

Queensland



**CONSUMER LAW  
(MISCELLANEOUS  
PROVISIONS) BILL 1993**

Queensland



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**SCHEDULE 2****REPEALS**



**1993**

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**A BILL**

**FOR**

**An Act to amend certain Acts administered by the Deputy Premier,  
Minister for Emergency Services and Minister for Rural  
Communities and Consumer Affairs, and to repeal certain Acts**

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**The Parliament of Queensland enacts—** 1

**PART 1—PRELIMINARY** 2

**Short title** 3

*Clause1.* This Act may be cited as the *Consumer Law (Miscellaneous Provisions) Act 1993*. 4  
5

**Commencement** 6

*Clause2.(1)* Section 8 commences on a day to be fixed by proclamation. 7

**(2)** The following amendments in Schedule 1 also commence on a day to 8  
be fixed by proclamation— 9

(a) amendments 3, 4, 8, 9, 36 and 38 of the *Funeral Benefit 10  
Business Act 1982*; 11

(b) amendments 2, 3, 5 and 6 of the *Retirement Villages Act 1988*. 12

**Amended Acts—Schedule 1** 13

*Clause3.* Each Act mentioned in Schedule 1 is amended as set out in the 14  
Schedule. 15

**Repeals—Schedule 2** 16

*Clause4.* The Acts mentioned in Schedule 2 are repealed. 17

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**PART 2—AMENDMENT OF AUCTIONEERS AND  
AGENTS ACT 1971**

**Amended Act**

*Clause 5.* The *Auctioneers and Agents Act 1971* is amended as set out in this Part.

**Amendment of s.5 (Interpretation)**

*Clause 6.(1)* Section 5 (definitions “**approved bank**”, “**bank**”, “**building society**” and “**credit union**”)—

*omit.*

(2) Section 5—

*insert—*

‘**“approved financial institution”** means a financial institution that—

- (a) has been prescribed by regulation to be a financial institution to which section 96 applies; and
- (b) has entered into an agreement under the section;’.

**Amendment of s.6 (Auctioneers and Agents Committee)**

*Clause 7.* Section 6(2C)—

*omit* ‘order in council’, *insert* ‘the Governor in Council’.

**Amendment of s.16 (Classes of licences)**

*Clause 8.(1)* Section 16(4)(a)(ii)—

*omit.*

(2) Section 16(4)(a)(iii)—

*renumber* as subparagraph (ii).



<b>Amendment of s.81B (Grounds for exercise of disciplinary powers against licensed or registered individual)</b>	1
	2
<i>Clause 9.</i> Section 81B—	3
<i>insert—</i>	4
‘(ba)that an amount has been paid from the Fund because the person did, or omitted to do, something that gave rise to the claim against the Fund;’.	5
	6
	7
<b>Amendment of s.81C (Grounds for exercise of disciplinary powers against corporation)</b>	8
	9
<i>Clause 10.</i> Section 81C—	10
<i>insert—</i>	11
‘(ba)that an amount has been paid from the Fund because the corporation did, or omitted to do, something that gave rise to the claim against the Fund;’.	12
	13
	14
<b>Amendment of s.83 (Application of trust money)</b>	15
<i>Clause 11.(1)</i> Section 83(1)(a)—	16
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	17
(2) Section 83(1)(b)(iv), (6A) and (8)—	18
<i>omit</i> ‘bank, building society or credit union’, <i>insert</i> ‘financial institution’.	19
(3) Section 83(1)(b)(v)—	20
<i>omit</i> ‘bank, building society or credit society’,	21
<i>insert</i> ‘financial institution’.	22
<b>Amendment of s.96 (Registrar may enter into agreement with banks)</b>	23
<i>Clause 12.(1)</i> Section 96 (heading)—	24
<i>omit</i> ‘banks’, <i>insert</i> ‘financial institutions’.	25
(2) Section 96(1) and (4)—	26

<i>omit</i> ‘bank’, insert ‘financial institution’.	1
(3) Section 96(2)—	2
<i>omit, insert</i> —	3
‘(2) The Registrar may enter into an agreement with a financial institution only if the institution has been prescribed by regulation to be a financial institution to which this section applies.’.	4 5 6
<b>Amendment of s.99 (Claims against the Fund)</b>	7
<i>Clause 13.</i> (1) Section 99(2)—	8
<i>omit</i> ‘by action’.	9
(2) Section 99—	10
<i>insert</i> —	11
‘(2A) A person who makes a claim against the Fund must give written notice to the Committee if the person receives an amount or benefit (either before or after the claim is finalised) from another source for the same loss.’.	12 13 14 15
<b>Amendment of s.103 (Subrogation)</b>	16
<i>Clause 14.</i> Section 103—	17
<i>insert</i> —	18
‘(2) The Committee may enforce its rights of subrogation in its corporate name.’.	19 20
<b>PART 3—AMENDMENT OF BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955</b>	21 22
<b>Amended Act</b>	23
<i>Clause 15.</i> The <i>Bills of Sale and Other Instruments Act 1955</i> is amended as set out in this Part.	24 25

