

Queensland



**PRIMARY INDUSTRIES AND
NATURAL RESOURCES
LEGISLATION
AMENDMENT ACT 2000**

Act No. 26 of 2000



PRIMARY INDUSTRIES AND NATURAL RESOURCES LEGISLATION AMENDMENT ACT 2000

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	6
2	Commencement	6
PART 2—AMENDMENT OF FISHERIES ACT 1994		
3	Act amended in pt 2 and sch 2	6
4	Omission of pt 4, div 1 (Establishment of Authority)	6
5	Replacement of s 227 (Other references)	7
<i>Division 2—Savings and transitional provisions for Primary Industries and Natural Resources Legislation Amendment Act 2000</i>		
227	Definitions for div 2	7
228	Dissolution of Authority	7
229	Vesting of assets, rights and liabilities	7
230	Decisions, documents etc. of Authority	8
231	Legal proceedings	8
232	References to Authority	8
233	Duty to register transfer of property	8
234	Employees of the Authority	8
235	Contract employees	9
236	Accrued entitlements	10
237	Industrial instruments	10
238	Amendment of management plan	10

PART 3—AMENDMENT OF FORESTRY ACT 1959

6	Act amended in pt 3 and sch 1	10
7	Omission of pt 2A (Timber Research and Development Advisory Council)	11
8	Insertion of new pt 9	11

**PART 9—SAVINGS AND TRANSITIONAL PROVISIONS FOR
PRIMARY INDUSTRIES AND NATURAL RESOURCES
LEGISLATION AMENDMENT ACT 2000**

Division 1—Preliminary

104	Purposes of pt 9	11
105	Definitions for pt 9	11

Division 2—Appointment of replacement corporation

106	Council must appoint its replacement corporation	12
107	Conditions for appointment	13
108	Notice of appointment	13

Division 3—Transfer to replacement corporation

109	Application of div 3	14
110	Transfer of council's assets and liabilities	15
111	Registration of transferred assets	15
112	References to council	16
113	Continuity of proceedings	16
114	Employees	16
115	Minister's directions to give effect to transfer	17
116	Dissolution of council	17

**PART 4—AMENDMENT OF PRIMARY INDUSTRIES
CORPORATION ACT 1992**

9	Act amended in pt 4	18
10	Omission of s 3 (Definitions)	18
11	Replacement of pts 2 and 4	18

**PART 2—SAVINGS AND TRANSITIONAL PROVISIONS FOR
PRIMARY INDUSTRIES AND NATURAL RESOURCES
LEGISLATION AMENDMENT ACT 2000**

3	Definitions for pt 2	18
4	Dissolution of corporation	18

5	Vesting of assets, rights and liabilities	19
6	Decisions, documents etc. of corporation	19
7	Legal proceedings	19
8	References to corporation	19
9	Duty to register transfer of property	19
10	Expiry of Act	20
PART 5—CONSEQUENTIAL AMENDMENTS		
12	Consequential amendments commencing on assent	20
13	Consequential amendments commencing on 30 June 2000	20
SCHEDULE 1		
CONSEQUENTIAL AMENDMENTS COMMENCING ON ASSENT		
	AGRICULTURAL COLLEGES ACT 1994	21
	DIVIDING FENCES ACT 1953	21
	FORESTRY ACT 1959	22
	IRVINEBANK STATE TREATMENT WORKS (SALE AND OPERATION) ACT 1990	31
	LAND ACT 1994	31
	LOCAL GOVERNMENT ACT 1993	32
	MINERAL RESOURCES ACT 1989	32
	NEW SOUTH WALES—QUEENSLAND BORDER RIVERS ACT 1946 ..	32
	PETROLEUM ACT 1923	33
	QUEENSLAND HERITAGE ACT 1992	33
	RECREATION AREAS MANAGEMENT ACT 1988	33
	RIVER IMPROVEMENT TRUST ACT 1940	34
	RURAL LANDS PROTECTION ACT 1985	35
	SAWMILLS LICENSING ACT 1936	36
	SOIL CONSERVATION ACT 1986	37
	VALUATION OF LAND ACT 1944	37
	WATER RESOURCES ACT 1989	37

SCHEDULE 2	47
CONSEQUENTIAL AMENDMENTS COMMENCING ON 30 JUNE 2000	
FISHERIES ACT 1994	47
TORRES STRAIT FISHERIES ACT 1984	58

Queensland



Primary Industries and Natural Resources Legislation Amendment Act 2000

Act No. 26 of 2000

An Act to abolish the Queensland Fisheries Management Authority, to enable the conversion of the Timber Research and Development Advisory Council into a non-statutory body, to repeal the *Primary Industries Corporation Act 1992*, and for other purposes

[Assented to 27 June 2000]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Primary Industries and Natural Resources Legislation Amendment Act 2000*.

Commencement

2.(1) Part 2 and section 13 commence at 6 p.m. on 30 June 2000.

(2) The following sections commence on a date to be fixed by proclamation—

- (a) section 7;
- (b) section 8, to the extent it inserts part 9, division 3 in the *Forestry Act 1959*.

PART 2—AMENDMENT OF FISHERIES ACT 1994

Act amended in pt 2 and sch 2

3.(1) This part amends the *Fisheries Act 1994*.

(2) Schedule 2 also includes amendments of the *Fisheries Act 1994*.

Omission of pt 4, div 1 (Establishment of Authority)

4. Part 4, division 1—

omit.

Replacement of s 227 (Other references)**5. Section 227—**

omit, insert—

‘Division 2—Savings and transitional provisions for Primary Industries and Natural Resources Legislation Amendment Act 2000**‘Definitions for div 2**

‘227. In this division—

“amending Act” means the *Primary Industries and Natural Resources Legislation Amendment Act 2000*.

“Authority” means the Queensland Fisheries Management Authority in existence immediately before the commencement.

“commencement” means the commencement of section 5 of the amending Act.

“contract employee” means a person who, immediately before the commencement, was employed by the Authority under a written contract, whether or not for a fixed term.

‘Dissolution of Authority

‘228. On the commencement, the Authority is dissolved and its members go out of office.

