regulation’.

19. Section 6O(1)—

omit ‘, by Order in Council, on the recommendation of the Minister,’.

20. Section 6O(3)(a)—

omit ‘therefore in the Order in Council by which the appointment is made’,

insert ‘in the instrument of appointment’.

21. Section 6Q(1)—

omit ‘, by Order in Council, on the recommendation of the Minister,’.

22. Section 20(5)—

omit, insert—

‘(5) In this section—

“**the prescribed amount**” means \$5 000 000 or another amount prescribed by regulation.’.

23. Section 24(1)(i), (ii) and (iii)—

renumber as section 24(1)(a), (b) and (c) respectively.

24. Section 24(1)—

omit ‘Provided that the’, *insert* ‘(1A) The’.

25. Section 24(1A) (as renumbered)—

renumber section 24(1A)(g) and (h) as section 24(1A)(a) and (b) respectively.

26. Section 24(1A)(b) (as renumbered)—

omit ‘Order in Council’, *insert* ‘regulation’.

27. Section 36H(2)—

omit ‘Order in Council on the recommendation of the Minister’,
insert ‘the Governor in Council’.

28. Section 36H(4)—

omit ‘Order in Council’, *insert* ‘the Governor in Council’.

29. Section 36H(5)—

omit ‘therefor in the Order in Council by this which the appointment is made’,
insert ‘in the instrument of appointment’.

30. Section 46(1)—

omit ‘from time to time by Order in Council’.

31. Section 46(2) and (3)—

omit, insert—

‘(2) A rule may (without prejudice to any other method of revocation) be revoked by regulation.’.

32. After section 51—

insert—

‘Existing rules

‘52. Rules in force under section 46(1) immediately before the commencement of this section continue to have effect after the commencement as if made under the provision as amended.’.

Explanatory note

Amendments 1, 15, 16 and 17 have been requested by the Law Society. Amendment 1 allows the immediate past president to be part of the council and his or her

expertise formally retained. Amendment 15 makes it clear that when an order is varied, costs can be given. Amendments 16 and 17 make Tribunal hearings open to the public except in certain circumstances.

All other amendments (except amendment 32) either carry out necessary renumbering or deal with orders in council. Those orders in council of a legislative nature will now be dealt with by regulation. Orders in council of an administrative nature will now be dealt with by other types of instruments.

Amendment 32 saves the existing rules.

QUEENSLAND MARINE ACT 1958

Amendment

1. Section 219(7)—

omit ‘by Order in Council’, *insert* ‘, by regulation,’.

Explanatory note

Amendment 1 ensures consistent use of regulations for subordinate legislation.

QUEENSLAND TEMPERANCE LEAGUE LANDS ACT 1985

Amendments

1. Section 2 (definitions “the League” and “the Minister”)—

omit.

2. Section 2—

insert—

‘ “**League**” means the Queensland Temperance League and, if it changes its name, the body whatever it is subsequently called;’.

Explanatory note

Amendment 1 omits 2 definitions. The definition “the League” is replaced by amendment 2 and the replacement definition provides for a change of name. The definition “the Minister” is omitted because it is superfluous.

REPRINTS ACT 1992**Amendments****1. After section 20—**

insert—

‘Correct year in statutory instrument’s short title etc.

‘20A. If—

- (a) a statutory instrument is made in a particular year (the “**year of making**”); and
- (b) the statutory instrument’s citation includes a single year other than the year of making;

the citation of, and a reference to, the statutory instrument may be given by omitting the other year and substituting the year of making.’.

2. Section 21 (heading)—

omit, insert—

‘Other changes relating to citation’.**3. Section 22—**

omit, insert—

‘Remade law or provision

‘22.(1) A reference to a law that has been repealed and remade (with or without modification) since the reference was made may be given using the law as remade.

‘(2) A reference to a law, part of which has been repealed and remade

(with or without modification) in another law since the reference was made, may be given using the first law and the other law.

‘(3) A reference to a provision of a law that has been omitted and remade (with or without modification and whether in the law or another law) may be given using the provision as remade.

‘(4) In this section—

“**law**” includes a law of the Commonwealth, another State or a Territory.

“**make**” includes enact.’.

4. Section 24 (item 1 of examples)—

omit, insert—

‘The commissioner may, by **writing signed by him** (signed notice), delegate any of **his** (the commissioner’s) powers.’.

5. Section 29 (example 19, column 1 of the table and in column 2 opposite)—

insert—

‘of its own motion

on its own initiative’.

6. Section 29 (at the end)—

insert—

‘*Example 22* (plural to singular)—

‘another area’

may replace

‘other areas’.

Example 23 (plural to singular)—

‘In this regulation’

may replace

‘In these regulations’.

Example 24 (outdated terms)—

‘employer’ and ‘employee’

may replace

‘master’ and ‘servant’.

7. After section 30 (in Division 4)—

insert—

‘Order of other provisions

‘**30A.** If a provision of a law contains provisions in a particular order, the provision may be expressed so that the provisions are in an order that is consistent with current legislative drafting practice.’

