

Queensland



**STATUTE LAW (MINOR
AMENDMENTS) BILL 1995**

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**STATUTE LAW (MINOR AMENDMENTS)
BILL 1995**

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1995

A BILL

FOR

An Act to make minor amendments of certain Acts

	The Parliament of Queensland enacts—	1
	Short title	2
Clause	1. This Act may be cited as the <i>Statute Law (Minor Amendments) Act 1995</i> .	3 4
	Purpose	5
Clause	2. The purpose of this Act is to improve the quality of the statute law of Queensland by making amendments that are concise, of a minor nature and non-controversial.	6 7 8
	Amended Acts	9
Clause	3. The schedule amends the Acts mentioned in it.	10
	Explanatory notes	11
Clause	4. Explanatory notes to the provisions of this Act do not form part of this Act.	12 13

SCHEDULE	1
MINOR AMENDMENTS	2
section 3	3
AGRICULTURAL STANDARDS ACT 1994	4
Amendment	5
1. Section 4, definition “agricultural requirement”—	6
<i>omit, insert—</i>	7
‘ “agricultural requirement” means—	8
(a) seed, fertiliser, lime or stock food; or	9
(b) other material declared under a regulation to be an agricultural requirement.’.	10 11
2. After section 71—	12
<i>insert—</i>	13
‘ Expired regulations and rules	14
‘ 72.(1) In this section—	15
‘ former regulations and rules” means the regulations and rules made	16
under the former Act as they were in force under this Act immediately	17
before their expiry.	18
‘ (2) The former regulations and rules are taken to be regulations in force	19
under this Act, and, for example, subject to amendment or repeal by a	20
regulation made under this Act.	21
‘ (3) The former regulations and rules are to be read with the changes	22
necessary to make them consistent with, and adapt their operation to, this	23
Act.	24
‘ (5) This section expires 1 year after the commencement of this Act.’.	25

SCHEDULE (continued)

Explanatory note

Amendment 1 makes it clear that seed, fertiliser, lime and stock food are an agricultural requirement without a declaration by regulation.

Under a now expired transitional provision of the Act (section 72), regulations and rules in force under the repealed *Agricultural Standards Act 1952* at the commencement of the amended Act continued in force for 6 months to allow new regulations and standards to be made. The regulations and rules lapsed without new regulations and standards having been made. The effect of the amendment is to revive the regulations and rules prospectively, and continue them in force for 12 rather than 6 months.

As part of a national initiative, draft standards for seeds, seed certification, fertilisers and stockfeed have been or are being developed by national committees such as the Australian Seeds Committee and the National Working Party on Stockfood Standards, both acting under the auspices of the Standing Committee on Agriculture and Resource Management.

The additional time is needed to allow policy to be finalised at a national level on all standards and then allow for appropriate consultation to be undertaken in Queensland with industry and the community. Following consultation, standards will be finalised and made.

BRISBANE FOREST PARK ACT 1977**Amendment****1. After section 49—**

insert—

‘Validation of exclusion of certain land from park

‘50.(1) This section applies to—

- (a) the order in council under the *Forestry Act 1959* gazetted on 26 November 1988 at pages 1481–3; and
- (b) the land mentioned in the order in council that was included in the park immediately before the order was made.

‘(2) The order in council is taken to be, and always have been, effective to exclude the land from the park.

SCHEDULE (continued)

‘(3) This section has effect despite section 7. ¹	1
‘(4) This section is a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	2 3
‘(5) This section expires on the day it commences.’.	4
Explanatory note	5
This amendment regularises the purported exclusion of 2 areas of land from the park in 1988. One area was subsequently set aside as a reserve for local government (reservoir) purposes under the control of the Pine Rivers Shire Council. The other area was subsequently amalgamated with adjoining freehold land and included in a registered deed of grant. Neither area was excluded from the park in the way required by the <i>Brisbane Forest Park Act 1977</i> , section 7, before being dealt with as Crown land under the <i>Land Act 1962</i> .	6 7 8 9 10 11 12

BUILDING ACT 1975 13

Amendment	14
1. Section 30M(1)(a)(iii), ‘and’—	15
<i>omit, insert—</i>	16
‘or’.	17
2. Section 30M(1)(a)—	18
<i>insert—</i>	19
‘(iv) a disability of an occupant of the premises; and’.	20