‘Vesting of assets, rights and liabilities

‘229. On the commencement—

- (a) the assets, rights and liabilities of the Authority vest in the State; and
- (b) the State is substituted for the Authority in all contracts to which the Authority is a party.

‘Decisions, documents etc. of Authority

‘230. A decision or recommendation made, licence, notice or other document made or given, or other action taken, before the commencement, by the Authority is taken to have been made, given or taken by the chief executive.

‘Legal proceedings

‘231. A legal proceeding that could have been started or continued by or against the Authority before the commencement may be started or continued by or against the State.

‘References to Authority

‘232. A reference in an Act or document in existence immediately before the commencement to the Authority is—

- (a) if the reference is to the ownership or vesting of property in the Authority—a reference to the State; and
- (b) otherwise—a reference to the chief executive.

‘Duty to register transfer of property

‘233.(1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the State, make in the register all entries necessary to record the vesting of stated properties in the State by this division.

‘(2) The request is not liable to fees.

‘Employees of the Authority

‘234.(1) On the commencement, a person who, immediately before the commencement, was an employee of the Authority—

- (a) becomes a public service employee; and
- (b) has a right to a salary or wage rate not lower than the person’s salary or wage rate immediately before the commencement.

‘(2) For subsection (1)(a)—

- (a) a person who, immediately before the commencement was a permanent employee of the Authority is taken to be a public service officer; and
- (b) a person who, immediately before the commencement was a temporary employee of the Authority is taken to be a temporary employee; and
- (c) a person who, immediately before the commencement was a casual employee of the Authority is taken to be a temporary employee on a casual basis.

‘(3) This section does not apply to a contract employee.

‘Contract employees

‘235.(1) On the commencement, a contract employee becomes a public service officer.

‘(2) Despite anything in the *Public Service Act 1996*—

- (a) the person continues to be engaged and employed in the department under the terms of the person’s contract with the Authority; and
- (b) to remove doubt, it is declared that, if the person’s employment under the contract is terminated under the terms of the contract, the termination does not affect any rights to compensation to which the person is entitled under the terms of the contract.

‘(3) Subject to subsection (2), the person’s contract with the Authority is taken to be a contract under the *Public Service Act 1996*, and that Act applies to the contract as if it were a contract for a fixed term under that Act.

‘(4) The *Public Service Act 1996*, section 71,¹ does not apply to the person.

¹ *Public Service Act 1996*, section 71 (Tenure on termination etc. of certain contracts)

‘(5) A reference in the contract to the Authority as the employer under the contract is taken to be a reference to the chief executive.

‘Accrued entitlements

‘236. A person who becomes a public service employee under this division keeps all entitlements to recreation, sick, long service and other leave, superannuation and other benefits accrued by the person, immediately before the commencement, as an employee of the Authority.

‘Industrial instruments

‘237. Industrial instruments under the *Industrial Relations Act 1999* in force immediately before the commencement, and applying to an employee of the Authority, continue in force under that Act after the commencement and apply to the person as a public service employee.

‘Amendment of management plan

‘238. Sections 33 and 39(1) do not apply to an amendment of a management plan that is merely consequential on the enactment of the *Primary Industries and Natural Resources Legislation Amendment Act 2000*, part 2.’.

PART 3—AMENDMENT OF FORESTRY ACT 1959

Act amended in pt 3 and sch 1

6.(1) This part amends the *Forestry Act 1959*.

(2) Schedule 1 also includes amendments of the *Forestry Act 1959*.

Omission of pt 2A (Timber Research and Development Advisory Council)

7. Part 2A—

omit.

Insertion of new pt 9

8. After section 103—

insert—

**‘PART 9—SAVINGS AND TRANSITIONAL
PROVISIONS FOR PRIMARY INDUSTRIES AND
NATURAL RESOURCES LEGISLATION
AMENDMENT ACT 2000**

‘Division 1—Preliminary

‘Purposes of pt 9

‘104. The purposes of this part are—

- (a) to transfer the assets and liabilities of the council to a body corporate appointed by the council (its **“replacement corporation”**) that is not a public authority; and
- (b) to dissolve the council.

‘Definitions for pt 9

‘105. In this part—

“authorised person”, for the council’s replacement corporation, means its secretary or someone else with the written authority of its board of directors.

“company limited by guarantee” means a company limited by guarantee

under the Corporations Law, section 9.²

“constitution”, of a replacement corporation that is a company limited by guarantee, means its constitution, or proposed constitution, under the Corporations Law.

“council” means the Timber Research and Development Advisory Council established under this Act.

“eligible participant” means a person who, immediately before the transfer day, held a permit under section 56 that was issued subject to section 22S.³

“replacement corporation” see section 104(a).

“transfer day” means the day the *Primary Industries and Natural Resources Legislation Amendment Act 2000*, section 7, commences.

‘Division 2—Appointment of replacement corporation

‘Council must appoint its replacement corporation

‘106.(1) The council must appoint its replacement corporation.

‘(2) It is the intention of Parliament that, unless this part otherwise provides—

(a) the following issues about the council’s replacement corporation are to be resolved when making the appointment—

(i) its constitution;

² Corporations Law, section 9—

“company limited by guarantee” means a company formed on the principle of having the liability of its members limited to the respective amounts that the members undertake to contribute to the property of the company if it is wound up.

Corporations Law, section 124(1) (Legal capacity and powers of a company) provides that: ‘A company limited by guarantee does not have the power to issue shares.’.

³ Section 56 (Permits etc.)
Section 22S (Additional stumpage)

- (ii) its membership and the conditions for becoming a member;
 - (iii) the obligations, restrictions and rights imposed on its members;
 - (iv) its officers; and
- (b) laws concerning the incorporation of, and laws that apply to, the replacement corporation continue to apply.

‘Conditions for appointment

‘107. A replacement corporation may be appointed for the council only if—

- (a) the replacement corporation has, by a notice to the council signed by an authorised person for the corporation, agreed to the appointment; and
- (b) the replacement corporation’s constitution allows the transfer of all the assets and liabilities of the council to the corporation; and
- (c) the replacement corporation is a company limited by guarantee.