<b>Amendment of s.26 (How stock to be described in mortgage etc.)</b>	1
<i>Clause 16.</i> Section 26—	2
<i>omit</i> all words from ‘some brand’ to ‘of identification’,	3
<i>insert</i> ‘the brand, earmark or other mark on them, or in another way that reasonably allows them to be identified’.	4 5
<b>PART 4—AMENDMENT OF CLASSIFICATION OF PUBLICATIONS ACT 1991</b>	6 7
<b>Amended Act</b>	8
<i>Clause 17.</i> The <i>Classification of Publications Act 1991</i> is amended as set out in this Part.	9 10
<b>Amendment of long title</b>	11
<i>Clause 18.</i> Long title (after ‘ <b>publications,</b> ’)—	12
<i>insert</i> ‘ <b>certain photographs,</b> ’.	13
<b>Amendment of s.3 (Interpretation)</b>	14
<i>Clause 19.(1)</i> Section 3 (heading)—	15
<i>omit, insert</i> —	16
<b>‘Definitions’.</b>	17
<b>(2)</b> Section 3—	18
<i>insert</i> —	19
‘ <b>“child abuse photograph”</b> means a photograph or any other image or material (however produced or reproduced) that—	20 21
(a) depicts or describes in pictorial or other form a minor (whether or not engaged in sexual activity) who is, or is apparently, under the age of 16 years in a way that is likely to cause offence to a	22 23 24

reasonable adult person; and	1
(b) is not part of a publication;’.	2
<b>Insertion of new s.6A</b>	3
<i>Clause20.</i> After section 6—	4
<i>insert—</i>	5
<b>‘Delegation by publications classification officer</b>	6
<b>‘6A.</b> The publications classification officer may, with the written	7
approval of the chief executive of the department, delegate the officer’s	8
powers under this Act to another officer of the department.’.	9
<b>Amendment of s.12 (Sale etc. of prohibited publication)</b>	10
<i>Clause21.(1)</i> Section 12 (heading, after ‘ <b>publication</b> ’)—	11
<i>insert ‘or child abuse photograph’.</i>	12
(2) Section 12 (after ‘prohibited publication’)—	13
<i>insert ‘or child abuse photograph’.</i>	14
(3) Section 12 (penalty, paragraph (c), after ‘publication’)—	15
<i>insert ‘or child abuse photograph’.</i>	16
<b>Replacement of s.14 (Possession of child abuse publication)</b>	17
<i>Clause22.</i> Section 14—	18
<i>omit, insert—</i>	19
<b>‘Possession of child abuse publication or child abuse photograph</b>	20
<b>‘14.</b> A person must not knowingly have possession of a child abuse	21
publication or child abuse photograph.	22
Maximum penalty—300 penalty units or imprisonment for 1 year.’.	23

<b>Amendment of s.15 (Exhibition or display of prohibited publication)</b>	1
<i>Clause23.(1)</i> Section 15 (heading, after ‘ <b>publication</b> ’)—	2
<i>insert</i> ‘ <b>or child abuse photograph</b> ’.	3
<b>(2)</b> Section 15 (after ‘prohibited publication’)—	4
<i>insert</i> ‘or child abuse photograph’.	5
<b>(3)</b> Section 15 (penalty, paragraph (c), after ‘publication’)—	6
<i>insert</i> ‘or child abuse photograph’.	7
<b>Amendment of s.16 (Leaving prohibited publication in or on public place)</b>	8
	9
<i>Clause24.(1)</i> Section 16 (heading, after ‘ <b>publication</b> ’)—	10
<i>insert</i> ‘ <b>or child abuse photograph</b> ’.	11
<b>(2)</b> Section 16 (after ‘prohibited publication’)—	12
<i>insert</i> ‘or child abuse photograph’.	13
<b>(3)</b> Section 16 (penalty, paragraph (c), after ‘publication’)—	14
<i>insert</i> ‘or child abuse photograph’.	15
<b>Amendment of s.18 (Procurement of minor for refused classification publication)</b>	16
	17
<i>Clause25.(1)</i> Section 18 (heading, after ‘ <b>publication</b> ’)—	18
<i>insert</i> ‘ <b>or child abuse photograph</b> ’.	19
<b>(2)</b> Section 18 (after ‘publication’)—	20
<i>insert</i> ‘or child abuse photograph’.	21
<b>Amendment of s.20 (Leaving prohibited publication in or on private premises)</b>	22
	23
<i>Clause26.(1)</i> Section 20 (heading, after ‘ <b>publication</b> ’)—	24
<i>insert</i> ‘ <b>or child abuse photograph</b> ’.	25
<b>(2)</b> Section 20 (after ‘prohibited publication’)—	26