Explanatory note	21
Amendment 1 is consequential on amendment 2.	22

¹ Section 7 (Manner of altering area of park)

SCHEDULE (continued)

Amendment 2 allows local governments to take account of the disability of an occupant in varying fencing requirements for outdoor swimming pools. 1
2

BUILDING AND CONSTRUCTION INDUSTRY 3
(PORTABLE LONG SERVICE LEAVE) ACT 1991 4

Amendment 5

1. Section 88(2) to (6)— 6

renumber as section 88(3) to (7). 7

2. Section 88— 8

insert— 9

‘(2) An appeal to an industrial magistrate about a decision, determination, direction or notice made or given by the authority, or the accuracy of a notice given to a person under this Act, must be started— 10
11
12

(a) if action is not taken under section 87(1)²—within the period prescribed under section 87(1)(c) or (d); or 13
14

(b) if action is taken under section 87(1)—within 28 days after notice of the authority’s decision under section 87(2) is given to the person.’. 15
16
17

Explanatory Note 18

Amendment 1 is a renumbering amendment consequential on amendment 2. 19

Amendment 2 inserts a subsection to provide for a time within which an appeal may be started. In the absence of a time limit in the Act, the appeal is required to be made ‘as soon as possible’ (see *Acts Interpretation Act 1954*, section 38(4)). 20
21
22

² Section 87(1) allows a person to ask the authority to give further consideration to certain matters.

SCHEDULE (continued)

CHILDRENS COURT ACT 1992**Amendment****1. After section 29—***insert—***‘Transitional provision for rules of court****‘30.(1)** In this section—**“former rules”** means the *Children’s Court Rules 1966* as in force under this Act immediately before their expiry.**‘(2)** The former rules are taken to be the rules.**‘(3)** This section expires 1 year after its commencement.’**Explanatory note**

This amendment inserts a transitional provision to revive the expired *Children’s Court Rules 1966* for a further year. Under the transitional provisions of the Act, the rules were continued in force for 2 years to allow them to be remade for the Act. The rules were not remade before their expiry.

CLASSIFICATION OF FILMS ACT 1991**Amendment****1. After section 21—***insert—***‘Classified films—exhibiting advertisements for other films****‘21A.** A person must not exhibit, or attempt to exhibit, a classified film that contains an advertisement relating to—

- (a) if the film is classified as a “G” film—a film classified as a “PG”, “M”, “MA” or “R” film or an unclassified film; or

SCHEDULE (continued)

- (b) if the film is classified as a “PG” film—a film classified as an “M”, “MA” or “R” film or an unclassified film; or 1
2
- (c) if the film is classified as an “M” film—a film classified as an “MA” or “R” film or an unclassified film; or 3
4
- (d) if the film is classified as an “MA” film—a film classified as an “R” film or an unclassified film; or 5
6
- (e) if the film is classified as an “R” film—an unclassified film. 7
- Maximum penalty—10 penalty units.’ 8

- 2. Section 41(3)—** 9
- omit, insert—* 10
- ‘(3) A person must not knowingly have possession of a child abuse film. 11
- Maximum penalty—150 penalty units or 12 months imprisonment.’ 12

- Explanatory note** 13
- Amendment 1 inserts a provision to prevent the exhibition of films advertising other 14
films of a more restricted classification. 15
- Amendment 2 amends the provision so that the element of knowledge relates to the 16
possession of a child abuse film rather than the nature of the film itself. 17

LIQUOR ACT 1992 18

- Amendment** 19
- 1. Section 34(4)—** 20
- omit, insert—* 21
- ‘(4) At the hearing of the appeal, each person mentioned in 22
subsection (3)(a) to (c) is entitled— 23
- (a) for an individual—to be heard personally; or 24

SCHEDULE (continued)

- (b) for a corporation—to be represented by an officer of the corporation; or 1
2
- (c) in any case—with the Tribunal’s leave, to be represented by a lawyer.’. 3
4

2. Section 34(5), ‘(4)(b)’— 5*omit, insert—* 6

‘(4)(c)’.