‘Notice of appointment

‘108.(1) As soon as practicable after the council has appointed its replacement corporation, it must give the Minister notice of the appointment.

‘(2) The notice must state the following—

- (a) the replacement corporation’s name;
- (b) the day the appointment was made;
- (c) that the replacement corporation’s constitution allows the transfer of all the assets and liabilities of the council to the replacement corporation;
- (d) that the replacement corporation is a company limited by guarantee.

‘(3) The notice must also state that the council is satisfied that, on the transfer of the council’s assets and liabilities to the replacement

corporation—

- (a) the objects of the replacement corporation will include—
 - (i) the promotion, merchandising and market development of timber and timber products; and
 - (ii) the conduct of research into timber and timber products; and
 - (iii) the provision of advice regarding timber processing and use; and
 - (iv) the conduct of research into product development and processing costs in the timber processing industry; and
 - (v) education and training in relation to timber processing and use; and
- (b) having regard to the requirements and purposes of the transfer, the following will be appropriate—
 - (i) the corporation's constitution;
 - (ii) the conditions under which each eligible participant may become a member of the corporation;
 - (iii) the obligations, restrictions and rights that will attach to members of the corporation;
 - (iv) the corporation's officers; and
- (c) each eligible participant will be given an opportunity to become a member.

‘(4) The notice must be accompanied by a copy of the notice mentioned in section 107(a).

‘Division 3—Transfer to replacement corporation

‘Application of div 3

‘109. This division applies on the transfer day.

‘Transfer of council’s assets and liabilities

‘110. The council’s assets and liabilities are transferred to its replacement corporation and become assets and liabilities of the corporation.

‘Registration of transferred assets

‘111.(1) A certificate signed by an authorised person for the council’s replacement corporation is evidence of an asset having become an asset of the corporation on the transfer day if the certificate—

- (a) identifies the asset; and
- (b) states the asset was, immediately before the transfer day, an asset of the council; and
- (c) states that, under this division, the asset became an asset of the replacement corporation on the transfer day.

‘(2) If the certificate is given to an entity with registration functions for assets of that kind under a law of the State, the entity must do the following as if the certificate were an appropriate instrument of transfer of the asset—

- (a) register the matter in the same way as transactions for assets of that kind;
- (b) deal with, and give effect to, the certificate.

Examples of ‘entity with registration functions’—

- ASIC
- the registrar of titles.

‘(3) Subsection (2) applies despite the Corporations Law, section 268 or the Corporations Law, chapter 7, part 7.13.⁴

‘(4) A transfer of an asset to the replacement corporation may be registered or given effect to under the law of another State if—

- (a) the certificate is given to an entity with registration functions for

⁴ Corporations Law, section 268 (Assignment and variation of charges) or chapter 7, part 7.13 (Title to, and transfer of, securities)

assets of that kind under the other State's law; and

- (b) the entity is permitted by law to do so.

'References to council

'112. A reference to the council in an Act or document existing before its dissolution, from its dissolution has effect as if it were a reference to the council's replacement corporation, if the context permits.

'Continuity of proceedings

'113.(1) A proceeding, other than a proceeding that has ended, by or against the council may be continued or finished by or against its replacement corporation.

'(2) If a proceeding could have been taken by or against the council if it had continued to exist, the proceeding may be taken by or against its replacement corporation.

'Employees

'114.(1) A person employed by the council immediately before the transfer day becomes an employee of the council's replacement corporation.

'(2) Subsection (1) does not—

- (a) constitute a redundancy or retrenchment of the person's employment by the council; or
- (b) entitle the person to a benefit or payment merely because the person is no longer employed by the council; or
- (c) interrupt the person's continuity of service.

'(3) For the Industrial Relations Act, the person's period of employment with the council is taken to be an equivalent period of employment with the replacement corporation.

'(4) Subject to the Industrial Relations Act, the person has the same employment rights against the replacement corporation that the person had against the council immediately before the transfer day.

‘(5) If an industrial instrument under the Industrial Relations Act bound the person and the council immediately before the transfer day, it binds the person and the replacement corporation.

‘(6) In this section—

“**employment rights**” includes existing and accruing rights to—

- (a) remuneration; and
- (b) recreation, long service, sick or other leave; and
- (c) superannuation or other benefits and entitlements.

“**Industrial Relations Act**” means the *Industrial Relations Act 1999*.

‘Minister’s directions to give effect to transfer

‘115.(1) The Minister may give the council a written direction to give effect to the transfer of the council’s assets and liabilities to its replacement corporation.

(2) After the direction has been given it must be—

- (a) gazetted as soon as practicable; and
- (b) tabled in the Legislative Assembly within 14 sitting days.

‘Dissolution of council

‘116.(1) On the transfer day, the council is dissolved and the persons who were members of the council go out of office.

‘(2) No compensation is payable to a person because of subsection (1).’.

PART 4—AMENDMENT OF PRIMARY INDUSTRIES CORPORATION ACT 1992

Act amended in pt 4

9. This part amends the *Primary Industries Corporation Act 1992*.

Omission of s 3 (Definitions)

10. Section 3—

omit.

Replacement of pts 2 and 4

11. Parts 2 and 4—

omit, insert—

‘PART 2—SAVINGS AND TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES AND NATURAL RESOURCES LEGISLATION AMENDMENT ACT 2000

‘Definitions for pt 2

‘3. In this part—

‘**“commencement”** means the commencement of this part.

‘**“corporation”** means the Primary Industries Corporation in existence immediately before the commencement.

‘Dissolution of corporation

‘4. On the commencement, the corporation is dissolved.

‘Vesting of assets, rights and liabilities

‘5. On the commencement—

- (a) the assets, rights and liabilities of the corporation vest in the State; and
- (b) the State is substituted for the corporation in all contracts to which the corporation is a party.

‘Decisions, documents etc. of corporation

‘6. A decision or recommendation made, licence, notice or other document made or given, or other action taken, before the commencement, by the corporation is taken to have been made, given or taken by the chief executive.

