



# **Infrastructure Investment (Asset Restructuring and Disposal) Act 2009**

**Current as at 1 February 2013**

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Queensland

# Infrastructure Investment (Asset Restructuring and Disposal) Act 2009

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# Infrastructure Investment (Asset Restructuring and Disposal) Act 2009

[as amended by all amendments that commenced on or before 1 February 2013]

**An Act to facilitate the restructure and disposal of particular businesses, assets and liabilities of government entities and for a particular purpose**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Infrastructure Investment (Asset Restructuring and Disposal) Act 2009*.

### 2 Main purpose of Act

The main purpose of this Act is to facilitate the restructure and disposal of particular businesses, assets and liabilities of government entities.

### 3 Extraterritorial application of Act

- (1) This Act applies both within and outside Queensland.
- (2) This Act applies outside Queensland to the full extent of the extraterritorial legislative power of the Parliament.

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## Part 2 Interpretation

### 4 Dictionary

The dictionary in the schedule defines particular words used in this Act.

### 5 Declared projects

- (1) Each of the following is a *declared project*—
- (a) the disposal of all or part of the businesses, assets and liabilities of Queensland Motorways;
  - (b) the disposal of all or part of the businesses, assets and liabilities of Port of Brisbane Corporation;
  - (c) the disposal of all or part of the above rail businesses, assets and liabilities of Queensland Rail other than a passenger services business, asset or liability;
  - (d) the disposal of all or part of the below rail businesses, assets and liabilities of Queensland Rail;
  - (e) the disposal of all or part of the Abbot Point Coal Terminal held by Ports Corporation of Queensland and associated businesses, assets and liabilities;
  - (f) the disposal of all or part of the businesses, assets and liabilities of Forestry Plantations Queensland;
  - (fa) the disposal of all or part of the businesses, assets and liabilities of Forestry Plantations Queensland Office;
  - (g) the taking of steps to facilitate a disposal mentioned in paragraphs (a) to (fa), including by—
    - (i) restructuring an entity mentioned in the paragraph or another declared entity; or
    - (ii) restructuring a business, asset or liability of the entity mentioned in the paragraph or another declared entity;

- 
- (h) a thing declared to be part of a declared project under subsection (2).
- (2) The Minister may, by gazette notice, declare a thing to be part of a declared project for this Act if the Minister is satisfied it is appropriate to include the thing as part of a disposal mentioned in subsection (1)(a) to (fa) or otherwise necessary to do so for the proper completion of the declared project.

*Example—*

A declared project comprises disposing of a particular rail line of Queensland Rail used in a coal business. Another declared entity holds land and equipment associated with the operation of the rail line. The Minister may be satisfied it is appropriate to include disposal of the land and equipment as part of the disposal of the rail line.

## 6 Declared entities

- (1) Each of the following is a *declared entity*—
- (a) Forestry Plantations Queensland;
  - (b) Port of Brisbane Corporation;
  - (c) Ports Corporation of Queensland;
  - (d) Queensland Motorways;
  - (e) Queensland Rail;
  - (f) Queensland Treasury Holdings;
  - (g) a company of which an entity mentioned in paragraphs (a) to (e) is the ultimate holding company;
  - (ga) the Coordinator-General;
  - (gb) Forestry Plantations Queensland Office;
  - (gc) MEDQ;
  - (h) a government company established for a declared project;
  - (i) a company that was a declared entity under paragraph (g), all of whose shares have been transferred to the State, to Queensland Treasury Holdings or to a government company mentioned in paragraph (h);

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- (j) a government entity declared under subsection (2).
- (2) The Minister may, by gazette notice, declare a stated government entity to be a declared entity for this Act if the Minister is satisfied it is necessary to do so in order to do a thing relating to the government entity for a declared project.

*Example—*

The Minister may be satisfied it is necessary to declare a government entity to be a declared entity so that a project direction may be given to the entity to enable a declared project to be appropriately carried out.

## **7 References to functions**

In this Act—

- (a) a reference to a function includes a power; and
- (b) a reference to performing a function includes exercising a power.

# **Part 3 Particular Ministerial powers and activities relating to declared projects**

## **8 Associated activities**

For the purpose of a declared project, the Minister may do any of the following—

- (a) examine a business, asset or liability of a declared entity or the State, including a record relating to a business, asset or liability;
- (b) decide the most appropriate way of restructuring a business, asset or liability of a declared entity or the State, including by deciding whether or not a business, asset or liability of a declared entity or the State is to be transferred to another declared entity or the State;



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- (c) decide the most appropriate way of disposing of a declared entity or of a business, asset or liability of a declared entity or the State;
  - (d) anything else necessary or incidental to facilitate the disposal of a declared entity or of a business, asset or liability of a declared entity or the State or the continuing operation of a declared entity.

