

Queensland



**STATUTE LAW
(MISCELLANEOUS
PROVISIONS) ACT (No. 2)
1994**

Act No. 87 of 1994

Queensland



STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1994

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EFFECT**

Queensland



**Statute Law (Miscellaneous Provisions) Act
(No. 2) 1994**

Act No. 87 of 1994

**An Act to make various amendments of Queensland statute law and
to repeal certain Acts**

[Assented to 1 December 1994]

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

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1994*.

Commencement

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

Amended Acts—Schs 1 and 2 and Sch 3, Pt 1

3. Schedules 1 and 2 and Schedule 3, Part 1 amend the Acts mentioned in them.

Repealed Acts—Sch 3, Pt 2 and Schs 4 to 8

4.(1) The Acts mentioned in Schedule 3, Part 2 and Schedules 4 to 8 are repealed.

(2) The Acts mentioned in Schedule 9 cease to have effect in Queensland.

(3) The Acts mentioned in Schedule 10 are declared to be laws to which section 20A of the *Acts Interpretation Act 1954* applies.

Explanatory notes

5. An explanatory note to a provision of this Act is not part of the Act.

SCHEDULE 1

MINOR AMENDMENTS AND AMENDMENTS BY WAY OF STATUTE LAW REVISION

section 3

ACTS INTERPRETATION ACT 1954

Amendments

1. Section 14(3)—

omit, insert—

‘(3) An example in an Act of the operation of a provision of the Act is part of the Act.

‘(4) A schedule or appendix to an Act is part of the Act.’.

2. Section 14(4) and (5)—

renumber as section 14(5) and (6).

3. Section 14F(4), ‘ ‘Imperial Act’ ’—

omit, insert—

‘ ‘UK’, ‘Imperial Act’ or ‘Imp’ ’.

4. Section 19, ‘or a provision of an Act’—

omit, insert—

‘, or a provision of an Act, that has commenced’.

SCHEDULE 1 (continued)

5. After section 19—*insert—***‘Commencement not undone if omitted**

‘**19A.** If a provision of an Act provides for the commencement of a law and the law has commenced, the later omission of the provision does not affect the continuing operation of the law.’.

6. Before section 27A(1)—

‘**(1A)** Authority to delegate a person’s or body’s powers includes authority to delegate doing an act or making a decision for performing a function of the person or body.’.

7. Section 32AA(c), after ‘exclude’—*insert—*

‘or limit’.

8. Section 32CA(3)—*omit, insert—*

‘**(3)** To remove any doubt, it is declared that this section applies to an Act passed after 1 January 1992 despite any presumption or rule of interpretation.’.

9. After section 32E—*insert—***‘References to commencement**

‘**32F.(1)** In an Act, a reference to “**commencement**” for an Act or a provision of an Act is a reference to the time the Act or provision comes into operation.

SCHEDULE 1 (continued)

‘(2) In a provision of an Act, a reference to **“the commencement”** without indicating a particular Act or provision is a reference to the commencement of the provision in which the reference occurs.

Example of subsection (2)—

If section 24(3) of an Act stated ‘This section expires 1 month after the commencement’, ‘the commencement’ referred to is the commencement of section 24(3).’.

10. Section 33—

insert—

‘(4B) In an Act, a reference to a department is a reference to an entity specified as a department of government in Schedule 1 to the *Public Service Management and Employment Act 1988*.

‘(5AC) In an Act, a reference to a chief executive is a reference to a chief executive of a unit of the public sector.’.

11. Section 35B—

omit, insert—

‘References to certain provisions of an Act

‘**35B.(1)** A reference in an Act (the **“Act concerned”**) to a Chapter or section by a number without mentioning an Act—

- (a) if the reference occurs in the body of the Act concerned—is a reference to the Chapter or section, designated by the number, of the body of the Act concerned; or
- (b) if the reference occurs in a schedule or appendix to the Act concerned—is a reference to the Chapter or section, designated by the number, of the schedule or appendix.

‘(2) A reference in an Act (the **“Act concerned”**) to a schedule or appendix—

- (a) by a number without mentioning an Act—is a reference to the

SCHEDULE 1 (continued)

schedule or appendix, designated by the number, of the Act concerned; or

- (b) without mentioning a number or an Act and there is only 1 schedule or appendix to the Act concerned—is a reference to the schedule or appendix.

‘(3) A reference in an Act (the “**Act concerned**”) to a Part by a number without mentioning an Act—

- (a) if the reference occurs in the body of the Act concerned—
 - (i) for an Act containing Chapters—is a reference to the Part, designated by the number, of the Chapter in the body of the Act concerned in which the reference occurs; or
 - (ii) for an Act not containing Chapters—is a reference to the Part, designated by the number, in the body of the Act concerned in which the reference occurs; or
- (b) if the reference occurs in a schedule or appendix to the Act concerned—
 - (i) for a schedule or appendix containing Chapters—is a reference to the Part, designated by the number, of the Chapter of the schedule or appendix in which the reference occurs; or
 - (ii) for a schedule or appendix not containing Chapters—is a reference to the Part, designated by the number, of the schedule or appendix in which the reference occurs.

‘(4) A reference in an Act (the “**Act concerned**”) to another provision unit by a number without mentioning an Act—

- (a) if the reference occurs in the body of the Act concerned—is a reference to the provision unit, designated by the number, of or in the relevant provision unit of the body of the Act concerned; or
- (b) if the reference occurs in a schedule or appendix to the Act concerned—is a reference to the provision unit, designated by the number, of or in the relevant provision unit of the schedule or appendix.

SCHEDULE 1 (continued)

‘(5) In this section—

“body of the Act” means the Act apart from a schedule or appendix to the Act.

Examples of subsection (4)—

1. In the body of an Act—

- ‘Division 1’ means Division 1 of the Part of the body of the Act in which the reference occurs.
- ‘Subdivision 2’ means Subdivision 2 of the Division of the body of the Act in which the reference occurs.
- ‘subsection (3)’ means subsection (3) of the section of the body of the Act in which the reference occurs.
- ‘paragraph (a)’ means paragraph (a) of the section, subsection, column, table, form or other provision unit of the body of the Act in which the reference occurs.
- ‘subparagraph (i)’ means subparagraph (i) of the paragraph of the body of the Act in which the reference occurs.
- ‘sub-subparagraph (A)’ means sub-subparagraph (A) of the subparagraph of the body of the Act in which the reference occurs.

2. In Schedule 2 to an Act—

- ‘Division 1’ means Division 1 of the Part of Schedule 2 in which the reference occurs.
- ‘Subdivision 2’ means Subdivision 2 of the Division of Schedule 2 in which the reference occurs.
- ‘subsection (3)’ means subsection (3) of the section of Schedule 2 in which the reference occurs.
- ‘paragraph (a)’ means paragraph (a) of the section, subsection, item, column, table, form or other provision unit of Schedule 2 in which the reference occurs.
- ‘subparagraph (i)’ means subparagraph (i) of the paragraph of Schedule 2 in which the reference occurs.
- ‘sub-subparagraph (A)’ means sub-subparagraph (A) of the subparagraph of Schedule 2 in which the reference occurs.
- ‘item 1’ means item 1 of Schedule 2.’.

SCHEDULE 1 (continued)

12. Section 35C—

insert—

‘(2) An example of the operation of a provision of the Act at the end of the provision is part of the provision unless the example relates to a different provision.

Example of subsection (2)—

This example forms part of subsection (2) and an amendment omitting subsection (2) would omit this example.

‘(3) A penalty at the end of a subsection of an Act—

- (a) is part of the subsection unless the penalty relates to other subsections of the section; or
- (b) in any other case—is part of the section.

‘(4) A penalty at the end of a section of an Act that is not divided into subsections is part of the section.’.

13. Section 35C(2) and (3)—

renumber as section 35C(5) and (6).

14. Section 36, definition “commencement”—

omit.

15. Section 36—

insert—

‘ **“chief executive officer”** of a local government includes the town clerk of the Brisbane City Council.

“commencement” see section 32F.

“company GOC” has the same meaning as in the *Government Owned Corporations Act 1993*.

SCHEDULE 1 (continued)

“**complaint and summons**” means a complaint and summons under the *Justices Act 1886*.

“**GOC**” (or “**government owned corporation**”) has the same meaning as in the *Government Owned Corporations Act 1993*.

“**lawyer**” means a barrister, solicitor, barrister and solicitor or legal practitioner of the High Court or the Supreme Court of a State.

“**of this Act**”, when used in a schedule or appendix to an Act, means the Act apart from a schedule or appendix to the Act.

“**Parliament**” means—

- (a) for Queensland—the Sovereign and the Legislative Assembly; or
- (b) for another State—the State’s legislature.

“**Queensland lawyer**” means a barrister or solicitor of the Supreme Court.

“**statutory GOC**” has the same meaning as in the *Government Owned Corporations Act 1993*.’.

16. Section 36, at end of definition “definition”—

insert—

‘*Examples of definitions—*

1. “X” means Y.
2. A reference to X is a reference to Y.
3. Words and expressions used in the XYZ Act have the same respective meanings in this Act.’.

17. Section 36, definition “provision”, paragraphs (a) and (b)—

omit, insert—

- ‘(a) a Chapter, Part, Division, Subdivision, section, subsection, paragraph, subparagraph, sub-subparagraph, of the Act apart from a schedule or appendix to the Act; and
- (b) a schedule or appendix to the Act or a section, subsection,

SCHEDULE 1 (continued)

paragraph, subparagraph, sub-subparagraph, item, column, table or form of or in a schedule or appendix to the Act; and’.

18. Section 36, definition “under”—

insert—

‘(d) within the meaning of.’.

Explanatory notes**What is part of an Act?—amendments 1 and 2**

Section 14 clarifies what material is, and is not, part of an Act.

Section 14D of the *Acts Interpretation Act 1954* explains the use of examples in Queensland legislation. Proposed section 14(3) puts it beyond doubt that an example in an Act is part of the Act.

Existing section 14(3) states that schedules are part of an Act. Proposed section 14(4) restates this and also states that appendixes to an Act (for example, the Consumer Credit Code appended to the *Consumer Credit (Queensland) Act 1994*) are part of the Act.

In future, definitions in an Act will, if appropriate, be set out in alphabetical order in a dictionary in the last schedule to the Act. If a dictionary is used, there will be a provision in the body of the legislation (where a definitions section would have been located) referring to the dictionary and its location.

Amendment 2 is a consequential renumbering of section 14’s remaining subsections.

References to British Acts—amendment 3

Section 14F(4) deals with references to British Acts. Amendment 3 adds the common abbreviations ‘UK’ and ‘Imp’ to the terms that may be used in the citation of a British Act.

Repealed Acts etc. not revived—amendment 4

Section 19 provides that an amended or repealed Act is not revived merely because the amending or repealing Act is itself later repealed or amended. Amendment 4 makes it clear that the section only applies if the amending or repealing Act has commenced.

SCHEDULE 1 (continued)

Omission of commencement provision—amendment 5

Proposed section 19A ensures that the omission of commencement provisions or (under the *Statutory Instruments Act 1992*) the repeal of commencement instruments does not affect the continuing operation of a commenced law. This Bill also inserts section 39A of the *Statutory Instruments Act 1992* to automatically repeal commencement instruments to assist maintenance of the Statute Book.

Delegation of powers—amendment 6

Section 27A deals extensively with delegation of powers. This simplifies and shortens other Acts that authorise delegations by providing provisions explaining the mechanics of delegation and otherwise supporting the use of a short standard delegation along the following lines—

‘Delegation

00. The XYZ Corporation may delegate its power to a corporation member.’.

Section 27A(16) already defines power to include doing an act or making a decision for the purpose of performing a function. Proposed section 27A(1A) ensures that this extended meaning is given to ‘power’ when used in a short standard delegation.

Definitions in 2 Acts—amendment 7

Section 32AA deals with what happens when a term is defined in both the *Acts Interpretation Act 1954* and another Act. Existing section 32AA(c) states that a non-exhaustive definition in the other Act does not exclude, but may extend the Acts Interpretation Act definition. The proposed amendment makes it clear that not only does the other Act’s definition not exclude the Acts Interpretation Act definition, it also does not limit the Acts Interpretation Act definition.

Meaning of “must” and “may”—amendment 8

Section 32CA deals with the meaning of “may” and “must”. Existing section 32CA(3) already states that the section has effect for Acts passed after 1 January 1992 despite any rule of construction to the contrary. Proposed section 32CA(3) merely remakes the provision in a way that is consistent with an amendment of section 14A of the *Acts Interpretation Act 1954* proposed by the *Fire Service Legislation Amendment Bill 1994*.

SCHEDULE 1 (continued)

Meaning of commencement—amendment 9

Proposed section 32F(1) restates the existing definition of “commencement” in section 36.

Proposed section 32F(2) facilitates the shortening of provisions referring to commencement of the provision in which the reference is made.

References to department and chief executive—amendment 10

Section 33 allows simple references to Ministers, departments and chief executives by explaining the meaning of the references in particular contexts.

Proposed section 33(4B) is a basic provision explaining that a reference to a department is a reference to a department of government. Proposed section 33(5AC) is a similar basic provision explaining that a reference to a chief executive is a reference to a chief executive of a unit of the public sector.

Proposed section 33(4B) and 33(5AC) mirror section 33(1)(a) which explains references to Ministers.

References to certain provisions—amendment 11

Existing section 35B is a technical provision included to assist Queensland legislative drafters in drafting legislation and readers of Queensland legislation in reading legislation. It provides an explanation of references in an Act to Chapters, Parts, schedules, sections, subsections and certain other provisions of an Act.

Rationalisation of the name of provision units is part of the process of standardising legislative drafting. Until 1991, the practice in Queensland was to give provision units of statutory instruments different names according to the type of the instrument. Now the name of provision units of statutory instruments, with limited exceptions, follow that used in Acts, namely, Chapter, Part, Division, Subdivision, section, subsection etc.

However, the name of provision units in schedules still differ from the name of provision units in the body of an Act. For example, ‘clause’ and ‘subclause’ are used in the schedule context, while ‘section’ and ‘subsection’ are used in the body of the Act. This will be standardised so the name of provision units in schedules follow that used in the body of an Act.

This standardisation must be supported by rules to avoid possible confusion about, for example, whether a section reference in a schedule is to a section in the body of the Act or to a section of the schedule. The supporting rules have been introduced by the proposed amendments of section 35B.

SCHEDULE 1 (continued)

Basically, a reference in the body of an Act is a reference to the relevant provision in the body of the Act, while a reference in a schedule or appendix is a reference to the relevant provision in the schedule or appendix. For example, ‘section 14’, if used in the body of an Act, means section 14 of the body of the Act. In the body of an Act, ‘section 14 of the schedule’ would be used to refer to section 14 of the schedule.

‘[S]ection 14’, if used in a schedule to an Act, means section 14 of the schedule. In a schedule to an Act, ‘section 14 of this Act’ would be used to refer to section 14 of the body of the Act—see proposed definition “of this Act” in section 36.

