

CONSUMER LAW AND OTHER JUSTICE LEGISLATION (MISCELLANEOUS PROVISIONS) BILL 1996

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The objective of this legislation is to amend a number of statutes administered by the Office of Consumer Affairs and the Department of Justice, in order to increase consumer protection in the State, make the legislation more responsive to the needs of Queenslanders, increase administrative efficiencies, overcome statutory anomalies and validate the exercise of powers by departmental officers.

Reasons for the Bill

One of the most important matters dealt with in this Bill is the amendment of the *Classification of Computer Games and Images (Interim) Act 1995*, the *Classification of Publications Act 1991* and the *Classification of Films Act 1991* to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*. The latter Act came into effect on 1 January 1996. Prior to the enactment of the Commonwealth Act, the Commonwealth law concerning censorship was contained primarily in the *Classification of Publications Ordinance 1983* of the Australian Capital Territory and the Customs (Cinematograph Films) Regulations of the Commonwealth. The Commonwealth Act repealed these enactments and combined its censorship legislation into the one statute.

The new Act established classification bodies and set out classification procedures. Whilst the Commonwealth has the Constitutional power to make classification decisions, these decisions must be enforced through State legislation.

The *Statute Law (Minor Amendments) Act (No.2) 1995* amended the three Queensland censorship Acts to ensure that when the new Commonwealth Act came into force on 1 January 1996, they could continue to be enforced and administered pending their detailed amendment in this Bill.

The Bill amends the *Associations Incorporation Act 1981*. The amendments are designed to assist associations in the conduct of their affairs and to streamline some of the provisions of the Act. The requirement that management committee meetings be held every two months has been changed so that meetings will only be required once every four months. To provide for extra flexibility in the conduct of management committee meetings, the Act now allows for holding of meetings by means of telephone, video-link, or any other form of communication. This provision will be of benefit to those associations in country areas or which have membership across the State.

Further, the Bill provides that if the secretary of the association resides within 65km of the border of the State, that person will not be precluded from being the secretary of the association. The Act is amended to provide for uniformity of time periods required for lodgement of documents by associations.

The Bill amends the *Motor Vehicles Securities Act 1987* to provide that in the future, all registrations will expire five years from the time of registration. The interest may be renewed at any time up to the expiry of the registration. The Bill provides that current interests will be “grandfathered”, so that their registration will expire at a time provided for in the Act. By way of example, for an interest which has been on the register for more than 5 years at the time of the amendments to the Act, the registration of that interest will expire 6 months from the date of the commencement of these amendments. The amendments will ensure that the REVS register is kept up to date and that spent security interests are not retained on the register.

This Bill also amends the *Registration of Births, Deaths and Marriages Act 1962* to provide for the same rights to change a child’s name for parents of adopted children, as those for parents of non-adopted children. The Bill also provides that where a child’s paternity has been registered, the surname of the child may be changed to that of the father only.

The Bill amends the *Mobile Homes Act 1989* and the *Land Sales Act 1984* to provide for the appointment of inspectors. The Bill also provides

for the insertion of inspectors powers into those two Acts. Previously enforcement of these Acts was made difficult because inspectors were not able to enter property to determine whether an offence against the Act had been committed. This was particularly the case in relation to mobile home park complaints, as mobile home parks are on private property. If a complaint has been received by a resident, inspectors would be powerless to enter onto the property to speak to the resident and in fact, the park owner.

The *Scout Association of Australia Queensland Branch Act 1975* has been amended in this Act to provide that the association may now be incorporated under the *Associations Incorporation Act 1981*. This amendment was done at the request of the association itself.

The *Primary Producers' Cooperative Associations Act 1923* has been amended to delete the references to "Minister" and replace them with references to the registrar under that Act. This is done in order to incorporate modern administrative practices.

