

Queensland



**EMERGENCY SERVICES  
LEGISLATION AMENDMENT  
BILL 2001**



# Queensland



## EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2001

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**2001**

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**A BILL**

**FOR**

***An Act to amend the Ambulance Service Act 1991 and the Fire and  
Rescue Authority Act 1990, and for other purposes***

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**The Parliament of Queensland enacts—** 1

**PART 1—PRELIMINARY** 2

**Clause 1 Short title** 3

This Act may be cited as the *Emergency Services Legislation Amendment Act 2001*. 4  
5

**PART 2—AMENDMENT OF AMBULANCE SERVICE ACT 1991** 6  
7

**Clause 2 Act amended in pt 2 and sch 1** 8

This part and schedule 1 amend the *Ambulance Service Act 1991*. 9

**Clause 3 Amendment of s 2 (Definitions)** 10

Section 2, definition “chief executive officer”— 11  
*omit.* 12

**Clause 4 Replacement of ss 3A, 3B and 3C** 13

Sections 3A, 3B and 3C— 14  
*omit, insert—* 15

**‘3A Establishment of service** 16

‘The Queensland Ambulance Service is established. 17

**‘3B Membership of service** 18

‘The service consists of— 19

(a) the commissioner; and 20



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- (b) ambulance officers, medical officers and other staff members employed under section 13.’ 1  
2

**Clause 5 Amendment of s 3D (Service’s functions) 3**

Section 3D(i)— 4

*omit.* 5

**Clause 6 Replacement of s 3E and pt 2, div 2 6**

Section 3E and part 2, division 2— 7

*omit, insert—* 8

**‘3E Chief executive’s responsibility 9**

‘(1) The chief executive is responsible for the way the service performs its functions. 10  
11

‘(2) Without limiting subsection (1), the chief executive is responsible for— 12  
13

(a) defining the objectives, strategies and policies to be followed by the service; and 14  
15

(b) ensuring the service performs its functions in an appropriate, effective and efficient way. 16  
17

*Example—* 18

The chief executive could establish performance measures for the service. 19

‘(3) This section does not affect the chief executive’s responsibilities for the department under another Act.’ 20  
21

**Clause 7 Amendment of s 9 (Role of commissioner) 22**

(1) Section 9(1)— 23

*omit, insert—* 24

‘(1) The commissioner must, in accordance with the objectives, strategies and policies defined by the chief executive— 25  
26

(a) manage the service’s operations; and 27

(b) perform the commissioner’s functions and exercise the commissioner’s powers under this Act.’ 28  
29

	(2) Section 9(3)—	1
	<i>omit.</i>	2
<b>Clause 8</b>	<b>Amendment of s 13 (Employees)</b>	3
	(1) Section 13, ‘service’—	4
	<i>omit, insert—</i>	5
	‘chief executive’.	6
	(2) Section 13(1)(b)—	7
	<i>omit, insert—</i>	8
	‘(b) as medical officers; and	9
	(c) as other staff members;’.	10
<b>Clause 9</b>	<b>Replacement of ss 19, 20 and 21</b>	11
	Sections 19, 20 and 21—	12
	<i>omit, insert—</i>	13
	<b>‘19 Fund</b>	14
	‘(1) The Queensland Ambulance Service Fund is established.	15
	‘(2) The <i>Financial Administration and Audit Act 1977</i> applies to the fund.	16 17
	‘(3) Accounts for the fund must be kept as part of the departmental accounts of the department.	18 19
	‘(4) Amounts received for the fund must be deposited in a departmental financial-institution account of the department but may be deposited in an account used for depositing other amounts of the department.	20 21 22
	‘(5) Amounts received for the fund include the following received by the service—	23 24
	(a) amounts received as charges for the use of ambulance services, or as subscriptions paid to the service;	25 26
	(b) amounts received by the department from other sources for the fund or amounts that must be paid into the fund;	27 28

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(c) amounts received for the disposal of an asset that the chief executive considers was purchased substantially with amounts paid from the fund or the previous fund; 1  
2  
3

(d) interest from investment of the fund. 4

‘(6) An amount is payable from the fund for the purposes of this Act. 5

‘(7) In this section— 6

“**departmental accounts**”, of the department, means the accounts of the department under the *Financial Administration and Audit Act 1977*, section 12. 7  
8  
9

“**departmental financial-institution account**”, of the department, means an account of the department kept under the *Financial Administration and Audit Act 1977*, section 18. 10  
11  
12

“**other amounts**”, of the department, means amounts received by the department other than amounts received for the fund. 13  
14

“**previous fund**” means the Ambulance Service Fund mentioned in the *Financial Administration and Audit Act 1977*, schedule 2, immediately before the commencement of this section.’. 15  
16  
17

**Clause 10 Insertion of new pt 8, div 3—** 18

After part 8, division 2— 19

*insert—* 20

***Division 3—Provisions for Emergency Services Legislation Amendment Act 2001*** 21  
22

**‘69 Definitions for div 3** 23

‘In this division— 24

“**Act after amendment**” means the *Ambulance Service Act 1991* as in force immediately after the commencement. 25  
26