## 9 Transfer notice

- (1) For the purpose of a declared project, the Minister may, by gazette notice (a *transfer notice*), do any of the following—
  - (a) transfer shares in a declared entity to another declared entity or the State;
  - (b) transfer a business, asset or liability—
    - (i) of a declared entity to another declared entity or the State; or
    - (ii) of the State to a declared entity;
  - (c) make provision about the consideration for shares or a business, asset or liability transferred under paragraph (a) or (b);
  - (d) grant a lease, easement or other right from a declared entity or the State to a declared entity or the State;
  - (e) vary or extinguish a lease, easement or other right held by a declared entity or the State;
  - (f) in relation to a lease held under the *Land Act 1994*—
    - (i) transfer the lease; or
    - (ii) change a purpose for which the lease is issued; or
    - (iii) change a condition imposed on the lease; or
    - (iv) grant a sublease;
  - (g) in relation to a reserve under the *Land Act 1994*—
    - (i) change a community purpose for which the reserve is dedicated; or

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- (ii) remove a trustee of the reserve; or
  - (iii) appoint a trustee of the reserve, subject to conditions or without conditions;
- (h) provide whether and, if so, the extent to which—
  - (i) a declared entity is the successor in law of another declared entity or the State; or
  - (ii) the State is the successor in law of a declared entity;
- (i) make provision for a legal proceeding that is being, or may be, taken by or against a declared entity or the State to be continued or taken by or against another declared entity or the State;
- (j) make provision for or about the issue, transfer or application of an instrument to a declared entity or the State, including—
  - (i) whether a declared entity or the State holds, or is a party to, an instrument; and
  - (ii) whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of a declared entity or the State; and
  - (iii) whether a reference to an entity in an instrument is a reference to a declared entity or the State; and
  - (iv) whether, under an instrument, an amount is or may become payable to or by a declared entity or the State or other property is, or may be, transferred to or by a declared entity or the State; and
  - (v) whether a right or entitlement under an instrument is held by a declared entity or the State;
- (k) make provision for the transfer or secondment of an employee—
  - (i) of a declared entity to another declared entity or the State; or

- (ii) of the State to a declared entity;
  - (l) make provision about the employees of a declared entity or the State and their rights;
  - (m) make provision about the records of a declared entity or the State;
  - (n) make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for effectively carrying out the declared project.
- (2) A transfer notice may include conditions applying to something done or to be done under the notice.
- (3) If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—
- (a) signed by the Minister; and
  - (b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.
- (4) The transfer of a liability of a declared entity or the State under a transfer notice discharges the entity or the State from the liability, except to the extent stated in the notice.
- (5) Subject to subsection (7A), a transfer notice has effect despite any other law or instrument.
- (6) A transfer notice has effect on the day it is published in the gazette or a later day stated in it.
- (7) If a transfer notice makes provision for a matter under subsection (1)(j) in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—
- (a) updating a register or other record; and
  - (b) amending, cancelling or issuing an instrument.

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(7A) A transfer notice does not affect a condition stated in a report of the Coordinator-General, or otherwise imposed or required by the Coordinator-General, under the *State Development and Public Works Organisation Act 1971*.

(8) In this section—

**authority** includes accreditation, allocation, approval, certificate, entitlement, exemption, licence, manual, notice, permit and plan.

**employee**, of a declared entity, does not include a director of the entity.

**instrument** includes an application or authority under an Act.

**responsible entity**, for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.

## 10 **Limitation on power to second employees of a declared entity or State**

(1) The secondment of an employee under a transfer notice must not, without the employee's consent, involve—

- (a) a reduction in the employee's status; or
- (b) any change in the employee's duties that would be unreasonable having regard to the employee's skills, abilities and experience.

(2) An employee's status is not reduced for the purposes of subsection (1)(a) by—

- (a) a reduction in the scope of the business operations for which the employee is responsible; or
- (b) a reduction in the number of employees under the employee's supervision or management;

if the employee's functions in their general nature remain the same as, or similar to, the employee's functions before secondment.

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## 10A Workforce transition code of practice

- (1) The Minister may approve codes of practice (*workforce transition codes of practice*) directed at ensuring—
  - (a) the appropriate and fair treatment of employees transferred or seconded under a transfer notice—
    - (i) from a declared entity to another declared entity or the State; or
    - (ii) from the State to a declared entity; or
  - (b) the appropriate and fair treatment of other employees of declared entities or the State affected by a declared project.
- (2) As soon as practicable after approving a workforce transition code of practice, the Minister must—
  - (a) notify the making of the approval; and
  - (b) give a copy of the code of practice to each declared entity or other entity to which it applies; and
  - (c) publish a copy of the code of practice in the way the Minister considers appropriate.