8. Section 31—

omit, insert—

‘References to type of statutory instrument

‘**31.(1)** If—

- (a) a statutory instrument has, or could be given, a citation indicating the type of instrument in the singular; and
- (b) the instrument or another law contains referential words or other words that refer to the instrument in the plural;

the words may be replaced by appropriate words in the singular.

‘**(2)** If—

- (a) a statutory instrument was made as an instrument of a particular type (the “**original type**”); and
- (b) under a law, the instrument continues to have effect and is taken to be an instrument of a different type (the “**new type**”); and
- (c) the instrument contains a citation, referential words or other words that refer to the instrument as an instrument of the original type;

the words may be replaced by appropriate words that refer to the instrument as an instrument of the new type.’.

9. Section 49—

omit, insert—

‘Amendment of and reference to reprinted law etc.

‘49.(1) A law may be amended or referred to as set out in this section.

‘(2) If a reprint of the law has been produced and no amendments of the law have commenced on or after the reprint date specified in the latest reprint, the law may be amended or referred to having regard to the text of the law as shown in the latest reprint.

‘(3) If a reprint of the law has been produced and amendments of the law have commenced on or after the reprint date specified in the latest reprint, the law may be amended or referred to having regard to the text of the law—

- (a) as shown in the latest reprint; and
- (b) as the text would be required to be shown in a subsequent reprint because of Part 3 (Amendments must be included in reprints).

‘(4) If a reprint of the law has not been produced, the law may be amended or referred to having regard to the text of the law—

- (a) as it would be required to be shown in a reprint because of Part 3 (Amendments must be included in reprints); and
- (b) as the text could be shown if the following provisions were used—
 - (i) Division 2 (Updated citations and references to law) of Part 4 (Editorial changes may be included in reprints);
 - (ii) section 29 (Expression of number, year, date, time, amount of money, quantity etc.) but only to express the designation of provision units in the law, and references to the designation of provision units in another law, in a way that is consistent with current legislative drafting practice;
 - (iii) Division 5 (Updated naming conventions within statutory instruments) of Part 4 (Editorial changes may be included in

reprints).

Example of subsection (4)(b)(ii)—

An expression in column 1 of the following table may be amended or referred to as if it were the corresponding bolded expression in column 2.

TABLE

Column 1	Column 2
Part II	Part 2
First Schedule	Schedule 1’.

Explanatory note

Amendment 1 complements the proposed section 20B of the *Statutory Instruments Act 1992*.

Amendment 2 provides a more helpful section heading.

Amendment 3 remakes existing section 22 (Substituted law or provision) consistent with proposed section 14H (References taken to be included in citation of law) of the *Acts Interpretation Act 1954*.

Amendment 4 makes a minor improvement to the example by replacing ‘written notice’ with ‘signed notice’.

Amendments 5 and 6 clarify further the scope of section 29 by providing additional examples of its operation in relation to outdated expressions.

Amendment 7 complements section 30 (Order of definitions), as well as proposed section 22A (Insertion of provisions by amending Act) of the *Acts Interpretation Act 1954*.

Amendment 8 replaces existing section 31 which deals with the updating of references to types of instruments. Proposed section 31 will facilitate the reprinting of subordinate legislation in a form that reflects the simplification of the types of subordinate legislation.

Amendment 9 remakes section 49 (Amendment of law may be made in accordance with reprint etc.). Proposed section 49 permits a reprint of a law to be used to refer to the law as well as amend the law. In addition, proposed section 49(4)(b) enables updated citations and references to laws, updated designation of provision units and updated naming conventions within statutory instruments to be taken into account. It is not intended that proposed section 49(b)(ii) be relied on to compress references such as ‘paragraph (a) of subsection (1) of section 37’ to ‘section 37(1)(a)’. The proposed section will facilitate the modernising of Queensland legislation by

ensuring that modern Plain English drafting style can be used in relation to legislation drafted in older styles.

RETURNED SERVICEMEN'S BADGES ACT 1956

Amendments

1. Long title—

omit, insert—

‘An Act relating to the unauthorised use or possession of membership badges issued by the corporation currently named the Returned & Services League of Australia (Queensland Branch) and by other associations’.

2. Section 2 (definition “The League”)—

omit.

3. Section 2—

insert—

‘“League” means the corporation—

- (a) formerly named The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch; and
- (b) subsequently named the Returned Services League of Australia (Queensland Branch); and
- (c) now named the Returned & Services League of Australia (Queensland Branch);’.

4. Section 3 (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—1 penalty unit; and
- (b) for a subsequent offence—2 penalty units.’.

5. Section 4(1) (definition “prescribed returned servicemen’s association”, paragraph (d))—

omit ‘pursuant to an Order in Council made hereunder’,
insert ‘under a regulation under subsection (2)’.

6. Section 4(2)(a)—

omit, insert—

‘(2) Subject to section (2A), the Governor in Council may, by regulation, declare that this Act applies to a specified association, body, or organisation of persons.’.

7. Section 4(2)(b)—

omit.