“**Act before amendment**” means the *Ambulance Service Act 1991* as in force immediately before the commencement. 27  
28

“**amendment Act**” means the *Emergency Services Legislation Amendment Act 2001*. 29  
30

“**commencement**” means the commencement of the amendment Act. 31

<b>“former service”</b> means the Queensland Ambulance Service in existence immediately before the commencement.	1 2
<b>“transferred officer”</b> means a person taken to be employed as a service officer under section 76.	3 4
<b>‘70 Former service dissolved</b>	5
‘The corporate entity that is the former service is dissolved.	6
<b>‘71 Superannuation entitlements</b>	7
‘The amendment Act does not—	8
(a) affect the continuation of a transferred officer as an employed member for the purposes of the <i>Superannuation (State Public Sector) Deed 1990</i> ; or	9 10 11
(b) otherwise affects any superannuation of a transferred officer.	12
<b>‘72 References to former service</b>	13
‘A reference in an Act or document in existence immediately before the commencement to the former service is, if the context permits, taken to be a reference to the State.	14 15 16
<b>‘73 Vesting of assets</b>	17
‘On the commencement, the assets, rights and liabilities of the former service vest in the State.	18 19
<b>‘74 Legal or disciplinary proceedings</b>	20
‘(1) A legal proceeding relating to something that happened before the commencement that could have been started or continued by or against the former service if the Amendment Act had not been passed may from the commencement be started or continued by or against the State.	21 22 23 24
‘(2) A disciplinary proceeding relating to something that happened before the commencement that could have been started or continued by the former service if the Amendment Act had not been passed may from the commencement be started or continued by the chief executive.	25 26 27 28

<b>‘75 Suspension</b>	1
‘The suspension of a service officer in force immediately before the commencement is taken, from the commencement, to continue in force under this Act.	2 3 4
<b>‘76 Service officers</b>	5
‘A person who, immediately before the commencement, was employed as a service officer of the former service is, on the commencement, taken to be employed as a service officer of an equivalent class for the service.	6 7 8
<b>‘77 Conditions of employment of transferred officers</b>	9
‘(1) The conditions of employment applying to a transferred officer must be no less favourable than the conditions that applied to the officer immediately before the commencement.	10 11 12
‘(2) A transferred officer remains entitled to all rights accrued or accruing to the officer as an employee of the former service.	13 14
‘(3) Without limiting subsection (2), a transferred officer is entitled to receive annual, sick and long service leave and any similar entitlements accrued or accruing to the officer as an employee of the former service.	15 16 17
‘(4) Subsection (1) does not limit section 13.	18
<b>‘78 Honorary ambulance officers</b>	19
‘A person who, immediately before the commencement, was an honorary ambulance officer with the former service is taken, on the commencement, to be appointed as an honorary ambulance officer for the service.	20 21 22 23
<b>‘79 Trusts</b>	24
‘Any property that, immediately before the commencement, was held in trust by the former service, on the commencement, vests in the State on the same trusts to which the property was subject immediately before the vesting.	25 26 27 28

**‘80 Duty to help transfer of property**

1

‘(1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the chief executive, make in the register all entries necessary to record the vesting of property in the State by this division.

2

3

4

5

‘(2) A request under this section is not liable to fees or stamp duty.

6

**‘81 Things taken to have been done etc. by commissioner**

7

‘(1) Anything declared, done, given, granted, made or issued by the commissioner under a commissioner’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the commissioner.

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‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.

13

14

‘(3) In this section—

15

“**commissioner’s section**” means a section that, immediately before the commencement, referred to action of the commissioner as commissioner of the former service and after the commencement refers to action of the commissioner of the service.

16

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**‘82 Things taken to have been done etc. by chief executive**

20

‘(1) Anything declared, done, given, granted, made or issued by the commissioner under a chief executive’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.

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‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.

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27

‘(3) In this section—

28

“**chief executive’s section**” means a section that, immediately before the commencement, referred to action of the commissioner and after the commencement refers to action of the chief executive.

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<b>‘83 Other things taken to have been done etc. by chief executive</b>	1
‘(1) Anything declared, done, given, granted, made or issued by the former service under a chief executive’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.	2 3 4 5 6
‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.	7 8
‘(3) In this section—	9
<b>“chief executive’s section”</b> means a section that, immediately before the commencement, referred to action of the former service and after the commencement refers to action of the chief executive.	10 11 12
<b>‘84 Other things taken to have been done etc. by the State</b>	13
‘(1) Anything declared, done, given, granted, made or issued by the former service under a State’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the State.	14 15 16 17
‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.	18 19
‘(3) In this section—	20
<b>“State’s section”</b> means a section that, immediately before the commencement, referred to action of the former service and after the commencement refers to action by the State.	21 22 23
<b>‘85 Closure of Ambulance Service Fund</b>	24
‘(1) On the commencement—	25
(a) the Ambulance Service Fund is closed; and	26
(b) the chief executive must record the closing balance of the accounts for the Ambulance Service Fund as the opening balance of the accounts for the new fund.	27 28 29
‘(2) An entry that, apart from subsection (1), would need to be made in the accounts for the Ambulance Service Fund must be made in the accounts for the new fund.	30 31 32

