

Queensland



**FINANCIAL  
ADMINISTRATION AND  
OTHER LEGISLATION  
AMENDMENT ACT 2003**

**Act No. 26 of 2003**



# Queensland



# FINANCIAL ADMINISTRATION AND OTHER LEGISLATION AMENDMENT ACT 2003

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Queensland



**Financial Administration and Other  
Legislation Amendment Act 2003**

**Act No. 26 of 2003**

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**An Act to amend the *Financial Administration and Audit Act 1977* and  
the *Motor Accident Insurance Act 1994*, and for other purposes**

*[Assented to 16 May 2003]*

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**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Financial Administration and Other Legislation Amendment Act 2003*.

### **2 Commencement**

Section 4 commences on 1 July 2003.

## **PART 2—AMENDMENT OF FINANCIAL ADMINISTRATION AND AUDIT ACT 1977**

### **3 Act amended in pt 2**

This part amends the *Financial Administration and Audit Act 1977*.

### **4 Amendment of s 4A (Meaning of “department”)**

Section 4A—

*insert—*

‘(6) In this section—

“**corporation**” does not include a corporation registered under the Corporations Act.’.

### **5 Amendment of s 17 (Treasurer’s consolidated fund bank account)**

Section 17—

*insert—*

‘(4) The Treasurer has the power to do all things necessary or convenient to be done for keeping the Treasurer’s consolidated fund bank account.’.

**6 Amendment of s 39 (Annual report by department and short form annual report)**

(1) Section 39(7)—

*renumber* as section 39(8).

(2) Section 39—

*insert*—

‘(7) The accountable officer may prepare an annual report, or a short form annual report, in electronic form if—

- (a) copies of the report are also available in paper form; and
- (b) the electronic form of the report states, in a prominent way, that copies of the report are also available in paper form and how the copies may be obtained.’.

(3) Section 39(8) as renumbered, ‘the report in an electronic form’—

*omit, insert*—

‘electronic form in an annual report’.

**7 Amendment of s 40C (No-one other than Treasurer may invest or otherwise lend an amount)**

Section 40C(3)(b)—

*omit, insert*—

- ‘(b) a department to the extent it is doing a thing mentioned in that subsection—
- (i) under a Treasurer’s approval; or
  - (ii) for entering into a derivative transaction under division 8A; or’.

**8 Amendment of s 43D (Requirement to report to appropriate Minister about derivatives)**

Section 43D—

*insert—*

‘(4) After a department gives a report to an appropriate Minister under subsection (1), the department must give a copy of the report to the Treasurer.’.

**9 Omission of s 43E (Treasurer may ask for reports)**

Section 43E—

*omit.*

**10 Amendment of s 46J (Annual report)**

(1) Section 46J(6)—

*renumber* as section 46J(8).

(2) Section 46J(2A) to (5)—

*renumber* as section 46J(3) to (6).

(3) Section 46J—

*insert—*

‘(7) The statutory body may prepare an annual report, or a short form annual report, in electronic form if—

(a) copies of the report are also available in paper form; and

(b) the electronic form of the report states, in a prominent way, that copies of the report are also available in paper form and how the copies may be obtained.’.

(4) Section 46J(8) as renumbered, from ‘subsection (3)(b)’ to ‘electronic form’—

*omit, insert—*

‘subsection (4)(b) may be included in electronic form in an annual report’.



**11 Replacement of s 69 (Audit of audit office)**

Section 69—

*omit, insert—*

**‘69 Audit of audit office**

‘(1) The Governor in Council must appoint a person who is a registered company auditor under the Corporations Act to conduct an audit of the audit office for each financial year for which the person is appointed.

‘(2) A person may not be appointed under subsection (1) for more than 5 consecutive financial years.

‘(3) The person is entitled to be paid the fee decided by the Governor in Council for each financial year for which the person is appointed.

‘(4) For conducting an audit under subsection (1)—

- (a) the person has all the powers of an authorised auditor; and
- (b) this Act and other Acts apply to the person as if the person were an authorised auditor.

‘(5) After an audit, the person must give—

- (a) a report about the audit to the Premier; and
- (b) a copy of the report to the auditor-general and the Treasurer.

‘(6) The auditor-general must include the person’s report in the annual report of the audit office.’.