8. Section 4(2)(c)—

renumber as subsection (2A).

9. Section 4(2A) (as renumbered)—

omit ‘Order in Council’, *insert* ‘regulation’.

10. Section 4(2)(d)—

omit.

11. Section 4(4) (Penalty)—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—1 penalty unit; and
- (b) for a subsequent offence—2 penalty units.’.

Commencement

All amendments of the *Returned Servicemen’s Badges Act 1956* commence on a day to be fixed by proclamation.

Explanatory note

Amendments 1, 2 and 3 are for the purposes of the change of name from the Returned Services League of Australia (Queensland Branch) to the Returned & Services League of Australia (Queensland Branch).

Amendments 4 and 11 replaces cash penalties with penalty units.

Amendments 5 to 10 ensure consistent use of regulations for subordinate legislation.

RETURNED SERVICES LEAGUE OF AUSTRALIA (QUEENSLAND BRANCH) ACT 1956

Amendments

1. Long title—

omit ‘the Returned Services League of Australia (Queensland Branch) and formerly named the Returned Sailor’s, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch’,

insert ‘the Returned & Services League of Australia (Queensland Branch)’.

2. Preamble—

omit ‘named the Returned Services League of Australia (Queensland Branch) and formerly named The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch’,

insert ‘formerly named The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch, subsequently named the Returned Services League of Australia (Queensland Branch) and now

named the Returned & Services League of Australia (Queensland Branch),’.

3. Section 1—

omit, insert—

‘Short title

‘1. This Act may be cited as the *Returned & Services League of Australia (Queensland Branch) Act 1956.*’.

4. Section 2 (all words after heading and before definition “acting authorised representative”)—

omit, insert—

‘2. In this Act—’.

5. Section 2 (definition “State Branch”)—

omit, insert—

‘“State Branch” means the corporation—

- (a) formerly named The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch; and
- (b) subsequently named the Returned Services League of Australia (Queensland Branch); and
- (c) now named the Returned & Services League of Australia (Queensland Branch);’.

6. Section 2 (2nd sentence commencing ‘Legal proceedings’)—

omit.

7. Section 3 (heading)—

insert—

‘Vesting of property’.

8. Section 3(1) (heading)—

omit.

9. Section 3(1)—

omit ‘The Returned Services’, *insert* ‘The Returned & Services’.

10. Section 3(2) (heading)—

omit.

11. Section 3(3)—

omit.

12. Section 7—

omit, insert—

‘Register of trustees to be kept

‘7.(1) The authorised representative of the State Branch must keep a register of trustees of property held subject to the Act on behalf of the District Branches and Sub-Branches.

‘(2) The register must—

- (a) be in the form approved by the chief executive; and
- (b) kept in duplicate; and
- (c) be called and inscribed the ‘Returned & Services League of Australia (Queensland Branch) Register of Trustees for Queensland’.

‘(3) If a District Branch or Sub-Branch appoints a new trustee, the authorised representative must update the register by inserting the following information and signing each amendment—

- (a) the name and address of the new trustee;
- (b) the reason for the appointment;

- (c) the date of the appointment;
- (d) the date of the amendment of the register.’.

13. Section 11—

omit ‘legal’.

14. After section 13—

insert—

‘Transitional provision because of name change of trustees

‘14.(1) In this section—

“new name” means the official name mentioned in section 3(1) after the commencement of this section;

“previous name” means the official name mentioned in section 3(1) before the commencement of this section.

‘(2) If the previous name is recorded in a register including, for example, the land registry, the person whose duty it is to keep the register must change the previous name to the new name on production of instruments that the person considers proper for the purpose of recording the change of name.

‘(3) No fee may be charged for the change to a register as mentioned in subsection (3).

‘(4) An instrument mentioned in subsection (3) does not create a liability on any person for stamp duty.

‘Transitional provision for register

‘15.(1) This section applies to a register kept for the purposes of section 7 before the commencement of this section.

‘(2) As soon as possible after the commencement of this section, the register is to be inscribed with the name ‘Returned & Services League of Australia (Queensland Branch), Register of Trustees for Queensland’.

‘(3) On compliance with subsection (2), the register becomes the register for the purposes of section 7.’.

15. Schedule—

omit.

Commencement

All amendments of the *Returned Services League of Australia (Queensland Branch) Act 1956* commence on a day to be fixed by proclamation.

Explanatory note

Amendments 1 to 3, 5, 9 and 12 are for the purposes of the change of name from the Returned Services League of Australia (Queensland Branch) to the Returned & Services League of Australia (Queensland Branch).

Amendment 14 deals with transitional matters because of the change of name.

The other amendments are statute revision matters, including the replacement of a form in the schedule with a form approved by the chief executive.

RURAL TRAINING SCHOOLS ACT 1965

Amendments

1. Section 20(1) and (2)—

omit.

2. After section 38—

insert—

‘Driving motor vehicle as part of training

‘38A.(1) In this section—

“**driver’s licence**” means a driver’s licence within the meaning of the *Traffic Act 1949*;

“**motor vehicle**” means a motor vehicle within the meaning of the *Traffic Act 1949*;

“road” means a road within the meaning of the *Traffic Act 1949*.