‘Legal proceedings

‘7. A legal proceeding that could have been started or continued by or against the corporation before the commencement may be started or continued by or against the State.

‘References to corporation

‘8. A reference in an Act or document in existence immediately before the commencement to the corporation is—

- (a) if the reference is to the ownership or vesting of property in the corporation—a reference to the State; and
- (b) otherwise—a reference to the chief executive.

‘Duty to register transfer of property

‘9.(1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the State, make in the register all entries necessary to record the vesting of stated properties in the State under this part.

‘(2) The request is not liable to fees.

‘Expiry of Act

‘10. This Act expires on the day after commencement.’.

PART 5—CONSEQUENTIAL AMENDMENTS**Consequential amendments commencing on assent**

12. Schedule 1 amends the Acts mentioned in it.

Consequential amendments commencing on 30 June 2000

13. Schedule 2 amends the Acts mentioned in it.

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS COMMENCING ON ASSENT

section 12

AGRICULTURAL COLLEGES ACT 1994

1. Section 14(3)(d), ‘Primary Industries Corporation’—

omit, insert—

‘chief executive of the department responsible for the administration of the *Forestry Act 1959*’.

DIVIDING FENCES ACT 1953

1. Section 6(1), definition “adjoining lands”, ‘the Primary Industries Corporation or’—

omit.

SCHEDULE 1 (continued)

FORESTRY ACT 1959**1. Section 5, definitions “camping form”, “entrance” and “notice”, ‘corporation’—***omit, insert—*

‘chief executive’.

2. Section 5, definition “corporation”—*omit.***3. Sections 11 to 13—***omit.***4. Section 33(2), from ‘In carrying out’ to ‘due regard to—’—***omit, insert—*

‘The chief executive must ensure each State forest is used and managed in the way the chief executive considers appropriate to achieve the purposes of this Act, having regard to—’.

5. Section 34, heading—*omit, insert—*

‘Use of State forests’.

6. Sections 34(1), (2) and (3), 34AA(1), (2) and (6), 34AB(1) to (3), 34C, 34D, 34E(1) and (2), 34F, 34G(1) and (2A), 34H, 35(1) to (1B), 35A(1), 37(1) and (3), 39A(2), (2)(a), (2)(b)(vi), (2)(c)(ii) to (iv), 39B(a), 39C, 45, 46(1), (1A) and (2), 47, 48(b) and (c), 49, 50, 51, 55(1), (1B) and (3), 56, 58(1), (1B) to (3), (4)(b) and (5), 59, 61(1) and (1A), 61A,

SCHEDULE 1 (continued)

61C(1), 61D, 61E(1), (3) to (7), (9) and (11), 62(2), 68, 69(3), (4)(a) and (b), 69B(a), 69C(1)(b) and (2)(e), 70, 72(1), (1B), (4A) and (6), 73(2), 74(1) and (2), 76(1) and (3), 80, 81, 82(5), 82D(1) to (3), 82E(1) to (3), 82F(2), 82H(2)(b) and (3), 82I(4), 82L(2)(c), 83(1), 86(1)(i), 88(2E), (2F) and (3), 88A(2), 88C(1)(b), 88E(1) to (4) and (6), 91(1), (1A), (1E) to (5), 92(1) and 95(e), (f) and (k), ‘corporation’—

omit, insert—

‘chief executive’.

7. Section 34(2) and (3), headings—

omit.

8. Section 34AA, heading—

omit, insert—

‘Regulation of use of State forests by notices’.

9. Section 34C(a), from ‘shall’ to ‘ensuring that’—

omit, insert—

‘must ensure a feature protection area is used and managed so that’.

10. Section 34D(a), ‘shall’ to ‘forest park’—

omit, insert—

‘must ensure a State forest park is used and managed’.

11. Section 34E(1)(a), from ‘shall’ to ‘so as’—

omit, insert—

‘must ensure a scientific area is used and managed’.

SCHEDULE 1 (continued)

12. Sections 34E(1)(b), 37(2A) and 39A(2)(b)(i), ‘corporation’s opinion’—*omit, insert—*

‘chief executive’s opinion’.

13. Section 35, heading—*omit, insert—*

‘Granting of permit for land within State forest’.

14. Section 35A, heading—*omit, insert—*

‘Permit to camp in State forest taken to have been granted by chief executive’.

15. Section 37(2), ‘payment to the corporation’—*omit, insert—*

‘payment to the chief executive’.

16. Section 37(2) and (2A), ‘vested in or under the control of the corporation’—*omit, insert—*

‘the property of the State’.

17. Section 37(2) and (2A), ‘Governor in Council or the corporation’—*omit, insert—*

‘Governor in Council or the chief executive’.

SCHEDULE 1 (continued)

18. Section 37(2), ‘protection of the corporation’—*omit, insert—*

‘protection of the State’.

19. Section 37(2A), ‘deposited with the corporation’—*omit, insert—*

‘deposited with the chief executive’.

20. Sections 37(2B), 39B(b), 46A(2), 58(1A) and 65(2) and (3), ‘corporation’—*omit, insert—*

‘State’.

21. Section 39A(1), ‘the corporation shall use and manage such areas’—*omit, insert—*

‘the chief executive must ensure forest entitlement areas are used and managed’.

22. Section 39A(1), ‘corporation’, second, third and fourth mentions—*omit, insert—*

‘chief executive’.

23. Section 39A(2)(c)(i), ‘corporation’, first mention—*omit, insert—*

‘chief executive’.

SCHEDULE 1 (continued)

24. Section 39A(2)(c)(i), ‘corporation’, second mention—*omit, insert—*

‘State’.

25. Section 46, heading—*omit, insert—*

‘Sale of forest products or quarry material’.

26. Section 46(1A), all the words from ‘howsoever’—*omit.***27. Section 48, heading—***omit, insert—*

‘Getting or selling forest products’.

28. Section 48, from ‘The corporation may’ to ‘dispose of, or’—*omit, insert—*

‘The chief executive may’.

29. Section 52(1), ‘corporation may from time to time subsidise’—*omit, insert—*

‘chief executive may from time to time authorise the subsidisation of’.