Method by which objectives will be achieved

In terms of the amendments required to be made to Queensland's censorship legislation, enactment of the Commonwealth Act has compelled a number of technical changes to Queensland's censorship Acts which have included:—

1. replacing references in the three Acts to the former Australian Capital Territory Ordinance, offices and procedures with references to those contained in the Commonwealth Act:
2. ensuring that the *Classification of Films Act 1991*, like the two other censorship Acts, "picks up" the decisions of the Commonwealth censor and enables them to be enforced in Queensland; and
3. ensuring that the enforcement provisions comport as far as is practicable with those contained in the Model State/Territory Classification (Publications, Films and Computer Games)(Enforcement) Bill prepared for censorship Ministers.

Queensland will still retain an independent power to classify computer games and images and publications.

Estimated Cost of Government Implementation

It is estimated that there will be no significant cost to government.

Consistency with fundamental legislative principles.

The Bill is consistent with fundamental legislative principles.

Consultation

Several of the amendments made to the *Associations Incorporation Act 1981* were made in response to suggestions from members of the public. The amendments made to the *Roman Catholic Church Lands Act 1985*, the *Roman Catholic (Northern Lands) Vesting Act 1941* and the *Scout Association of Australia Queensland Branch Act 1975* were made at the request of the Roman Catholic Church and the Scout Association, respectively.

NOTES ON CLAUSES**PART 1—PRELIMINARY**

Clause 1 sets out the short title of the Act.

Clause 2 is a commencement clause.

**PART 2—AMENDMENT OF ASSOCIATIONS
INCORPORATION ACT 1981**

Clause 3 provides that this part amends the *Associations Incorporation Act 1981*.

Clause 4 allows for the incorporation of a branch association where the parent entity is incorporated under the law of another State or Territory, under the Corporations Law, by royal charter or under another State Act. Note that “other State Act” includes the *Religious, Educational and Charitable Institutions Act 1861*.

Clause 5 corrects a drafting error.

Clause 6 amends the Act so that the associations may have members which are, for example, corporate entities.

Clause 7 provides that a certificate of incorporation is conclusive evidence that the requirements of the Act about the association’s registration have been complied with. This provision mirrors section 122 of the Corporations Law. The provision is designed to assist association members and those who deal with them, by ensuring that the legal status of the associations incorporation cannot be challenged.

This is because after incorporation the association may have entered into contracts, gained title to land, obtained machine gaming licences, opened bank accounts etc. If the incorporation of the association is opened to challenge, the association’s dealings with third parties and the ownership of its property holdings may be seriously compromised. The problem would be compounded the longer that the association has its corporate status. On balance, the benefit of protection of third parties in dealing with the association outweighs the benefit of leaving open to challenge the incorporation of the association.

Clause 8 changes the time limit specified in this subsection to 1 month.

Clause 9 inserts a penalty into this section.

Clause 10 changes the time limit specified in this subsection to 1 month.

Clause 11 removes the requirement for an association to pass a special resolution if it desires to have an undesirable name.

Clause 12 is a declaratory statement that registration of the association’s own rules does not cure a defect or validate the rules.

Clause 13 inserts a time limit within which the application to register the rules must be made.

Clause 14 provides that management committee meetings must be held every 4 months instead of every 2 months. It also allows for increased flexibility in the method of holding management committee meetings so

that they may be held by telephone, video link or another form of communication.

Clause 15 redrafts the definition of “mental illness” in that section, so that it accords with modern drafting practice. It also redrafts section 64(2)(d) in accordance with modern drafting practice and to make it easier to read.

Clause 16 changes the time limit specified in the section to 1 month.

Clause 17 removes the present requirement for the secretary to be resident within the State and provides that the secretary may now be resident no more than 65 km from the Queensland border.

Clause 18 changes the time limits specified in the section to 1 month and states that the secretary must give notice of the secretary’s change in address in the approved form, rather than in writing.

Clause 19 redrafts the definition of “mental illness” in that section, so that it accords with modern drafting practice and redrafts section 69(2)(d) in order to make it easier to read. The section is also amended to make it consistent with the new residency requirements of the secretary contained in clause 17 of this Bill.

Clause 20 increases the amount of insurance which an association may hold to make the amount more in keeping with today’s values. The amendment prescribes a minimum value on the insurance which must be purchased.