*Example—*

The Minister may publish the code on the department's website.

- (3) The notice made under subsection (2)(a) (the *approval notice*) is subordinate legislation.
- (4) A code of practice takes effect on the day the approval notice is notified in the gazette or, if an earlier or later day is stated in the approval notice as the day the code of practice takes effect, on that day.
- (5) It is the responsibility of each declared entity and the State to ensure, to the extent a code of practice applies to the declared entity or the State, that the declared entity and the State act in conformity with the code.

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## 11 Project direction

- (1) The Minister may give a direction (a *project direction*) to a declared entity or its board requiring the entity or board to do something the Minister considers necessary or convenient for effectively carrying out a declared project.
- (2) Without limiting subsection (1), a project direction may be about—
  - (a) forming a company for the purpose of transferring a business, asset or liability to the company; or
  - (b) winding up or deregistering a company; or
  - (c) making or executing an instrument; or
  - (d) making a particular decision about disposing of an interest held in a declared entity or a business, asset or liability; or
  - (e) making a particular decision for the purpose of returning the proceeds of a disposal mentioned in paragraph (d) to the State; or

*Example—*

a decision about a dividend or return of capital

  - (f) disclosing information.
- (3) A project direction must be in writing, signed by the Minister.
- (4) A declared entity must comply with a project direction given to it.
- (5) A declared entity's board must—
  - (a) if a project direction is given to the board—comply with the direction; or
  - (b) if a project direction is given to the entity—take the action necessary to ensure the entity complies with the direction.
- (6) A declared entity's employees must help the entity or board to comply with a project direction given to the entity or board.

- (7) Despite subsection (1), the Minister may not give a project direction to the Coordinator-General.

### **11A Change of status or ownership**

- (1) The Minister may, by gazette notice (a *GOC declaration*), do any or all of the following—
- (a) revoke the declaration of Queensland Rail as a government owned corporation;
  - (b) revoke the declaration of the Port of Brisbane Corporation as a government owned corporation;
  - (c) revoke the declaration of the Port of Brisbane Corporation as a port authority under the *Transport Infrastructure Act 1994*.
- (2) A GOC declaration has effect despite any other law or instrument.
- (3) A GOC declaration has effect on the day it is published in the gazette or a later day stated in it.
- (4) The cessation, under subsection (1), of an entity mentioned in the subsection as a government owned corporation or port authority is taken to be a thing done under this Act.
- (5) Each of the following is taken to be a thing done under this Act—
- (a) the transfer of a share in a declared entity held by another declared entity or the State to any other person;
  - (b) the issue of a share in a declared entity in accordance with a project direction given to the declared entity or its board.

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## **Part 4**                      **Application of other laws and instruments**

### **12**      **Act applies despite other laws and instruments**

A thing may be done under this Act despite any other law or instrument.

*Example—*

In accordance with a project direction given to its board, a GOC may form a company that will become a subsidiary without obtaining the approval that would otherwise be required under the *Government Owned Corporations Act 1993*, section 140.

### **13**      **Excluded matter for Corporations Act**

Anything done by the Minister under this Act is an excluded matter for the Corporations Act, section 5F, in relation to the Corporations Act, chapter 2D.

*Editor's notes—*

- Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter)
- Corporations Act, chapter 2D (Officers and employees)

### **14**      **Non-liability for duty**

No duty under the *Duties Act 2001* is payable in relation to anything done under a transfer notice.

### **15**      **Non-application of Property Law Act 1974, s 121 and pt 8, div 3**

- (1) The Minister may, by gazette notice, declare a project dealing or a class of project dealings to be an exempt project dealing or exempt project dealings for this section.
- (2) The *Property Law Act 1974*, section 121 and part 8, division 3, does not apply to an exempt project dealing.



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- (3) This section applies despite any other law or instrument.
  - (4) In this section—

*project dealing* means any lease granted or transferred to an entity in connection with a declared project.