30. Section 52(1), ‘corporation’, second mention—*omit, insert—*

‘chief executive’.

SCHEDULE 1 (continued)

31. Sections 56(3), 58(1) and 91(1A) ‘corporation’s’—*omit, insert—*

‘chief executive’s’.

**32. Section 69A, definition “native forest sawlog allocation system”,
‘corporation—***omit, insert—*

‘chief executive’.

33. Section 72(8), ‘, the corporation’—*omit.***34. Section 82D, heading—***omit, insert—*

‘Chief executive may return seized thing’.

35. Section 82D(3) and 82E(2), ‘it’—*omit, insert—*

‘the chief executive’.

36. Section 82E, heading—*omit, insert—*

‘Chief executive’s obligation to return seized things’.

SCHEDULE 1 (continued)

37. Section 82F, heading—*omit, insert—***‘Chief executive may order forfeiture of unclaimed seized things’.****38. Section 83, heading—***omit, insert—***‘Dealing with forfeited forest products etc.’.****39. Section 86(1)(j), ‘vested in the corporation’—***omit, insert—***‘the property of the State’.****40. Sections 88(2C) and 91(1C), ‘the corporation’—***omit, insert—***‘the State’.****41. Section 88D(3) and (7), ‘to the corporation’—***omit, insert—***‘to the chief executive’.****42. Section 89(1), ‘or the corporation’—***omit.***43. Section 89(1), ‘or vested in the corporation’—***omit.*

SCHEDULE 1 (continued)

44. Section 89(1), ‘at the suit of the corporation’—*omit, insert—*

‘by the State’.

45. Section 91, heading—*omit, insert—*

‘Power to waive proceedings’.

46. Section 91(1)(b), ‘vested in the corporation’—*omit, insert—*

‘of the State’.

47. Section 95(i), ‘made by the corporation’—*omit, insert—*

‘made by the chief executive’.

48. Section 95(i), ‘and sealed with the seal of the corporation’—*omit.***49. Section 95(l), ‘under the direction of the corporation’—***omit, insert—*

‘under the direction of the chief executive’.

50. Section 95(l), ‘and purporting to be made by the corporation’—*omit.*

SCHEDULE 1 (continued)

51. After section 96—

insert—

‘Delegation by chief executive

‘96A.(1) The chief executive may delegate the chief executive’s powers under this or another Act to an appropriately qualified officer or employee of a department responsible for the administration of this Act.

‘(2) In subsection (1)—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in the public service.’.

52. After section 103—

insert—

‘Delegations continue until revoked

‘**104.** A delegation made by the chief executive under the *Primary Industries Corporation Act 1992*, section 10, before the commencement of this section—

- (a) is taken to have been made by the chief executive under this Act;
and
- (b) continues to have effect until revoked by the chief executive.’.

53. Schedule 2, section 5, ‘whatsoever vested in the corporation’—

omit, insert—

‘the property of the State’.

SCHEDULE 1 (continued)

54. Schedule 2, section 26, ‘, by the corporation,’—

omit.

55. Schedule 2, section 28—

omit.

**IRVINEBANK STATE TREATMENT WORKS (SALE
AND OPERATION) ACT 1990****1. Section 10—**

omit.

LAND ACT 1994**1. Section 175(1), footnote—**

omit.

SCHEDULE 1 (continued)

LOCAL GOVERNMENT ACT 1993**1. Sections 4(1)(g)(iii) and 63(1)(a)(vii), ‘Primary Industries Corporation’—**

omit, insert—

‘chief executive of the department responsible for the administration of the *Forestry Act 1959*’.

MINERAL RESOURCES ACT 1989**1. Section 5, definition “owner”, ‘Primary Industries Corporation’—**

omit, insert—

‘chief executive of the department responsible for the administration of the *Forestry Act 1959*’.

**NEW SOUTH WALES–QUEENSLAND BORDER
RIVERS ACT 1946****1. Section 15, heading, ‘Primary Industries Corporation’—**

omit, insert—

‘State’.

SCHEDULE 1 (continued)

2. Sections 15 and 16(3), ‘Primary Industries Corporation’—

omit, insert—

‘State’.

PETROLEUM ACT 1923**1. Sections 78(13) and 86(b), ‘Primary Industries Corporation Act 1992’—**

omit, insert—

‘*Water Resources Act 1989*’.

QUEENSLAND HERITAGE ACT 1992**1. Section 4, definition “owner”, ‘Primary Industries Corporation’—**

omit, insert—

‘State’.

RECREATION AREAS MANAGEMENT ACT 1988**1. Section 3(b)(ii), ‘Primary Industries Corporation’—**

omit, insert—

‘chief executive of the department responsible for the administration of the *Forestry Act 1959*’.

SCHEDULE 1 (continued)

RIVER IMPROVEMENT TRUST ACT 1940**1. Sections 10(1)(a) and (b), 10(2A), 10(3) and 10(7), 15(1), (2) and (6), 16 and 17(1) and (2), ‘Primary Industries Corporation’—**

omit, insert—

‘chief executive’.

2. Section 10(2), ‘Primary Industries Corporation that’—

omit, insert—

‘chief executive who’.

3. Section 10(8) and (9), ‘Primary Industries Corporation’—

omit, insert—

‘State’.

4. Sections 15, heading, ‘of Primary Industries Corporation’—

omit.

5. Sections 15(5) and (8) and 17(1A)—

omit.

6. Section 15(7), ‘Primary Industries Corporation’, first mention—

omit, insert—

‘chief executive’.

SCHEDULE 1 (continued)

7. Section 15(7), ‘Primary Industries Corporation’, second and third mentions—

omit, insert—

‘State’.

8. Sections 16, heading, ‘of Primary Industries Corporation’—

omit.

9. Section 17(3), ‘Primary Industries Corporation’, first mention—

omit, insert—

‘chief executive’.

10. Section 17(3), ‘Primary Industries Corporation’, second and third mentions—

omit, insert—

‘State’.

RURAL LANDS PROTECTION ACT 1985**1. Section 19(2)(k), ‘in which’ to ‘administered’—**

omit, insert—

‘responsible for the administration of the *Plant Protection Act 1989*’.