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‘(3) In this section—	1
“ <b>Ambulance Service Fund</b> ” means the Ambulance Service Fund mentioned in the <i>Financial Administration and Audit Act 1977</i> , schedule 2, immediately before the commencement of this section.	2 3 4
“ <b>new fund</b> ” means the Queensland Ambulance Service Fund established under section 19.	5 6
<b>‘86 Transitional regulation-making power</b>	7
‘(1) A regulation (a “ <b>transitional regulation</b> ”) may make provision about a matter for which—	8 9
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the Act before amendment to the operation of the Act after amendment; and	10 11 12 13
(b) the amendment Act does not make provision or sufficient provision.	14 15
‘(2) A transitional regulation must declare it is a transitional regulation.	16
‘(3) This section and any transitional regulation expire 1 year after the commencement.’.	17 18

<b>PART 3—AMENDMENT OF FIRE AND RESCUE AUTHORITY ACT 1990</b>	19 20
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<b>Clause 11 Act amended in pt 3 and sch 2</b>	21
This part and schedule 2 amend the <i>Fire and Rescue Authority Act 1990</i> .	22
<b>Clause 12 Amendment of title</b>	23
Title, ‘ <b>Authority</b> ’—	24
<i>omit, insert—</i>	25
‘ <b>Service</b> ’.	26



<b>Clause 13</b>	<b>Replacement of s 1 (Short title)</b>	1
	Section 1—	2
	<i>omit, insert—</i>	3
	<b>‘1 Short title</b>	4
	‘This Act may be cited as the <i>Fire and Rescue Service Act 1990</i> .’	5
<b>Clause 14</b>	<b>Amendment of s 6 (Definitions)</b>	6
	(1) Section 6, definitions “authority”, “chief commissioner”, “chief executive officer”, “fire authority officer” and “fire officer”—	7
	<i>omit.</i>	8
	(2) Section 6—	9
	<i>insert—</i>	10
	“ <b>commissioner</b> ” means the commissioner of the service.	11
	“ <b>fire officer</b> ” means a person employed in the service who has the functions of fire prevention and fire control, and includes a person employed under this Act who is undergoing training as a fire officer.	12
	“ <b>fire service officer</b> ” means a person employed under section 25.	13
	“ <b>fund</b> ” means the Queensland Fire and Rescue Service Fund established under section 20(1).	14
	“ <b>service</b> ” means the Queensland Fire and Rescue Service.’	15
<b>Clause 15</b>	<b>Replacement of pt 2, hdg and divs 1 and 2</b>	20
	Part 2, heading and divisions 1 and 2—	21
	<i>omit, insert—</i>	22
	<b>‘PART 2—QUEENSLAND FIRE AND RESCUE SERVICE</b>	23
	 <i>‘Division 1—Queensland Fire and Rescue Service</i>	24
	 <b>‘8 Establishment of service</b>	25
	‘The Queensland Fire and Rescue Service is established.	26

<b>‘8A Membership of service</b>	1
‘The service consists of—	2
(a) the commissioner; and	3
(b) fire service officers.	4
<b>‘8B Functions of service</b>	5
‘The functions of the service are—	6
(a) to protect persons, property and the environment from fire and chemical incidents; and	7 8
(b) to protect persons trapped in a vehicle or building or otherwise endangered, to the extent that the service’s personnel and equipment can reasonably be deployed or used for the purpose; and	9 10 11 12
(c) to provide an advisory service, and undertake other measures, to promote—	13 14
(i) fire prevention and fire control; and	15
(ii) safety and other procedures if a fire or chemical incident happens; and	16 17
(d) to cooperate with any entity that provides an emergency service; and	18 19
(e) to perform other functions given to the service under this Act or another Act; and	20 21
(f) to perform functions incidental to its other functions; and	22
(g) to identify and market products and services incidental to its functions.	23 24
<b>‘8C Chief executive’s responsibility</b>	25
‘(1) The chief executive is responsible for the way the service performs its functions.	26 27
‘(2) Without limiting subsection (1), the chief executive is responsible for—	28 29
(a) defining the objectives, strategies and policies to be followed by the service; and	30 31

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- (b) ensuring the service performs its functions in an appropriate, effective and efficient way. 1  
2

*Example—* 3

The chief executive could establish performance measures for the service. 4

‘(3) This section does not affect the chief executive’s responsibilities for the department under another Act.’. 5  
6

**Clause 16 Amendment of s 12 (Role of chief commissioner)** 7

(1) Section 12(1)— 8

*omit, insert—* 9

‘(1) The commissioner must, under the objectives, strategies and policies defined by the chief executive— 10  
11

(a) manage the service’s operations; and 12

(b) perform the commissioner’s functions and exercise the commissioner’s powers under this Act.’. 13  
14

(2) Section 12(3)— 15

*omit.* 16

**Clause 17 Omission of ss 19A and 19B** 17

Sections 19A and 19B— 18

*omit.* 19

**Clause 18 Amendment of s 20 (Fund)** 20

(1) Section 20(1)— 21

*omit, insert—* 22

‘(1) The Queensland Fire and Rescue Service Fund is established.’. 23

(2) Section 20(2)— 24

*omit, insert—* 25

‘(2) Amounts received for the fund include the following received by the department— 26  
27