The amendment gives extensive examples.

What is part of a provision?—amendments 12 and 13

Existing section 35C is a technical provision included to assist Queensland legislative drafters in drafting amending legislation. Existing section 35C(1) provides that a heading to a provision (for example, a Chapter) is part of the provision to which it is a heading. This means an amendment omitting a Chapter omits the Chapter’s heading because it is part of the Chapter. A separate amendment omitting the heading is unnecessary.

Proposed section 35C(2) applies a similar rule to examples. Accordingly, if a provision having an example is omitted, the example is automatically omitted. This reduces the number of separate amendments otherwise necessary.

Proposed section 35C(3) and (4) apply a similar rule to penalties.

Amendment 13 is a consequential renumbering of section 35C’s remaining subsections.

Definitions—amendments 14 to 18

New definition—“chief executive officer”

The proposed definition of “chief executive officer” ensures that a reference in an Act to the chief executive officer of a local government is, if the local government referred to is the Brisbane City Council, a reference to the town clerk of the Brisbane City Council.

New definition—“commencement”

Amendments 14 and 15 make a consequential amendment of the definition of “commencement” in section 36 to tell the reader where the definition may now be found.

SCHEDULE 1 (continued)

New GOC related definitions

The proposed definitions of “GOC” and the 2 types of GOC (“statutory GOC” and “company GOC”) refer to the recent *Government Owned Corporations Act 1993*.

New definition—“complaint and summons”

The proposed definition of “complaint and summons” will be useful in avoiding the need to repeat the definition in numerous other Queensland legislation.

New definitions—“lawyer” and “Queensland lawyer”

The proposed definitions of “lawyer” and “Queensland lawyer” are intended to facilitate the use of simple, user-friendly words. Note that the definition includes a lawyer of the Supreme Court of the Australian Capital Territory and the Northern Territory—*Acts Interpretation Act 1954*, ss 33A and 36, definition “State”.

New definition—“of this Act”

“[O]f this Act” is defined to support the amendment of section 35C.

New definition—“Parliament”

The proposed definition of “Parliament” will be useful in drafting national scheme legislation. Section 33A of the *Acts Interpretation Act 1954* applies making paragraph (b) of the proposed definition applicable to the Australian Capital Territory and the Northern Territory.

Amended definition—“definition”

Section 36 defines “definition” as meaning a provision of an Act (however expressed) that gives a meaning to a word or expression, or limits or extends the meaning of a word or expression. Amendment 16 adds examples to show ways in which a definition might be expressed. “Definition” is relevant to the following provisions of the *Acts Interpretation Act 1954*—

- section 22A(5) dealing with the automatic insertion of new definitions in existing lists of definitions in the appropriate alphabetical position
- section 32 giving corresponding meanings to other parts of speech and grammatical forms of definitions
- section 32A stating that definitions in or applicable to an Act apply except so far as the context or subject matter otherwise indicates or requires
- section 32AA dealing with terms defined both in the *Acts Interpretation Act 1954* and another Act.

SCHEDULE 1 (continued)

Amended definition “provision”—amendment 17

Amendment 17 makes a consequential amendment of the definition of “provision” in section 36 by adding references to examples and appendixes and recognising the change in the naming of provision units in schedules and appendixes (from ‘clause’ and ‘subclause’ to ‘section’ and ‘subsection’).

Amended definition “under”—amendment 18

Proposed paragraph (d) to be inserted by amendment 18 refines the existing definition of “under” for an Act or a provision.

AMBULANCE SERVICE ACT 1991**Amendments****1. Section 8.5(9) and (10)—**

renumber as section 8.5(10) and (11).

2. Section 8.5—

insert—

‘(9) The trustees must become a constitutional corporation on or before 31 December 1994.’.

3. Section 8.5(10), as renumbered, ‘trustees’—

omit, insert—

‘trustee’.

4. Section 8.5—

insert—

‘(12) In this section—

“**constitutional corporation**” has the meaning given by section 10 of the

SCHEDULE 1 (continued)

Superannuation Industry (Supervision) Act 1993 (Cwlth).'.

Explanatory note

The amendments allow the current trustees to incorporate and become a constitutional corporation as required by the *Superannuation Industry (Supervision) Act 1993* (Cwlth) before 31 December 1994.

ARCHITECTS ACT 1985**Amendments****1. Section 25(1)(a)—**

omit, insert—

‘(a) the person having the actual personal supervision and management of the business of the company at each place of business is an architect;’.

2. After section 55—

insert—

‘References to repealed Acts

‘**56.** A reference in an Act or document to either of the following Acts is taken to be a reference to this Act—

- *Architects Act 1928*
- *Architects Act 1962.*’.

Explanatory notes

Amendment 1 omits the requirement that the person supervising and managing the business be a Queensland resident.

Amendment 2 inserts a provision to deal with references to earlier repealed Acts that provided for substantially the same matters as this Act.

SCHEDULE 1 (continued)

DIRECTOR OF PROSECUTIONS ACT 1984**Amendments****1. Long title, ‘Director of Prosecutions’—***omit, insert—*

‘Director of Public Prosecutions’.

2. Section 1, ‘Director of Prosecutions Act 1984’—*omit, insert—*

‘Director of Public Prosecutions Act 1984’.

3. Section 4, definition “Director”, ‘Director of Prosecutions’—*omit, insert—*

‘Director of Public Prosecutions’.

4. Part 2, heading, ‘Director of Prosecutions’—*omit, insert—*

‘Director of Public Prosecutions’.

5. Part 2, Division 1, heading—*omit, insert—**‘Division 1—Director of Public Prosecutions and Office’.***6. In Part 2, Division 1, before section 5—***insert—*

SCHEDULE 1 (continued)

‘The Director of Public Prosecutions and Office

‘**4A.(1)** There is to be a Director of Public Prosecutions.

‘**(2)** An office called the Office of the Director of Public Prosecutions is established.

‘Division 1A—Provisions about Director of Public Prosecutions’.

7. Section 5(1)—

omit, insert—

‘**5.(1)** The Governor in Council may appoint a person to be the Director of Public Prosecutions.

‘**(1A)** The person must be a lawyer who has been admitted to practise for not less than 10 years.’.

8. Section 9—

omit.

9. Section 10(1)(a)(iii), from ‘or before’ to ‘Privy Council’—

omit.

10. Section 14—

omit.

11. Section 15, ‘Director of Prosecutions’—

omit, insert—

‘Director of Public Prosecutions’.

SCHEDULE 1 (continued)

12. Section 15, ‘or Acting’—

omit, insert—

‘or an acting’.

13. Section 16(2)—

renumber as section 16(4).

14. Section 16(1)—

omit, insert—

‘**16.(1)** As soon as practicable after the end of each financial year, but not later than 31 October, the Director must give to the Minister a report of the operations of the Office of the Director of Public Prosecutions during the year.

‘**(2)** However, the report for the financial year ending 30 June 1995 need only be about the operations of the Office from 1 January 1995 to 30 June 1995.

‘**(3)** Subsection (2) and this subsection expire on 1 November 1995.’.

15. Section 17—

omit, insert—

‘Appointment of Deputy Directors of Public Prosecutions

‘**17.** The Governor in Council may appoint a person who is a lawyer to be a Deputy Director of Public Prosecutions.’.

16. After section 33—

insert—

SCHEDULE 1 (continued)

‘Transitional

‘34. A reference in an Act or document to the office or holder of the office of—

- (a) Director of Prosecutions is taken to be a reference to the office or holder of the office of Director of Public Prosecutions; and
- (b) Acting Director of Prosecutions is taken to be a reference to the Acting Director of Public Prosecutions; and
- (c) Deputy Director of Prosecutions is taken to be a reference to the office or holder of the office of Deputy Director of Public Prosecutions.’.

Explanatory notes

Amendments 1, 2, 3, 4, 5 and 11 effect title changes for a number of offices and office holders to provide conformity with all other Australian jurisdictions.

Amendment 6 gives statutory recognition to the Office of the Director of Public Prosecutions.

Amendment 7 replaces the existing section 5 of the Act with a provision that reflects modern drafting practice about appointments.

Amendment 8 omits a redundant provision that is now dealt with under section 24B of the *Acts Interpretation Act 1954*.

Amendment 9 updates the provision by omitting reference to the Privy Council. The right to appeal to the Privy Council has been abolished.

Amendment 10 omits a redundant provision.

Amendment 12 reflects the removal of section 9 of the Act and that acting appointments are made under section 24B of the *Acts Interpretation Act 1954*.

Amendments 13 and 14 make the reporting requirements in the section consistent with the requirements under section 46J (Annual report) of the *Financial Administration and Audit Act 1977*.

Amendment 15 replaces the existing section 17 of the Act with a provision that reflects modern drafting practice about appointments.

Amendment 16 is consequential on the amendments that effect title changes.

SCHEDULE 1 (continued)

EDUCATION (TEACHER REGISTRATION) ACT 1988**Amendment****1. Section 10—**

omit.

Explanatory note

The amendment removes the restriction on re-appointment of members of the Board for more than 2 consecutive terms of office. Re-appointment is covered by the *Acts Interpretation Act 1954*.

FAIR TRADING ACT 1989**Amendments****1. Section 40A(1)—**

insert—

‘Maximum penalty—400 penalty units.’.

2. Section 40A(2)—

insert—

‘Maximum penalty—400 penalty units.’.

3. Section 51(1), after ‘40,’—

insert—

‘40A.’.

SCHEDULE 1 (continued)

4. Section 51(1)(a)(iii) and (iv)—

renumber as subparagraphs (v) and (vi).

5. Section 51(1)(a), after subparagraph (ii)—

insert—

(iii) the sale or grant, or possible sale or grant, of interests in land; or

(iv) the promotion by any means of the sale or grant of interests in land;’.

6. Section 51(1)(a)(v), after ‘services’, 2nd occurring—

insert—

‘, or the interests in land were relevant interests in land,’.

7. Section 51(1)(a)(vi)(A), after ‘kind’—

insert—

‘, or who sells or grants interests of that kind in land,’.

8. Section 51(1)(a)(vi)(B), after ‘kind’—

insert—

‘, or that sells or grants interests of that kind in land,’.

9. Section 51(3)—

insert—

“relevant interests in land”, for a prescribed information provider, means land interests of a kind sold or granted by the prescribed information provider or, if the prescribed information provider is a body corporate,

SCHEDULE 1 (continued)

by a body corporate related to the prescribed information provider.’.

10. Section 110(2)(b), ‘109(1)(c) to (f)’—

omit, insert—

‘109(1)(b)’.

Explanatory notes

Amendments 1 and 2 insert specific penalties because of the omission of the general penalty provision (section 92(2)) by the *Fair Trading Amendment Act 1994*.

The purpose of amendments 3 to 9 is to ensure that section 51 of the Act operates in a similar way to section 65 of the *Trade Practices Act 1975* (Cwlth) in relation to information providers.

Amendment 10 corrects a cross-reference.

GAMING MACHINE ACT 1991**Amendments****1. Section 24(8)(b), ‘section 40(7)’—**

omit, insert—

‘section 40(12)’.

2. Sections 35(6)(b) and 57(4)(b), ‘submission’—

omit, insert—

‘written submission’.

3. Sections 64(7), 94(7) and 184(8), ‘submissions’—

omit, insert—

‘written submissions’.

SCHEDULE 1 (continued)

4. Section 40(7)(h) and (i)—

renumber as section 40(7)(g) and (h).

5. Section 44(2)(b), ‘and the number of gaming machines of each betting unit’—

omit.

6. Section 56(3)(g)—

renumber as section 56(3)(f).

7. Section 130(2), ‘section 135’—

omit, insert—

‘section 134’.

8. Section 185(3), ‘Minister’—

omit, insert—

‘chief executive’.

9. Section 207(1), after ‘67,’—

insert—

‘105,’.

Explanatory notes

Amendments 1 and 7 correct a cross-reference.

Amendments 2 and 3 are to ensure that all submissions to the Commissioner or the Director are in writing.

Amendments 4 and 6 renumber paragraphs.

SCHEDULE 1 (continued)

Amendment 5. Under section 44, the Director must issue to each licensee a schedule of gaming machines for each licensed premises. The effect of amendment 5 is that the schedule will specify the number of gaming machines but not the least valuable bet that can be made on each machine.

Amendment 8 requires an inspector to have the approval of the chief executive rather than the Minister, in accordance with current drafting practice.

Amendment 9 allows proceedings for an offence against section 105 (Rules ancillary to gaming to be displayed and enforced) to be instituted by a police officer.

GAS ACT 1965**Amendments****1. Sections 11, 11A and 11B—**

omit.

2. Section 12(4)—

omit, insert—

‘(4) The Minister may, by Gazette notice—

- (a) grant a franchise or an extension of a franchise on conditions stated in the notice; or
- (b) refuse to grant a franchise or an extension of a franchise.

‘(4A) A condition must not be inconsistent with this Act.’

3. Section 12A(1) and (2)—

omit, insert—

‘12A.(1) A condition of the grant or extension of a franchise is in addition to a condition imposed by this Act.’

SCHEDULE 1 (continued)

4. Section 15(2) and (3)—

omit, insert—

‘(2) The Governor in Council may cancel the franchise for all or part of the franchise area from a specified date.

‘(3) The Governor in Council may cancel the franchise only after the Minister has considered the oral or written representations made by the franchise holder within the stated time.

‘(4) The Minister must give to the franchise holder written notice of the cancellation and the day of effect of the cancellation.

‘(5) If the Governor in Council cancels a franchise for all or part of a franchise area, the Minister may, after inviting applications from persons interested in establishing a reticulation system in the area, grant another franchise for the area.

‘(6) The Minister must publish notice of the invitation—

- (a) in a newspaper circulating in the area; and
- (b) if the area is outside Brisbane—in a newspaper circulating in Brisbane.’.

5. Section 18, 1st sentence, ‘the approval of the Governor in Council, given by Order in Council, first had and obtained’—

omit, insert—

‘the Minister’s previous approval’.

6. Section 18, 2nd sentence, ‘Governor in Council’—

omit, insert—

‘Minister’.

SCHEDULE 1 (continued)

7. Section 19(2) to (4)—

omit, insert—

‘(2) The Minister may either—

- (a) accept the surrender, with or without conditions; or
- (b) refuse to accept the surrender.

‘(3) If the Minister imposes conditions on the acceptance of the surrender, the surrender does not take effect until the conditions are satisfied.’.

8. Section 30(2)—

omit, insert—

‘(2) If the Minister is satisfied the return to the fuel gas supplier from the aggregate sales of fuel gas supplied to premises adjacent to a franchise area would be an economic return on the outlay that would be incurred by the supplier in supplying the fuel gas, the Minister may, by Gazette notice, extend the franchise area to include the premises.’.

Explanatory note

The amendments allow the Minister to grant gas reticulation franchises instead of the Governor in Council. However, existing arrangements under which only the Governor in Council may cancel a franchise will continue.