‘(2) Despite the *Traffic Act 1949*, a student at a school who is required to drive a motor vehicle on a road in the school grounds as part of the student’s training at the school is, while so driving the motor vehicle, taken to be the holder of a driver’s licence to drive the motor vehicle.’.

Explanatory note

Amendment 1 omits provisions that are now unnecessary because the matters provided for in them are covered by the *Financial Administration and Audit Act 1977*.

Amendment 2 removes legal difficulties that would arise if a student who is required to drive a motor vehicle on a road in the school grounds as part of the student’s training at school did not hold a licence to drive the vehicle (if for example, the student was not old enough to obtain a licence) and was involved in an accident while driving the motor vehicle.

SEWERAGE AND WATER SUPPLY ACT 1949

Amendment

1. After section 7—

insert—

‘Entitlements of Board members

‘7A.(1) The Board members are to be paid the fees and allowances that may be approved by the Governor in Council.

‘(2) A Board member is entitled to be reimbursed out of pocket expenses that—

- (a) are necessarily incurred by the member in the performance of the functions of the office; and
- (b) are approved by the Board.’.

Explanatory note

Amendment 1 provides for the payment of fees and allowances, and reimbursement of out of pocket expenses, to Board members.

STATUTORY INSTRUMENTS ACT 1992

Amendments

1. Section 15(f)(ii)—

omit, insert—

‘(ii) by the Clerk of the Parliament or the member who laid the statutory instrument before the Legislative Assembly; and’.

2. Section 20A (at the end)—

insert—

‘(3) If subsection (1) applies to a provision of an Act, a reference in a law (including the Act) to subordinate legislation of a particular type made under the provision, or the Act generally, includes a reference to a regulation that makes provision with respect to a matter for the purposes of the provision.

Example—

If a provision of an Act refers to orders in council made under section 6 of the Act and subsection (1) applies in relation to section 6, the reference includes a reference to a regulation that makes provision with respect to a matter for the purposes of section 6.’.

3. After section 20A (in Subdivision A)—

insert—

‘Correct year in statutory instrument’s short title etc.

‘20B. If—

- (a) a statutory instrument is made in a particular year (the **“year of making”**); and
- (b) apart from this section, the statutory instrument’s citation would include a single year other than the year of making;

the citation of, and a reference to, the statutory instrument may be given by omitting the other year and inserting the year of making.

‘Continuance etc. of statutory instruments made under amended provisions

‘20C.(1) This section applies if—

- (a) a provision of a law expressly or impliedly authorises or requires a statutory instrument to be made for a purpose; and
- (b) the provision is amended; and
- (c) under the amended provision—
 - (i) a type of instrument is no longer specified for the purpose; or
 - (ii) another type of instrument is specified for the purpose; or
 - (iii) the same type of instrument is specified for the purpose.

‘(2) If subsection (1)(c)(i) applies, a statutory instrument that was in force immediately before the commencement of the amendment—

- (a) continues to have effect after the commencement; and
- (b) may be amended or repealed by an instrument of the type specified in the provision before the amendment.

‘(3) If subsection (1)(c)(ii) applies, a statutory instrument that was in force immediately before the commencement of the amendment—

- (a) continues to have effect after the commencement; and
- (b) is taken to be an instrument of the type specified in the amended provision.

‘(4) If subsection (1)(c)(iii) applies, a statutory instrument that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been made under the amended provision.

‘(5) In this section—

“amend” includes omit and re-enact in the same law (with or without modification), but does not include omit and re-enact in another law.’.

4. Section 21—

omit, insert—

‘Statutory instrument to be interpreted not to exceed powers conferred by authorising law

‘21.(1) A statutory instrument is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, the power conferred by the law under which it is made (the **“authorising law”**); and
- (b) distributively.

‘(2) Without limiting subsection (1), if a provision of a statutory instrument would, apart from this section, be interpreted as exceeding power—

- (a) the provision is valid to the extent to which it does not exceed power; and
- (b) the remainder of the statutory instrument is not affected.

‘(3) Without limiting subsection (1), if the application of a provision of a statutory instrument to a person, matter or circumstance would, apart from this section, be interpreted as exceeding power, the provision’s application to other persons, matters or circumstances is not affected.

‘(4) This section applies to a statutory instrument in addition to, and without limiting, any provision of the statutory instrument or authorising law.’.

5. After section 30—

insert—

‘Reasonable cost etc. may be prescribed as fee

‘30A. If a power is conferred by a law for a statutory instrument to be made with respect to a fee for doing a thing, the power includes a power to prescribe the fee as an amount—

- (a) that a specified person or body considers to be reasonable; and
- (b) that is not more than the reasonable cost of doing the thing.’.