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- (a) amounts received for prescribed property as contributions under part 10;<sup>1</sup> 1  
2
- (b) amounts received by the department from other sources for the fund or amounts that must be paid into the fund; 3  
4
- (c) amounts received for the disposal of an asset that the chief executive considers was purchased substantially with amounts paid from the fund or the QFRA Fund; 5  
6  
7
- (d) interest from investment of the fund.’. 8

(3) Section 20(3)— 9  
*insert—* 10

‘**“QFRA Fund”** means the QFRA Fund mentioned in the *Financial Administration and Audit Act 1977*, schedule 2, immediately before the commencement of the *Emergency Services Legislation Amendment Act 2001*.’. 11  
12  
13

(4) Section 20(1A), (1B), (2) and (3)— 14  
*renumber* as section 20(2), (3), (4) and (7). 15

(5) Section 20— 16  
*insert—* 17

‘(5) An amount is payable from the fund for the purposes of this Act. 18

‘(6) The *Financial and Audit Act 1977* applies to the fund.’. 19

**Clause 19 Omission of ss 22 to 24** 20  
Sections 22 to 24— 21  
*omit.* 22

**Clause 20 Replacement of s 25 (Staff of authority)** 23  
Section 25— 24  
*omit, insert—* 25

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1 Part 10 (Funding)

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<b>‘25 Staff of service</b>	1
‘The chief executive may employ the persons the chief executive considers necessary to perform the service’s functions.’.	2 3
<b>Clause 21 Amendment of s 26 (Conditions of employment)</b>	4
(1) Section 26(1), ‘by the authority’—	5
<i>omit, insert—</i>	6
‘under section 25’.	7
(2) Section 26(1), ‘as the authority’—	8
<i>omit, insert—</i>	9
‘as the chief executive’.	10
<b>Clause 22 Amendment of s 107 (Liability to contribute)</b>	11
(1) Section 107(2), ‘to the authority’—	12
<i>omit, insert—</i>	13
‘to the department, for the fund’.	14
(2) Section 107(2)(a), ‘(as established by the budget of the authority approved for that year)’—	15 16
<i>omit.</i>	17
<b>Clause 23 Insertion of new pt 12, div 3—</b>	18
After part 12, division 2—	19
<i>insert—</i>	20
<b>‘Division 3—Provisions for Emergency Services Legislation Amendment Act 2001</b>	21 22
<b>‘172 Definitions for div 3</b>	23
‘In this division—	24
<b>“Act after amendment”</b> means the <i>Fire and Rescue Authority Act 1990</i> as in force immediately after the commencement.	25 26

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“ <b>Act before amendment</b> ” means the <i>Fire and Rescue Authority Act 1990</i>	1
as in force immediately before the commencement.	2
“ <b>amendment Act</b> ” means the <i>Emergency Services Legislation Amendment Act 2001</i> .	3
“ <b>authority</b> ” means the authority under this Act immediately before the commencement.	4 5
“ <b>commencement</b> ” means the commencement of the amendment Act.	6
“ <b>QFRA Fund</b> ” means the QFRA Fund that was a continuing fund under the <i>Financial Administration and Audit Act 1977</i> immediately before the commencement.	7 8 9
“ <b>transferred officer</b> ” means a person taken to be employed as a fire service officer under section 179.	10 11
<b>‘173 Authority dissolved</b>	12
‘The corporate entity that is the authority is dissolved.	13
<b>‘174 Superannuation entitlements</b>	14
‘The amendment Act does not—	15
(a) affect the continuation of a transferred officer as an employed member for the purposes of the <i>Superannuation (State Public Sector) Deed 1990</i> ; or	16 17 18
(b) otherwise affects any superannuation of a transferred officer.	19
<b>‘175 References to authority</b>	20
‘A reference in an Act or document in existence immediately before the commencement to the authority is, if the context permits, taken to be a reference to the State.	21 22 23
<b>‘176 Vesting of assets</b>	24
‘On the commencement, the assets, rights and liabilities of the authority vest in the State.	25 26

<b>‘177 Legal or disciplinary proceedings</b>	1
‘(1) A legal proceeding relating to something that happened before the commencement that could have been started or continued by or against the authority if the Amendment Act had not been passed may from the commencement be started or continued by or against the State.	2 3 4 5
‘(2) A disciplinary proceeding relating to something that happened before the commencement that could have been started or continued by the authority if the Amendment Act had not been passed may from the commencement be started or continued by the chief executive.	6 7 8 9
<b>‘178 Suspension</b>	10
‘The suspension of a fire authority officer in force immediately before the commencement is taken, from the commencement, to continue in force under this Act.	11 12 13
<b>‘179 Fire service officers</b>	14
‘A person who, immediately before the commencement, was employed as a fire authority officer is, on the commencement, taken to be employed as a fire service officer of an equivalent class.	15 16 17
<b>‘180 Conditions of employment of transferred officers</b>	18
‘(1) The conditions of employment applying to a transferred officer must be no less favourable than the conditions that applied to the officer immediately before the commencement.	19 20 21
‘(2) A transferred officer remains entitled to all rights accrued or accruing to the officer as an employee of the authority.	22 23
‘(3) Without limiting subsection (2), a transferred officer is entitled to receive annual, sick and long service leave and any similar entitlements accrued or accruing to the officer as an employee of the authority.	24 25 26
‘(4) Subsection (1) does not limit section 26.	27
<b>‘181 Trusts</b>	28
‘Any property that, immediately before the commencement, was held in trust by the authority, on the commencement, vests in the State on the same trusts to which the property was subject immediately before the vesting.	29 30 31