<i>insert</i> ‘or child abuse photograph’.	1
(3) Section 20 (penalty, paragraph (c), after ‘publication’)—	2
<i>insert</i> ‘or child abuse photograph’.	3
<b>Amendment of s.33 (Indictable offences and summary offences)</b>	4
<b>Clause 27.(1)</b> Section 33(1)(a) (after ‘publication’)—	5
<i>insert</i> ‘or child abuse photograph’.	6
(2) Section 33(1)(b) (after ‘publication’)—	7
<i>insert</i> ‘or child abuse photograph’.	8
<b>Amendment of s.34 (Forfeiture)</b>	9
<b>Clause 28.(1)</b> Section 34(1) (after ‘prohibited publication’)—	10
<i>insert</i> ‘or child abuse photograph’.	11
(2) Section 34(1) (after ‘the publication’)—	12
<i>insert</i> ‘, photograph’.	13
(3) Section 34(2) (after ‘publication’)—	14
<i>insert</i> ‘, photograph’.	15
<b>Amendment of s.35 (Return of seized publications)</b>	16
<b>Clause 29.(1)</b> Section 35 (heading, after ‘publications’)—	17
<i>insert</i> ‘or photographs’.	18
(2) Section 35—	19
<i>insert</i> —	20
‘(3) Unless otherwise ordered by a court, an inspector who seizes a child abuse photograph must not return it to the person who is entitled to possession of it.’.	21 22 23

<b>Amendment of s.37 (Exemptions)</b>	1
<i>Clause30.(1)</i> Section 37(1) (after ‘specified publications’)—	2
<i>insert</i> ‘or child abuse photographs’.	3
<b>(2)</b> Section 37(2)—	4
<i>omit, insert</i> —	5
‘ <b>(2)</b> An exemption may only be given for publications or photographs that are—	6
(a) of a medical, educational or scientific character; or	8
(b) intended to be used by the person or body for a medical, educational or scientific purpose.’.	9
<b>(3)</b> Section 37(3)(a) and (b) (after ‘publications’)—	11
<i>insert</i> ‘or photographs’.	12

## PART 5—AMENDMENT OF HIRE-PURCHASE ACT 1959

<b>Amended Act</b>	15
<i>Clause31.</i> The <i>Hire-Purchase Act 1959</i> is amended as set out in this Part.	16
<b>Amendment of s.2 (Interpretation)</b>	17
<i>Clause32.</i> Section 2(1) (definition “ <b>Hire-purchase agreement</b> ”)—	18
<i>insert</i> —	19
‘(d) that is a contract for the hiring of goods that is excluded from the effect of section 15 of the <i>Credit Act 1987</i> under section 21 of that Act;’.	20
	21
	22

**PART 6—AMENDMENT OF LAND SALES ACT 1984****Amended Act**

*Clause 33.* The *Land Sales Act 1984* is amended as set out in this Part.

**Amendment of s.6 (Interpretation)**

*Clause 34.* Section 6(1)—

*insert—*

‘**“agreement”** means—

- (a) a written contract of sale, or another instrument, under which a sale or purchase is entered upon; or
- (b) an oral contract of sale—
  - (i) under which a sale or purchase is entered upon; and
  - (ii) that is enforceable because of a memorandum or note satisfying section 59 of the *Property Law Act 1974*;’.

**Replacement of s.7A (Part not to apply to large transactions)**

*Clause 35.* Section 7A—

*omit, insert—*

**‘Part not to apply to large transactions**

**‘7A.(1)** This Part does not apply to the sale or purchase of a subdivisational portion, or proposed subdivisational portion, of relevant land if the sale or purchase is part of a large transaction.

**‘(2)** In subsection (1)—

**“large transaction”** means the sale or purchase of 6 or more subdivisational portions, or proposed subdivisational portions, of relevant land if—

- (a) the vendor of each portion is the same person; and
- (b) the purchaser of each portion is the same person; and
- (c) the sale or purchase is the subject of—



(i) a single agreement; or	1
(ii) 2 or more agreements entered into within 24 hours.’.	2
<b>Replacement of s.31 (Contracting out of Act void)</b>	3
<i>Clause36.</i> Section 31—	4
<i>omit, insert—</i>	5
<b>‘Contracting out of Act void</b>	6
<b>‘31.(1)</b> In this section—	7
<b>“avoidance provision”</b> means a covenant, condition or other provision—	8
(a) entered into, or imposed, in or for an agreement intended to bind a person for the sale or purchase of relevant land or a proposed lot; and	9 10 11
(b) under which it is agreed or acknowledged that a provision of this Act does not apply to the agreement or a transaction under the agreement.	12 13 14
<b>‘(2)</b> An avoidance provision is void.’.	15
<b>PART 7—AMENDMENT OF MOBILE HOMES ACT</b>	16
<b>1989</b>	17
<b>Amended Act</b>	18
<i>Clause37.</i> The <i>Mobile Homes Act 1989</i> is amended as set out in this Part.	19
<b>Amendment of s.4 (Particulars of agreement)</b>	20
<i>Clause38.(1)</i> Section 4(1) and (2) (at the end)—	21
<i>insert—</i>	22
<b>‘Maximum penalty—90 penalty units or imprisonment for 6 months.’.</b>	23
<b>(2)</b> Section 4—	24

