

Laid before the Legislative Assembly on 12 November 2009

Record of Proceedings (Hansard 12 November 2009)

Building and Other Legislation Amendment Bill 2009

Erratum to Explanatory Notes

Short Title

The short title of the Bill is the Building and Other Legislation Amendment Act 2009.

Reason for Erratum

As a result of an amendment to be moved during consideration in detail to clause 29 (Insertion of new chs 8A and 8B) at page 27, line 15 of the Bill to amend section 246E (Application of div 3), an amendment is required to page 21 of the Explanatory Notes.

The wording of the Explanatory Note for section 246E currently indicates a different meaning to the intention of the amendment to be moved during consideration in detail. The Explanatory Note currently states: ‘Sold includes the contract becoming “unconditional” where conditions that are attached to the contract have been satisfied’. Further consultation indicated that this may not ensure that obligations continue throughout the potential marketing period.

Notes on Provision

The part of the Explanatory Note for section 246E that states: ‘Sold includes the contract becoming “unconditional” where conditions that are attached to the contract have been satisfied’ is omitted and the following Note inserted:

‘To ensure certainty about when division 3 applies to a seller, section 246E refers to the earlier of the following days, namely the day a contract for the sale of the building settles or the day the building is withdrawn from sale. This approach to when a building has been sold has been taken, as it may be possible for a contract to be terminated before settlement and for marketing of the building to resume. It may also be possible that some form of marketing would continue before a contract settles but after the contract conditions had been met. The intention is to ensure the obligations apply throughout the potential marketing period.’

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