**‘182 Duty to help transfer of property**

1

‘(1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the chief executive, make in the register all entries necessary to record the vesting of property in the State by this division.

2

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4

5

‘(2) A request under this section is not liable to fees or stamp duty.

6

**‘183 Appeals**

7

‘An appeal to the chief commissioner started, but not decided, before the commencement may, from the commencement, be continued and decided by the chief executive after the commencement.

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**‘184 Things taken to have been done etc. by commissioner**

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‘(1) Anything declared, done, given, granted, made or issued by the chief commissioner under a commissioner’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the commissioner.

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‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.

17

18

‘(3) In this section—

19

“**commissioner’s section**” means a section that, immediately before the commencement, referred to action of the chief commissioner as chief commissioner of the authority and after the commencement refers to action of the commissioner of the service.

20

21

22

23

**‘185 Things taken to have been done etc. by chief executive**

24

‘(1) Anything declared, done, given, granted, made or issued by the chief commissioner under a chief executive’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.

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‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.

30

31

‘(3) In this section—

32



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<p><b>“chief executive’s section”</b> means a section that, immediately before the commencement, referred to action of the chief commissioner and after the commencement refers to action of the chief executive.</p>	<p>1 2 3</p>
<p><b>‘186 Other things taken to have been done etc. by chief executive</b></p>	
<p>‘(1) Anything declared, done, given, granted, made or issued by the authority under a chief executive’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.</p>	<p>5 6 7 8 9</p>
<p>‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.</p>	<p>10 11</p>
<p>‘(3) In this section—</p>	<p>12</p>
<p><b>“chief executive’s section”</b> means a section that, immediately before the commencement, referred to action of the authority and after the commencement refers to action of the chief executive.</p>	<p>13 14 15</p>
<p><b>‘187 Other things taken to have been done etc. by the State</b></p>	
<p>‘(1) Anything declared, done, given, granted, made or issued by the authority under a State’s section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the State.</p>	<p>17 18 19 20</p>
<p>‘(2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.</p>	<p>21 22</p>
<p>‘(3) In this section—</p>	<p>23</p>
<p><b>“State’s section”</b> means a section that, immediately before the commencement, referred to action of the authority and after the commencement refers to action by the State.</p>	<p>24 25 26</p>
<p><b>‘188 Closure of QFRA Fund</b></p>	
<p>‘(1) On the commencement—</p>	<p>28</p>
<p>    (a) the QFRA Fund is closed; and</p>	<p>29</p>

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(b) the chief executive must record the closing balance of the accounts for the QFRA Fund as the opening balance of the accounts for the new fund. 1  
2  
3

‘(2) An entry that, apart from subsection (1), would need to be made in the accounts for the QFRA Fund must be made in the accounts for the new fund. 4  
5  
6

‘(3) In this section— 7

“new fund” means the Queensland Fire and Rescue Service Fund established under section 20. 8  
9

“QFRA Fund” means the QFRA Fund mentioned in the *Financial Administration and Audit Act 1977*, schedule 2, immediately before the commencement of this section. 10  
11  
12

**‘189 Transitional regulation-making power’ 13**

‘(1) A regulation (a “transitional regulation”) may make provision about a matter for which— 14  
15

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the Act before amendment to the operation of the Act after amendment; and 16  
17  
18  
19

(b) the amendment Act does not make provision or sufficient provision. 20  
21

‘(2) A transitional regulation must declare it is a transitional regulation. 22

‘(3) This section and any transitional regulation expire 1 year after the commencement.’. 23  
24

**Clause 24 Amendment to replace certain references relating to ‘chief commissioner’ with ‘commissioner’ 25  
26**

(1) All references to ‘chief commissioner’— 27  
*omit, insert— 28*

‘commissioner’. 29

(2) All references to ‘Chief commissioner’— 30  
*omit, insert— 31*

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‘Commissioner’.	1
(3) All references to ‘chief commissioner’s’—	2
<i>omit, insert—</i>	3
‘commissioner’s’.	4
(4) All references to ‘Chief commissioner’s’—	5
<i>omit, insert—</i>	6
‘Commissioner’s’.	7
(5) Subsection (1), (2), (3) or (4) does not apply to amend a reference mentioned in the subsection if another provision of this part or schedule 2 amends the reference mentioned in the subsection.	8 9 10
(6) Also, subsections (1) to (4) do not apply to section 153 or to part 12, division 1. <sup>2</sup>	11 12