<i>insert—</i>	1
‘(1A) The owner of the site must not charge a fee for giving the statement.	2 3
Maximum penalty—90 penalty units or imprisonment for 6 months.’.	4
<b>Insertion of new s.11A</b>	5
<i>Clause39.</i> After section 11—	6
<i>insert—</i>	7
<b>‘Owner of site must comply with clause 6(2A) of implied terms</b>	8
‘11A.(1) An owner of a site who does not comply with clause 6(2A) of the implied terms of a relevant agreement mentioned in Part 1 of Schedule 1 commits an offence.	9 10 11
Maximum penalty—90 penalty units or imprisonment for 6 months.	12
‘(2) An owner does not commit an offence against subsection (1) if—	13
(a) the owner reasonably asked the occupier concerned for information about the proposed assignee to help the owner to make a decision to which clause 6(2A) applies; and	14 15 16
(b) the occupier did not comply with the request.’.	17
<b>Amendment of Schedule 1</b>	18
<i>Clause40.</i> Schedule 1, Part 1 (clause 6(2))—	19
<i>omit, insert—</i>	20
‘(2) The owner must not unreasonably refuse to approve a proposed assignee.	21 22
‘(2A) If the occupier gives the owner a written request to approve a proposed assignee, the owner must, within 1 month of receiving the request—	23 24 25
(a) give the occupier written notice of the owner’s decision; and	26
(b) if the owner refuses the request—give written reasons for the refusal.’.	27 28

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**PART 8—AMENDMENT OF MOTOR VEHICLES  
SECURITIES ACT 1986**

**Amended Act**

*Clause 41.* The *Motor Vehicles Securities Act 1986* is amended as set out in this Part.

**Amendment of s.28 (Compensation for loss etc. by holder of security interest)**

*Clause 42.(1)* Section 28(1)—

*omit* ‘Minister’, *insert* ‘accountable officer’.

(2) Section 28(2) and (3)—

*omit, insert—*

‘(2) The accountable officer may make a payment to the applicant under section 106 of the *Financial Administration and Audit Act 1977*.

‘(3) The accountable officer may make a payment for loss suffered after the cancellation of a registration under section 20 only if the officer is satisfied that the applicant did not show sufficient cause under the section why the registration should not be cancelled—

(a) because of circumstances beyond the applicant’s control; or

(b) for reasons that ought reasonably to be excused.’.

(3) Section 28(5)—

*omit, insert—*

‘(5) In this section—

“**accountable officer**” means the accountable officer of the department under the *Financial Administration and Audit Act 1977*.’.

**Amendment of s.30 (Compensation for loss, etc. by purchaser)**

*Clause 43.(1)* Section 30(1)—

*omit* ‘Minister’, *insert* ‘accountable officer’.

(2) Section 30(2)—	1
omit, insert—	2
‘(2) The accountable officer may make a payment to the applicant under section 106 of the <i>Financial Administration and Audit Act 1977</i> .’	3 4
(3) Section 30(3)—	5
omit ‘The Governor in Council shall not grant an application under subsection (1) where’,	6 7
insert ‘The accountable officer must not make a payment if’.	8
(4) Section 30(4)—	9
omit, insert—	10
‘ <b>“accountable officer”</b> means the accountable officer of the department under the <i>Financial Administration and Audit Act 1977</i> .’.	11 12
<b>Insertion of new s.41</b>	13
<b>Clause 44.</b> After section 40—	14
insert—	15
<b>‘Validations</b>	16
‘ <b>41.(1)</b> Any power or function of the Registrar under this Act (other than the power of delegation) exercised or performed at a time after 30 November 1986 and before 20 November 1992 by a person who, at the time, was appointed a Deputy Registrar of Commercial Acts, Brisbane under the <i>Administration of Commercial Laws Act 1962</i> is taken to have been validly exercised or performed.	17 18 19 20 21 22
‘(2) A document purporting to be under this Act and sealed at a time after 3 December 1992 and before 1 June 1993 with the seal of the Registrar of Commercial Acts, Brisbane is taken to have been sealed with the seal of the Registrar within the meaning of this Act.	23 24 25 26
‘(3) The purported delegations on 7 and 10 September 1992 of the powers and functions of the Registrar by the Director-General, Department of Justice purporting to act as the Registrar are taken to have been as valid as if the delegations had been made by the Registrar at the time.	27 28 29 30
‘(4) The exercise of a power, or the performance of a function, of the	31

Registrar to which subsection (1) applies cannot be challenged, appealed against, reviewed, quashed or questioned in any way on the ground that the Deputy Registrar of Commercial Acts, Brisbane did not have authority to do the thing.	1 2 3 4
‘(5) The validity of anything done or not done in reliance on a document to which subsection (2) applies cannot be challenged, appealed against, reviewed, quashed or questioned in any way on the ground that the document was not sealed with the seal of the Registrar.	5 6 7 8
‘(6) The validity of anything done in reliance on a delegation validated under subsection (3) cannot be challenged, appealed against, reviewed, quashed or questioned in any way on the ground that the delegation was not a valid delegation under this Act.	9 10 11 12
‘(7) This section is a law to which section 20A of the <i>Acts Interpretation Act 1954</i> applies.	13 14
‘(8) This section expires 1 month after it commences.’	15