JUSTICES ACT 1886**Amendments****1. Section 77—**

omit, insert—

SCHEDULE 1 (continued)

‘Taking of evidence

‘77.(1) The deposition of a witness must be—

- (a) written; and
- (b) read to the witness or, if the defendant consents, by the witness; and
- (c) then signed by the witness and the presiding judicial officer.

‘(2) Subsection (1) applies subject to the *Recording of Evidence Act 1962* or any other Act.’.

2. Section 78(4)—

renumber as section 78(5).

3. Section 78—

insert—

‘(4) However, if a doctor is summonsed to give evidence of a professional nature, the summons may be served on the doctor by leaving a copy of it at a place where the doctor practises with a person apparently employed at the place.’.

4. Section 180, heading, ‘Proclamation of reciprocating’—

omit, insert—

‘Reciprocating’.

5. Section 180(3)—

omit.

SCHEDULE 1 (continued)

6. Part 10, heading—

omit, insert—

‘PART 10—MISCELLANEOUS’.**7. In Part 10, before section 266—**

insert—

‘Forms

‘265.(1) The chief executive may approve forms for use under the Act.

‘(2) A form approved by the chief executive is the prescribed or approved form for its purpose.’.

8. Section 266(2)(a)—

omit.

9. Section 266(2)(b) and (c)—

renumber as section 266(2)(a) and (b).

Explanatory notes

Amendment 1 recasts the provision to remove a possible ambiguity and updates the provision in accordance with current drafting practice.

Amendments 2 and 3 provide for substituted service of a summons directed to a doctor in the doctor’s professional capacity.

Amendment 4 omits unnecessary and possibly misleading words.

Amendment 5 removes a provision made redundant by section 24 of the *Statutory Instruments Act 1992*.

Amendment 7 updates provisions about forms to take account of recent amendments of the *Acts Interpretation Act 1954* and the *Statutory Instruments Act 1992*.

Amendments 6, 8 and 9 are consequential on amendment 7.

SCHEDULE 1 (continued)

JUVENILE JUSTICE ACT 1992**Amendments****1. Section 14, heading, ‘elder’—***omit, insert—***‘respected person’.****2. Section 14, ‘recognised elder’—***omit, insert—***‘respected person’.****3. Section 17, ‘certificate’—***omit, insert—***‘notice’.****4. Section 96(1), after ‘232’—***insert —***‘(Enforcement of sentence by calendar)’.****5. Section 107(2)(b), ‘may’—***omit, insert—***‘must’.****6. Section 110—***insert—***‘(7) The presentence report must be given in the form of a document.’.**

SCHEDULE 1 (continued)

7. Section 135(3), after ‘140(1)(c)’—*omit—*

‘(Specific powers if breach proved)’.

8. Section 149(b), after ‘proved’—*insert—*

‘, section 157 (Extension of time to perform community service)’.

9. Section 174(1), ‘Subject to subsections (2) and (3), if’—*omit, insert—*

‘If’.

10. Section 174(3) to (5)—*omit.***11. Section 174(6)—***renumber* as section 174(3).**12. Section 167(2), after ‘232’—***insert—*

‘(Enforcement of sentence by calendar)’.

13. Section 188—*insert—*

‘(3) If the child is entitled under section 174 to have a period of custody pending the proceeding (the “**custody period**”) treated as detention on sentence, the period before the child is released under this section must be

SCHEDULE 1 (continued)

reduced by the custody period.

Example—

C is sentenced to 10 weeks detention. C spent 2 weeks on remand before sentence. C must be released after 5 weeks, which is 70% of 10 weeks with a further reduction of 2 weeks.’

14. Section 199(2), ‘The amount’—

omit, insert—

‘In addition to the way of enforcement mentioned in subsection (1), the amount’.

15. Section 199(4), from ‘, in addition’ to ‘subsection (1),’—

omit.

16. Section 205(2)—

omit, insert—

‘(2) The chief executive must make arrangements for each detention centre to be visited by an official visitor at least once a month.’

17. Section 205(3), ‘The official’—

omit, insert—

‘An official’.

18. Section 208(1), ‘the prescribed form and’—

omit.

SCHEDULE 1 (continued)

19. Section 208(2)—*insert—*

‘(e) a document prescribed by regulation.’.

20. Section 211(1), ‘unserved portion’—*omit, insert—*

‘remainder’.

21. Section 211(2)(b)—*omit, insert—*

‘(b) the person is 17 or more and—

- (i) has previously been held in custody in a prison on sentence, remand or otherwise; or
- (ii) has been sentenced to serve a term of imprisonment.’.

22. Section 211(4)(b), ‘unserved portion of the person detention’—*omit, insert—*

‘remainder of the period of detention’.

23. Section 211—*insert—*

‘(7) In this section—

“period of detention”, for a person who is liable to serve a further period of detention cumulatively with a period of detention being served, includes the further period of detention.’.

SCHEDULE 1 (continued)

24. Section 213(4), after ‘214’—

insert—

‘(Protection of legal practitioner representing child)’.

Explanatory notes

Amendments 1 and 2 replace references to recognised elders of Aboriginal and Torres Strait Islander Communities with references to respected persons of the communities.

Amendment 3 changes the description of a certificate of caution to a notice of caution.

Amendments 4, 7, 12 and 24, in places where certain sections have cross-references to other sections, insert the headings of sections being cross-referenced.

Amendment 5 confirms an existing intent that orders against a person as a child continue to have the same effect after the person ceases to be a child.

Amendment 6 clarifies the form of presentence reports.

Amendment 8 inserts a missing cross-reference.

Amendments 9 to 11 remove some provisions, which in practice have proved unhelpful, about how a court decides how much remand custody will be counted as a period of detention where there are a multiplicity of proceedings.

Amendment 13 clarifies how periods on remand are counted when calculating fixed release dates.

Amendments 14 and 15 are a minor drafting correction that shifts a phrase to another position.

Amendments 16 and 17 remove a suggestion that each detention centre must have its own official visitor.

Amendments 18 and 19 replace a requirement that a child may be admitted to a detention centre only if a prescribed form is produced with an option that a child may be admitted on a prescribed document.

Amendments 20 to 23 clarify that any person liable to serve a period of detention under this Act who has experienced incarceration in a prison may apply to serve the period of detention as a term of imprisonment in a prison.

SCHEDULE 1 (continued)

MARINE SAFETY ACT 1994**Amendments****1. Section 1, ‘*Marine Safety Act 1994*’—**

omit, insert—

‘*Transport Operations (Marine Safety) Act 1994*’.

2. Section 220(a), after ‘former Act’—

insert—

‘or the *Marine Safety Act 1994*’.

Explanatory notes

Amendment 1 changes the name of the Act to bring it into line with other transport legislation.

Amendment 2 will allow existing references to the *Marine Safety Act 1994* to be updated.

MOTOR VEHICLES SAFETY ACT 1980**Amendments****1. Section 6, definition “trailer”—**

omit, insert—

‘“**trailer**” has the meaning given in the *Traffic Act 1949*.’.

2. Section 31D—

omit, insert—

SCHEDULE 1 (continued)

‘Appointment of authorised officers

‘31D.(1) The chief executive may appoint a person as an authorised officer.

‘(2) The chief executive may appoint a person as an authorised officer only if—

- (a) in the chief executive’s opinion, the person has the necessary expertise or experience to be an authorised officer; or
- (b) the person has satisfactorily completed a course of training approved by the chief executive.

‘(3) An authorised officer whose appointment is limited in its application may exercise a power under this Act only if the exercise of the power is permitted by the appointment.’.

3. Section 32(3)—

insert—

‘Maximum penalty—20 penalty units.’.

4. Section 37(2) and (3), after ‘32,’—

insert—

‘32A.’.

Explanatory notes

Amendment 1 provides a common meaning of “trailer” for this Act and the *Traffic Act 1949*.

Amendment 2 recasts a section in accordance with current drafting practice.

Amendment 3 inserts a penalty provision for consistency with other provisions.

Amendment 4 inserts references to a section that were inadvertently not included when the Act was amended.

SCHEDULE 1 (continued)

**PUBLIC SERVICE MANAGEMENT AND
EMPLOYMENT ACT 1988****Amendments****1. Section 4(1), definition “industrial agreement”—**

omit, insert—

- ‘ **“industrial agreement”** means an industrial agreement, certified agreement or enterprise flexibility agreement under the *Industrial Relations Act 1990*.’

2. Section 7(4)—

omit, insert—

‘**(4)** Subsection (1)(a) does not apply to the appointment of a senior executive if the appointment is made—

- (a) before 30 June 1995; and
- (b) under arrangements approved by the Governor in Council for the establishment of the Senior Executive Service.

‘**(5)** A regulation may extend the day mentioned in subsection (4)(a) to another day not more than 1 year after the first day.’

3. After section 43—

insert—

‘Declaration about certain regulations

‘**44.(1)** To remove any doubt, it is declared that each of the following regulations is, and has always been, as valid as it would have been if it had been made and published in the Gazette immediately before the day stated opposite the regulation, and tabled in the Legislative Assembly within 14 sitting days after publication—

SCHEDULE 1 (continued)

Public Service Management and Employment Amendment Regulation (No. 2) 1992 (SL No. 93 of 1992) 30 April 1992

Public Service Management and Employment Amendment Regulation (No. 4) 1992 (SL No. 318 of 1992) 30 September 1992

Public Service Management and Employment Amendment Regulation (No. 3) 1993 (SL No. 301 of 1993) 1 January 1993

Public Service Management and Employment Amendment Regulation (No. 1) 1994 (SL No. 88 of 1994) 31 October 1994.

‘(2) Subsection (1) is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

‘(3) This section expires 6 months after its commencement.’

Explanatory notes

Amendment 1 replaces the existing definition “industrial agreement” to clarify the position of certified agreements and enterprise flexibility agreements.

Amendment 2 extends the time allowed for direct translation of officers into the Senior Executive Service. The extension was previously allowed by regulation. This amendment provides a firm date by which the changeover arrangements should be complete, but allows a 1 year extension by regulation if necessary.

Amendment 3 removes any doubt about the validity of the regulations that may have arisen because of gaps in time between when one regulation stopped having effect and the next regulation took effect.

QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991

Amendment**1. Schedule—**

insert—

SCHEDULE 1 (continued)

‘References to repealed Acts

‘4. A reference in an Act or document to either of the following Acts is taken to be a reference to this Act—

- *Builders’ Registration Act 1971*
- *Builders’ Registration and Home-owners’ Protection Act 1979.’.*

Explanatory note

This amendment inserts a provision to deal with references to earlier repealed Acts that provided for substantially the same matters as this Act.

REPRINTS ACT 1992**Amendments****1. Section 3—**

insert—

‘ “**previous reprint**” means a reprint of a law authorised by any Act in force at any time before the commencement of this Act.’.

2. Section 3, definition “law”—

insert—

‘(d) a previous reprint.’.

3. Section 5—

insert—

‘*Example 5—*

If a provision heading is amended, a reference to the provision mentioning the provision heading may be amended to mention the amended provision heading.’.

SCHEDULE 1 (continued)

4. Section 7(1)(d), (e) and (g)—*omit, insert—*

- ‘(d) making the omissions and insertions permitted by sections 31, 33 and 33B; and
- (e) using the names permitted by sections 32 and 33A; and
- (g) omitting provisions as permitted by sections 36 to 42B; and’.

5. Section 29—*insert—**‘Example 32 (simplified references to authorising law in section heading)—**‘Insurance premiums—Act, s 20’ may replace ‘Insurance premiums (s 20 of the Act).**‘Example 33—**‘\$2’ may replace ‘£1’.*’.**6. After section 33—***insert—****‘Division 5A—Updated naming conventions within schedules and appendixes*****‘Name of provision units of schedules and appendixes****‘33A.** If a provision of a schedule or appendix is called a clause, subclause, sub-subclause, paragraph, subparagraph, sub-subparagraph, item, subitem, or another name, the provision may be called—

- (a) if the provision is a provision unit equivalent to a section in the body of a law—a section; or
- (b) if the provision is a provision unit equivalent to a subsection in the body of a law—a subsection; or

SCHEDULE 1 (continued)

- (c) if the provision is a provision unit equivalent to a paragraph in the body of a law—a paragraph; or
- (d) if the provision is a provision unit equivalent to a subparagraph in the body of a law—a subparagraph; or
- (e) if the provision is a provision unit equivalent to a sub-subparagraph in the body of a law—a sub-subparagraph.

Example 1—

Clause 2 may be called section 2.

Example 2—

Clause 5(2)(a) may be called section 5(2)(a), that is, paragraph (a) of subsection (2) of section 5.

‘Reference to provision of schedule or appendix**‘33B.(1) If—**

- (a) in the body of a law there is a reference to a provision of an unnumbered schedule or appendix; and
- (b) the words ‘of the schedule’, ‘of the appendix’, or words of similar effect, do not appear at the end of the reference;

the words ‘of the schedule’, ‘of the appendix’, or words of similar effect, may be inserted at the end of the reference.

‘(2) If—

- (a) in the body of a law there is a reference to a provision of a numbered schedule or appendix; and
- (b) words indicating the schedule or appendix by number do not appear at the end of the reference;

words indicating the schedule or appendix by number, or words of similar effect, may be inserted at the end of the reference.

‘(3) If—

- (a) in a schedule or appendix to a law there is a reference to a

SCHEDULE 1 (continued)

provision of the body of the law; and

- (b) words indicating that the reference is to the body of the law do not appear at the end of the reference;

words indicating that the reference is to the body of the law may be inserted at the end of the reference.

(4) In this section—

“body of a law” means the law other than a schedule or appendix to the law.

Example of subsection (3)—

In an Act, ‘of this Act’ and, in a regulation, ‘of this regulation’ could be inserted at the end of a reference in Schedule 1 to ‘section 14’ of the body of the law.’.

7. After section 42A—

insert—

‘Omission of provision heading with reference

‘42B. Words associated with a reference to a provision of a law indicating the provision heading of, or associated with, the provision referred to may be omitted.

Example—

If a provision states that—

‘An officer may make a disclosure under section 28(2)(a) (Public officer may disclose official misconduct)’

and the words in brackets are the section heading for section 28, the provision may be reprinted as—

‘An officer may make a disclosure under section 28(2)(a)’.

8. Section 48(2)—

renumber as section 48(3).

SCHEDULE 1 (continued)

9. Section 48—*insert—*

‘(2) If a previous reprint of a law (including a law that has not been amended) has been printed by the Government Printer—

- (a) the text of the law as at the reprint date is, in the absence of evidence to the contrary, taken to be shown correctly in the reprint; and
- (b) a court or person acting judicially must take judicial notice of a document or matter purporting to be such a reprint.’

Explanatory notes**Status of previous reprints—amendments 1, 8 and 9**

These amendments are to preserve the status of reprints authorised under Acts passed before the *Reprints Act 1992*. The Acts which authorised the Public Acts of Queensland Reprint (1936) and the Queensland Statutes (1962 Reprint) are repealed by this Act. These amendments are to ensure judicial notice is taken of the previous reprints and to preserve the presumption that the law stated in those reprints is correct at the reprint date. Amendment 8 makes a consequential numbering change.