## **PART 4—AMENDMENT OF OTHER LEGISLATION**

<b>Clause 25 Amendments—sch 3</b>	14
(1) Schedule 3 amends the Act and regulation mentioned in it.	15
(2) The amendment of the regulation in schedule 2 does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	16 17 18

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<sup>2</sup> Section 153 (Evidentiary), part 12 (Savings and transitional provisions), division 1 (Provisions for Act before commencement of Emergency Services Legislation Amendment Act 1998)

<b>SCHEDULE 1</b>	1
 <b>AMENDMENTS OF AMBULANCE SERVICE ACT 1991</b>	 2
	section 2 3
<b>1 Section 14(1), ‘, on behalf of the service,’—</b>	4
<i>omit.</i>	5
<b>2 Sections 16, 17(3) and 50(1), ‘commissioner’—</b>	6
<i>omit, insert—</i>	7
‘chief executive’.	8
<b>3 Section 18, ‘service’, 1st and 3rd mention—</b>	9
<i>omit, insert—</i>	10
‘chief executive’.	11
<b>4 Section 22(1), ‘service may delegate its’—</b>	12
<i>omit, insert—</i>	13
‘chief executive may delegate the chief executive’s’.	14
<b>5 Sections 36 and 40, ‘service’—</b>	15
<i>omit, insert—</i>	16
‘State’.	17
<b>6 Section 39(1), ‘The service’—</b>	18
<i>omit, insert—</i>	19
‘The State’.	20

## SCHEDULE 1 (continued)

<b>7</b>	<b>Section 43(1), ‘service’—</b>	1
	<i>omit, insert—</i>	2
	‘chief executive or the commissioner’.	3
<b>8</b>	<b>Section 47(2), ‘service’—</b>	4
	<i>omit, insert—</i>	5
	‘chief executive’.	6
<b>9</b>	<b>Section 48(1)(c), ‘owned or’—</b>	7
	<i>omit.</i>	8
<b>10</b>	<b>Section 53—</b>	9
	<i>omit.</i>	10

<b>SCHEDULE 2</b>	1
<b>AMENDMENTS OF FIRE AND RESCUE AUTHORITY ACT 1990</b>	2 3
section 11	4
<b>1 Sections 9(1), 18, 19(1), pt 2, div 4, heading, 19C(3), example, 25A, 35(1), 75(4), 104N(2), 140(b), 153(1)(a) and 154(2)(b), 'authority'—</b>	5 6 7
<i>omit, insert—</i>	8
'service'.	9
<b>2 Section 18(1)(b), 'Minister'—</b>	10
<i>omit, insert—</i>	11
'Minister or chief executive'.	12
<b>3 Section 19C(1), 'authority may delegate its'—</b>	13
<i>omit, insert—</i>	14
'chief executive may delegate the chief executive's.	15
<b>4 Section 19C, 'fire authority'—</b>	16
<i>omit, insert—</i>	17
'fire service'.	18
<b>5 Section 19C(2), 'by the authority'—</b>	19
<i>omit, insert—</i>	20
'by the chief executive'.	21

## SCHEDULE 2 (continued)

<b>6</b>	<b>Section 27, ‘fire authority’—</b>	1
	<i>omit, insert—</i>	2
	‘fire service’.	3
<b>7</b>	<b>Section 27, ‘employment by the authority’—</b>	4
	<i>insert—</i>	5
	‘employment in the service’.	6
<b>8</b>	<b>Section 27, ‘authorised by the authority’—</b>	7
	<i>insert—</i>	8
	‘authorised by the chief executive’.	9
<b>9</b>	<b>Section 28(1), (2) and (4), ‘fire authority’—</b>	10
	<i>omit, insert—</i>	11
	‘fire service’.	12
<b>10</b>	<b>Sections 28(3) and (5), 30(3) and (4), 32(2), (3) and (4), 69(6), 85,</b>	13
	<b>98(2), 103, 108(4), 109, 118(3), 122, 123(1), 124, 126, 131, 143(1),</b>	14
	<b>144(1), (2) and (13), 145(1), ‘authority’—</b>	15
	<i>omit, insert—</i>	16
	‘chief executive’.	17
<b>11</b>	<b>Section 28(2) and (4), ‘the authority’—</b>	18
	<i>omit, insert—</i>	19
	‘the chief executive’.	20
<b>12</b>	<b>Section 29, ‘the authority’—</b>	21
	<i>omit, insert—</i>	22
	‘the chief executive’.	23

## SCHEDULE 2 (continued)

<b>13 Section 29(a), ‘fire authority’—</b>	1
<i>omit, insert—</i>	2
‘fire service’.	3
<b>14 Section 30(1), (2) and 32(1), ‘fire authority’—</b>	4
<i>omit, insert—</i>	5
‘fire service’.	6
<b>15 Section 30(1), ‘the authority’—</b>	7
<i>omit, insert—</i>	8
‘the chief executive’.	9
<b>16 Section 32(1), ‘to the authority’—</b>	10
<i>omit, insert—</i>	11
‘to the chief executive’.	12
<b>17 Section 32(1), ‘of the authority’—</b>	13
<i>omit, insert—</i>	14
‘of the service’.	15
<b>18 Section 32(1), ‘by the authority’—</b>	16
<i>omit, insert—</i>	17
‘by the chief executive’.	18
<b>19 Section 33(2), ‘notice under the seal of the authority’—</b>	19
<i>omit, insert—</i>	20
‘written notice signed by the chief executive’.	21