## PART 9—AMENDMENT OF RETIREMENT VILLAGES ACT 1988

<b>Amended Act</b>	18
<i>Clause 45.</i> The <i>Retirement Villages Act 1988</i> is amended as set out in this Part.	19 20
<b>Amendment of s.6 (Interpretation)</b>	21
<i>Clause 46.</i> Section 6(1) (definition “retirement village”, after paragraph (b))—	22 23
<i>insert—</i>	24
‘but does not include a site within the meaning of the <i>Mobile Homes Act 1989</i> .’	25 26
	27

<b>SCHEDULE 1</b>	1
<b>CONSEQUENTIAL AND MINOR AMENDMENTS</b>	2
section 3	3
<b>AUCTIONEERS AND AGENTS ACT 1971</b>	4
<b>1. Section 90(1)(a)(i)—</b>	5
<i>omit</i> ‘banks or other’.	6
<b>2. Section 91(1), (3) and (4)(b)—</b>	7
<i>omit</i> ‘bank or other’.	8
<b>3. Section 106(1), (3), (5), (8) and (13)—</b>	9
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	10
<b>4. Section 106(16) (definition “bank”)—</b>	11
<i>omit</i> .	12
<b>5. Section 106(16) (definition “trust money”, paragraph (b))—</b>	13
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	14
<b>6. Section 107 (definition “bank”)—</b>	15
<i>omit</i> .	16
<b>7. Section 107 (definition “money”)—</b>	17
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	18

## SCHEDULE 1 (continued)

<b>8. Section 111 (heading)—</b>	1
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	2
<b>9. Section 111(1)—</b>	3
<i>omit</i> ‘bank account’, <i>insert</i> ‘account with a financial institution’.	4
<b>10. Section 111(1)—</b>	5
<i>omit</i> ‘bank’ (2nd mention), <i>insert</i> ‘financial institution’.	6
<b>11. Section 11(2) and (3)—</b>	7
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	8
<b>12. Section 131(n)(ii)—</b>	9
<i>omit</i> ‘bank’, <i>insert</i> ‘financial institution’.	10
 <b>BILLS OF SALE AND OTHER INSTRUMENTS ACT</b>	11
<b>1955</b>	12
 <b>1. Section 17(1A)—</b>	13
<i>omit</i> ‘prima facie’.	14
<b>2. Section 17(2)—</b>	15
<i>omit</i> ‘, in the absence of evidence in rebuttal of it,’.	16
<b>3. Schedule 5, clause 1(2) (after ‘Part X’)—</b>	17
<i>insert</i> ‘of the’.	18

## SCHEDULE 1 (continued)

<b>CLASSIFICATION OF PUBLICATIONS ACT 1991</b>	1
<b>1. Section 7—</b>	2
<i>omit</i> ‘order in council’, <i>insert</i> ‘regulation’.	3
<b>2. Section 38(1)—</b>	4
<i>omit, insert—</i>	5
‘ <b>38.(1)</b> The Governor in Council may make regulations under this Act.’.	6
 <b>FUNERAL BENEFIT BUSINESS ACT 1982</b>	7
<b>1. Section 4—</b>	8
<i>omit.</i>	9
<b>2. Section 5 (definitions “Director-General”, “the Minister” and “valuer”)—</b>	10
<i>omit.</i>	11
<i>omit.</i>	12
<b>3. Section 5 (definition “the Registrar”)—</b>	13
<i>omit.</i>	14
<b>4. Section 5—</b>	15
<i>insert—</i>	16
‘ <b>“registrar”</b> means the Registrar of Funeral Benefit Businesses appointed under section 6;’.	17
	18



## SCHEDULE 1 (continued)

<b>5. Section 5—</b>	1
<i>insert—</i>	2
‘ <b>“valuer”</b> means a registered valuer within the meaning of the <i>Valuers Registration Act 1992.</i> ’.	3 4
<b>6. Section 5 (definition “authorised accountant”, paragraph (a))—</b>	5
<i>omit, insert—</i>	6
‘(a) a person registered as an auditor under Part 9.2 of the Corporations Law;’.	7 8
<b>7. Section 5 (definition “funeral benefit” or “benefit”, provision (ix))—</b>	9
<i>omit</i> ‘determined by the Governor in Council by Order in Council’,	10
<i>insert</i> ‘prescribed by regulation’.	11
<b>8. Section 5 (definition “inspector”)—</b>	12
<i>omit</i> ‘and each Deputy Registrar of Funeral Benefit Businesses’.	13
<b>9. Section 6—</b>	14
<i>omit, insert—</i>	15
<b>‘Registrar</b>	16
‘ <b>6.(1)</b> The Governor in Council may appoint a registrar of Funeral Benefit Business.	17 18
‘ <b>(2)</b> The <i>Public Service Management and Employment Act 1988</i> applies to a person appointed as registrar.	19 20
<b>‘Delegation by registrar</b>	21
‘ <b>6A.</b> The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.	22 23