Reprinting of previous reprints—amendment 2

There are a number of reprints of Acts still in existence that were prepared, under the authority of an Act, by consolidating 2 or more Acts. An example is the *Queensland Law Society Act 1952*. The current reprint of that Act is based on the *Queensland Law Society Acts 1927 to 1952* and the *Queensland Law Society Acts 1930 to 1952*. The *Queensland Law Society Acts Amendment Act 1952* (Pt 4) authorised the preparation of a reprint consolidating the Acts. Amendment 2 will allow a reprint of the *Queensland Law Society Act 1952* to be prepared under the *Reprints Act 1992* based on that reprint.

Provision headings—amendments 3 and 7

Although initially useful, the continued inclusion in subsequent reprints of a provision heading in a reference to the provision can be distracting and irritating to the reader. Proposed section 42B will enable such a provision heading to be omitted. The provision heading may be relocated as a footnote at an appropriate time.

SCHEDULE 1 (continued)

Note that the provision heading (whether contained in the text or a footnote) may be updated under section 5 of the *Reprints Act 1992* if it has been amended—see proposed example 5.

Authority to make editorial changes—amendment 4

Section 7(1) allows editorial changes to be made to the text of a law when it is reprinted. The proposed amendment of section 7(1)(d), (e) and (g) is necessary because of the new editorial changes possible under proposed section 42B and proposed Division 5A (dealing with the name of schedule and appendix provision units).

Additional s 29 examples—amendment 5

Section 29 gives examples of the way a provision may be reprinted consistent with current legislative drafting practice.

Example 32 complements the proposed definition of “Act” in section 38 of the *Statutory Instruments Act 1992*.

Example 33 has been inserted to make clear that section 29 enables amounts of money expressed as pounds, shillings and pence to be replaced by the equivalent amount in decimal currency.

Naming conventions in schedules and appendixes—amendment 6

Rationalisation of the name of provision units is part of the process of standardising legislative drafting. Until 1991, the practice in Queensland was to give provision units of statutory instruments different names according to the type of the instrument. Now the name of provision units of statutory instruments, with limited exceptions, follow that used in Acts, namely, section, subsection etc.

However, the name of provision units in schedules and appendixes still differ from the name of provision units in the body of a law. For example, ‘clause’ and ‘subclause’ are used in the schedule context, while ‘section’ and ‘subsection’ are used in the body of a law. This will be standardised so the name of provision units in schedules will follow that used in the body of a law.

This standardisation must be supported by rules to avoid possible confusion about, for example, whether a section reference in a schedule is to a section in the body of the law or to a section of the schedule. The supporting rules have been introduced by the proposed amendments of section 35B of the *Acts Interpretation Act 1954*.

SCHEDULE 1 (continued)

Proposed Division 5A will allow the standardisation in reprints of the names of provision units in schedules and appendixes.

**SOUTH EAST QUEENSLAND WATER BOARD ACT
1979****Amendment****1. Section 109—**

insert—

‘(7) After the commencement of the *Electricity Act 1994*, a reference in this section to the Queensland Electricity Generating Board or the Generating Board is a reference to the Queensland Generation Corporation.’.

Explanatory note

This amendment is consequential on the *Electricity Bill 1994*.

STATUTORY INSTRUMENTS ACT 1992**Amendments****1. Section 38, heading—**

omit, insert—

‘References to certain instruments’.

2. Section 38, definition “the Act”—

omit, insert—

‘“Act” or “the Act”, without mentioning a particular Act, means the Act under which the statutory instrument is made or in force.’.

SCHEDULE 1 (continued)

3. After section 39—*insert—****‘Subdivision 6—Miscellaneous*****‘Automatic repeal of commencement instrument**

‘39A. A statutory instrument made after 31 December 1994 that merely provides for the commencement of a law (including a provision of a law) is automatically repealed at the beginning of the day after the commencement, or, if different commencements are provided for, at the beginning of the day after the last commencement.’.

Explanatory notes**References to certain instruments—amendments 1 and 2**

Section 38 explains the meaning of references to certain instruments, for example, ‘this regulation’. It currently explains that, in a statutory instrument, ‘the Act’ means the Act under which the statutory instrument is made or in force.

The proposed additional explanation of “Act” will, for example, enable the simplification of provision headings in statutory instruments from ‘Insurance premiums (s 20 of the Act)’ to ‘Insurance premiums—Act, s 20’. An example 32 has also been added to section 29 of the *Reprints Act 1992* to allow the updating of reprints in this way.

Amendment 1 makes a consequential amendment of the section heading.

Automatic repeal of commencement instrument—amendment 3

Ensuring the Queensland Statute Book is of the highest standard is one of the statutory functions of the Office of the Queensland Parliamentary Counsel—*Legislative Standards Act 1992*, section 7(j).

Acts Interpretation Act 1954, section 22C already ensures the on-going automatic removal from the Statute Book of legislation that merely amends or repeals other legislation.

Proposed section 39A is designed to further assist maintenance of the Statute Book by ensuring the on-going automatic removal from the Statute Book of statutory instruments that merely commence other legislation and have themselves

SCHEDULE 1 (continued)

commenced.

However, the repeal of a statutory instrument that merely commences other legislation does not affect the other legislation's commencement—*Acts Interpretation Act 1954*, proposed section 19A (Commencement not undone if omitted) and section 20(1)(b) (Saving of operation of repealed Act etc.) as applied to statutory instruments by *Statutory Instruments Act 1992*, section 14.

TRAFFIC ACT 1949**Amendments****1. Section 12F—**

insert—

‘(2A) However, a local government may not act under subsection (2) if the traffic sign is about a matter mentioned in section 5(4), or Schedule B of the *Traffic Regulation 1962*.’.

2. Section 16A(5A), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

3. Section 16A(5B) and (8E), ‘or a district superintendent or’—

omit, insert—

‘, the chief executive, Commissioner or a’.

4. Section 16A(16A)—

omit, insert—

‘(16A) The specimen must be delivered to the analyst's laboratory in the way prescribed by regulation.’.

SCHEDULE 1 (continued)

5. Section 16B(3)(h), (4) and (18) and 44Q(2)(c), ‘21’—*omit, insert—*

‘28’.

6. Section 16B(12) and (15)(b), ‘a district superintendent’—*omit, insert—*

‘the Commissioner’.

7. Section 16B(12), ‘the district superintendent’—*omit, insert—*

‘the Commissioner’.

8. Section 16B(13), ‘district superintendent’—*omit, insert—*

‘Commissioner’.

9. Section 16B(14), ‘A district superintendent’—*omit, insert—*

‘The Commissioner’.

10. Section 16C, from ‘by the department’—*omit, insert—*

‘by a prescribed person on the day and at the place and time stated in a written notice given to the person by a prescribed person.’.

SCHEDULE 1 (continued)

11. Section 20A(5)(b), from ‘a driver’s’ to ‘permit’—*omit, insert—*

‘an open or provisional licence (other than a corresponding document)’.

12. Section 20A(5)(d)(ii)—*omit.***13. Section 20A(5)—***insert—*

‘(e) unless the disqualification for which the application is made resulted from the applicant’s conviction for an offence committed when the applicant held an open or provisional licence (other than a corresponding document).’.

14. Section 44M(1), ‘district superintendent’—*omit, insert—*

‘chief executive or Commissioner’.

15. Section 44M(1), ‘district superintendent’s’—*omit, insert—*

‘chief executive’s or Commissioner’s’.

16. Section 44O, ‘2898.2’—*omit, insert—*

‘2898’.

SCHEDULE 1 (continued)

17. Sections 55B(1), 57(1) and (1B) ‘a district superintendent’—

omit, insert—

‘the chief executive or Commissioner’.

Explanatory notes

Amendment 1 clarifies that the only contraventions for which a local government may take proceedings are parking, standing or stopping offences.

Amendment 2 inserts a penalty that was inadvertently omitted in a previous statute law revision.

Amendments 3, 6, 7, 8, 9, 14, 15 and 17 update obsolete references.

Amendment 4 requires a regulation to provide for the way the specimen must be delivered.

Amendment 5 brings the time for payment of a prescribed penalty under this section into line with section 44R (Procedure in relation to camera-detected offences).

Amendment 10 simplifies the way the training programs and defensive driving courses are approved.

Amendments 11 to 13 make it clear that an order under section 20A may not be granted to the holder of a learner’s permit or a driver’s licence issued under another State’s law.

Amendment 16 corrects a reference to the relevant Australian Standard.

**TRANSPORT INFRASTRUCTURE (RAILWAYS) ACT
1991****Amendments****1. Section 3, definition “ticket”—**

omit, insert—

‘ “ticket” see section 3A.’.

SCHEDULE 1 (continued)

2. Insertion of new s 3A

insert—

‘Meaning of “ticket”

‘3A.(1) In this Act—

“ticket” means a ticket issued by Queensland Railways to a person for a particular journey or type of journey.

‘(2) The journey and the type of train for which the ticket is issued may either be—

- (a) expressly stated on the ticket; or
- (b) implied by the issuing of the ticket.

Example of journey for which a ticket is issued—

Assume a ticket is issued by Queensland Railways for a journey to Caboolture. The circumstances of the issuing of the ticket may imply that it is issued for any urban train travelling to Caboolture and not long distance trains that stop at Caboolture during their journey.’.

Explanatory note

Amendments 1 and 2 clarify the meaning of “ticket”.

SCHEDULE 2

AMENDMENTS BY WAY OF STATUTE LAW REVISION ONLY

section 3

AUCTIONEERS AND AGENTS ACT 1971

Amendment

1. After section 130A—

insert—

‘References to repealed Act

‘**130B.** A reference in an Act or document to the *Auctioneers and Commission Agents Act 1922* or the *Auctioneers, Real Estate Agents, Debt Collectors and Motor Dealers Act 1922* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

BUSINESS NAMES ACT 1962

Amendments

1. After section 34—

insert—

SCHEDULE 2 (continued)

‘References to repealed Acts

‘**35.** A reference in an Act or document to either of the following Acts is taken to be a reference to this Act—

- *Registration of Firms Act 1902*
- *Registration of Firms Act 1942.*’.

2. Section 3, definition “Minister”—

omit.

Explanatory notes

Amendment 1 inserts a provision to deal with references to earlier repealed Acts that provided for substantially the same matters as this Act.

Amendment 2 omits an unnecessary definition.

CORONERS ACT 1958**Amendment****1. Section 11(2) and (3)—**

omit.

Explanatory note

The amendment is consequential on a previous amendment and removes obsolete provisions.

SCHEDULE 2 (continued)

CORRECTIVE SERVICES ACT 1988**Amendments****1. Section 5(5)—**

omit.

2. Section 43(3), from ‘Under Secretary’—

omit, insert—

‘chief executive of the department responsible for the administration of the *Burials Assistance Act 1965* who must arrange for the disposal of the body as provided under that Act.’.

3. Sections 61(2)(d) and 86(2)(d)—

omit, insert—

‘(d) who is subject to an indefinite sentence under Part 10 of the *Penalties and Sentences Act 1992*; or’.

4. Section 130(b), ‘prisoners declared to be habitual criminals’—

omit, insert—

‘prisoners subject to indefinite sentences under Part 10 of the *Penalties and Sentences Act 1992*’.

5. Section 182—

omit.

6. Sections 183(1) and 184, from ‘or, in the case of’—

omit.

SCHEDULE 2 (continued)

7. Section 188(1)(d), from ‘or where’—

omit.

8. Section 189(1)(d), from ‘or, where’—

omit.

9. Sections 190(1) and 191, ‘, detention for a period or detention during Her Majesty’s pleasure’—

omit, insert—

‘or detention’.

10. Section 192, ‘prerogative writ’—

omit, insert—

‘prerogative order’.

11. Section 192—

insert—

‘(2) In this section—

“**prerogative order**” has the meaning given by the *Judicial Review Act 1991*.’.

12. Section 199(1) and (2), ‘Workers’ Compensation Act 1916’—

omit, insert—

‘*Workers’ Compensation Act 1990*’.

SCHEDULE 2 (continued)

13. Schedule 2—

omit.

Explanatory notes

Amendments 1 and 13 omit transitional provisions.

Amendments 2, 10 and 12 update references.

Amendments 3 and 4 recast the provisions using the current terminology of the *Penalties and Sentences Act 1992*.

Amendment 5 omits a spent provision.

Amendments 6 to 9 remove outdated references.

Amendment 11 is consequential on amendment 10.

CROWN PROCEEDINGS ACT 1980**Amendment****1. After section 20—**

insert—

‘References to repealed Act

‘**21.** A reference in an Act or document to the *Crown Remedies Act 1874* is taken to be a reference to this Act.’

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

SCHEDULE 2 (continued)

DENTAL ACT 1971**Amendment****1. After section 42—**

insert—

‘References to repealed Act

‘**43.** A reference in an Act or document to the *Dental Act 1902* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

DISPUTE RESOLUTION CENTRES ACT 1990**Amendment****1. After section 5.8—**

insert—

‘Numbering and renumbering of Act

‘**5.9** Section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used in the next reprint of this Act produced under the *Reprints Act 1992*.’.

Explanatory note

The amendment requires the Act (which is numbered by a decimal numbering system) to be renumbered by the Reprints Act in accordance with current drafting practice.

SCHEDULE 2 (continued)

DISTRICT COURTS ACT 1967**Amendments****1. Before section 5, heading, ‘Courts’—***omit, insert—**‘Division 1—Courts’.***2. Before section 9, heading, ‘Judges’—***omit, insert—**‘Division 2—Judges’.***3. Before section 28, heading, ‘Certiorari’—***omit, insert—**‘Division 3—Prerogative writs’.***4. Before section 29, heading, ‘Order in lieu of mandamus’—***omit.***5. Before section 30, heading, ‘Prohibition’—***omit.***6. Before section 31, heading, ‘Practice in such cases’—***omit.***7. Before section 33, heading, ‘Registries’—***omit, insert—*

SCHEDULE 2 (continued)

'Division 4—Registries'.**8. Before section 34, heading, 'Officers'—***omit, insert—**'Division 5—Officers'*.**9. Before section 46, heading, 'General provisions relating to officers'—***omit, insert—**'Division 6—General provisions about officers'*.**10. Before section 51, heading, 'Barristers, solicitors and agents'—***omit, insert—**'Division 7—Barristers, solicitors and agents'*.**11. Part 4, before section 58—***insert—**'Division 1—Criminal jurisdiction'*.**12. Before section 61, heading, 'Procedure'—***omit, insert—**'Division 2—Procedure'*.**13. Part 5, before section 66—***insert—**'Division 1—Civil jurisdiction'*.