## SCHEDULE 2 (continued)

<b>20</b>	<b>Section 35(1)(a)(iii), ‘authority’s’—</b>	1
	<i>omit, insert—</i>	2
	‘service’s’.	3
<b>21</b>	<b>Section 37(4)(c)—</b>	4
	<i>omit, insert—</i>	5
	‘(c) the chief executive;’.	6
<b>22</b>	<b>Section 49(a), ‘and the authority’—</b>	7
	<i>omit.</i>	8
<b>23</b>	<b>Section 53(3), ‘pay to the authority’—</b>	9
	<i>omit, insert—</i>	10
	‘pay to the chief executive’.	11
<b>24</b>	<b>Section 53(3), ‘by the authority’—</b>	12
	<i>omit.</i>	13
<b>25</b>	<b>Section 53(3), ‘due to the authority’—</b>	14
	<i>omit, insert—</i>	15
	‘due to the State’.	16
<b>26</b>	<b>Section 69(4), ‘by the authority’—</b>	17
	<i>omit.</i>	18
<b>27</b>	<b>Section 69(4), after ‘recovered’—</b>	19
	<i>insert—</i>	20
	‘by the chief executive’.	21

## SCHEDULE 2 (continued)

<b>28</b>	<b>Section 69(7), ‘of the authority’—</b>	1
	<i>omit, insert—</i>	2
	‘incurred’.	3
<b>29</b>	<b>Section 69(7), ‘subsection (5)’—</b>	4
	<i>omit, insert—</i>	5
	‘subsection (4)’.	6
<b>30</b>	<b>Section 69(7), ‘property the authority’—</b>	7
	<i>omit, insert—</i>	8
	‘property the chief executive’.	9
<b>31</b>	<b>Section 84(1), ‘authority’—</b>	10
	<i>omit, insert—</i>	11
	‘chief executive’.	12
<b>32</b>	<b>Section 84(2), ‘, the authority’—</b>	13
	<i>omit, insert—</i>	14
	‘, the chief executive’.	15
<b>33</b>	<b>Section 84(2), ‘by the authority’—</b>	16
	<i>omit, insert—</i>	17
	‘by the chief executive’.	18
<b>34</b>	<b>Section 84(2) and (3), ‘property of the authority’—</b>	19
	<i>omit, insert—</i>	20
	‘property of the State’.	21

## SCHEDULE 2 (continued)

<b>35</b>	<b>Section 85, heading, ‘Authority’s’—</b>	1
	<i>omit, insert—</i>	2
	‘Chief Executive’s’.	3
<b>36</b>	<b>Section 104F(2), ‘the authority’s charges for the assistance’—</b>	4
	<i>omit, insert—</i>	5
	‘to the chief executive the amounts charged by the chief executive for the assistance’.	6 7
<b>37</b>	<b>Section 106(2), ‘chief commissioner’—</b>	8
	<i>omit, insert—</i>	9
	‘chief executive’.	10
<b>38</b>	<b>Section 107(1A), ‘a fire brigade operated by fire officers’—</b>	11
	<i>omit, insert—</i>	12
	‘the service’.	13
<b>39</b>	<b>Section 113(6A), ‘to the authority’—</b>	14
	<i>omit, insert—</i>	15
	‘to the State’.	16
<b>40</b>	<b>Section 113(6A), ‘by the authority’—</b>	17
	<i>omit, insert—</i>	18
	‘by the department’.	19
<b>41</b>	<b>Section 118, heading, ‘authority’—</b>	20
	<i>omit, insert—</i>	21
	‘department’.	22

## SCHEDULE 2 (continued)

<b>42 Section 118(1), ‘authority’—</b>	1
<i>omit, insert—</i>	2
‘department, for the fund.’	3
<b>43 Section 119(1), ‘to the authority any amount payable pursuant to’—</b>	4
<i>omit, insert—</i>	5
‘an amount payable under’.	6
<b>44 Section 119(1), ‘to the authority interest’—</b>	8
<i>omit, insert—</i>	9
‘to the department, for the fund, interest’.	10
<b>45 Section 119(2), ‘to the authority’—</b>	11
<i>omit.</i>	12
<b>46 Section 119(2), ‘by the authority’—</b>	13
<i>omit, insert—</i>	14
‘by the chief executive’.	15
<b>47 Section 120, ‘paid to the authority’—</b>	16
<i>omit, insert—</i>	17
‘paid to the department’.	18
<b>48 Section 120, ‘due to the authority’—</b>	19
<i>omit, insert—</i>	20
‘due to the State’.	21