## SCHEDULE 1 (continued)

<b>10. Section 11(3)—</b>	1
<i>omit</i> ‘Order in Council’, <i>insert</i> ‘the Governor in Council’.	2
<b>11. Section 12—</b>	3
<i>omit</i> .	4
<b>12. Section 13(1)—</b>	5
<i>omit, insert—</i>	6
‘ <b>13.(1)</b> As soon as practicable after the end of each financial year, the trustees must prepare and give to the Minister a report on the operations of the Fund during the financial year.’.	7
	8
	9
<b>13. Section 40(1)(a)—</b>	10
<i>omit</i> ‘Order in Council’, <i>insert</i> ‘the Governor in Council’.	11
<b>14. Section 41(5) (penalty)—</b>	12
<i>omit, insert—</i>	13
‘Maximum penalty—6 penalty units.’.	14
<b>15. Section 52(4) and (13) (penalties)—</b>	15
<i>omit, insert—</i>	16
‘Maximum penalty—6 penalty units.’.	17
<b>16. Section 52(10)—</b>	18
<i>omit</i> ‘, Registrar of Dealings’.	19

## SCHEDULE 1 (continued)

<b>17. Section 53 (penalty)—</b>	1
<i>omit, insert—</i>	2
‘Maximum penalty—20 penalty units.’	3
<b>18. Section 54(2) and (4) (penalties)—</b>	4
<i>omit, insert—</i>	5
‘Maximum penalty—20 penalty units.’	6
<b>19. Section 55(a)—</b>	7
<i>omit, insert—</i>	8
‘(a) a friendly society within the meaning of the <i>Friendly Societies Act 1991</i> ;’	9
	10
<b>20. Section 55(c) and (d)—</b>	11
<i>omit, insert—</i>	12
‘(c) an industrial organisation registered under the <i>Industrial Relations Act 1990</i> ; or	13
	14
(d) an association of persons registered as an organisation under the <i>Industrial Relations Act 1987</i> (Cwlth);’	15
	16
<b>21. Section 56(1) (after ‘The Minister may’)—</b>	17
<i>insert ‘, by Gazette notice,’</i>	18
<b>22. Section 56(1)—</b>	19
<i>omit</i> all words from ‘and, where he’ to ‘judicially noticed’.	20

## SCHEDULE 1 (continued)

<b>23. Section 56(3)—</b>	1
<i>omit, insert—</i>	2
‘(3) The winding-up starts on the publication of the Gazette notice.’	3
<b>24. Section 56(5)—</b>	4
<i>omit ‘, Registrar of Dealings’.</i>	5
<b>25. Section 56(8) (penalty)—</b>	6
<i>omit, insert—</i>	7
‘Maximum penalty—20 penalty units.’	8
<b>26. Section 56(10) (penalty)—</b>	9
<i>omit, insert—</i>	10
‘Maximum penalty—4 penalty units.’	11
<b>27. Section 62(2)—</b>	12
<i>omit, insert—</i>	13
‘(2) An award may be enforced as if it were an arbitration agreement under the <i>Commercial Arbitration Act 1990</i> .’	14
	15
<b>28. Section 62(3) (penalty)—</b>	16
<i>omit, insert—</i>	17
‘Maximum penalty—6 penalty units.’	18
<b>29. Section 65(8) (penalty)—</b>	19
<i>omit, insert—</i>	20
‘Maximum penalty—20 penalty units.’	21

## SCHEDULE 1 (continued)

<b>30. Section 68(2) (penalty)—</b>	1
<i>omit, insert—</i>	2
‘Maximum penalty—10 penalty units.’	3
<b>31. Section 69(3) (penalty)—</b>	4
<i>omit, insert—</i>	5
‘Maximum penalty—10 penalty units.’	6
<b>32. Section 70(2) (at the end)—</b>	7
<i>insert—</i>	8
‘Maximum penalty—4 penalty units.’	9
<b>33. Section 71 (penalty)—</b>	10
<i>omit, insert—</i>	11
‘Maximum penalty—4 penalty units.’	12
<b>34. Section 72 (penalty)—</b>	13
<i>omit, insert—</i>	14
‘Maximum penalty—6 penalty units.’	15
<b>35. Section 74—</b>	16
<i>omit, insert—</i>	17
<b>‘Proceedings for offences</b>	18
<b>‘74. A proceeding for an offence against this Act must start—</b>	19
(a) within 1 year from the commission of the offence; or	20
(b) within 6 months from when the offence comes to the	21
complainant’s knowledge, but within 2 years from the	22

## SCHEDULE 1 (continued)

commission of the offence;	1
whichever is the later.’.	2
<b>36. Section 77(a)—</b>	3
<i>omit</i> ‘a Deputy Registrar,’.	4
<b>37. Section 77(e)—</b>	5
<i>omit</i> ‘and, in the absence of evidence to the contrary, conclusive evidence’.	6 7
<b>38. Section 78—</b>	8
<i>omit, insert—</i>	9
<b>‘Protection from liability</b>	10
<b>‘78.(1)</b> This section applies to—	11
(a) the registrar; and	12
(b) a person acting under the registrar’s authorisation; and	13
(c) an inspector; and	14
(d) the State Actuary.	15
<b>‘(2)</b> The person does not incur civil liability for an act or omission done honestly and without negligence under this Act.	16 17
<b>‘(3)</b> A liability that would, apart from this section, attach to the person attaches instead to the State.’.	18 19
<b>39. Section 80—</b>	20
<i>omit, insert—</i>	21
<b>‘Regulations</b>	22
<b>‘80.(1)</b> The Governor in Council may make regulations under this Act.	23