Explanatory note 8Amendment 1 widens a provision to allow an officer of a corporation to appear for the corporation. 9
10

Amendment 2 is a consequential amendment. 11

LOCAL GOVERNMENT (ABORIGINAL LANDS) ACT 12
1978 13**Amendment** 14**1. Section 76(3), before ‘if’—** 15*insert—* 16

‘or on a vehicle (including alcohol)’.

Explanatory note 18This amendment corrects a minor drafting oversight. The amendment will allow the seizure of anything found on a vehicle if an authorised officer reasonably believes the thing is evidence of an offence and the seizure is necessary to prevent the thing being hidden, lost, destroyed or used to continue or repeat the offence. At present the provision allows seizure of things found at places, but not on vehicles. However, things used in committing the offence, which would usually be the case with alcohol, may be seized under section 76(4). 19
20
21
22
23
24
25

SCHEDULE (continued)

**MEDICAL ACT AND OTHER ACTS
(ADMINISTRATION) ACT 1966**

	1
	2
Amendment	3
1. Sections 14(1)(g), 15(1)(e) and (2), before ‘books, letters, accounts’—	4
<i>insert—</i>	5
<i>insert—</i>	6
‘equipment, appliances,’.	7
2. Sections 14(1)(g), 14A and 14B(1), before ‘book, letter, account’—	8
<i>insert—</i>	9
‘equipment, appliance,’.	10
3. Section 14A(c)(ii), ‘the writing seized’—	11
<i>omit, insert—</i>	12
‘the thing seized’.	13
4. Section 14B(1), after ‘contents of’—	14
<i>insert—</i>	15
‘, or information about,’	16
Explanatory note	17
Amendments 1 and 2 widen the amended provisions to acknowledge inspectors’ existing powers under the Act to seize any equipment and appliances (see section 14(1)(a)).	18
	19
	20
Amendment 3 updates language to make it consistent with section 14 and the rest of section 14A.	21
	22
Amendment 4 is consequential on amendment 2.	23

SCHEDULE (continued)

MINERAL RESOURCES ACT 1989

	1
Amendment	2
1. Section 15(2)—	3
<i>omit, insert—</i>	4
‘(2) More than 1 parcel prospecting permit may be granted over a lot, or	5
2 or more adjoining lots owned by the same person.’.	6
2. Section 312—	7
<i>insert—</i>	8
‘(2A) The person who was the holder of the terminated mining lease	9
immediately before its termination must immediately remove each post or	10
other thing used to mark the land under this Act (other than a survey mark	11
or anything else required under another Act not to be removed).’.	12
3. Section 312(4), ‘subsection (3)’—	13
<i>omit, insert—</i>	14
‘subsection (4)’.	15
4. Section 312(2A) to (4)—	16
<i>renumber.</i>	17
5. Section 320(4) and (5)—	18
<i>omit, insert—</i>	19
‘(4) The holder of a mining claim, mining lease or another authority	20
under this Act or another Act about mining who mines mineral or allows	21
mineral to be mined from land the subject of the mining claim, mining lease	22
or other authority must, whether or not the State has property in the mineral,	23

SCHEDULE (continued)

lodge royalty returns as required under a regulation.	1
‘(5) Unless a regulation otherwise provides, the holder of a mining claim or mining lease that authorises the mining of minerals for which royalty is or would be payable must lodge a royalty return whether or not mineral has been mined during the period of the return.’	2 3 4 5
6. Section 320(7)—	6
<i>omit, insert—</i>	7
‘(7) A person who mines mineral from land other than under a mining claim, mining lease or other authority mentioned in subsection (1) or (2), must, whether or not the State has the property in the mineral—	8 9 10
(a) lodge the royalty returns as required under a regulation; and	11
(b) pay royalty to the State or anyone else who has property in the mineral at the rate required under a regulation.’	12 13
Explanatory note	14
Amendment 1 makes it clear that more than 1 parcel prospecting permit can be granted for the same part of a lot. The amendment brings the provisions about district and parcel prospecting permits into line and corrects an error made by the <i>Mineral Resources Amendment Act 1995</i> .	15 16 17 18
Amendment 2 corrects an inconsistency. Under the Act, the holder of a terminated mining claim must remove anything used to mark the boundaries of the claim. The amendment will bring the provisions about the termination of mining leases into line with the provision dealing with the termination of mining claims.	19 20 21 22
Amendments 3 and 4 are renumbering amendments consequential on amendment 2.	23
Amendment 5 amends the Act to allow returns for royalty to be required for mining claims and leases whether or not the mineral is owned by the State. At present, returns are only required for minerals for which royalty is payable to the State. Without these additional returns, it is not possible to have a complete, accurate, up-to-date picture of mining production in the State.	24 25 26 27 28
Amendment 6 is consequential on amendment 5.	29