## SCHEDULE 2 (continued)

<b>49</b>	<b>Section 120, ‘by the authority’—</b>	1
	<i>omit, insert—</i>	2
	‘by the State’.	3
<b>50</b>	<b>Section 123(3), ‘, the authority’—</b>	4
	<i>omit, insert—</i>	5
	‘, the chief executive’.	6
<b>51</b>	<b>Section 123(3)(b), ‘authority’—</b>	7
	<i>omit, insert—</i>	8
	‘chief executive’.	9
<b>52</b>	<b>Section 123(3)(c), ‘under the seal of the authority’—</b>	10
	<i>omit, insert—</i>	11
	‘signed by the chief executive’.	12
<b>53</b>	<b>Section 125, ‘chief commissioner’—</b>	13
	<i>omit, insert—</i>	14
	‘chief executive’.	15
<b>54</b>	<b>Section 133, ‘The authority’—</b>	16
	<i>omit, insert—</i>	17
	‘The chief executive’.	18
<b>55</b>	<b>Section 133, ‘the authority’—</b>	19
	<i>omit, insert—</i>	20
	‘the chief executive’.	21

## SCHEDULE 2 (continued)

<b>56</b>	<b>Section 133, ‘fire authority’—</b>	1
	<i>omit, insert—</i>	2
	‘fire service’.	3
<b>57</b>	<b>Section 140, ‘, the authority’—</b>	4
	<i>omit, insert—</i>	5
	‘, the State’.	6
<b>58</b>	<b>Section 140(a), ‘by the authority or by any fire authority officer’—</b>	7
	<i>omit, insert—</i>	8
	‘by any fire service officer’.	9
		10
<b>59</b>	<b>Section 141, ‘fire authority’—</b>	11
	<i>omit, insert—</i>	12
	‘fire service’.	13
<b>60</b>	<b>Section 141(1), ‘the authority’—</b>	14
	<i>omit, insert—</i>	15
	‘the chief executive’.	16
<b>61</b>	<b>Section 141(2), ‘chief commissioner’—</b>	17
	<i>omit, insert—</i>	18
	‘chief executive’.	19
<b>62</b>	<b>Section 142(1), ‘fire authority’—</b>	20
	<i>omit, insert—</i>	21
	‘fire service’.	22

## SCHEDULE 2 (continued)

<b>63</b>	<b>Section 142(1), ‘the authority’—</b>	1
	<i>omit, insert—</i>	2
	‘the State’.	3
<b>64</b>	<b>Section 142, ‘chief commissioner’—</b>	4
	<i>omit, insert—</i>	5
	‘chief executive’.	6
<b>65</b>	<b>Section 142(3), ‘authority’—</b>	7
	<i>omit, insert—</i>	8
	‘State’.	9
<b>66</b>	<b>Section 143(1), ‘or ‘Queensland Fire and Rescue Authority’,’—</b>	10
	<i>omit, insert—</i>	11
	‘‘Queensland Fire and Rescue Authority’ or ‘Queensland Fire and Rescue Service’,’.	12 13
<b>67</b>	<b>Section 144(13), ‘chief commissioner’—</b>	14
	<i>omit, insert—</i>	15
	‘chief executive’.	16
<b>68</b>	<b>Section 153(1)(f), ‘by the chief commissioner’—</b>	17
	<i>omit, insert—</i>	18
	‘by the chief executive’.	19
<b>69</b>	<b>Section 153(1)(f), ‘or the authority’—</b>	20
	<i>omit, insert—</i>	21
	‘, authority or chief executive’.	22

## SCHEDULE 2 (continued)

- |           |   |   |
|-----------|---|---|
| <b>70</b> | <b>Section 153(1)(g), ‘under the seal of the authority’—</b>          | 1 |
|           | <i>omit, insert—</i>  | 2 |
|           | ‘signed by the chief executive’.                                      | 3 |
| <br>      |   |   |
| <b>71</b> | <b>Section 153(1)(g)(i), ‘or authority’—</b>                          | 4 |
|           | <i>omit, insert—</i>  | 5 |
|           | ‘, authority or State’.   | 6 |
| <br>      |   |   |
| <b>72</b> | <b>Schedule 4, section 10, ‘the authority or the police service’—</b> | 7 |
|           | <i>omit, insert—</i>  | 8 |
|           | ‘the police service or a fire service officer’.                       | 9 |



<b>SCHEDULE 3</b>	1
<b>AMENDMENTS OF ACT AND REGULATIONS</b>	2
section 25	3
<b>FINANCIAL ADMINISTRATION AND AUDIT ACT 1977</b>	4
<b>1 Schedule 2, all columns for entry for Department of Emergency Services.</b>	5
	6
<i>omit.</i>	7
<b>FIRE AND RESCUE AUTHORITY REGULATION 2001</b>	8
<b>1 Section 1, ‘Authority’—</b>	9
<i>omit, insert—</i>	10
<i>‘Service’.</i>	11
<b>2 Section 5(2), ‘chief commissioner’—</b>	12
<i>omit, insert—</i>	13
<i>‘commissioner’.</i>	14
<b>3 Section 14, heading, ‘authority’—</b>	15
<i>omit, insert—</i>	16
<i>‘department’.</i>	17
	18