## SCHEDULE 1 (continued)

‘(2) A regulation may be made with respect to any of the following matters—	1 2
(a) forms to be used under this Act;	3
(b) the functions and duties of the Registrar;	4
(c) the inspection of documents kept by the Registrar;	5
(d) the registration of corporations to carry on funeral benefit business;	6 7
(e) the payment by registered corporations of proportions of contributions received into Benefits Trust Funds and funeral benefit business trust fund accounts and the transfer of amounts from Benefits Trust Funds to the Trustees of the Funeral Benefit Trust Fund for placing in the Fund;	8 9 10 11 12
(f) the business and meetings of the Trustees of the Funeral Benefit Trust Fund and the conduct of the administration of the Fund;	13 14
(g) the maximum number of contracts a registered corporation may enter into for a single person;	15 16
(h) the matters for which fees are payable under this Act, the amount of the fees, the persons who are liable to pay fees, when the fees are payable, and the recovery of unpaid amounts of fees;	17 18 19
(i) prescribing offences for contraventions of a regulation and fixing a maximum penalty of not more than 1 penalty unit for a contravention;	20 21 22
(j) advertising by registered corporations about the funeral benefit business;	23 24
(k) the winding-up of funeral benefit business of corporations or persons other than corporations under section 56, including, for example—	25 26 27
(i) the realisation of property; and	28
(ii) the proving, ranking and payment of the debts and obligations of corporations or persons; and	29 30
(iii) determining the debts or obligations to contributors,	31

## SCHEDULE 1 (continued)

including the basis for the determination of the debt or obligation.’. 1  
2

**40. Section 81—** 3

*omit.* 4

**41. Schedule—** 5

*omit.* 6

**INVASION OF PRIVACY ACT 1971** 7

**1. Section 8(1)(e) (after ‘Governor in Council’ (1st mention))—** 8

*insert* ‘by Gazette notice’. 9

**2. Section 14—** 10

*omit* ‘constituted under *The Magistrates Courts Acts 1921 to 1964*’. 11

**3. Section 43(2)(c)(i)—** 12

*omit* ‘member of the police force’, *insert* ‘police officer’. 13

**LAND SALES ACT 1984** 14

**1. Section 5(1)—** 15

*omit* ‘contract for sale or other instrument’, *insert* ‘agreement’. 16

**2. Section 5(2)—** 17

*omit* ‘instrument’, *insert* ‘agreement’. 18



## SCHEDULE 1 (continued)

<b>3. Section 8(2)—</b>	1
<i>omit</i> ‘instrument’, <i>insert</i> ‘agreement’.	2
<b>4. Section 35—</b>	3
<i>omit</i> ‘The chief executive’, <i>insert</i> ‘The chief executive of the department’.	4
<b>MOBILE HOMES ACT 1989</b>	
	5
<b>1. Section 8(1), (3) and (4) (at the end)—</b>	6
<i>insert</i> —	7
‘Maximum penalty—90 penalty units or imprisonment for 6 months.’.	8
<b>2. Section 9(1) (at the end)—</b>	9
<i>insert</i> —	10
‘Maximum penalty—90 penalty units or imprisonment for 6 months.’.	11
<b>3. Section 12—</b>	12
<i>omit</i> .	13
<b>4. Section 14(a)—</b>	14
<i>omit</i> all words from ‘and, in the absence’,	15
<i>insert</i> ‘of the matters stated; and’.	16
<b>5. Section 14(b)—</b>	17
<i>omit</i> all words from ‘and, in the absence’,	18
<i>insert</i> ‘of the matters stated in the certificate; and’.	19

## SCHEDULE 1 (continued)

<b>6. Section 14(c)—</b>	1
<i>omit</i> all words from ‘and, in the absence’,	2
<i>insert</i> ‘of the matters stated in the certificate.’.	3
<b>7. Section 15—</b>	4
<i>omit, insert—</i>	5
<b>‘Regulations</b>	6
<b>‘15.(1)</b> The Governor in Council may make regulations under this Act.	7
<b>‘(2)</b> A regulation may make provision with respect to—	8
(a) the forms to be used under this Act; or	9
(b) enforcing orders of Small Claims Tribunals and the powers of persons enforcing the orders.’.	10
	11
<b>RETIREMENT VILLAGES ACT 1988</b>	12
<b>1. Section 5—</b>	13
<i>omit.</i>	14
<b>2. Section 7(2)—</b>	15
<i>omit, insert—</i>	16
<b>‘(2)</b> A Registrar of Retirement Villages is to be appointed.’.	17
<b>3. Section 7(3)—</b>	18
<i>omit.</i>	19
<b>4. Section 8—</b>	20
<i>omit, insert—</i>	21