**12 Amendment of s 92 (Confidentiality)**

(1) Section 92(1)—

*omit, insert—*

‘(1) This section applies to a person who is or has been any of the following, including before the commencement of this subsection—

- (a) an authorised auditor;
- (b) a person engaged by the auditor-general;
- (c) a person engaged or employed by a contract auditor.’.

(2) Section 92(2), ‘A person to whom this section applies must not’—  
*omit, insert—*

‘The person must not’.

(3) Section 92(2)(c) and (d), ‘or for the purposes of’—  
*omit.*

(4) Section 92(3)(a) and (b)—  
*omit, insert—*

- ‘(a) the parliamentary committee; or
- (b) the Public Works Committee; or’.

(5) Section 92—  
*insert—*

‘(4) In this section—

**“protected information”** means information, other than information that is publicly available, that—

- (a) is disclosed to, or obtained by, a person to whom this section applies in relation to an audit that has been, is being or will be conducted under this Act; and
- (b) is relevant to the audit.

**“Public Works Committee”** means the Public Works Committee established under the *Parliament of Queensland Act 2001*, section 80.<sup>1</sup>.

### **13 Amendment of s 109 (Delegation by Treasurer of certain powers)**

Section 109(2), after ‘16,’—

*insert—*

‘17(4),’.

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 80 (Establishment of statutory committees)

**14 Amendment of sch 3 (Dictionary)**

Schedule 3, definition “short form annual report”, paragraph (b), ‘section 46J(4)’—

*omit, insert—*

‘section 46J(5)’.

**PART 3—AMENDMENT OF MOTOR ACCIDENT  
INSURANCE ACT 1994****15 Act amended in pt 3**

This part amends the *Motor Accident Insurance Act 1994*.

**16 Amendment of s 14 (Recommendations about levies and administration fee)**

Section 14(1)(c), after ‘year’—

*insert—*

‘and the component, if any, to be included in the levy for satisfying liabilities of the Nominal Defendant under section 33(2)<sup>2</sup>’.

**17 Amendment of s 15 (Report and recommendations when costs of insurance exceed the affordability index)**

(1) Section 15(5), definition “insurance premium”, after ‘does not include’—

*insert—*

‘the relevant insolvency liability component or’.

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2 Section 33 (Nominal Defendant as the insurer)

(2) Section 15(5)—

*insert—*

‘**“relevant insolvency liability component”** means the amount included in the Nominal Defendant levy that the Minister considers is attributable to satisfying liabilities of the Nominal Defendant under section 33(2).’.

## **PART 4—MINOR AMENDMENTS OF CASINO CONTROL ACT 1982**

### **18 Act amended—schedule**

The schedule amends the *Casino Control Act 1982*.

**SCHEDULE****MINOR AMENDMENTS OF CASINO CONTROL  
ACT 1982**

section 18

- 1 Sections 14(2), 43A(5), 108(1) and 110, penalty, ‘imprisonment for 1 year’—**  
*omit, insert—*  
‘1 year’s imprisonment’.
- 2 Section 31(12)(a), ‘warranted;’—**  
*omit, insert—*  
‘warranted; or’.
- 3 Section 31(12)(b), ‘to do so;’—**  
*omit, insert—*  
‘to do so; or’.
- 4 Section 31(12)(c), ‘in the notice;’—**  
*omit, insert—*  
‘in the notice; or’.
- 5 Section 34(1)(b), ‘of or above the age of 18 years’—**  
*omit, insert—*  
‘18 years or more’.

## SCHEDULE (continued)

- 6 Section 34(2)(b), ‘the age of’—**  
*omit.*
- 7 Section 47(1)(a), ‘employee;’—**  
*omit, insert—*  
‘employee; or’.
- 8 Section 47(1)(b), ‘operator;’—**  
*omit, insert—*  
‘operator; or’.
- 9 Section 99(5), ‘impose’—**  
*omit, insert—*  
‘impose a’.
- 10 Section 102(1), (2), (3)(a) and (b) and (4), ‘the age of’—**  
*omit.*
- 11 Section 102(5)(a) and (b), ‘of or above the age of 18 years’—**  
*omit, insert—*  
‘18 years or more’.

## SCHEDULE (continued)

**12 Sections 103, 104, 107, 109 and 111(1) and (2), penalty,  
'imprisonment for 2 years'—***omit, insert—*

'2 years imprisonment'.