6. Section 40(2) and (3)—

omit, insert—

‘(2) In the case of subordinate legislation that is not an exempt instrument under the *Legislative Standards Act 1992*, subsection (1) may be complied with in either of the following ways—

- (a) by publication in the Gazette of a notice of—
 - (i) the making of the subordinate legislation; and
 - (ii) a place or places where copies can be obtained (by purchase or otherwise);
- (b) by publication in the Gazette of the subordinate legislation.

‘(3) In the case of subordinate legislation that is an exempt instrument under the *Legislative Standards Act 1992*, subsection (1) may only be complied with by publication in the Gazette of the subordinate legislation.’.

7. Schedule 1—

insert ‘section 7’.

8. Schedule 1—

omit ‘14I’, insert ‘14J’.

9. Schedule 1—

omit ‘49’, insert ‘48A’.

Explanatory note

Amendment 1 amends section 15 (Modified application—s.14B) which defines “extrinsic material” for statutory instruments. The inclusion of the Clerk in proposed 15(f)(ii) reflects current Parliamentary practice.

Amendment 2 clarifies the application of section 20A(1) to references to subordinate legislation that may be replaced by a regulation.

Amendment 3 inserts 2 new sections. Proposed section 20B enables statutory instruments to be cited by a short title that correctly reflects the year in which they are made. Proposed section 20C provides for the continuance of statutory

instruments made under amended provisions. The proposed section will be particularly relevant to cases where a provision is amended to provide for a changed instrument type as part of the process of rationalising the types of Queensland statutory instruments, or where a regulation making power is replaced by a standard regulation making power.

Amendment 4 remakes section 21 (Statutory instruments to be construed not to exceed powers conferred by law under which made) consistent with proposed section 9 (Act to be interpreted not to exceed Parliament's legislative power) of the *Acts Interpretation Act 1954*.

Amendment 5 enables an authorised fee, for example, a fee for the inspection and taking copies of documents, to be expressed as a fee reflecting the reasonable costs incurred, rather than as a fixed dollar amount.

Amendment 6 ensures easy access through the Gazette to the small number of legislative instruments that are exempt from being drafted by the Office of the Queensland Parliamentary Counsel under the *Legislative Standards Act 1992* and that, because of this, are not included in the new Subordinate Legislation Series. Exempt instruments must now be published in full in the Gazette. Other subordinate legislation may merely be noted in the Gazette and will be included in the Subordinate Legislation Series.

Amendments 7 to 9 amend Schedule 1 to include section 7 (Act includes statutory instruments under Act etc.) and proposed sections 14J (References to repealed or expired laws) and 48A (Verification of documents) of the *Acts Interpretation Act 1954* in the list of provisions of that Act that apply to statutory instruments.

STIPENDIARY MAGISTRATES ACT 1991

Amendments

1. After section 10(2)—

insert—

‘(2A) Subsection (2) does not authorise the Chief Stipendiary Magistrate to promote a Magistrate.’.

2. Section 15(4)(a)—

omit, insert—

‘(a) has been convicted of an indictable offence; or’.

3. Section 16(3)—

omit ‘section 15(3)’, *insert* ‘section 15(4)’.

4. Section 18(1)(b)—

omit ‘by order in council’.

5. After section 18(1)—

insert—

‘(1A) A Magistrate may be promoted only in accordance with a determination of the Governor in Council.’.

6. Section 18(2)—

omit ‘by order in council’.

7. Section 22—

omit, insert—

‘Regulations

‘22. The Governor in Council may make regulations for the purposes of this Act.’.

Explanatory note

Amendment 1 expressly provides that the powers of the Chief Stipendiary Magistrate under section 10(2) do not extend to the promotion of Magistrates.

Amendment 2 omits matter that is redundant because of the *Acts Interpretation Act 1954*.

Amendment 3 corrects a cross reference.

Amendments 4 and 6 remove the requirement for orders in council in relation to the determination of terms and conditions of employment of Magistrates.

Amendment 5 expressly extends the terms and conditions of Magistrates that are to be determined by the Governor in Council to promotions.

Amendment 7 remakes section 22 in the current drafting style for regulation making powers.

SURVEYORS ACT 1977

Amendments

1. Section 6A—

omit, insert—

‘Delegation

‘6A. The chief executive may delegate the chief executive’s powers under this Act, or the chief executive’s powers under another Act with respect to surveys or surveying, to an officer or employee of the department.’.

2. Section 19(1)—

omit, insert—

‘19.(1) The Board must employ a secretary and may employ or appoint other officers that are necessary for the effective administration of this Act.’.

3. Section 19(2)—

omit.

Explanatory note

Amendment 1 permits the chief executive’s delegation to encompass a considerably wider scope than just surveying land. e.g. astronomical observations, calibration of instruments and surveys at sea.

Amendments 2 and 3 permit the Board to employ a secretary and other officers who are not public servants.

TRAFFIC ACT 1949

Amendments

1. Section 9(1) (definitions “B-Double” and “Road train”)—

omit.

2. Section 9(1)—

insert—

‘ **“B-Double”** means a combination of vehicles consisting of a prime mover towing 2 semitrailers, with 1 semitrailer superimposed on, and connected to the semitrailer directly connected to the prime mover;

“road train” means a combination of vehicles (other than a B-Double) consisting of a motor vehicle towing 2 or more trailers;’.