SCHEDULE (continued)

PAWNBROKERS ACT 1984

	1
Amendment	2
1. Section 31—	3
<i>omit.</i>	4
2. Section 35(4), ‘bank within the meaning of the <i>Banking Act 1959</i> (Cwlth)’—	5
	6
<i>omit, insert—</i>	7
‘financial institution’.	8
3. Section 35(5)—	9
<i>omit, insert—</i>	10
‘(5) When the premises of a licensed pawnbroker are open for business, the pawnbroker must, if required by an authorised officer, make available to the authorised officer all books of account and records relating to a requirement imposed on the pawnbroker under subsection (3) or (4).’.	11
	12
	13
	14
Explanatory note	15
Amendment 1 omits a provision made redundant by the <i>Trading (Allowable Hours) Act 1990</i> . The allowable trading hours of licensed pawnbroking premises are now regulated by that Act (see section 5(2)(y)).	16
	17
	18
Amendment 2 allows the keeping of trust accounts with financial institutions that are not banks.	19
	20
Amendment 3 allows an authorised officer who is an officer or employee of the department to require the production of books of account and records. This is consistent with other amendments of the Act made in 1992.	21
	22
	23

SCHEDULE (continued)

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES ACT 1962**

	1
	2
Amendment	3
1. Section 5(1)—	4
<i>insert—</i>	5
‘ “boat” means any type of ship or other vessel used in navigation by water or for another purpose on water, and includes a ship or other vessel of whatever size and however it is propelled or moved.	6
	7
	8
<i>Example—</i>	9
1. A hovercraft or other surface effect craft.’.	10
2. After section 15—	11
<i>insert—</i>	12
‘Marriages on boats	13
‘ 15A. A marriage is taken to be solemnised in Queensland if—	14
(a) it is solemnised on a boat under the Commonwealth Marriage Act, part 4, division 2; and	15
	16
(b) the boat goes to the place where the marriage is solemnised from a port in Queensland (the “home port”) without stopping at a port that is not in Queensland; and	17
	18
	19
(c) after the marriage is solemnised, the boat returns to the home port, or another port in Queensland, without stopping at a port that is not in Queensland.’.	20
	21
	22
3. Section 22(1)(b)—	23
<i>omit, insert—</i>	24
‘(b) obtain from the registrar-general or a district registrar a certificate	25

SCHEDULE (continued)

signed by the registrar-general or district registrar certifying particulars contained in an entry or duplicate entry in a register kept by the registrar-general or district registrar; or’.	1 2 3
4. Section 22, after subsection (1)—	4
<i>insert—</i>	5
‘(1AA) A certificate mentioned in subsection (1)(b) and an extract must contain the particulars prescribed under a regulation.’.	6 7
5. Section 22(1B), ‘a certified copy of’—	8
<i>omit, insert—</i>	9
‘a certificate from’.	10
6. Section 22(1B), ‘that copy’—	11
<i>omit, insert—</i>	12
‘the certificate’.	13
7. Section 22(1C)—	14
<i>omit, insert—</i>	15
‘(1C) A certificate mentioned in subsection (1B), if otherwise correct, is taken to be a true copy of the original or duplicate entry in the register, to the extent it contains the particulars contained in the original or duplicate entry.’.	16 17 18
8. Section 22(2), ‘a certified copy of,’—	19
<i>omit, insert—</i>	20
‘a certificate’.	21

SCHEDULE (continued)

9. Section 22(2), ‘such copy’—	1
<i>omit, insert—</i>	2
‘the certificate’.	3
10. Section 22(2A)—	4
<i>omit, insert—</i>	5
‘(2A) A certificate mentioned in subsection (2), if otherwise correct, is taken to be a true copy of the original or duplicate entry in the register, to the extent it contains the particulars contained in the original or duplicate entry.	6
	7
	8
‘(2B) A certified extract mentioned in subsection (2), if otherwise correct, is taken to be a true extract from the original or duplicate entry in the register.’.	9
	10
	11
11. Section 22(3), (3A) and (3B) ‘certified copy’—	12
<i>omit, insert—</i>	13
‘certificate’.	14
12. Section 27B(1), from ‘by a marginal note’ to ‘the father.’—	15
<i>omit, insert—</i>	16
‘enter in the register of births a change of surname of the child to the surname of the father.’ ³ .	17
	18

³ See section 29B (Changing particulars in register of births) for requirements about entering a change of a child’s surname in the register of births.