Clause 21 corrects a drafting error in the section and provides an extra requirement that the association must notify the chief executive of the resolution within one month of the passage of the resolution.

Clause 22 changes the time limit specified in the section to 1 month.

Clause 23 this provision overlapped the provision contained in section 93(1)(b) of the Act.

Clause 24 corrects a drafting error in that section.

Clause 25 corrects a drafting error in that section.

Clause 26 changes the time limit specified in the section to 1 month.

Clause 27 This provision was made prior to the passage of the *Associations Incorporation Amendment Act 1995*. The amendment therefore makes this section consistent with the requirements contained in the Act of 1995.

Clause 28 This provision was made prior to the passage of the *Associations Incorporation Amendment Act 1995*. The amendment therefore makes this section consistent with the requirements contained in the Act of 1995.

Clause 29 This provision was made prior to the passage of the *Associations Incorporation Amendment Act 1995*. The amendment therefore makes this section consistent with the requirements contained in the Act of 1995.

Clause 30 This provision was made prior to the passage of the *Associations Incorporation Amendment Act 1995*. The amendment therefore makes this section consistent with the requirements contained in the Act of 1995.

Clause 31 An association may be incorporated as a branch only if its parent entity is incorporated under the Act or the *Religious, Educational and Charitable Institutions Act 1861*. In the past some branches were incorporated despite the fact that the parent entity was not incorporated under either Act. This amendment cures any invalidity resulting from the incorporation.

Clause 32 clarifies the expiry date of this provision.

PART 3—AMENDMENT OF BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955

Clause 33 states that the part amends the *Bills of Sale and Other Instruments Act 1955*.

Clause 34 This section validates acts done by the Registrars of the Supreme Courts of Townsville and Rockhampton performed under the Act. The amendment is required because the registrars were performing functions under the Acts when the administration of the Acts had been removed from the department which administered the registries, to another department.

The section also provides that the “registrar” under the (repealed) *State Securities Registration Act 1925* is taken to be the registrar under the *Bills of*

Sale and Other Instruments Act 1955. The amendment is necessary because the *State Securities Registration Act* was repealed in 1991. However, it still has effect in relation to the discharge and cancellation of securities under that Act. Section 2 provides that the registrar shall endorse a certificate of discharge. The registrar is defined as the registrar of Commercial Acts appointed under the *Administration of Commercial Laws Act 1962*. That Act has been repealed and there are no transitional or savings provisions relating to the registrar. The amendments have therefore been required to validate the exercise of statutory powers exercised and to provide transitional arrangements.

PART 4—AMENDMENT OF BUSINESS NAMES ACT 1962

Clause 35 provides that this part amends the *Business Names Act 1962*.

Clause 36 inserts a new section 7A which provides that the application is taken not to be made until the prescribed fee is paid.

The new section 7B gives the registrar added powers to request information from applicants as to whether the business name should be registered or whether the person is carrying on or will carry on business in the State. Presently the registrar is constrained by the limited provision contained in section 7(7) of the Act.

Clause 37 The present section 16 contains only a limited method of verifying information contained in a statement lodged under the Act, which can result in administrative difficulties. The new section 16 models section 1274(8) of the Corporations Law and allows the registrar to requisition forms lodged under the Act.

A matter which may be “contrary to law” under the new 16(1)(a)(ii) would be, for example, where the applicant has applied for a name in relation to a partnership of more than 20 persons, where such a partnership is prohibited under the Corporations Law.

Clause 38 gives the registrar a power to require documentary proof as to whether a business is being carried on.

Clause 39 gives the registrar the power to cancel the registration of a business name when the fee tendered in the application was made by way of a cheque and the cheque is later dishonoured.

Clause 40 These amendments reduce the amount of time that the registrar is required to keep documents under the Act, as the present periods do not appear to be of any utility.

PART 5—AMENDMENT OF CLASSIFICATION OF COMPUTER GAMES AND IMAGES (INTERIM ACT) 1995

Clause 41 provides that this part amends the *Classification of Computer Games and Images (Interim) Act 1995*.

Clause 42 deletes the word “interim” from the short title of the Act.