Explanatory Note

Amendments 1 and 2 replace existing definitions to facilitate national uniformity of transport regulations in areas such as vehicle dimensions ahead of the introduction of national legislation.

VALUATION OF LAND ACT 1944

Amendments

1. Section 11(7)(a)—

omit ‘(10)’, insert ‘(9)’.

2. Section 11(9)—

omit ‘, under this section (except subsection (7)), the’, insert ‘a’.

3. After section 14—

insert—

‘(2) Despite section 15, subsection (1) applies to valuations used for rating and land tax purposes and does not apply to valuations for rental purposes.’.

Explanatory note

Amendments 1 corrects an incorrect cross-reference.

Amendment 2 corrects a minor drafting error made by the *Lands Legislation Amendment Act 1992*. Under the *Valuation of Land Act 1944* (as amended by that Act), section 11(7) (as corrected by Amendment 1) applies section 11(9) in making a valuation for the purposes of section 11(7), but the application of section 11(9) to section 11(7) is presently expressly excluded by the terms of section 11(9).

Amendment 3 clarifies that aggregation of certain lands for the purposes of a valuation does not prevent a separate valuation being made for rental purposes.

WATER RESOURCES ACT 1989**Amendment****1. After section 10.35—**

insert—

‘Validation of agreement

10.36 It is declared that the agreement made on 29 September 1992 and set out in the Schedule to the *Water Resources (Gordonstone Water Supply Agreement) Order 1992* (the “**order**”) is taken to have been validly approved by the Governor in Council for the purpose of section 3.20 of the *Water Resources Act 1989* on and from the date of notification of the order in the Gazette.’.

Explanatory note

Because the order in council did not make it sufficiently clear that the approval of the Governor in Council was in fact given to the agreement, the validation is necessary to remove any doubt about the question.

SCHEDULE 2**AMENDMENTS BY WAY OF STATUTE LAW
REVISION ONLY**

section 3

DRUGS MISUSE ACT 1986**Amendments****1. Section 4(1) (definition “educational institution”)—***omit ‘Education Act 1964–1988’,**insert ‘Education (General Provisions) Act 1989’.***2. Section 52A—***omit ‘Director-General of Health and Medical Services’,**insert ‘Chief Health Officer, Department of Health’.***Explanatory note**

Amendments 1 and 2 update references.

**EDUCATION (SENIOR SECONDARY SCHOOL
STUDIES) ACT 1988****Amendment****1. Section 7(6)—***omit.*

Explanatory Note

The amendment effects statute law revision by omitting a redundant provision now provided for by the *Statutory Instruments Act 1992*.

EDUCATION (TEACHER REGISTRATION) ACT 1988**Amendment****1. Section 7(6)—**

omit.

Explanatory note

The amendment effects statute law revision by omitting a redundant provision now provided for by the *Statutory Instruments Act 1992*.

**EDUCATION (TERTIARY ENTRANCE
PROCEDURES AUTHORITY) ACT 1990****Amendment****1. Section 7(6)—**

omit.

Explanatory note

The amendment effects statute law revision by omitting a redundant provision now provided for by the *Statutory Instruments Act 1992*.

JUDGES (SALARIES AND ALLOWANCES) ACT 1967**Amendments****1. Section 2 (heading)—**

omit, insert—

‘Salary and allowances of Supreme Court Judges’.

2. Section 2—

omit ‘Part 6’, insert ‘Part 5’.

3. Section 3—

insert (as heading)—

‘Salary and allowances of District Court Judges’.

4. Section 3—

omit ‘Part 6’, insert ‘Part 5’.

5. Part IV—

omit.

6. Part 3A and Part VI—

renumber as Parts 4 and 5 respectively.

7. Section 4—

omit ‘Part 6’, insert ‘Part 5’.

8. Sections 20 to 27 and 29 to 32—

renumber as sections 5 to 16 respectively.

9. Section 5(2) (as renumbered)—

omit ‘notification published in the Gazette’, *insert* ‘Gazette notice’.

10. Section 10(1) and (2) (as renumbered)—

omit ‘notification published in the Gazette’, *insert* ‘Gazette notice’.

11. Section 12(4) (as renumbered)—

omit, insert—

‘(4) Determinations made by the Tribunal are subordinate legislation.’.

Explanatory note

The amendments effect statute law revision by recasting provisions in accordance with current drafting practice and renumbering part of the Act with consequential amendments to cross references.

STAMP ACT 1894

Amendment**1. Section 53A (2nd paragraph)—**

omit ‘the provisions of subsection five of section fifty-three of this Act’,
insert ‘section 53(11)’.

Explanatory note

Amendment 1 amends an incorrect cross reference.

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1992

Amendment

1. Schedule 2, amendment of Local Government (Planning and Environment) Act 1990, item 45 (after ‘thereto’)—

insert ‘(wherever occurring)’.

Commencement

Amendment 1 commences on 7 December 1992.