SCHEDULE 1 (continued)

SAWMILLS LICENSING ACT 1936**1. Section 2, definition “Corporation”—**

omit.

2. Sections 5, 6, 9, 12, 13(1A), 13(3), 13(4), 14, 15, 15A, 16A, 18(1), 18(3)(b) and 19(2)(d), ‘Corporation’—

omit, insert—

‘chief executive’.

3. Section 5(2), ‘Corporation’s’—

omit, insert—

‘chief executive’s’.

4. Section 13(1), ‘at the office of the Corporation’—

omit, insert—

‘with the chief executive’.

5. Section 18(3)(c), ‘or for the Corporation’—

omit, insert—

‘the chief executive’.

6. Sections 18(3)(f), ‘under the seal of the Corporation’—

omit, insert—

‘signed by the chief executive’.

SCHEDULE 1 (continued)

SOIL CONSERVATION ACT 1986

1. Section 6, definition “statutory authority”, paragraph (c)—
omit.

VALUATION OF LAND ACT 1944

1. Sections 7(2)(e)(v) and 14(5)(b), ‘Primary Industries Corporation’—

omit, insert—

‘chief executive of the department responsible for the administration of the *Forestry Act 1959*’.

WATER RESOURCES ACT 1989

1. Section 2, definition “corporation”—

omit.

2. Section 2, definition “irrigation undertaking”, all the words from ‘, and also includes’—

omit.

SCHEDULE 1 (continued)

3. Section 2, definitions “road”, “water available for allocation” and “works”, ‘corporation’—

omit, insert—

‘State’.

4. Section 4(b)(i), 9(1) and (2), 11(7), 15(2), (5) and (7), 25N(1)(a), 62(2), 111(2)(e), 114, 127(1), 128(1), 139(1)(a), 217(1), 223(1)(c), 225(2)(b), 225(2)(g), 226(1), (2), (4), (6), (8), (10) and (11), 230(1), 232(4A)(c) and (d), 233(2) and (3), (5)(b), 238(1)(a) and (2), 244(1) and (2), 248(3)(a)(i) and (ii) and (3)(b) and (4), 249(1)(a)(ii), (c), (f), (g) and (q) and 250A(2), ‘corporation’—

omit, insert—

‘State’.

5. Part 3, division 2, heading, ‘corporation and’—

omit.

6. Section 8, heading—

omit, insert—

‘General powers’.

7. Sections 8(1), 9(3), 10, 11(6), 12, 13, 23 and 248(1)(b)—

omit.

8. Section 9, heading, ‘of corporation’—

omit.

SCHEDULE 1 (continued)

9. Section 11(1), ‘of the corporation or of the chief executive’—*omit, insert—*

‘under this Act’.

10. Section 11(1)(a) and (b)(iii), ‘on the corporation or chief executive’—*omit.***11. Section 14, heading, ‘corporation’—***omit, insert—*

‘chief executive’.

12. Sections 14, 15(8), 116 and 127(2)(b), ‘corporation’—*omit, insert—*

‘chief executive’.

13. Section 15, heading, ‘of corporation’—*omit.***14. Section 15(6), ‘corporation’, first and third mention—***omit, insert—*

‘State’.

15. Section 15(6), ‘corporation’, second mention—*omit, insert—*

‘chief executive’.

SCHEDULE 1 (continued)

16. Section 15(8), ‘determined by it’—*omit, insert—*

‘decided by the chief executive’.

**17. Section 15(9), definition “secondary supply agreement”,
‘corporation’—***omit, insert—*

‘State’.

18. Section 19(2)(a), ‘corporation or’, first mention—*omit.***19. Section 19(2)(a), ‘corporation or’, second mention—***omit, insert—*

‘State or’.

20. Section 24—*omit, insert—***‘Stamp duty**

‘**24.** Stamp duty is not payable for any of the following granted, issued, made or entered into under this Act—

- (a) a permit, certificate or other authority;
- (b) a licence, permit, contract or agreement for the supply of water.’.

21. Section 25, ‘the Crown or the corporation’—*omit, insert—*

‘the State’.

SCHEDULE 1 (continued)

22. Section 25O(3), definition “authorised works”, all the words from ‘corporation’—*omit, insert—*

‘State may construct’.

23. Sections 35(a) and 36(1), ‘the corporation or under the control of the corporation or’—*omit, insert—*

‘the State or under the control of the’.

24. Section 38(1)(d), ‘the corporation’—*omit, insert—*

‘or vested in the State’.

25. Section 39(1), ‘the Crown, the corporation,’—*omit, insert—*

‘or vested in the State,’.

26. Section 79(a), from ‘under’ to ‘allocations’—*omit, insert—*‘under section 15⁵ to take and use nominal allocations’.

⁵ Section 15 (Power to supply water by agreement)

SCHEDULE 1 (continued)

27. Section 80, definitions “agreement party” and “entitlement”, ‘corporation’—*omit, insert—*

‘State’.

28. Section 80, definitions “agreement party”, “entitlement” and “entitlement information”, footnote to ‘section 15’—*omit.***29. Section 90A, from ‘agreement’ to ‘corporation’—***omit, insert—*‘agreement under section 15,⁶ the State’.**30. Section 117(2), ‘the corporation’—***omit, insert—*

‘or vested in the State’.

31. Section 126—*omit, insert—***‘Chief executive may authorise construction of channels**

‘**126.** The chief executive may authorise a person to construct and maintain channels and other works within an irrigation area to carry water from stated water storage works to the person’s land.’.

⁶ Section 15 (Power to supply water by agreement)

SCHEDULE 1 (continued)

32. Section 127(2)(a), all the words from ‘by the corporation’—*omit, insert—*

‘by the State in a position decided by the chief executive;’.

33. Sections 127(6), 218, 233(6) to (9), 235(1), (2) and (3)(b), 238(1)(c) and 248(1)(e) and (2), ‘corporation,’—*omit.***34. Sections 127(6), 238(1)(c), 245(1) and 247(1)(a) and (g), ‘corporation or’—***omit.***35. Section 183(1)(d) and (2), ‘or the corporation’—***omit.***36. Section 218, ‘, corporation’—***omit.***37. Section 225(1), ‘ “land under the control of the corporation” ’—***omit, insert—*

‘ “land under the control of the State” ’.