Clause 43 The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* defines “computer game” as a “computer program and associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium, that allows the playing of an interactive game.” If a product appears in computer generated form and it is not an interactive game, the product will be classified by the Commonwealth as a film.

There are some products on the market that are “interactive films” and which appear in computer generated form. An example of an “interactive film” is a film which allows the viewer to choose the ending of the film. The Commonwealth will classify these products as films, however, in amendments made to this Act, they will be interactive films and therefore classified as computer games.

So that there will be no requirement to have these kinds of products reclassified for Queensland once they are classified as films by the Commonwealth, the amendment to section 4 will operate so that the Commonwealth classification will be “brought across” to the Queensland computer games definition. Therefore, for example, if a film is a “PG” film for the Commonwealth, it will be a “G(8+)” computer game for Queensland.

Films which are not interactive will continue to be classified under the *Classification of Films Act 1991*.

The remaining amendments in this clause amend the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 44 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 45 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 46 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 47 amends the Act to accord with the amendments contained in clause 53 of this Bill.

Clause 48 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 49 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 50 imports the provisions of section 36 of the *Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill*.

Clause 51 imports the provisions of section 33 of the *Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill*.

Clause 52 imports the provisions of section 45 of the *Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill* and amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 53 imports the provisions of section 51 of the *Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill*.

Clause 54 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995*.

Clause 55 amends the Act to accord with the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995* and

imports the provisions of sections 46(1)(e) and 58 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 56 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 57 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 58 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 59 imports the provisions of section 33 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 60 The Act presently only allows evidence to be detained for 60 days following seizure. When the seizure involves a large number of computer games, the 60 day time limit may not be sufficient time to allow the computer games classification officer to issue certificates. The section has been amended to equate the time limits for keeping evidence to accord with the time limits for prosecution contained in the *Justices Act 1886*, so that evidence may be kept for one year.

Clause 61 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 62 This section amends the Act so that it comports with the equivalent provisions contained in the *Classification of Films Act 1991* and the *Classification of Publications Act 1991*.

Clause 63 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 64 contains the transitional provisions.

Clause 65 amends schedule 2 of the Act (Dictionary).

The definitions are amended to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

It also inserts a new definition of “interactive game”, so that those computer generated images which are not films will be classified as computer games under this Act.

PART 6—AMENDMENT OF CLASSIFICATION OF FILMS ACT 1991

Clause 66 states that this part amends the *Classification of Films Act 1991*.

Clause 67 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 68 amends the definitions in the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 69 deletes part 2 as it is no longer required following the passage of the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 70 imports the provisions of section 7 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 71 amends section 21(d) to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

The clause also imports the provisions of section 6 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 72 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 73 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 74 imports the provisions of section 58 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 75 imports the provisions of sections 45, 46(1)(e) and 51 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 76 imports the provisions of section 51(2) of the Model

State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill and amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 77 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 78 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 79 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 80 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 81 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 82 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 83 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 84 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 85 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 86 The Act presently only allows evidence to be detained for 60 days following seizure. When the seizure involves a large number of films, the 60 day time limit may not be sufficient time to allow the Commonwealth to issue certificates. The section has been amended to equate the time limits for keeping evidence to accord with the time limits for prosecution contained in the *Justices Act 1886*, so that evidence may be kept for one year.

Clause 87 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 88 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 89 inserts the transitional arrangements.

PART 7—AMENDMENT OF CLASSIFICATION OF PUBLICATIONS ACT 1991

Clause 90 states that the part amends the *Classification of Publications Act 1991*.

Clause 91 amends the definitions in the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 92 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 93 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 94 imports the provisions of section 56 of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill. The decision referred to in section 9A(2) is made when the Director forms the reasonable beliefs in section 9A(1)(a) and (b).

Clause 95 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 96 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 97 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 98 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 99 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 100 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 101 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 102 imports the provisions of sections 28 and 29(1) of the Model State/Territory Classification (Publications, Films and Computer Games) (Enforcement) Bill.