Explanatory note

Amendment 1 clarifies an earlier statute revision amendment.

WORKPLACE HEALTH AND SAFETY ACT 1989

Amendment

1. Section 114(2)(b)(i)—

omit ‘Director of Accident Prevention appointed or taken to be appointed under and for the purposes of this Act,’,

insert ‘Director’.

Explanatory note

Amendment 1 corrects a reference.

SCHEDULE 3**ACTS REPEALED**

section 4(1)

A. OBSOLETE ACTS**1. Acts Amendment and Construction Act 1988***Acts Repeal Act 1991**Administration of Commercial Laws Act and Other Acts Amendment Act 1981**Agricultural Bank Act Amendment Act 1929**Agricultural Bank Acts Amendment Act 1931**Agricultural Bank (Loans) Act Amendment Act 1981**Agricultural Bank (Loans) Act and Another Act Amendment Act 1980**Agricultural Bank (Special Ratification) Act 1959**Agricultural Bank (Special Ratification) Act 1963**Appropriation Act 1988–1989 (No. 1)**Appropriation Act 1988–1989 (No. 2)**Appropriation Act 1989–1990 (No. 1)**Appropriation Act 1989–1990 (No. 2)**Appropriation Act 1990–1991 (No. 1)**Appropriation Act 1990–1991 (No. 2)**Associated General Contractors Insurance Company Limited (Motor Vehicles Insurance) Act 1980**Brands Acts Amendment Act 1932**Brands Acts and Diseases in Stock Acts Amendment Act 1941*

Brisbane and Area Water Board Act Amendment Act 1991

City of Brisbane Market Act Amendment Act 1982

City of Brisbane (Water Supply) Act and Another Act Amendment Act 1978

Clean Air Act Amendment Act 1981

Coal and Oil Shale Mine Workers (Pensions) Act Amendment Act 1942

Coal and Oil Shale Mine Workers (Pensions) Act Amendment Act 1970

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1947

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1948

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1950

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1952

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1954

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1958

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1960

Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act 1968

Common Law Practice Act Amendment Act 1978

Constitution (Cancellation of Referendum) Act 1989

Constitution (Duration of Legislative Assembly) Referendum Act 1990

Co-ordination of Rural Advances and Agricultural Bank Act Amendment Act 1943

Co-ordination of Rural Advances and Agricultural Bank Acts Amendment Act 1945

Co-ordination of Rural Advances and Agricultural Bank Acts Amendment Act 1946

Co-ordination of Rural Advances and Agricultural Bank Acts Amendment Act 1947

Co-ordination of Rural Advances and Agricultural Bank Acts Amendment Act 1951

Co-ordination of Rural Advances and Agricultural Bank Act Amendment Act 1969

Co-ordination of Rural Advances and Agricultural Bank Acts and Other Acts Amendment Act 1944

Daylight Saving Act 1989

Diseases in Plants Acts and Another Act Amendment Act 1937

Diseases in Stock Acts Amendment Act 1948

Diseases in Stock Acts Amendment Act 1952

Diseases in Stock Acts and Another Act Amendment Act 1944

Diseases in Stock Acts and Other Acts Amendment Act 1940

Drainage of Mines Act Repeal Act 1988

Education (General Provisions) Act Amendment Act 1989

Education (Subordinate Instruments Ratification) Act 1984

Evangelical Lutheran Church, Wickham Terrace, Act 1910

Explosives Act Amendment Act 1980

Farm Water Supplies Assistance Act and Another Act Amendment Act 1989

Farmers' Assistance Act Amendment Act 1971

Farmers' Assistance Act Amendment Act 1971 (No. 2)

Farmers' Assistance Act (Amendment) and Reconstruction Agreements (Ratification) Act 1974

Farmers' Assistance Act (Amendment) and Rural Adjustment Agreement (Ratification) Act 1980

Farmers' Assistance (Debts Adjustment) Act Amendment Act 1970

Fruit and Vegetables Act and Other Acts Amendment Act 1988
Health Act Amendment Act 1973
Health Acts Amendment Act 1945
Health Acts Amendment Act 1967
Hen Quotas Act Amendment Act 1985
Honourable Angelo Vasta (Validation of Office) Act 1989
Honourable Jack Lawrence Kelly Enabling Act 1976
Imperial Acts (Termination of Application) Act 1968
Income Tax Act 1936
Income Tax Adjustment Act 1946
Income Tax Assessment Act 1936
Income Tax Assessment Act Amendment Act 1941
Intellectually Handicapped Citizens Act Amendment Act 1989
Irrigation Acts and Another Act Amendment Act 1957
Irrigation Acts and Other Acts Amendment Act 1954
Irrigation and Water Supply Acts Amendment Act 1931
Irrigation and Water Supply Commission Act and Other Acts Amendment Act 1949
Judges' Validating Act 1888
Judicature Act Amendment Act 1900
Justices Acts and Real Property Fees Act 1932
Licensed Victuallers' Licenses (Validation of Removals) Act 1973
Liquefied Petroleum Gas Subsidy Act Commencement Act 1981
Liquor Act Amendment and Liquor License Fees Adjustment Act 1979
Liquor Act Amendment and Spirit Merchant's Licenses (Validation of Transfers) Act 1987
Local Authorities (1991 Elections) Act 1990
Local Government (Aboriginal Lands) Act Amendment Act 1978