SCHEDULE 2 (continued)

14. Before section 75, heading, ‘Trial by jury’—*omit, insert—**‘Division 2—Trial by jury’.***15. Before section 76, heading, ‘Evidence’—***omit, insert—**‘Division 3—Evidence’.***16. Before section 77, heading, ‘Removal of actions’—***omit, insert—**‘Division 4—Removal of actions’.***17. Before section 92, heading, ‘Appeal from a District Court to the Court of Appeal’—***omit.***18. Before section 97, heading, ‘Action on judgment’—***omit.***19. Part 9, before section 101, heading, ‘Rules of court’—***omit, insert—**‘Division 1—Rules of court’.***20. Before section 102, heading, ‘Fees and fines’—***omit, insert—**‘Division 2—Fees and fines’.*

SCHEDULE 2 (continued)

21. Before section 105, heading, ‘Offences’—*omit, insert—***‘Division 3—Offences’.****22. Before section 107—***insert—***‘Division 4—General’.****Explanatory notes**

Amendments 1 to 21 revise headings in accordance with current drafting practice.

Amendment 22 is consequential on amendments 19 to 21 and inserts a relevant Division heading.

EDUCATION (GENERAL PROVISIONS) ACT 1989**Amendments****1. Section 62(3), ‘subsection (2)’—***omit, insert—***‘subsection (1) or (2)’.****2. After section 78—***insert—***‘PART 9—TRANSITIONAL PROVISIONS****‘References to Education Act 1964**

‘79. A reference in an Act or document to the *Education Act 1964* is taken to be a reference to this Act.’.

SCHEDULE 2 (continued)

Explanatory notes

Amendment 1 corrects a cross-reference.

Amendment 2 inserts a provision to deal with references to the *Education Act 1964*, which has been repealed but the repeal has not commenced.

FACTORIES AND SHOPS ACT 1960**Amendments****1. Section 73D(a), ‘\$200’—**

omit, insert—

‘5 penalty units’.

2. Section 73D(b), ‘\$1 000’—

omit, insert—

‘20 penalty units’.

3. Section 93(4), ‘not less than four dollars and of not more than one hundred dollars’—

omit, insert—

‘not more than 2 penalty units’.

4. Section 93(4), ‘not less than twenty dollars and of not more than four hundred dollars’—

omit, insert—

‘not more than 8 penalty units’.

SCHEDULE 2 (continued)

5. Section 93(4), ‘ten dollars’—*omit, insert—*

‘1 penalty unit’.

6. Section 97(1)(vii), ‘two hundred dollars’—*omit, insert—*

‘5 penalty units’.

7. Section 97(1)(vii), ‘twenty dollars’—*omit, insert—*

‘1 penalty unit’.

Explanatory note

Amendments 1 to 7 implement current drafting practice by converting monetary penalties into penalty units.

FIRE SERVICE ACT 1990**Amendment****1. After section 153—***insert—***‘References to fire safety officer**

‘**153A.** A reference in an Act or document to a fire safety officer within the meaning of the *Fire Safety Act 1974* is taken to be a reference to an authorised fire officer within the meaning of this Act.’.

SCHEDULE 2 (continued)

Explanatory note

The amendment inserts a provision to deal with references to a defined term in a repealed Act that has been changed in this Act.

FISHERIES ACT 1994**Amendments****1. Section 154(2)(b)(i), ‘suspected’—**

omit, insert—

‘suspect’.

2. Section 224, from ‘in existence’—

omit, insert—

‘or documents’.

Explanatory notes

Amendment 1 corrects a minor error.

Amendment 2 extends the provision to deal with references in Acts or documents in existence before or after the commencement of the *Fisheries Act 1994*.

FOOD ACT 1981**Amendment****1. Section 5(1), 2nd definition “Chief Health Officer”—**

omit.

SCHEDULE 2 (continued)

Explanatory note

The amendment omits an unnecessary definition.

HAWKERS ACT 1984**Amendment****1. Section 6(1), definition “police establishment”—**

omit, insert—

‘**“police establishment”** has the same meaning as in section 10.10 (Police establishments) of the *Police Service Administration Act 1990*.’.

Explanatory note

The amendment updates a definition.

HEALTH ACT 1937**Amendments****1. Section 5, definition “house”, from ‘which is under’ to ‘foreign state’—**

omit, insert—

‘belonging to the Australian Defence Force or the defence force of a foreign country’.

2. Section 12—

omit.

SCHEDULE 2 (continued)

3. Section 13(1B) to (1E), (1H), (1I) and (3) to (5)—

omit.

4. Section 15(2) to (4)—

omit, insert—

‘(2) The Director-General may approve forms for use under this Act.’.

5. Part 4, Division 2, heading ‘Prohibitions’—

omit.

6. Section 105, as heading—

insert—

‘**Mixing other ingredients or material with a drug**’.

7. Section 127(7)—

omit, insert—

‘(7) In this section—

“**house**” includes—

- (a) a caravan; and
- (b) a structure that—
 - (i) is designed or adapted for human habitation; and
 - (ii) can be moved from one place to another (whether by being driven or towed or by being transported on a motor vehicle or trailer).’.

SCHEDULE 2 (continued)

8. Schedule B—

omit.

Commencement

Amendments 4 and 8 commence on a day to be fixed by proclamation.

Explanatory notes

Amendment 1 updates a reference.

Amendments 2 and 3 primarily omit procedural provisions that are now dealt with in the *Statutory Instruments Act 1992*.

Amendment 4 omits procedural detail, about prescribing forms, which is now dealt with in section 47 of the *Statutory Instruments Act 1992*. The amendment also removes a Henry VIII provision that allows the Act to be amended by regulation.

Amendment 5 omits an unnecessary heading in accordance with current drafting practice.

Amendment 6 inserts a heading to a section.

Amendment 7 recasts a definition in accordance with current drafting practice.

Amendment 8 is consequential on amendment 4.

HEALTH SERVICES ACT 1991**Amendment****1. After section 8.13—**

insert—

‘Numbering and renumbering of Act

‘**8.14** Section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used in the next reprint of this Act produced under the *Reprints Act 1992*.’

SCHEDULE 2 (continued)

Explanatory note

The amendment requires the Act (which is numbered by a decimal numbering system) to be renumbered by the Reprints Act in accordance with current drafting practice.

INDY CAR GRAND PRIX ACT 1990**Amendment****1. After section 4.10—**

insert—

‘Numbering and renumbering of Act

‘**4.11** Section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used in the next reprint of this Act produced under the *Reprints Act 1992*.’.

Explanatory note

The amendment requires the Act (which is numbered by a decimal numbering system) to be renumbered by the Reprints Act in accordance with current drafting practice.

**JUSTICE AND ATTORNEY-GENERAL
(MISCELLANEOUS PROVISIONS) ACT 1994****Amendment****1. Schedule, Amendments of Public Trustee Act 1978, amendment 68,
‘the Governor in Council by a Proclamation’—**

omit, insert—

‘the Governor in Council by proclamation’.

SCHEDULE 2 (continued)

Commencement

The amendment is taken to have commenced on 30 May 1994. This is the day the original amendments to the *Public Trustee Act 1978* in the *Justice and Attorney-General (Miscellaneous Provisions) Act 1994* commenced.

Explanatory note

The amendment corrects a minor technical error.

**LAW COURTS AND STATE BUILDINGS
PROTECTIVE SECURITY ACT 1983****Amendments****1. Section 4, definition “firearm”—**

omit, insert—

‘ “**firearm**” means a firearm within the meaning of the *Weapons Act 1990*.’

2. Section 19, ‘referred to in section 28 of the *Police Act 1937*’—

omit, insert—

‘of a police officer’.

3. Section 22(2), from ‘in accordance with’ to ‘police force’—

omit, insert—

‘under the *Weapons Act 1990* as if it were a weapon in a police officer’s custody’.

SCHEDULE 2 (continued)

Explanatory notes

Amendments 1 and 3 update references.

Amendment 2 removes a reference to a repealed Act.

MINES REGULATION ACT 1964**Amendments****1. Section 6(4)—**

omit.

2. Sections 26(1), 31(1), 57(6), 59(2), 65(4)(b), ‘\$1 000’—

omit, insert—

‘20 penalty units’.

3. Sections 26(1), 57(6), 59(2), ‘\$100’—

omit, insert—

‘2 penalty units’.

4. Section 31(1), ‘\$200’—

omit, insert—

‘5 penalty units’.

5. Sections 53(6), 65(4)(a) ‘\$2 000’—

omit, insert—

‘40 penalty units’.

SCHEDULE 2 (continued)

Explanatory notes

Amendment 1 removes a Henry VIII provision that allows the Act to be amended by order in council.

Amendments 2 to 5 convert monetary penalties into penalty units in accordance with current drafting practice.

PAWNBROKERS ACT 1984**Amendment****1. Section 6(1), definition “police establishment”—**

omit, insert—

‘**“police establishment”** has the same meaning as in section 10.10 (Police establishments) of the *Police Service Administration Act 1990*.’

Explanatory note

The amendment updates a definition.

PETROLEUM ACT 1923**Amendment****1. Section 45(2), 2nd sentence, ‘Order in Council’—**

omit, insert—

‘Gazette notice’.

Commencement

The amendment is taken to have commenced on 23 July 1993.

SCHEDULE 2 (continued)

Explanatory note

The amendment is a consequential amendment.

POLICE SERVICE ADMINISTRATION ACT 1990**Amendments****1. Section 11.1(1), ‘or statutory instrument’—**

omit, insert—

‘or document’.

2. After section 11.1—

insert—

‘References to repealed Act

‘**11.2** A reference in an Act or document to the *Police Act 1937* is taken to be a reference to this Act.’.

Explanatory notes

Amendment 1 brings the subsection into line with a more recent drafting precedent.

Amendment 2 inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

PROFESSIONAL ENGINEERS ACT 1988**Amendment****1. After section 70—**

insert—

SCHEDULE 2 (continued)

‘References to repealed Act

‘70A. A reference in an Act or document to the *Professional Engineers Act 1929* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

**QUEENSLAND INSTITUTE OF MEDICAL
RESEARCH ACT 1945****Amendment****1. Section 13(2)(b), (2A), (5)(b) and (7)—**

omit.

Explanatory note

The amendments omit a reference to a section of the *Financial Administration and Audit Act 1977* that has been repealed.

**QUEENSLAND SMALL BUSINESS CORPORATION
ACT 1990****Amendment****1. After section 6.8—**

insert—

‘Numbering and renumbering of Act

‘6.9 Section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used in the next reprint of this Act produced

SCHEDULE 2 (continued)

under the *Reprints Act 1992*.’

Explanatory note

The amendment requires the Act (which is numbered by a decimal numbering system) to be renumbered by the Reprints Act in accordance with current drafting practice.

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES ACT 1962****Amendment****1. Section 38(2), ‘superintendent of the Mercantile Marine Office’—**

omit, insert—

‘marine crews officer of the Australian Maritime Safety Authority’.

Explanatory note

The amendment updates a reference.

**SECOND-HAND DEALERS AND COLLECTORS ACT
1984****Amendment****1. Section 6(1), definition “police establishment”—**

omit, insert—

‘**“police establishment”** has the same meaning as in section 10.10 (Police establishments) of the *Police Service Administration Act 1990*.’

SCHEDULE 2 (continued)

Explanatory note

The amendment updates a definition.

SOUTH BANK CORPORATION ACT 1989**Amendments****1. Schedule 7, clause 41(1)(b), ‘1(4)(a)(ia)’—**

omit, insert—

‘1(4)(d)’.

2. Schedule 7, clause 132(1), at end—

insert—

‘in relation to the application’.

3. Schedule 7, Schedule 5, clause 4(2)—

omit, insert—

‘(2) If a body corporate, the lessor or someone else fails to carry out a responsibility imposed by subclause (1) and at least 7 days have passed since the failure first happened, any other of them may take the lawful steps necessary to ensure the responsibility is carried out.’.

4. Schedule 7, Schedule 5, clause 6(2)—

omit, insert—

‘(2) If a body corporate, the lessor or someone else fails to carry out a responsibility imposed by subclause (1) and at least 7 days have passed since the failure first happened, any other of them may take the lawful steps necessary to ensure the responsibility is carried out.’.

SCHEDULE 2 (continued)

Explanatory notes

Amendment 1 amends an incorrect reference.

Amendment 2 corrects an omission.

Amendments 3 and 4 recast the provisions in accordance with current drafting practice.

**SUPERANNUATION (STATE PUBLIC SECTOR) ACT
1990****Amendment****1. After section 4.17—**

insert—

‘Numbering and renumbering of Act

‘**4.18** Section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used in the next reprint of this Act produced under the *Reprints Act 1992*.’

Explanatory note

The amendment requires the Act (which is numbered by a decimal numbering system) to be renumbered by the Reprints Act in accordance with current drafting practice.

TRAFFIC AMENDMENT ACT 1994**Amendment****1. Section 44—**

omit, insert—

SCHEDULE 2 (continued)

‘Replacement of s 44V (Effect of action under Part 4A of Justices Act)**44.** Section 44V—*omit, insert—***‘Photographic evidence—notices to accompany summons****‘44V.(1)** A summons served on a person for a camera-detected offence must be accompanied by a notice informing the person that—

- (a) if the person wants to examine a copy of the photographic evidence on which the offence is based—the person must ask the Commissioner at least 14 days before the charge is heard; and
- (b) if a request is made under paragraph (a)—the Commissioner will make the copy available for examination at least 7 days before the charge is heard; and
- (c) if the person intends to challenge the photographic evidence at a hearing—the person must give the Commissioner written notice of the intention at least 3 days before the day fixed for the hearing.

‘(2) A statement in a deposition made for section 56(3)(b) of the *Justices Act 1886* that the notice was served as required by subsection (1) is evidence of that fact.**‘(3)** Section 56(5) of the *Justices Act 1886* applies to the deposition.’.**Explanatory note**

While the section has been replaced for drafting convenience, the amendment corrects a minor error in section 44V(1)(a) only. No changes of substance have been made.

SCHEDULE 2 (continued)

TOW-TRUCK ACT 1973**Amendments****1. Section 1, ‘Tow-truck Act 1973’—**

omit, insert—

‘Tow Truck Act 1973’.

2. Section 12(2)(q), ‘Wireless Telegraphy Act 1905 (Cwlth)’—

omit, insert—

‘Radiocommunications Act 1992 (Cwlth)’.

Explanatory notes

Amendment 1 implements current drafting practice about spelling.

Amendment 2 updates a reference.

**VOCATIONAL EDUCATION, TRAINING AND
EMPLOYMENT ACT 1991****Amendments****1. Section 96(5)(h) and (i), ‘book’—**

omit.

2. After section 128—

insert—

‘References to repealed Act

‘129. A reference in an Act or document to the *Employment, Vocational Education and Training Act 1988* is taken to be a reference to this Act.’.

SCHEDULE 2 (continued)

Explanatory notes

Amendment 1 makes a minor technical amendment to paragraphs (h) and (i). The amendment is consistent with section 93 (Training record).