Clause 103 The Act presently only allows evidence to be detained for 60 days following seizure. When the seizure involves a large number of publications the 60 day time limit may not be sufficient time to allow the publications classification officer to issue certificates. The section has been amended to equate the time limits for keeping evidence to accord with the time limits for prosecution contained in the *Justices Act 1886*, so that evidence may be kept for one year.

Clause 104 amends the Act to accord with the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*.

Clause 105 redrafts section 33(1)(a) in accordance with the modern drafting style.

Clause 106 inserts transitional provisions.

PART 8—AMENDMENT OF COOPERATIVE AND OTHER SOCIETIES ACT 1967

Clause 107 states that this part amends the *Cooperative and Other Societies Act 1967*.

Clause 108 omits section 76 as it is contrary to the provisions of the *Legislative Standards Act 1992*.

Clause 109 has been amended to provide that as well as requiring production of minutes, books and documents of the society from an officer or director, the registrar may require such production from any other person whom the registrar reasonably believes to have custody or control of the minutes, books and documents.

Clause 110 provides that protection from liability extends to public service officers and accountants mentioned in section 101 of the Act.

PART 9—AMENDMENT OF CORONERS ACT 1958

Clause 111 provides that this part amends the *Coroners Act 1958*.

Clause 112 omits the requirement that the charges for copying be made on a per folio basis and provides that the charge may be prescribed by regulation.

PART 10—AMENDMENT OF HAWKERS ACT 1984

Clause 113 states that this part amends the *Hawkers Act 1984*.

Clause 114 This amendment removes the requirement for the applicant to supply a copy of the certificate of the relevant local government. This is because it is expensive for applicants to obtain certificates.

Clause 115 Since the requirement to supply the certificate under section 11 has now been removed, the Act will now provide that it is a condition of the licence that the licensee comply with relevant local government laws.

Clause 116 is a consequential amendment to section 14A following the insertion of section 14AA.

Clause 117 This amendment removes the requirement for the applicant to supply a copy of the certificate of the relevant local government, when the licensee wishes to carry on business in an additional local government area. The reason for this amendment is the same as that outlined in clause 114.

**PART 11—AMENDMENT OF JUVENILE JUSTICE
LEGISLATION AMENDMENT ACT 1996**

Clause 118 states that this part amends the *Juvenile Justice Legislation Amendment Act 1996*.

Clause 119 provides that the part commences on the date of assent of the *Juvenile Justice Legislation Amendment Act 1996*.

Clause 120 corrects a drafting error which occurred when the *Juvenile Justice Legislation Amendment Act 1996* incorrectly inserted a part 6 and new sections when those provisions were already in existence.

PART 12—AMENDMENT OF LAND SALES ACT 1984

Clause 121 states that this part amends the *Land Sales Act 1984*.

Clause 122 provides that the definition of agreement will be extended to apply to the common law doctrine of part performance.

Clause 123 This section has been amended to make it clear that monies payable under this section may be paid to a firm of solicitors or a real estate agency.

Clause 124 redrafts the section and makes consequential amendments to the amendment contained in clause 123. The section has also been amended to make it clear that a trustee must retain all monies paid under a contract (including deposits, option fees, instalment payments etc.) in a trust account until the purchaser or vendor ultimately become entitled to the monies as a result of either non-performance or completion of the sale.

Clause 125 amends section 19 so that it is clear that vendors and/or purchasers of subdivisinal portions may apply for exemptions but the purchasers can do so only with the consent of the vendor.

Clause 126 provides for the insertion of the power to appoint inspectors and for inspectors powers into the Act.

PART 13—AMENDMENT OF LIENS ON CROPS OF SUGAR CANE ACT 1931

Clause 127 provides that this part amends the *Liens on Crops of Sugar Cane Act 1931*.

Clause 128 validates acts done by the Registrars of the Supreme Courts of Townsville and Rockhampton performed under the Act. The amendment is required because the registrars were performing functions under the Acts when the administration of the Acts had been removed from the department which administered the registries, to another department.

PART 14—AMENDMENT OF MOBILE HOMES ACT 1989

Clause 129 states that this part amends the *Mobile Homes Act 1989*.