SCHEDULE (continued)

- 13. Section 27C(1), from ‘by a marginal note’ to ‘that child to—’—** 1
omit, insert— 2
‘enter in the register of births a change of surname of that child⁴ to—’. 3
- 14. Section 27D(1)(c)—** 4
omit, insert— 5
‘(c) in a case to which paragraph (a) applies—enter in the register of 6
births, in terms of the second request, a change of surname of that 7
child⁵ to one formed by combining the surnames (as at the date 8
of birth of that child) of the mother and the person registered as 9
the father of that child in any separated order (whether or not 10
joined by a hyphen); or’. 11
- 15. Section 28(4)—** 12
omit, insert— 13
‘(4) If the registrar-general is satisfied on evidence given to the 14
registrar-general that a person who is 18 or more has evidenced the change 15
of the person’s name by deed poll or other legal process, the 16
registrar-general may, on payment of the fee prescribed under a 17
regulation— 18
(a) enter the change by making a note in the margin, or in the place 19
set aside for notes, in the appropriate entry in the register of 20

⁴ See section 29B (Changing particulars in register for births) for requirements about entering a change of a child’s surname in the register of births.

⁵ See section 29B (Changing particulars in register for births) for requirements about entering a change of a child’s surname in the register of births.

SCHEDULE (continued)

marriages; or	1
(b) enter the change in the register of births. ⁶ .	2
16. Section 28A(1)(e) to (g)—	3
<i>omit, insert—</i>	4
‘(e) enter in the register of births a change of surname of the child to the appropriate surname of the mother; or ⁷	5 6
(f) for a registration entered in the adopted children register kept under the <i>Adoption of Children Act 1964</i> —enter a change of surname of the child to the appropriate surname of the mother.’.	7 8 9
17. After section 29A—	10
<i>insert—</i>	11
‘Changing particulars in register of births	12
‘ 29B.(1) This section applies if the registrar-general proposes to enter in the register of births—	13 14
(a) a change of a child’s surname under section 27B(1), 27C(1), 27D(1)(c) or 28A(1)(e); or	15 16
(b) a change of a person’s name by deed poll or other legal process under section 28(4).	17 18
‘ (2) The registrar-general may enter the change by—	19
(a) making a note in the margin, or in the place set aside for notes, in the appropriate entry; and	20 21
(b) if the registrar-general considers it is appropriate to reregister the	22

⁶ See section 29B (Changing particulars in register of births) for requirements about entering a change of a person’s name by deed poll or other legal process in the register of births.

⁷ See section 29B (Changing particulars in register of births) for requirements about entering a change of a child’s surname in the register of births.

SCHEDULE (continued)

birth—	1
(i) closing the entry in the way the registrar-general considers appropriate; and	2 3
(ii) reregistering the birth of the child or person. ⁸	4
‘Application for reregistration of birth	5
‘29C.(1) This section applies if—	6
(a) notes have been made under this Act by the registrar-general on an entry in the register of births; and	7 8
(b) the registrar-general has not reregistered the birth of the person to whom the entry relates.	9 10
‘(2) This section also applies if particulars of an alteration of, or addition to, a person’s name are entered in an entry in the register of births under section 28(2).	11 12 13
‘(3) Application may be made for reregistration of the person’s birth.	14
‘(4) However, an application may be made only by—	15
(a) if the person is an adult—the person; or	16
(b) if the person is a minor—a parent or guardian of the person.	17
‘(5) The application must—	18
(a) be made to the registrar-general; and	19
(b) be in the prescribed form; and	20
(c) be accompanied by the fee prescribed under a regulation.	21
‘(6) If an application is made under this section, the registrar-general must—	22 23

⁸ See section 29D (Notes about reregistration of births) for requirements about reregistering births.