Amendment 2 inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

WATER RESOURCES ACT 1989**Amendment****1. After section 10.36—**

insert—

‘References to repealed Act

‘**10.37** A reference in an Act or document to the *Water Act 1926* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

SCHEDULE 3**REPEAL OF UNCOMMENCED PROVISIONS AND
AMENDING ACTS WITH UNCOMMENCED
PROVISIONS**

sections 3 and 4(1)

**PART 1—REPEAL OF UNCOMMENCED
PROVISIONS****FAMILY SERVICES ACT 1987****1. Sections 18 to 55—***omit.***2. Sections 61 to 67—***omit.***3. Section 69—***omit.***4. Schedule—***omit.*

SCHEDULE 3 (continued)

FOOD ACT 1981**1. Section 22—**

omit.

MOBILE HOMES ACT 1989**1. Section 7—**

omit.

PROFITEERING PREVENTION ACT 1948**1. Section 76—**

omit.

Explanatory note

These amendments remove provisions that have remained uncommenced for more than 2 years. Most of the Acts are under review and omission of the uncommenced provisions clarifies the Act's current operation. The amendments are part of the Office of the Queensland Parliamentary Counsel's ongoing review of the statute book. Once existing uncommenced provisions are either commenced or repealed, no future difficulty will be experienced because unproclaimed provisions will commence automatically under section 15DA of the *Acts Interpretation Act 1954*.

SCHEDULE 3 (continued)

**PART 2—REPEAL OF AMENDING ACTS WITH
UNCOMMENCED PROVISIONS**

Criminal Code, Evidence Act and Other Acts Amendment Act 1989
No. 17

Financial Administration and Audit Amendment Act 1991 No. 37

Land Tax Act and Another Act Amendment Act 1988 No. 40

Mortgages (Secondary Market) Act Amendment Act 1985 (No. 2) No. 107

Public Sector Legislation Amendment Act 1991 No. 34

Statute Law (Miscellaneous Provisions) Act 1992 No. 36

Explanatory note

These amending Acts contain provisions that have remained uncommenced for more than 2 years. The provisions have been identified as not required and the repeal of the Acts will clarify the status of the uncommenced provisions.

SCHEDULE 4**REPEAL OF SUPERSEDED ACTS**

section 4(1)

Beer Duty Act 1897 61 Vic No. 5

Bills of Exchange Act 1884 48 Vic No. 10

Bills of Exchange Act Amendment Act 1905 5 Edw 7 No. 7

British New Guinea (Queensland) Act 1887 51 Vic No. 9

Chinese Immigration Restriction Act 1888 53 Vic No. 22

Chinese Immigration Restriction Act 1888 Amendment Act 1890 54 Vic No. 29

Copyright (Fine Arts) Registration Act 1892 56 Vic No. 6

Copyright Registration Act 1898 62 Vic No. 13

Copyright Registration Act (Queensland) 1887 51 Vic No. 2

Defence Act 1884 48 Vic No. 27

Defence Act Amendment Act 1891 55 Vic No. 17

Defence Act Amendment Act 1896 60 Vic No. 33

Defence Act Amendment Act 1900 64 Vic No. 29

Defence Act Amendment Act 1902 2 Edw 7 No. 16

Distillation from Sugar Act 1866 30 Vic No. 21

Distillation of Colonial Brandy for Fortifying Wine Act 1866 30 Vic No. 23

Exportation of Arms Act 1900 64 Vic No. 8

Extradition Act (Queensland) 1877 41 Vic No. 2

Imported Sugar Refiners Act 1874 38 Vic No. 14

(Increased Duties of Customs) Act 1865 29 Vic No. 2

SCHEDULE 4 (continued)

Old Age Pensions Act 1908 8 Edw 7 No. 6
Pacific Cable Enabling Act 1900 64 Vic No. 15
Pacific Island Labourers Act 1880 44 Vic No. 17
Pacific Island Labourers Act 1880 Amendment Act 1884 47 Vic No. 12
Pacific Island Labourers Act 1880 Amendment Act 1885 49 Vic No. 17
Pacific Island Labourers Act Amendment Act 1886 50 Vic No. 6
Pacific Island Labourers (Extension) Act 1892 55 Vic No. 38
Patents, Designs, and Trade Marks Act 1884 48 Vic No. 13
Patents, Designs, and Trade Marks (Amendment) Act 1886 50 Vic No. 5
Patents, Designs, and Trade Marks (Amendment) Act 1890 54 Vic No. 8
Posts and Telegraph Act 1891 55 Vic No. 15
Quarantine Act 1886 50 Vic No. 25
Quinquennial Census Act 1875 39 Vic No. 2
Quinquennial Census Act 1875 Amendment Act 1889 53 Vic No. 5
Safety of Defences Act 1890 54 Vic No. 11
Trade Marks Act 1864 28 Vic No. 5

Explanatory note

These Acts were identified in the Public Acts of Queensland Reprint (1936) as superseded by Commonwealth legislation but were never repealed. These Acts are obsolete.

SCHEDULE 5**REPEAL OF EXHAUSTED ACTS**

section 4(1)

Additional Treasury Bills Act 1866 30 Vic No. 10
(Agent-General's Pension) Act 1881 45 Vic No. 15
(Appropriation) Act 1860 24 Vic No. 8
(Appropriation) Act 1860—1 24 Vic No. 17
(Appropriation) Act 1861 25 Vic No. 20
(Appropriation) Act 1862 26 Vic No. 10
(Appropriation) Act 1863 27 Vic No. 24
(Appropriation) Act 1864 28 Vic No. 27
(Appropriation) Act 1865 29 Vic No. 22
Appropriation Act 1866 30 Vic No. 24
Appropriation Act 1868 31 Vic No. 48
Appropriation Act 1869 32 Vic No. 1
Appropriation Act 1869 (No. 2) 33 Vic No. 16
Appropriation Act 1870 (No. 2) 34 Vic No. 21
(Appropriation) Act 1872 35 Vic No. 3
Appropriation Act 1872 (No. 2) 36 Vic No. 3
Appropriation Act 1872 (No. 3) 36 Vic No. 25
Appropriation Act 1873 37 Vic No. 6
Appropriation Act 1874 37 Vic No. 7
Appropriation Act 1874 (No. 2) 38 Vic No. 1
Appropriation Act 1874 (No. 3) 38 Vic No. 15

SCHEDULE 5 (continued)

Appropriation Act 1875–6 39 Vic No. 12
Appropriation Act 1876–7 (No. 1) 40 Vic No. 1
Appropriation Act 1876–7 (No. 2) 40 Vic No. 4
Appropriation Act 1876–7 (No. 3) 40 Vic No. 20
Appropriation Act 1877–8 (No. 1) 41 Vic No. 5
Appropriation Act 1877–8 (No. 2) 41 Vic No. 9
Appropriation Act 1877–8 (No. 3) 41 Vic No. 23
Appropriation Act 1878–9 (No. 1) 42 Vic No. 3
Appropriation Act 1878–9 (No. 2) 42 Vic No. 11
Appropriation Act 1878–9 (No. 3) 42 Vic No. 12
Appropriation Act 1878–9 (No. 4) 42 Vic No. 13
Appropriation Act 1879–80 (No. 1) 43 Vic No. 4
Appropriation Act 1879–80 (No. 2) 43 Vic No. 14
Appropriation Act 1880–1 (No. 1) 44 Vic No. 1
Appropriation Act 1880–1 (No. 2) 44 Vic No. 4
Appropriation Act 1880–1 (No. 3) 44 Vic No. 11
Appropriation Act 1880–1 (No. 4) 44 Vic No. 18
Appropriation Act 1881–2 (No. 1) 45 Vic No. 1
Appropriation Act 1881–2 (No. 2) 45 Vic No. 3
Appropriation Act 1881–2 (No. 3) 45 Vic No. 9
Appropriation Act 1882–3 (No. 1) 46 Vic No. 1
Appropriation Act 1882–3 (No. 2) 46 Vic No. 3
Appropriation Act 1882–3 (No. 3) 46 Vic No. 6
Appropriation Act 1882–3 (No. 4) 46 Vic No. 17
Appropriation Act 1883–4 (No. 1) 47 Vic No. 2
Appropriation Act 1883–4 (No. 2) 47 Vic No. 3

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Appropriation Act 1883–4 (No. 3) 47 Vic No. 8
Appropriation Act 1883–4 (No. 4) 47 Vic No. 11
Appropriation Act 1884–5 (No. 1) 48 Vic No. 1
Appropriation Act 1884–5 (No. 2) 48 Vic No. 16
Appropriation Act 1884–5 (No. 3) 48 Vic No. 26
Appropriation Act 1885–6 (No. 1) 49 Vic No. 1
Appropriation Act 1885–6 (No. 2) 49 Vic No. 19
Appropriation Act 1886–7 (No. 1) 50 Vic No. 1
Appropriation Act 1886–7 (No. 2) 50 Vic No. 28
Appropriation Act 1887–8 (No. 1) 51 Vic No. 1
Appropriation Act 1887–8 (No. 2) 51 Vic No. 12
Appropriation Act 1887–8 (No. 3) 51 Vic No. 16
Appropriation Act 1888–9 (No. 1) 51 Vic No. 17
Appropriation Act 1888–9 (No. 2) 52 Vic No. 1
Appropriation Act 1888–9 (No. 3) 52 Vic No. 11
Appropriation Act 1889–90 (No. 1) 53 Vic No. 3
Appropriation Act 1889–90 (No. 2) 53 Vic No. 21
Appropriation Act 1890–91 (No. 1) 54 Vic No. 1
Appropriation Act 1890–91 (No. 2) 54 Vic No. 4
Appropriation Act 1890–91 (No. 3) 54 Vic No. 12
Appropriation Act 1890–91 (No. 4) 54 Vic No. 27
Appropriation Act 1891–2 (No. 1) 55 Vic No. 2
Appropriation Act 1891–2 (No. 2) 55 Vic No. 9
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Appropriation Act 1892–3 (No. 1) 56 Vic No. 4
Appropriation Act 1892–3 (No. 2) 56 Vic No. 19

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Appropriation Act 1893–94 (No. 2) 57 Vic No. 12
Appropriation Act 1893–94 (No. 3) 57 Vic No. 21
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Appropriation Act 1895–96 (No. 1) 59 Vic No. 1
Appropriation Act 1895–96 (No. 2) 59 Vic No. 8
Appropriation Act 1895–96 (No. 3) 59 Vic No. 19
Appropriation Act 1895–96 (No. 4) 59 Vic No. 35
Appropriation Act 1896–97 (No. 1) 60 Vic No. 2
Appropriation Act 1896–97 (No. 2) 60 Vic No. 8
Appropriation Act 1896–97 (No. 3) 60 Vic No. 12
Appropriation Act 1896–97 (No. 4) 60 Vic No. 23
Appropriation Act 1897–98 (No. 1) 61 Vic No. 1
Appropriation Act 1897–98 (No. 2) 61 Vic No. 3
Appropriation Act 1897–98 (No. 3) 61 Vic No. 7
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Appropriation Act 1898–99 (No. 1) 62 Vic No. 1
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Appropriation Act 1898–99 (No. 3) 62 Vic No. 5
Appropriation Act 1898–99 (No. 4) 62 Vic No. 19
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Appropriation Act 1899–1900 (No. 2) 63 Vic No. 4

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Appropriation Act 1899–1900 (No. 4) 63 Vic No. 15
Appropriation Act 1900—1901 (No. 1) 64 Vic No. 1
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Appropriation Act 1900—1901 (No. 3) 64 Vic No. 5
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Appropriation Act 1901—1902 (No. 1) 1 Edw 7 No. 1
Appropriation Act 1901—1902 (No. 2) 1 Edw 7 No. 6
Appropriation Act 1901—1902 (No. 3) 1 Edw 7 No. 8
Appropriation Act 1901—1902 (No. 4) 1 Edw 7 No. 15
Appropriation Act 1902–1903 (No. 1) 2 Edw 7 No. 2
Appropriation Act 1902–1903 (No. 2) 2 Edw 7 No. 5
Appropriation Act 1902–1903 (No. 3) 2 Edw 7 No. 9
Appropriation Act 1902–1903 (No. 4) 2 Edw 7 No. 11
Appropriation Act 1903–1904 (No. 1) 3 Edw 7 No. 1
Appropriation Act 1903–1904 (No. 2) 3 Edw 7 No. 3
Appropriation Act 1903–1904 (No. 3) 3 Edw 7 No. 11
Appropriation Act 1904–1905 (No. 1) 4 Edw 7 No. 1
Appropriation Act 1904–1905 (No. 2) 4 Edw 7 No. 2
Appropriation Act 1904–1905 (No. 3) 4 Edw 7 No. 19
Appropriation Act 1905–1906 (No. 1) 5 Edw 7 No. 2
Appropriation Act 1905–1906 (No. 2) 5 Edw 7 No. 4
Appropriation Act 1905–1906 (No. 3) 5 Edw 7 No. 22
Appropriation Act 1906–1907 (No. 1) 6 Edw 7 No. 1
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Appropriation Act 1906–1907 (No. 3) 6 Edw 7 No. 17

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Appropriation Act 1907–1908 (No. 1) 7 Edw 7 No. 1
Appropriation Act 1907–1908 (No. 2) 7 Edw 7 No. 2
Appropriation Act 1907–1908 (No. 3) 8 Edw 7 No. 1
Appropriation Act 1907–1908 (No. 4) 8 Edw 7 No. 15
Appropriation Act 1908–1909 (No. 1) 8 Edw 7 No. 17
Appropriation Act 1908–1909 (No. 2) 8 Edw 7 No. 20
Appropriation Act 1909–1910 (No. 1) 9 Edw 7 No. 1
Appropriation Act 1909–1910 (No. 2) 9 Edw 7 No. 2
Appropriation Act 1909–1910 (No. 3) 9 Edw 7 No. 3
Appropriation Act 1909–1910 (No. 4) 9 Edw 7 No. 4
Appropriation Act 1909–1910 (No. 5) 9 Edw 7 No. 14
Appropriation Act 1910–1911 (No. 1) 1 Geo 5 No. 1
Appropriation Act 1910–1911 (No. 2) 1 Geo 5 No. 2
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Appropriation Act 1910–1911 (No. 4) 1 Geo 5 No. 13
Appropriation Act 1911–1912 (No. 1) 2 Geo 5 No. 1
Appropriation Act 1911–1912 (No. 2) 2 Geo 5 No. 2
Appropriation Act 1911–1912 (No. 3) 2 Geo 5 No. 6
Appropriation Act 1911–1912 (No. 4) 2 Geo 5 No. 15
Appropriation Act 1912–1913 (No. 1) 3 Geo 5 No. 3
Appropriation Act 1912–1913 (No. 2) 3 Geo 5 No. 4
Appropriation Act 1912–1913 (No. 3) 3 Geo 5 No. 7
Appropriation Act 1912–1913 (No. 4) 3 Geo 5 No. 18
Appropriation Act 1913–1914 (No. 1) 4 Geo 5 No. 1
Appropriation Act 1913–1914 (No. 2) 4 Geo 5 No. 6