Clause 130 inserts a new heading.

Clause 131 omits the commencement section as it is now spent.

Clause 132 inserts a new heading.

Clause 133 inserts the power to appoint inspectors and inspectors powers into the Act.

Clause 134 inserts a new heading.

Clause 135 omits the reference to a spent provision.

PART 15—AMENDMENT OF MOTOR VEHICLES SECURITIES ACT 1986

Clause 136 provides that this part amends the *Motor Vehicles Securities Act 1986*.

Clause 137 inserts a new heading.

Clause 138 The amendments contained in this Bill provide that from the commencement, the registration of securities registered under this Act will expire 5 years from registration, unless the registration is renewed. The amendment in this section provides for renewals under the Act.

Clause 139 provides for renewals under the Act.

Clause 140 provides for renewals under the Act.

Clause 141 In order to remove any registrations which relate to expired interests, the Bill provides that interests currently on the register will be progressively removed. For example, registrations registered after commencement will expire 5 years from the time of registration. Registrations which have been on the register in excess of 5 years from the date of commencement will expire 6 months from the time of commencement.

Clause 142 provides for renewals under the Act.

PART 16—AMENDMENT OF PARTNERSHIP (LIMITED LIABILITY) ACT 1988

Clause 143 provides that the part amends the *Partnership (Limited Liability) Act 1988*.

Clause 144 provides that the registrar may cancel the registration of a defunct partnership after certain procedures have been followed. It also provides that the registrar may revoke a cancellation made under section 23A.

PART 17—AMENDMENT OF PAWNBROKERS ACT 1984

Clause 145 provides that this part amends the *Pawnbrokers Act 1984*.

Clause 146 inserts a new heading.

Clause 147 This amendment removes the requirement for the applicant to supply a copy of the certificate of the relevant local government. This is because it is expensive for applicants to obtain certificates.

Clause 148 Since the requirement to supply the certificate under section 11 has now been removed, the Act will now provide that it is a condition of the licence that the licensee comply with relevant local government laws.

Clause 149 is a consequential amendment to section 14A following the insertion of section 14AA.

Clause 150 removes the requirement for the applicant to supply a copy of the certificate of the local government, when the licensee wishes to carry on business in an additional local government area. This amendment has been made for the same reasons as those outlined in clause 147.

Clause 151 provides that a nominee must not be a nominee for another licence, so that there must be a nominee at each premises. This is because only the licensee or nominee may exercise the powers under section 41 of the Act.

Clause 152 omits a drafting error.

Clause 153 removes the requirement for verification of occupation.

PART 18—AMENDMENT OF PRIMARY PRODUCERS’ COOPERATIVE ASSOCIATIONS ACT 1923

Clause 154 states that the part amends the *Primary Producers’ Cooperative Associations Act 1923*.

Clause 155 inserts a new heading and states that the model rules are those prescribed by regulation.

Clause 156 inserts a power of delegation into the Act.

Clause 157 changes the reference from “Minister” to registrar.

Clause 158 changes the reference from “Minister” and associated references to registrar and its associated references.

Clause 159 changes the reference from “Minister” to registrar.

Clause 160 changes the reference from “Minister” and associated references to registrar and its associated references.

Clause 161 changes the reference from “Minister” to registrar.

Clause 162 is a consequential amendment to the above amendments.

Clause 163 is a consequential amendment to the above amendments.

Clause 164 is a consequential amendment to the above amendments.

Clause 165 changes the reference from “Minister” to registrar.

Clause 166 reflects the changed administrative arrangements for this Act.

Clause 167 provides protection from civil liability for persons involved in the administration of the Act.

Clause 168 omits the schedule to the Act.

PART 19—AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962

Clause 169 states that the part amends the *Registration of Births, Deaths and Marriages Act 1962*.

Clause 170 provides that the registrar general may register an application under the section despite the fact that the fee has not been paid. This is necessary because there are a number of applications which have been made for late registration and the parents of the child cannot be located to pay the fee. As it is in the public interest to have these registrations registered, this provision has been inserted.