## SCHEDULE 1 (continued)

<b>‘Delegation by registrar</b>	1
‘8. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’	2 3
<b>5. Section 9—</b>	4
<i>omit</i> ‘, deputy registrar or a person acting in the office of any of them’.	5
<b>6. Section 9—</b>	6
<i>omit</i> ‘, a deputy registrar or person so acting’.	7
<b>7. Section 15—</b>	8
<i>omit</i> .	9
<b>8. Section 18—</b>	10
<i>insert—</i>	11
‘(4) A person controlling the operation of a scheme for a retirement village must comply with the conditions of the approval.	12 13
Maximum penalty—40 penalty units.’	14
<b>9. Section 23—</b>	15
<i>insert—</i>	16
‘(2A) A person must comply with a requirement of the registrar under subsection (2).	17 18
Maximum penalty—40 penalty units.’	19
<b>10. Section 28—</b>	20
<i>insert—</i>	21

## SCHEDULE 1 (continued)

‘(6) A person who contravenes this section commits an offence.	1
Maximum penalty—40 penalty units.’.	2
<b>11. Section 44(1) (at the end)—</b>	3
<i>insert—</i>	4
‘Maximum penalty—40 penalty units.’.	5
<b>12. Section 44(2)—</b>	6
<i>omit, insert—</i>	7
‘(2) In subsection (1)—	8
“insolvent under administration” has the meaning given by the	9
Corporations Law.’.	10
<b>13. Section 45 (at the end)—</b>	11
<i>insert—</i>	12
‘Maximum penalty—40 penalty units.’.	13
<b>14. Section 46(1), (2) and (3) (at the end)—</b>	14
<i>insert—</i>	15
‘Maximum penalty—40 penalty units.’.	16
<b>15. Section 47(1) (at the end)—</b>	17
<i>insert—</i>	18
‘Maximum penalty—40 penalty units.’.	19

## SCHEDULE 1 (continued)

<b>16. Section 48(1) and (2) (at the end)—</b>	1
<i>insert—</i>	2
‘Maximum penalty—40 penalty units.’	3
<b>17. Section 48(3)—</b>	4
<i>omit</i> ‘registered company auditor within the meaning of the <i>Companies (Queensland) Code</i> ’,	5
<i>insert</i> ‘person registered as an auditor under Part 9.2 of the Corporations Law’.	6
	7
	8
<b>18. Section 51(6)(b)(i)—</b>	9
<i>omit, insert—</i>	10
‘(i) the <i>Industrial Relations Act 1990</i> ; or’.	11
<b>19. Section 53(1) and (3) (at the end)—</b>	12
<i>insert—</i>	13
‘Maximum penalty—40 penalty units.’	14
<b>20. Section 54 (at the end)—</b>	15
<i>insert—</i>	16
‘Maximum penalty—40 penalty units.’	17
<b>21. Section 55(1)—</b>	18
<i>omit.</i>	19
<b>22. Section 56—</b>	20
<i>omit</i> ‘and, in the absence of evidence to the contrary, conclusive evidence	21

## SCHEDULE 1 (continued)

of the matters contained therein, that is to say:—’,	1
<i>insert</i> ‘of the matters contained in the certificate—’.	2
<b>23. Section 60—</b>	3
<i>omit, insert—</i>	4
<b>‘Regulations</b>	5
<b>‘60.(1)</b> The Governor in Council may make regulations under this Act.	6
<b>‘(2)</b> A regulation may be made with respect to any of the following matters—	7
(a) the form and content of applications under this Act for the registrar’s approval;	8
(b) the form and content of advertisements and documents to be published for the information of the public about a scheme for a retirement village;	9
(c) the form of register to be kept by the registrar under this Act and the way of keeping it;	10
(d) the accounts and records to be kept about the operation of a scheme for a retirement village and the way of keeping the accounts and records;	11
(e) the matters for which fees are payable under this Act, the amount of the fees, the persons who are liable to pay fees, when the fees are payable, and the recovery of unpaid amounts of fees;	12
(f) how the registrar and officers authorised by the registrar to help the registrar are to perform functions or exercise powers under this Act;	13
(g) prescribing offences for contraventions of a regulation and fixing a maximum penalty of not more than 10 penalty units for a contravention.’.	14
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## SCHEDULE 1 (continued)

**TRAVEL AGENTS ACT 1988**

	1
<b>1. Section 6 (heading)—</b>	2
<i>omit, insert—</i>	3
<b>‘Definitions’.</b>	4
<b>2. Section 6(1) (definitions “Commissioner” or “Commissioner for Consumer Affairs”, “inspector” and “officer”)—</b>	5
	6
<i>omit.</i>	7
<b>3. Section 6(1)—</b>	8
<i>insert—</i>	9
<b>“Commissioner” or “Commissioner for Consumer Affairs”</b> means	10
the Commissioner appointed under the <i>Fair Trading Act 1989</i> ;	11
<b>“inspector”</b> means an inspector appointed under the <i>Fair Trading Act</i>	12
1989;	13
<b>“officer”</b> of a body corporate has the meaning given by the Corporations	14
Law;’.	15
<b>4. Section 6(2) and (3)—</b>	16
<i>omit.</i>	17
	18

**SCHEDULE 2**

1

**REPEALS**

2

section 4

3

*Business Names Act Amendment Act 1976*

4

*Contractors' Trust Accounts Act 1974*

5

*Contractors' Trust Accounts Act Amendment Act 1978*

6

*Registration of Deaths on War Service Act 1942*

7

8