Local Government (Adjustment of Boundaries) Act 1978
Maintenance and Alimony Relief Act 1935
Meat Industry Act Amendment Act 1977
Meat Industry Act Amendment Act 1981
Medical Act and Other Acts Amendment Act 1981
Metropolitan Water Supply and Sewerage Acts Amendment Act 1918
Metropolitan Water Supply and Sewerage Acts Amendment Act 1921
Mines Department (Administration) Act 1982
Mining Acts Amendment Act 1929
Mining Machinery Advances Act Repeal Act 1988
Motor Vehicles Insurance Act Amendment Act 1969
Motor Vehicles Insurance Acts Amendment Act 1945
Motor Vehicles Insurance Acts Amendment Act 1968
Northumberland Insurance Company Limited (Motor Vehicles Insurance) Act 1974
Parliamentary Committee Transitional Act 1977
Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988
Picture Theatres and Films Act Repeal and Other Acts Amendment Act 1990
Police Act Amendment Act 1944
Public Accountants Registration (Repeal and Consequential Amendments) Act 1990
Public Trustee Regulations (Continuation) Act 1988
Queensland Law Society Act Amendment Act 1980
Queensland Law Society Acts Amendment Act 1967
Queensland Meat Inspection Agreement Act Repeal Act 1988
Racing and Betting Act Amendment Act 1984
Racing and Betting Act Amendment Act 1985

Save the Steam Car Fund Act 1985

Seven Seas Insurance Company Limited (Motor Vehicles Insurance) Act 1962

State Advances Act and Other Acts Relief Amendment Act 1934

State Enterprises Acts Repeal Act 1983

Statistics Act 1935

Stock Act and Another Act Amendment Act 1984

Stock Act and Other Acts Amendment Act 1973

Stock Acts Amendment Act 1965

Student Education (Work Experience) Act Amendment Act 1989

Summer Time Repeal Act 1992

Trade Coupons Act Repeal Act 1978

Trade Descriptions (Textile Products) Act Repeal, and Other Acts Amendment Act 1964

Upper Burdekin Co-operative Association Limited Validation Act 1979

Vehicle & General Insurance Company (Australia) Ltd. (Motor Vehicles Insurance) Act 1971

V.I.P. Insurances Limited (Motor Vehicles Insurance) Act 1978

V.I.P. Insurances Limited (Motor Vehicles Insurance) Act Amendment Act 1981

War Service Land Settlement Act 1946

War Service Land Settlement Acts Amendment Act 1967

War Service Land Settlement Acts Amendment Act 1959

War Service Land Settlement Validation Act 1950

Water Acts and Another Act Amendment Act 1940

Weekend Detention Act 1970

Weekend Detention Act Amendment Act 1983

Weekend Detention Act Amendment Act 1984

Wine Industry Act and Another Act Amendment Act 1978

Explanatory note

These Acts are Acts that have been identified as obsolete.

B. OTHER ACTS**2. *Coal Mining Industry Long Service Leave Act 1951***

Coal Mining Industry Long Service Leave Act Amendment Act 1990

Commencement

27 June 1993

Explanatory note

These Acts will be redundant with the commencement of the *Coal Mining Industry (Long Service Leave Funding) Act 1992* of the Commonwealth.

3. *Sporting Bodies' Loans Guarantee Act 1973***Explanatory note**

This Act is no longer required as it is proposed not to make further guarantees under it.

4. *Treaties Commission Act 1974***Explanatory note**

No work has been undertaken by the Commission since 1977. The functions of the Commission are no longer required.

SCHEDULE 4**IMPERIAL LAWS THAT CEASE TO BE IN FORCE**

section 4(2)

*Appellate Jurisdiction Act 1887**Appellate Jurisdiction Act 1908**Habeas Corpus Act 1862**Judicial Committee Act 1843**Judicial Committee Act 1881**Judicial Committee Act 1915**Judicial Committee Amendment Act 1895**Privy Council Registrar Act 1853*

Rules Regulating Appeals from Queensland

Explanatory note

These Imperial laws have been identified as obsolete.

SCHEDULE 5**DECLARED LAWS WHOSE REPEAL DOES NOT END
THEIR EFFECT**

section 4(3)

*Acts Amendment and Construction Act 1988, sections 4, 5, 7 and 9**Common Law Practice Act Amendment Act 1978, sections 3 and 4**Fruit and Vegetables Act and Other Acts Amendment Act 1988, section 10**Local Government (Adjustment of Boundaries) Act 1978**Local Government (Planning and Environment) Act 1990, section 8.12(4)**Weekend Detention Act 1970**Weekend Detention Act Amendment Act 1983**Weekend Detention Act Amendment Act 1984*