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Appropriation Act 1913–1914 (No. 4) 4 Geo 5 No. 22
Appropriation Act 1914–1915 (No. 1) 5 Geo 5 No. 1
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Appropriation Act 1915–1916 (No. 1) 6 Geo 5 No. 1
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Appropriation Act 1916–1917 (No. 1) 7 Geo 5 No. 1
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Appropriation Act 1916–1917 (No. 3) 7 Geo 5 No. 20
Appropriation Act 1917–1918 (No. 1) 8 Geo 5 No. 1
Appropriation Act 1917–1918 (No. 2) 8 Geo 5 No. 2
Appropriation Act 1917–1918 (No. 3) 8 Geo 5 No. 6
Appropriation Act 1917–1918 (No. 4) 8 Geo 5 No. 14
Appropriation Act 1918–1919 (No. 1) 9 Geo 5 No. 1
Appropriation Act 1918–1919 (No. 3) 9 Geo 5 No. 10
Appropriation Act 1919–1920 (No. 1) 10 Geo 5 No. 1
Appropriation Act 1919–1920 (No. 2) 10 Geo 5 No. 2
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Appropriation Act 1922–1923 (No. 1) 13 Geo 5 No. 5
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Appropriation Act 1926–1927 (No. 1) 17 Geo 5 No. 1
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Appropriation Act 1935–1936 (No. 2) 26 Geo 5 No. 14
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Appropriation Act 1936–1937 (No. 1) 1 Edw 8 No. 1
Appropriation Act 1936–1937 (No. 2) 1 Edw 8 No. 11
Appropriation Act 1936–1937 (No. 3) 1 Edw 8 No. 20
Australasian Federation Enabling Act (Queensland) 1899 63 Vic No. 1
Australian Joint Stock Bank Act 1874 37 Vic*
Australian Joint Stock Bank Act Amendment Act 1887 51 Vic*
(Bank of Queensland) Act 1863 27 Vic*
Census Act 1880 44 Vic No. 5
Census Act for 1861 24 Vic No. 5
Census Act for 1864 27 Vic No. 5
Census Act for 1868 31 Vic No. 32
Census Act for 1871 34 Vic No. 23
(Commercial Bank) Act 1863 27 Vic*
Commonwealth Deposit Act 1912 3 Geo 5 No. 12

SCHEDULE 5 (continued)

- Cook District Representation Act 1875 39 Vic No. 6
Gladstone Exchange of Land Act 1870 34 Vic No. 9
Government Loan Act 1861 25 Vic No. 3
Government Loan Act 1863 27 Vic No. 25
Government Loan Act 1864 28 Vic No. 28
Government Loan Act 1866 29 Vic No. 24
Government Loan Act 1870 34 Vic No. 2
Government Loan Act 1872 36 Vic No. 24
Government Loan Act 1875 39 Vic No. 8
Government Loan Act 1876 40 Vic No. 19
Government Loan Act 1877 41 Vic No. 22
Government Loan Act 1878 42 Vic No. 10
Government Loan Act 1879 43 Vic No. 6
Government Loan Act 1881 45 Vic No. 8
Government Loan Act 1882 46 Vic No. 16
Government Loan Act 1884 47 Vic No. 10
Government Loan Act 1884 (No. 2) 48 Vic No. 25
Government Loan Act 1889 53 Vic No. 16
Government Loans Sinking Fund Temporary Suspension Act 1917 8
Geo 5 No. 8
Kangaroo Point Church Land Sale Act 1872 36 Vic*
Land Orders Act 1872 36 Vic No. 7
Land Orders Act 1874 38 Vic No. 8
(Louis Hope Land Grant) Act 1867 31 Vic No. 2
Manumbar Sheep Destruction Act 1870 34 Vic No. 22
Marsupial Boards Act 1897 Amendment Act 1901 1 Edw 7 No. 18

SCHEDULE 5 (continued)

Marsupial Boards Acts Continuation Act 1904 4 Edw 7 No. 16
Marsupials Destruction Act Amendment Act 1887 51 Vic No. 13
Marsupials Destruction Act Continuation Act 1884 48 Vic No. 2
Marsupials Destruction Act Continuation Act 1885 49 Vic No. 6
Marsupials Destruction Act Continuation Act 1886 50 Vic No. 18
Marsupials Destruction Act Continuation Act 1888 52 Vic No. 10
Maryborough and Urangan Railway Act 1884 48 Vic*
Moreton Bay Tramway Act 1861 25 Vic*
Pacific Islanders' Employers' Compensation Act 1885 49 Vic No. 3
Pastoral Assessment Act 1864 28 Vic No. 20
Pensions Validating Act 1891 55 Vic No. 3
(Port Albany Free Port Declaration Act 1866 Repeal) Act 1876 40 Vic
No. 8
(Queensland Insurance Company) Act 1869 32 Vic
(Queensland Steam Navigation Company) Act 1861 25 Vic
Religious Instruction in State Schools Referendum Act 1908 8 Edw 7
No. 11
Selectors Relief Act 1878 42 Vic No. 6
Speaker's Pension Act 1870 34 Vic No. 4
Thomas Railway Act 1881 45 Vic No. 16
Treasury Bills Act 1866 30 Vic No. 8
Treasury Bills Act 1869 33 Vic No. 7
Treasury Bills Act 1872 35 Vic No. 2
Treasury Bills Act 1872 (No. 2) 36 Vic No. 18
Treasury Bills Act 1880 44 Vic No. 13
Treasury Bills Act 1891 55 Vic No. 8

SCHEDULE 5 (continued)

Treasury Bills Act 1893 56 Vic No. 36

Treasury Bills Act 1893 57 Vic No. 20

Treasury Bills Act 1901 1 Edw 7 No. 4

Treasury Bills Act 1902 2 Edw 7 No. 26

Treasury Bills Act 1893 Amendment Act 1895 58 Vic No. 33

Wheat Advances Agreement Ratification Act 1921 12 Geo 5 No. 25

Explanatory notes

These Acts were identified in the Public Acts of Queensland Reprint (1936) as Acts whose operation was exhausted. These Acts do not contain expiry provisions and were never repealed. The Acts are clearly obsolete.

Acts marked with an asterisk are private Acts.

SCHEDULE 6

REPEAL OF OTHER EXHAUSTED ACTS

section 4(1)

Civil Service Acts Amendment Act 1894 58 Vic No. 29

Civil Service Acts Amendment Act 1895 59 Vic No. 16

Explanatory note

The operation of the first Act was listed in the Public Acts of Queensland Reprint (1936) as exhausted. The Act does not contain an expiry provision.

The second Act was listed in the Public Acts of Queensland Reprint (1936) as repealed impliedly by the Public Service Act 1896 s 2. The repealing Act repealed the Civil Service Act 1889 and the Civil Service Act Amendment Act 1891 but not the Civil Service Acts Amendment Act 1895.

The 2 Acts are obsolete.

Cumberland Disease Act 1866 30 Vic No. 4

Explanatory note

This Act was listed in the Public Acts of Queensland Reprint (1936) as repealed 'virtually' by the Diseases in Sheep Act 1867 s 1. The repealing Act makes no mention of this Act. This Act is obsolete.

Rockhampton Waterworks Act 1875 39 Vic

Explanatory note

The *Water Authorities Act 1891* provided in s 13 that the Governor in Council may by proclamation declare that this Act is repealed. The reprint of the *Water Authorities Act 1891* in the Public Acts of Queensland Reprint (1936) stated that this Act was repealed by a proclamation under s 13. The proclamation cannot be located. To remove any doubt this Act is repealed.

SCHEDULE 7**REPEAL OF AMENDING ACTS**

section 4(1)

Aboriginal and Torres Strait Islander Land (Consequential Amendments)
Act 1991 No. 76

Acquisition of Land Act Amendment Act 1969 No. 33

Acts Interpretation Act Amendment Act 1957 6 Eliz 2 No. 18

Acts Interpretation Act Amendment Act 1971 No. 43

Acts Interpretation Act Amendment Act 1977 No. 37

Acts Interpretation Act and Another Act Amendment Act 1989 No. 28

Acts Interpretation Acts Amendment Act 1960 9 Eliz 2 No. 14

Acts Interpretation Acts Amendment Act 1962 No. 2

Acts Interpretation Amendment Act 1991 No. 30

Adoption of Children Act Amendment Act 1972 No. 17

Adoption of Children Act Amendment Act 1979 No. 22

Adoption of Children Act Amendment Act 1981 No. 42

Adoption of Children Act Amendment Act 1983 No. 26

Adoption of Children Acts Amendment Act 1967 No. 14

Adoption of Children Acts and Another Act Amendment Act 1986 No. 35

Adoption Legislation Amendment Act 1991 No. 2

Anti-Discrimination Amendment Act 1992 No. 59

Anti-Discrimination Amendment Act 1994 No. 29

Anzac Day Act Amendment Act 1973 No. 6

Anzac Day Act Amendment Act 1976 No. 21

Anzac Day Act Amendment Act 1985 No. 93

SCHEDULE 7 (continued)

Anzac Day Acts Amendment Act 1964 No. 70
Appeal Costs Fund Act Amendment Act 1981 No. 25
Appointments (Clarification of Validity) Act 1991 No. 44
Auctioneers and Agents Act Amendment Act 1975 No. 82
Auctioneers and Agents Act Amendment Act 1977 No. 46
Auctioneers and Agents Act Amendment Act 1981 No. 26
Auctioneers and Agents Act Amendment Act 1985 No. 94
Auctioneers and Agents Act Amendment Act 1988 No. 22
Auctioneers and Agents Act and Another Act Amendment Act 1972
No. 36
Audit and Parliamentary Committees (Miscellaneous Amendments) Act
1992 No. 45
Audit Legislation Amendment Act 1993 No. 9
Bail Act Amendment Act 1982 No. 56
Bail Act Amendment Act 1984 No. 11
Bail Act and Another Act Amendment Act 1989 No. 38
Bail Act and Other Acts Amendment Act 1988 No. 105
Bail Amendment Act 1993 No. 34
Bills of Sale and Other Instruments Act and Other Acts Amendment Act
1971 No. 10
Brands Act Amendment Act 1916 7 Geo 5 No. 3
Brands Act Amendment Act 1975 No. 46
Brands Act Amendment Act 1979 No. 64
Brands Act and Another Act Amendment Act 1974 No. 79
Brands Acts Amendment Act 1937 1 Geo 6 No. 17
Brands Acts Amendment Act 1940 4 Geo 6 No. 10

SCHEDULE 7 (continued)

Brands Acts Amendment Act 1965 No. 39
Building Act Amendment Act 1978 No. 47
Building Act Amendment Act 1981 No. 53
Building Act Amendment Act 1984 No. 45
Building Act Amendment Act 1984 (No. 2) No. 114
Building Act Amendment Act 1987 No. 69
Building and Construction Industry (Portable Long Service Leave) Amendment Act 1993 No. 66
Business Names Act Amendment Act 1965 No. 50
Business Names Act Amendment Act 1979 No. 19
Cairns Casino Agreement Amendment Act 1993 No. 74
Chiropractic Manipulative Therapists Act Amendment Act 1988 No. 3
City of Brisbane Town Planning Act and Another Act Amendment Act 1977 No. 22
Civil Aviation (Carriers' Liability) Act Amendment Act 1970 No. 38
Classification of Films Amendment Act 1993 No. 15
Collections Act Amendment Act 1975 No. 34
Collections Act Amendment Act 1977 No. 48
Collections Act Amendment Act 1981 No. 34
Collections Act Amendment Act 1989 No. 6
Commissions of Inquiry Act Amendment Act 1954 3 Eliz 2 No. 38
Commissions of Inquiry Act Amendment Act 1987 No. 59
Commissions of Inquiry Act Amendment Act 1988 No. 30
Commissions of Inquiry Act and Other Acts Amendment Act 1988 No. 58
Commissions of Inquiry Act Amendment Act 1989 No. 2
Common Law Practice Act Amendment Act 1915 6 Geo 5 No. 22

SCHEDULE 7 (continued)

Common Law Practice Act Amendment Act 1964 No. 38
Common Law Practice Act Amendment Act 1970 No. 44
Common Law Practice Act Amendment Act 1972 No. 34
Common Law Practice and Limitation of Actions Acts Amendment Act 1981 No. 87
Community Services (Aborigines) Act Amendment Act 1986 No. 43
Community Services (Torres Strait) Act Amendment Act 1986 No. 44
Companies Act Amendment Act 1971 No. 8
Companies (Consequential Amendments) Act 1981 No. 111
Constitution (Office of Governor) Act Amendment Act 1989 No. 71
Coroners Act Amendment Act 1972 No. 16
Coroners Act Amendment Act 1976 No. 17
Coroners Act and Another Act Amendment Act 1977 No. 49
Corporations (Consequential Amendments) Act 1990 No. 99
Corporations (Queensland) Amendment Act 1991 No. 62
Corrective Services Amendment Act 1991 No. 55
Corrective Services (Administration) Amendment Act 1994 No. 22
Credit Amendment Act 1991 No. 31
Criminal Code Amendment Act 1913 4 Geo 5 No. 23
Criminal Code Amendment Act 1913 (No. 2) 4 Geo 5 No. 25
Criminal Code Amendment Act 1914 5 Geo 5 No. 22
Criminal Code Amendment Act 1939 3 Geo 6 No. 28
Criminal Code Amendment Act 1943 7 Geo 6 No. 14
Criminal Code Amendment Act 1946 10 Geo 6 No. 22
Criminal Code Amendment Act 1957 6 Eliz 2 No. 1
Criminal Code Amendment Act 1964 No. 14

SCHEDULE 7 (continued)

- Criminal Code Amendment Act 1973 No. 53
Criminal Code Amendment Act 1976 No. 25
Criminal Code Amendment Act 1984 No. 28
Criminal Code Amendment Act 1986 No. 1
Criminal Code and Bail Act Amendment Act 1984 No. 32
Criminal Code and Justices Acts Amendment Act 1956 5 Eliz 2 No. 5
Criminal Code and Other Acts Amendment Act 1961 10 Eliz 2 No. 11
Criminal Code and the Justices Act Amendment Act 1975 No. 27
Criminal Code and the Justices Act and Another Act (Stock Offences) Amendment Act 1973 No. 88
Criminal Code Correction of Errors Act 1900 64 Vic No. 7
Criminal Code (Prohibition of Secret Commissions) and Further Amendment Act 1931 22 Geo 5 No. 40
Criminal Justice Amendment Act 1992 No. 16
Criminal Justice Amendment Act (No. 2) 1992 No. 18
Criminal Justice Amendment Act 1993 No. 75
Criminal Law Amendment Act 1946 11 Geo 6 No. 6
Criminal Law Amendment Act 1948 12 Geo 6 No. 48
Criminal Law Amendment Act 1979 No. 2
Criminal Law Amendment Act 1982 (No. 2) No. 59
Criminal Law Amendment Act 1993 No. 65
Criminal Law (Escaped Prisoners) Amendment Act 1992 No. 25
Dairy Produce Acts and Other Acts Amendment Act 1934 25 Geo 5 No. 11
Dental Act Amendment Act 1973 No. 90
Dental Act Amendment Act 1984 No. 81