Clause 171 provides that the registration may now be made in the name of the father only, if this is the wish of the applicant.

Clause 172 now allows the parents of adopted children to be able to use this section.

Clause 173 provides that another medical practitioner may complete and lodge the certificate under this section if the practitioner who conducted the original examination cannot do so.

PART 20—AMENDMENT OF ROMAN CATHOLIC CHURCH LANDS ACT 1985

Clause 174 states that this part amends the *Roman Catholic Church Lands Act 1985*.

Clause 175 vests the specified land in the Corporation of the Trustees of the Roman Catholic Archdiocese in Brisbane.

PART 21—AMENDMENT OF ROMAN CATHOLIC CHURCH (NORTHERN LANDS) VESTING ACT 1941

Clause 176 states that this part amends the *Roman Catholic Church Lands (Northern Lands) Vesting Act 1941*.

Clause 177 vests the specified land in the Roman Catholic Trust Corporation for the Diocese of Cairns.

PART 22—AMENDMENT OF SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH ACT 1975

Clause 178 states that this part amends the *Scout Association of Australia Queensland Branch Act 1975*.

Clause 179 states that this part commences on a date to be fixed by proclamation.

Clause 180 inserts new definitions of “corporation” and “former corporation”.

Clause 181 provides that legal proceedings instituted by or against the former corporation may be continued against the corporation.

Clause 182 provides that on commencement of the subsection, the assets of the former corporation vest in the corporation, thus enabling the Scout Association of Australia Queensland Branch to become an association incorporated under the *Associations Incorporation Act 1981*. The section also provides that pre-existing obligations in relation to the property will continue following the vesting of assets.

Clause 183 provides that the real property of the former corporation must be transferred into the name of the corporation within two months of incorporation under the *Associations Incorporation Act 1981*.

PART 23—AMENDMENT OF SECOND HAND DEALERS AND COLLECTORS ACT 1984

Clause 184 provides that this part amends the *Second Hand Dealers and Collectors Act 1984*.

Clause 185 inserts a new heading and makes it clear that for the purposes of endorsement on licences, a “location” includes an antique market, flea market or trash and treasure market. It also exempts local governments from compliance with the Act.

Clause 186 provides that a community purpose organisation, a charity or a religious denomination within the meaning of the *Collections Act 1966*, will be exempted from compliance with the Act.

Clause 187 This amendment removes the requirement for the applicant to supply a copy of the certificate of the local government. This is because it is expensive for applicants to obtain certificates.

Clause 188 Since the requirement to supply the certificate under section 11 has now been removed, the Act will now provide that it is a condition of the licence that the licensee comply with relevant local government laws.

Clause 189 is a consequential amendment to section 14A following the insertion for section 14AA.

Clause 190 removes the requirement for the applicant to supply a copy of the certificate of the local government, when the licensee wishes to carry on business in an additional local government area. This amendment is made for the same reason as that outlined in clause 187.

Clause 191 clarifies the section so that the dealers premises must be endorsed on the licence, whereas the locations at which the dealer carries on business may be endorsed on the licence.

Clause 192 provides that a nominee must not be a nominee for another second hand dealers licence, so that there must be a nominee at each premises. This is because only the licensee or nominee may exercise the powers under section 48 of the Act.

Clause 193 removes the requirement for verification of occupation.

Clause 194 provides that a dealer must not separate parts of second-hand goods in order to avoid the dealers obligations under section 44.

Clause 195 extends the time during which prosecutions may be instituted to conform with the provisions of the *Justices Act 1886*.

PART 24—AMENDMENT OF TRAVEL AGENTS ACT 1988

Clause 196 states that this part amends the *Travel Agents Act 1988*.

Clause 197 makes it clear that the reference to the trust deed includes any amendment to it.

Clause 198 provides that where there was a failure to gazette the trust deed, the failure did not result in any invalidity of the deed, and that all acts done in reliance on the deed are as valid as if the deed had been gazetted.

PART 25—REPEAL

Clause 199 repeals the *Associations Incorporation Amendment Act 1995* in accordance with modern drafting practice.