SCHEDULE (continued)

(a) close the entry in the way the registrar-general considers appropriate; and	1 2
(b) reregister the person's birth. ⁹	3
'Notes about reregistration of births	4
'29D.(1) If the registrar-general reregisters a birth under section 29B or 29C, the registrar-general must—	5 6
(a) make a note, in the entry closed for reregistering the birth (the " closed entry "), to show the birth has been reregistered; and	7 8
(b) make a note, in the entry containing particulars of the reregistration (the " new entry "), to show the new entry was made under section 29B or 29C.	9 10 11
'(2) The registrar-general must—	12
(a) in the note made in the closed entry—include a reference to the new entry; and	13 14
(b) in the note made in the new entry—include a reference to the closed entry.	15 16
'(3) A note made under subsection 1(a) or (b) must be made in the margin, or in the place set aside for notes, in the entry.'	17 18
18. Section 42(1), 'An alteration'—	19
<i>omit, insert—</i>	20
'A correction'.	21

⁹ See section 29D (Notes about reregistration of births) for requirements about reregistering births.

SCHEDULE (continued)

19. Section 42(2), from ‘by ruling through’—	1
<i>omit, insert—</i>	2
‘under subsection (3B)’.	3
20. Section 42(3), after ‘be corrected by the registrar-general’—	4
<i>insert—</i>	5
‘under subsection (3B)’.	6
21. Section 42(3), ‘by making, signing and dating an entry in the margin containing the correct particulars’—	7
<i>omit.</i>	8
	9
22. Section 42—	10
<i>insert—</i>	11
‘(3B) The registrar-general may correct an entry in a register mentioned in subsection (2) or (3)—	12
	13
(a) in the way prescribed under a regulation; or	14
(b) by cancelling the entry in the way prescribed under a regulation and, if the registrar-general considers it is appropriate to make a new entry in the register, making the new entry.	15
	16
	17
‘(3C) After correcting an entry in the way mentioned in subsection (3B)(a), the registrar-general may, if the registrar-general considers it appropriate, cancel the entry in the way prescribed under a regulation and make a new entry in the register.’.	18
	19
	20
	21
Explanatory note	22
Amendment 1 inserts a new definition consequential on amendment 2.	23
Amendment 2 inserts a provision allowing certain marriages solemnised on boats at sea to be treated as being solemnised in Queensland so that the marriages can be	24
	25

SCHEDULE (continued)

registered in Queensland.	1
Amendments 3 to 22 relate to the introduction of an enhanced computer system (LIFEDATA) in the births, deaths and marriages registry and the undertaking of associated initiatives involving the transfer of data from paper to computer databases for certain records ('electronic backcapture').	2 3 4 5
The amendments help to facilitate the initiatives.	6
SECOND-HAND DEALERS AND COLLECTORS ACT	7
1984	8
Amendment	9
1. Section 30—	10
<i>omit, insert—</i>	11
'Days and hours of business	12
'30. A person must not carry on business as a collector—	13
(a) on a Sunday or public holiday; or	14
(b) except between 7 am and 6 pm on any other day.'	15
2. Section 43—	16
<i>omit.</i>	17
Explanatory note	18
Amendment 1 updates a section about the trading hours of collectors to take account of the <i>Trading (Allowable Hours) Act 1990</i> .	19 20
Amendment 2 omits provisions made redundant by the <i>Trading (Allowable Hours) Act 1990</i> . The allowable trading hours of second-hand dealers are now regulated by that Act.	21 22 23

SCHEDULE (continued)