38. Section 225(1), definition “land under the control of the State”, paragraphs (a) and (b)—*omit.*

SCHEDULE 1 (continued)

39. Section 225(1), definition “land under the control of the State”, paragraphs (c), (d) and (e), ‘corporation’—*omit, insert—*

‘State’.

40. Section 225(2), ‘corporation’, last mention—*omit, insert—*

‘State’.

41. Section 226(9), ‘corporation’, first mention—*omit, insert—*

‘State’.

42. Section 226(9), ‘determined by the corporation’—*omit, insert—*

‘decided by the chief executive’.

43. Section 232(4)(b), (4A)(a) and (e), ‘corporation’s’—*omit, insert—*

‘State’s’.

44. Section 233(1)(a), ‘corporation or’, first mention—*omit.*

SCHEDULE 1 (continued)

45. Section 233(1)(a), ‘corporation’, second and third mentions—*omit, insert—*

‘State’.

46. Section 233(7), ‘the corporation or the chief executive’—*omit, insert—*

‘the chief executive or the board’.

47. Section 248(3), from ‘to the corporation,’ to ‘for or in respect of’—*omit, insert—*

‘to the State, its employees or agents for’.

48. After section 249—*insert—***‘Delegation by chief executive**

‘**249A.(1)** The chief executive may delegate the chief executive’s powers under this or another Act to an appropriately qualified officer or employee of the department.

‘**(2)** In subsection (1)—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in the public service.’.

49. After section 258—*insert—*

SCHEDULE 1 (continued)

‘Delegations continue until revoked

‘**259.** A delegation made by the chief executive under the *Primary Industries Corporation Act 1992*, section 10, before the commencement of this section—

- (a) is taken to have been made by the chief executive under this Act;
and
- (b) continues to have effect until revoked by the chief executive.’.

50. Schedule, section 8, ‘corporation,’—

omit.

51. Schedule, section 9, from ‘or vested in’ to ‘corporation or chief executive’—

omit, insert—

‘under the control of the State or chief executive’.

52. Schedule, sections 10, 12, 14, 16, 18, 19, 25 to 27, 33, 35 and 36, ‘corporation’—

omit, insert—

‘State’.

53. Schedule, section 15, from ‘Crown’ to ‘control of the corporation’—

omit, insert—

‘State or under the control of the State’.

SCHEDULE 2**CONSEQUENTIAL AMENDMENTS COMMENCING
ON 30 JUNE 2000**

section 13

FISHERIES ACT 1994

1. Sections 3(2)(a), 6, 25, 26 (other than subsection (1)), 28, 50(3), 51(3), 189, 196(2)(g), 222 and part 4, division 3—

omit.

2. Section 3(2)(b)—

omit, insert—

‘(a) giving the chief executive appropriate powers to perform the chief executive’s functions under this Act; and’.

3. Section 4, definitions “Authority” and “fisheries agency”—

omit.

4. Section 4, definition “owner”, ‘Authority’—

omit, insert—

‘chief executive’.

5. Sections 14(3), 36, 46(4) to (6), 53, 55(1) and (2), 56(2)(a) and (3), 58(1) and (2), 59(1), 61(3), 63(2), (3) and (5), 64(3), 65(3) to (6), 67(2) to (5), 68(2) to (4), 71(2) and (3), 72(2), 92(3), 93(2), 108(2), (3) and (5), 109(2) and (4), 110(2), 119(2)(e) and (3), 176(2), 192(5)(f) and

SCHEDULE 2 (continued)

199(1)(c), (2) and (3), ‘fisheries agency’—*omit, insert—*

‘chief executive’.

6. Section 20(1)(a), ‘and coral limestone’—*omit, insert—*

‘, coral limestone and fisheries resources generally’.

7. Sections 21(1)(a) and (2) and 130(1)(a) and (2), ‘the Authority,’—*omit.***8. Section 21(c), ‘an officer, employee or member of the Authority,’—***omit, insert—*

‘an officer or employee of’.

9. Part 4 and part 4, division 2, headings—*omit.***10. Sections 26(1), 117(4)(b), 160(2)(c) and (4), 161(1) to (3), 162(2) to (4), 163(2), 164(3)(b), 165(3)(b) and (4), 168, 177(1)(b) and 178(2), ‘Authority’—***omit, insert—*

‘chief executive’.

11. Section 26(1)(f), ‘or chief executive’—*omit.*

SCHEDULE 2 (continued)

12. Section 26(1)(g) and 61(1), ‘it’—*omit, insert—*

‘the chief executive’.

13. Section 26(1), as amended—*renumber and relocate* as section 20(1A).**14. Section 27(1), from ‘The Authority’ to ‘example—’—***omit, insert—*

‘The chief executive may, for performing the chief executive’s functions—’.

15. Section 27(1)(b), ‘hold,’—*omit.***16. Section 27(1)(d), ‘it supplies’—***omit, insert—*

‘supplied’.

17. Section 27(1)(k), ‘its functions’—*omit, insert—*

‘the chief executive’s functions’.

18. Section 27(2), from ‘the Authority’ to ‘to it’—*omit, insert—*

‘the chief executive has the powers given to the chief executive’.

SCHEDULE 2 (continued)

19. Section 27(3), from ‘The Authority’ to ‘its powers’—*omit, insert—*

‘The chief executive may exercise the chief executive’s powers’.

20. Section 27, as amended—*renumber and relocate* as section 20A.**21. Section 32, heading—***omit, insert—*‘**Making management plans**’.**22. Sections 32(1), 43(1), 44(1), 46(1) and (2), 64(1), 65(1), 67(1), 73(1) 74(1), 108(1), 119(1) and 174(1), ‘A fisheries agency’—***omit, insert—*

‘The chief executive’.