SCHEDULE 7 (continued)

Dental Act Amendment Act 1987 No. 75

Dental Amendment Act 1991 No. 56

Director of Prosecutions Act and Justices Act Amendment Act 1985
No. 25

Diseases in Stock Act and Brands Acts Amendment Act 1931 22 Geo 5
No. 34

District and Magistrates Courts Acts and Property Law Act Amendment
Act 1982 No. 51

District Courts Act Amendment Act 1969 No. 16

District Courts Act Amendment Act 1972 No. 7

District Courts Act Amendment Act 1985 No. 53

District Courts Act and Other Acts Amendment Act 1989 No. 40

District Courts' and Magistrates Courts' Jurisdiction Act 1976 No. 19

Dividing Fences Act Amendment Act 1972 No. 13

Dividing Fences Act and Another Act Amendment Act 1982 No. 40

Domestic Violence (Family Protection) Amendment Act 1992 No. 46

Drugs Misuse Act Amendment Act 1987 No. 53

Drugs Misuse Act Amendment Act 1989 No. 34

Elections Act and the Criminal Code Amendment Act 1973 No. 8

Elections Acts and the Criminal Code Amendment Act 1952 1 Eliz 2 No. 4

Evidence Act Amendment Act 1981 No. 3

Evidence Act Amendment Act 1984 No. 71

Evidence and Discovery Acts and Other Acts Amendment Act 1960 9
Eliz 2 No. 22

Financial Administration and Audit Act Amendment Act 1978 No. 80

Financial Administration and Audit Act Amendment Act 1981 No. 89

Financial Administration and Audit Act Amendment Act 1985 No. 82

SCHEDULE 7 (continued)

Financial Administration and Audit Act and Another Act Amendment Act 1988 No. 49

Food Act Amendment Act 1989 No. 72

Food Act and Health Act Amendment Act 1984 No. 22

Foreign Ownership of Land Register Act Amendment Act 1989 No. 3

Foreign Ownership of Land Register Act Amendment Act 1990 No. 106

Forestry Act Amendment Act 1964 No. 15

Forestry Act Amendment Act 1968 No. 33

Forestry Act Amendment Act 1971 No. 25

Forestry Act Amendment Act 1976 No. 9

Forestry Act Amendment Act 1979 No. 10

Forestry Act Amendment Act 1984 No. 86

Forestry Act Amendment Act 1987 No. 44

Forestry Act Amendment Act 1991 No. 13

Forestry Act and Another Act Amendment Act 1974 No. 33

Freedom of Information Amendment Act 1993 No. 59

Gaming Machine Amendment Act 1992 No. 35

Gaming Machine Amendment Act 1993 No. 63

Gladstone Power Station Agreement Amendment Act 1994 No. 5

Grain Industry (Restructuring) Amendment Act 1993 No. 40

Hawkers Act Amendment Act 1985 No. 60

Health Act Amendment Act 1939 3 Geo 6 No. 34

Health Act Amendment Act 1971 No. 20

Health Act Amendment Act 1975 No. 70

Health Act Amendment Act 1976 No. 41

Health Act Amendment Act 1976 (No. 2) No. 88

SCHEDULE 7 (continued)

Health Act Amendment Act 1978 No. 65
Health Act Amendment Act 1979 No. 46
Health Act Amendment Act 1980 No. 26
Health Act Amendment Act 1980 (No. 2) No. 61
Health Act Amendment Act 1981 No. 77
Health Act Amendment Act 1982 No. 57
Health Act Amendment Act 1984 No. 26
Health Act Amendment Act 1984 (No. 2) No. 103
Health Act Amendment Act 1987 No. 22
Health Act Amendment Act 1988 No. 25
Health Act and Food Act Amendment Act 1990 No. 59
Health Acts Amendment Act 1941 5 Geo 6 No. 8
Health Acts Amendment Act 1943 7 Geo 6 No. 24
Health Acts Amendment Act 1946 10 Geo 6 No. 40
Health Acts Amendment Act 1946 (No. 2) 11 Geo 6 No. 9
Health Acts Amendment Act 1948 13 Geo 6 No. 16
Health Acts Amendment Act 1955 4 Eliz 2 No. 38
Health Acts Amendment Act 1959 8 Eliz 2 No. 57
Health Acts Amendment Act 1960 9 Eliz 2 No. 49
Health Acts Amendment Act 1962 No. 27
Health Acts Amendment Act 1964 No. 71
Health Acts Amendment Act 1966 No. 25
Health Acts Amendment Act 1968 No. 19
Health Acts Amendment Act 1968 (No. 2) No. 54
Health Legislation Amendment Act 1993 No. 79
Industrial Relations Amendment Act 1992 No. 62

SCHEDULE 7 (continued)

Industrial Relations Reform Act 1994 No. 12
Integrated Resort Development Amendment Act 1991 No. 94
Integrated Resort Development Amendment Act 1993 No. 46
Intellectually Disabled Citizens Amendment Act 1993 No. 55
Judges' Pensions Act Amendment Act 1984 No. 10
Judges' Pensions Act Amendment Act 1984 (No. 2) No. 98
Judges' (Pensions and Long Leave) Amendment Act 1992 No. 14
Judges' Salaries and Pensions Act Amendment Act 1970 No. 2
Judges' Salaries and Pensions Act Amendment Act 1971 No. 22
Judges' Salaries and Pensions Act Amendment Act 1973 No. 21
Judges' Salaries and Pensions Act Amendment Act 1984 No. 75
Judges' Salaries and Pensions Act Amendment Act 1989 No. 46
Judges' Salaries and Pensions Act and Another Act Amendment Act 1980
No. 16
Jurisdiction of Courts (Cross-vesting) Amendment Act 1993 No. 41
Jury Act Amendment Act 1972 No. 35
Jury Act Amendment Act 1978 No. 78
Jury Act Amendment Act 1981 No. 29
Jury Act Amendment Act 1991 (No. 2) No. 80
Jury Act Amendment Act 1982 No. 62
Jury Act Amendment Act 1990 No. 46
Jury Act and Oaths Act Amendment Act 1988 No. 26
Jury Act and Other Acts Amendment Act 1976 No. 39
Jury Acts Amendment Act 1956 5 Eliz 2 No. 6
Jury Acts Amendment Act 1958 7 Eliz 2 No. 60
Jury Acts Amendment Act 1967 No. 16

SCHEDULE 7 (continued)

- Jury Acts and Another Act Amendment Act 1964 No. 41
- Justice and Attorney-General Legislation (Miscellaneous Provisions) Act 1993 No. 68
- Justice and Attorney-General (Miscellaneous Provisions) Act 1994 No. 24
- Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42
- Justices Act Amendment Act 1909 9 Edw 7 No. 11
- Justices Act Amendment Act 1929 20 Geo 5 No. 32
- Justices Act Amendment Act 1973 No. 22
- Justices Act Amendment Act 1977 (No. 2) No. 33
- Justices Act Amendment Act 1980 No. 32
- Justices Act and Other Acts Amendment Act 1968 No. 14
- Justices Act and Another Act Amendment Act 1974 No. 25
- Justices Act and the Criminal Code Amendment Act 1978 No. 10
- Justices Acts Amendment Act 1942 6 Geo 6 No. 17
- Justices Acts Amendment Act 1958 7 Eliz 2 No. 39
- Justices Acts Amendment Act 1960 9 Eliz 2 No. 46
- Land Sales Act Amendment Act 1985 No. 43
- Land Sales Act Amendment Act (No. 2) 1985 No. 105
- Land Title Amendment Act 1994 No. 33
- Lands Legislation Amendment Act 1992 No. 64
- Law Courts and State Buildings Protective Security Act Amendment Act 1989 No. 80
- Law Courts and State Buildings Protective Security Act Amendment Act 1993 No. 17
- Legal Aid Act Amendment Act 1986 No. 3
- Legal Aid Act Amendment Act 1989 No. 73

SCHEDULE 7 (continued)

- Legal Aid Act Amendment Act 1990 No. 6
- Liquor Act and Other Acts Amendment Act 1985 No. 81
- Medical and Paramedical (Amendment of Inspectorial and Audit Provisions) Act 1987 No. 10
- Members (E.A.R.C. and C.J.C.) Act 1990 No. 1
- Mental Health Act, Criminal Code and Health Act Amendment Act 1984 No. 66
- Mining Act and Other Acts Amendment Act 1982 No. 23
- Mixed Use Development Amendment Act 1993 No. 80
- Nursing Studies Act and Other Acts Amendment Act 1984 No. 74
- Offence Notices Legislation Amendment Act 1992 No. 23
- Penalties and Sentences Legislation Amendment Act 1993 No. 36
- Prostitution Laws Amendment Act 1992 No. 65
- Public Service (Administrative Arrangements) Act 1990 No. 73
- Public Service (Administrative Arrangements) Act (No. 2) 1990 No. 80
- Registration of Births, Deaths and Marriages Act and Another Act Amendment Act 1967 No. 11
- Small Claims Tribunals and Dividing Fences Acts Amendment Act 1985 No. 77
- South Bank Corporation Amendment Act 1991 No. 67
- Statute Law (Miscellaneous Provisions) Act 1989 No. 103
- Statute Law (Miscellaneous Provisions) Act 1990 No. 88
- Statute Law (Miscellaneous Provisions) Act 1993 No. 32
- Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76
- Stock Act and Another Act Amendment Act 1978 No. 64
- Treasury Legislation Amendment Act 1994 No. 31
- Trust Accounts Act and Another Act Amendment Act 1978 No. 70

SCHEDULE 7 (continued)

Whistleblowers (Interim Protection) and Miscellaneous Amendments Act
1990 No. 79**Explanatory notes**

These are amending Acts enacted before 1 July 1994 (“pre-1 July 1994 Acts”) whose purpose ended when the last of the amending provisions took effect. Section 19 of the *Acts Interpretation Act 1954* preserves the effect of amending Acts that are repealed.

Unlike amending Acts enacted after 1 July 1994, they are not automatically repealed by section 22C of the *Acts Interpretation Act 1954*.

Pre-1 July 1994 Acts are being repealed as part of the Office of Queensland Parliamentary Counsel’s continuing review of the statute book.

It is proposed to repeal all unrepealed amending Acts that have commenced as soon as possible.

Their repeal will make it easier for users of legislation to be completely sure all provisions have become part of the amended Act. At the present time, substantive provisions can still be found in some pre-1 July 1994 Acts. As part of the review, substantive provisions that are still needed will be relocated into the Acts that are amended.

SCHEDULE 8**OTHER ACTS REPEALED**

section 4(1)

Appropriation Act 1992 No. 39

Appropriation Act (No. 2) 1992 No. 47

Appropriation Act 1993 No. 33

Associations (Natural Disaster) Relief Act 1976 No. 2

Australian and New Zealand Banking Group Act 1970*

Bank of Adelaide Merger Act 1980 No. 55

Bank of New South Wales Amendment Act 1864 28 Vic

Bank of New South Wales Amendment Act 1925 16 Geo 5

Burdekin River High Level Bridge (Finance) Act 1958 7 Eliz 2 No. 49

Collinsville-Townsville-Mount Isa Railway Agreement Act 1961 10 Eliz 2
No. 53

Commercial Banking Company of Sydney Limited Merger Act 1982*

Commercial Bank of Australia Limited Merger Act 1982*

Constitution (Executive Actions Validity) Act 1988 No. 66

Decimal Currency Act 1965 No. 61.

Enterprise Zones Act 1988 No. 86

Fishing Industry Organization and Marketing Act and Another Act
Amendment Act 1984 No. 29

Law Reform (Legitimacy of Children of Voidable Marriages) Act 1955 4
Eliz 2 No. 20

Legal Practitioners Act 1905 5 Edw 7 No. 10

Liverpool and London and Globe Insurance Company's Act 1877 41 Vic

SCHEDULE 8 (continued)

Local Government Finance Act 1950 14 Geo 6 No. 27

Local Government Finance Act 1952 1 Eliz 2 No. 18

Pensions Act 1891 55 Vic No. 28

Public Officers Fees Act 1884 48 Vic No. 5

Queensland Permanent Building Society Act 1977 No. 60

Queensland Statutes (1962 Reprint) Act 1962 11 Eliz 2 No. 15

Queensland Trustees, Limited, Act 1892 56 Vic

Railways (Capital Indebtedness) Reduction Act 1931 22 Geo 5 No. 33

Railways (Capital Indebtedness) Reduction Act Amendment Act 1942 6
Geo 6 No. 33

Snowy Mountains Engineering Corporation (Queensland) Act 1971 No. 6

Snowy Mountains Engineering Corporation (Queensland) Act Amendment
Act 1974 No. 65

Somerset Dam (Finance) Act 1954 3 Eliz 2 No. 50

Statutes Reprint Act 1936 1 Edw 8 No. 30

Trustee Companies Act 1963 No. 24

Union Trustee Company of Australia, Limited, Acts Amendment Act 1959
8 Eliz 2 No. 38

Water Act and Another Act Amendment Act 1973 No. 10

Explanatory notes

These Acts have been identified as obsolete.

Acts marked with an asterisk are private Acts.

SCHEDULE 9

IMPERIAL AND NEW SOUTH WALES ACTS WHOSE APPLICATION TO QUEENSLAND ENDS

section 4(2)

PART 1—IMPERIAL ACTS

Colonial Courts of Admiralty Act 1890

Explanatory note

This is an Imperial Act applying in Queensland whose effect has ended.

PART 2—NEW SOUTH WALES ACTS

Bank of New South Wales Act 1828 9 Geo 4 No. 3

Bank of New South Wales Act 1850 14 Vic*

Bank of New South Wales Amendment Act 1852 16 Vic*

Bank of New South Wales Amendment Act 1854 18 Vic*

Fugitive Offenders Act 1850 14 Vic No. 7

Explanatory notes

These are New South Wales Acts applying in Queensland whose effect has ended.

Acts marked with an asterisk are private Acts.

SCHEDULE 10**DECLARED LAWS WHOSE REPEAL DOES NOT END
THEIR EFFECT**

section 4(3)

Australia and New Zealand Banking Group Act 1970*

Bank of Adelaide Merger Act 1980 No. 55

Bank of New South Wales Act 1850 14 Vic

Bank of New South Wales Amendment Act 1925 16 Geo 5

Commerical Banking Company of Sydney Limited Merger Act 1982*

Commercial Bank of Australia Limited Merger Act 1982*

Explanatory note

These are laws to which section 20A of the *Acts Interpretation Act 1954* applies. Accordingly, the effect of these laws does not end merely because of their repeal.

Acts marked with an asterisk are private Acts.