SEWERAGE AND WATER SUPPLY ACT 1949

	1
Amendment	2
1. Section 15(5)—	3
<i>omit, insert—</i>	4
‘Restricted plumber’s or drainer’s licence	5
‘ 15A.(1) The holder of a restricted plumber’s or drainer’s licence (a	6
“restricted licence”) may carry out plumbing or drainage work decided by	7
the Board in accordance with conditions decided by the Board.	8
‘ (2) The work that may be carried out under a restricted licence, and the	9
conditions of the licence, must be stated in the licence.	10
‘ (3) The Board may issue a restricted licence only if satisfied the	11
applicant for the licence has the necessary knowledge and skills to be issued	12
a licence.’.	13
Explanatory note	14
This amendment gives the Plumbers and Drainers Examination and Licensing Board	15
flexibility to issue restricted licences for work that does not need the skills of a fully	16
qualified plumber or drainer.	17
Issue of restricted licences may, for example, be appropriate to permit the	18
installation of irrigation systems, reconnection of water pipes to hot water systems by	19
electricians, and work incidental to other trades—particularly in remote areas where	20
there may not be sufficient work for a fully qualified plumber.	21
The Board can impose conditions on a licence and must ensure that an applicant has	22
the necessary knowledge and skills to perform the work before issuing a licence.	23

SCHEDULE (continued)

**TRANSPORT OPERATIONS (MARINE POLLUTION)
ACT 1995**

Amendment	3
1. Section 27(1), ‘into coastal waters’—	4
<i>omit.</i>	5
2. Section 30—	6
<i>insert—</i>	7
‘(2) In this section—	8
“ship” means—	9
(a) an oil tanker with a gross tonnage of 150 tons or more; or	10
(b) a ship, other than an oil tanker—	11
(i) with a gross tonnage of 400 tons or more; or	12
(ii) with a gross tonnage of 150 tons or more that carries oil in a portable tank with a capacity of 400 litres or more.’.	13 14
3. Section 38(3)—	15
<i>omit, insert—</i>	16
‘(3) If a prescribed oil-like substance is carried on an oil tanker, part 4 applies to the substance as if the substance were oil.’.	17 18
Explanatory Note	19
Amendment 1 removes unnecessary words from a provision.	20
Under section 30 of the Act, there is an obligation to keep shipboard oil pollution emergency plans on ships. Amendment 2 limits the operation of the section to larger ships.	21 22 23
Section 38 is in part 5 of the Act which deals with noxious liquid substances. Under	24

SCHEDULE (continued)

section 38, certain oil-like substances are treated as if they are oil. Amendment 3 amends section 38(3) to remove any doubt about the application of the defence provisions in part 4, which deals with oil, to the substances.

TRANSPORT OPERATIONS (MARINE SAFETY) ACT 1994

Amendment

1. Section 157(1)(c)—

omit, insert—

‘(c) police officers or a class of police officers;’.

2. Sections 224(5), 225(2), 228(3) and 229(3), ‘6 months’—

omit, insert—

‘1 year’.

Explanatory note

Amendment 1 makes it clear that a class of police officers, rather than individual officers, may be appointed as shipping inspectors.

Amendment 2 extends the expiry time for approvals, consents, licences, permits and ship registrations in force under the *Queensland Marine Act 1958*.

Under transitional arrangements in the *Transport Operations (Marine Safety) Act 1994*, these were continued in force for a limited time to allow equivalent instruments to be issued under the 1994 Act. However, because of the number of instruments involved (there are, for example, over 341 000 speed boat drivers’ licences) and the need to deal separately with each instrument, it has become necessary to extend this time by 6 months.

SCHEDULE (continued)

WINE INDUSTRY ACT 1994**Amendment****1. Section 65(3), ‘1 year’—***omit, insert—*

‘3 years’.

Explanatory note

Section 17 of the Act provides that a licensee is authorised to sell the licensee’s wine in a sealed container only if the container has a label stating the matters prescribed under a regulation. The *Wine Industry Regulation 1995*, section 5 specifies the matters that must be stated on a sealed container in which a licensee’s wine is sold or supplied.

Section 65 of the Act allows transitional regulations to be made for 1 year after the commencement of the Act. The amendment to section 65(3) allows transitional regulations to be made for 3 years after the Act commences. The additional time is needed to allow the wine industry sufficient time to make appropriate transitional arrangements for the labelling of wine.

The regulation was recently amended by the insertion of a new transitional provision, section 22. Section 22 allows a licensee to sell the licensee’s wine in a sealed container, even if the label does not state the matters mentioned in section 5 of the regulation, if the container was labelled before 1 September 1995. The amendment to the Act allows this transitional provision to continue for 3 years (rather than the existing 1 year) and saves the wine industry the considerable burden and expense of re-labelling existing vintages that would otherwise have been required to comply with the Act and regulation.