23. Sections 33(1), 39(1), 43(5), 44(3), 57(3), 59(2), 60, 61(1), 61(7), 62(2), 64(4), 68(7), 70(2), 76, 93(1), 109(1), 110(1), 118(1)(a), 176(1), 184(4)(f) and 196(1) and (2)(b) to (e), ‘a fisheries agency’—*omit, insert—*

‘the chief executive’.

24. Sections 36, 59(1) and 67(1), example headings, ‘*fisheries agency*’—*omit, insert—*‘*chief executive*’.

SCHEDULE 2 (continued)

25. Sections 39(1), 39(2), 46(2), 54(2), 60, 64(1), 65(1) and (2)(a), 67(1), 70(2), 73(1) to (6), 74(1)(d) and (3)(a), 93(1), 109(1), 118(1) and 196(1)(a) to (c) and (2)(d), ‘the fisheries agency’—

omit, insert—

‘the chief executive’.

26. Section 50(1), from ‘about aquaculture’ to ‘limestone’—

omit.

27. Section 51(1)—

insert—

‘(h) any other permit under this Act.’.

28. Sections 54(1)(a), 65(2)(a), 70(1), 73(3) and (6) and 74(3)(a), ‘the relevant fisheries agency’—

omit, insert—

‘the chief executive’.

29. Section 54(1)(a), ‘fisheries agency’, second mention—

omit, insert—

‘chief executive’.

30. Sections 56(1), 71(1) and 72(1), ‘the fisheries agency that issued it’—

omit, insert—

‘the chief executive’.

SCHEDULE 2 (continued)

31. Section 59(1), examples 5 and 6, ‘a fisheries agency’—*omit, insert—*

‘the chief executive’.

32. Section 59(1), example 8, ‘the fisheries agency’—*omit, insert—*

‘the chief executive’.

33. Section 63(1), ‘the fisheries agency that issued an authority considers the authority’—*omit, insert—*

‘the chief executive considers an authority’.

34. Sections 63(1) and 68(1), ‘the fisheries agency must give’—*omit, insert—*

‘the chief executive must give’.

35. Section 67(2), example, ‘fisheries agency’*omit, insert—*

‘chief executive’.

36. Section 68(1), from ‘If the fisheries agency’ to ‘cancel the authority’—*omit, insert—*

‘If the chief executive considers grounds exist to suspend or cancel an authority’.

SCHEDULE 2 (continued)

37. Section 73(4)(a)—*omit, insert—*

‘(a) inspect the register at the department’s head office during business hours; and’.

38. Section 73(5), ‘The fisheries agency’—*omit, insert—*

‘The chief executive’.

39. Section 110(1), ‘the fisheries agency that made the order’—*omit, insert—*

‘the chief executive’.

40. Section 140(1)(a), ‘or Authority’—*omit.***41. Section 160, heading—***omit, insert—*

‘Seized fisheries resources become property of State’.

42. Sections 160(2) and (3), 163(1)(b), 165(2) and 178(1), ‘the Authority’s property’—*omit, insert—*

‘the property of the State’.

SCHEDULE 2 (continued)

43. Section 160(3), ‘Authority’, second mention—*omit, insert—*

‘chief executive’.

44. Section 160(3) and (4), ‘decided by it’—*omit, insert—*

‘decided by the chief executive’.

45. Section 161, heading—*omit, insert—*

‘Chief executive may return seized things etc.’.

46. Section 161(4), from ‘forfeited’ to ‘taken by it’—*omit, insert—*

‘forfeited to the State, the chief executive must return any property or security taken by the chief executive’.

47. Section 162(3), ‘it is not satisfied’—*omit, insert—*

‘the chief executive is not satisfied’.

48. Sections 162(5), 163(3)(b) and 164(4), ‘the Authority’—*omit, insert—*

‘the State’.

SCHEDULE 2 (continued)

49. Section 164, heading—*omit, insert—***‘Chief executive may order forfeiture of unclaimed things’.****50. Section 164(4), ‘The Authority’—***omit, insert—***‘The chief executive’.****51. Section 168, heading—***omit, insert—***‘Court may give directions about disposal of seized fisheries resources’.****52. Section 177(1), ‘forfeiture to the Authority’—***omit, insert—***‘forfeiture to the State’.****53. Section 178(1), ‘the Authority as it considers appropriate’—***omit, insert—***‘the chief executive as the chief executive considers appropriate’.****54. Section 179(1), ‘the fisheries agency concerned’—***omit, insert—***‘the chief executive’.**

SCHEDULE 2 (continued)

55. Section 184(3), ‘, the chairperson of the Authority’—

omit.

56. Section 186(3), from ‘a member of—’—

omit, insert—

‘a member of the Legislative Assembly, a House of Parliament of the Commonwealth or another State, or the legislature of a territory.’.

57. Section 186(5)(d), ‘a fisheries agency’—

omit, insert—

‘the department’.

58. Section 193(2), ‘the fisheries agency whose decision has been appealed against’—

omit, insert—

‘the chief executive’.

59. Section 193(3), ‘to pay the fisheries agency’—

omit, insert—

‘to pay the chief executive’.

60. Section 193(3), ‘the cost to the fisheries agency’—

omit, insert—

‘the cost to the State’.

SCHEDULE 2 (continued)

61. Section 193(4), ‘by the fisheries agency as a debt payable to the fisheries agency’—*omit, insert—*

‘as a debt payable to the State’.

62. Section 196(2)(a), ‘a fisheries agency about its policy’—*omit, insert—*

‘the chief executive about policy’.

63. Section 196(2)(c), ‘the fisheries agency’—*omit, insert—*

‘the department’.

64. Section 197(3), ‘the fisheries agency whose decision is being appealed against’—*omit, insert—*

‘the chief executive’.

65. Part 10—*omit.***66. Section 217(1), definition “official”, paragraph (c)—***omit.***67. Section 217(3), ‘the Authority or State, as the case requires’—***omit, insert—*

‘the State’.

SCHEDULE 2 (continued)

TORRES STRAIT FISHERIES ACT 1984**1. Section 14(1)(a), from ‘the Queensland’ to ‘“Authority”’,—**

omit.

2. Section 14(2), ‘the Authority,’—

omit.