### **15A Particular lease provisions about fixtures have force of law**

- (1) This section applies if—
  - (a) in connection with a declared project—
    - (i) a lease is granted, including by a transfer notice; or
    - (ii) a declared entity enters into a lease in accordance with a project direction given to it or its board; and
  - (b) the lease purports to lease or otherwise dispose of any thing that is on, under or above land, including a thing that, apart from this section, would form part of, or attach to, the land.
- (2) The lease may provide for all or any of the following—
  - (a) that the thing does not form part of, or attach to, the land on, under or above which the thing is situated regardless of whether or not the thing is a fixture;
  - (b) that the thing is leased separately from the land on, under or above which the thing is situated;
  - (c) that the thing is excluded from a lease of the land on, under or above which the thing is situated;
  - (d) that the thing is treated as personal property and not as a fixture and that ownership of the thing does not vest in the owner of the land on, under or above which the thing is situated;
  - (e) that the thing may be transferred or disposed of separately from the land on, under or above which the thing is situated.
- (3) A provision of a lease mentioned in subsection (2) has the force of law as if the provision were an enactment of this Act.

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- (4) Subsection (3) applies despite any other law or instrument to the contrary.

## **15B Other lease provisions also have force of law**

- (1) This section applies if—
- (a) in connection with a declared project—
    - (i) a lease is granted, including by a transfer notice; or
    - (ii) a declared entity enters into a lease in accordance with a project direction given to it or its board; and
  - (b) the lease provides for all or any of the following matters—
    - (i) the prepayment of amounts, including rent, payable under the lease and the retention of the amounts by the lessor;
    - (ii) the continuation of the lease, including the obligation to pay rent, despite the happening of unintended or unforeseen circumstances, including, for example, circumstances that would otherwise result in any obligations under the lease—
      - (A) being incapable of performance; or
      - (B) not being required to be performed;
    - (iii) the circumstances under which the lease may be terminated;
    - (iv) the amounts payable, and the rights and obligations of the parties to the lease, in the event of a breach or termination of the lease;
    - (v) the entitlement to, or the retention or application of, security;
    - (vi) the ownership, or the vesting of ownership, of any real or personal property on termination of the lease;
    - (vii) the liability of the lessor.

- (2) A provision of a lease providing for a matter mentioned in subsection (1)(b) has the force of law as if the provision were an enactment of this Act.
- (3) Subsection (2) applies despite any other law or instrument to the contrary.

## 16 Disposal of public records

- (1) This section applies if—
  - (a) a thing is done under a transfer notice or project direction; and
  - (b) the thing is, or involves, a disposal of a public record under the *Public Records Act 2002*.
- (2) To remove any doubt, it is declared that, for the purpose of section 13 of that Act, the public record is disposed of under legal authority, justification or excuse.

## 17 Decisions not reviewable

- (1) A decision under this Act—
  - (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (2) In this section—

**decision** includes—

  - (a) a decision about making a declaration under section 5(2) or 6(2); and
  - (b) a decision to give a transfer notice or project direction; and

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- (c) a decision or conduct leading up to or forming part of the process of making a decision.

### **17A Severability**

- (1) Subsection (2) applies if a provision of—
  - (a) this Act; or
  - (b) a transfer notice; or
  - (c) a lease mentioned in section 15A or 15B;is held by a court or judge to be beyond power, invalid or unenforceable.
- (2) The provision is to be disregarded or severed and the court's or judge's decision does not affect the remaining provisions of the Act, transfer notice or lease which continue to have effect.
- (3) This section does not affect the operation of the *Acts Interpretation Act 1954*, section 9 in any way.

## **Part 5 Miscellaneous**

### **18 Time within which Minister may act**

The Minister may not perform a function under this Act on or after 1 July 2014.

### **19 Registering authority to note transfer or other dealing**

- (1) The registrar of titles or other person required or authorised by law to register or record transactions affecting assets or liabilities—
  - (a) may, without formal application, register or record in the appropriate way a transfer or other dealing affecting an asset or liability under a transfer notice; and

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- (b) must, on written application by a transferee entity, register or record in the appropriate way the transfer of an asset or liability under a transfer notice to the transferee entity.
- (2) A transaction, related to an asset or liability transferred to a transferee entity, entered into by the transferee entity in the relevant transferor entity's name or the name of a predecessor in title to the relevant transferor entity, if effected by an instrument otherwise in registrable form, must be registered even though the transferee entity has not been registered as proprietor of the asset or liability.
- (3) If an asset or liability is registered in the name of a transferor entity, the registrar of titles or other registering authority may register a dealing for a transaction about the asset or liability without being concerned to enquire whether it is, or is not, an asset or liability transferred under a transfer notice.
- (4) In this section—

*transferee entity* means the entity to which an asset or liability is transferred under a transfer notice.

*transferor entity* means the entity from which an asset or liability is transferred under a transfer notice.

## **20 Confidentiality agreement with prospective purchasers**

- (1) A prospective purchaser may enter into a confidentiality agreement with the State for the purpose of obtaining access to information in the possession or control of the State or a declared entity.
- (2) The agreement must state—
- (a) the information to which access may be given; and
  - (b) the employees or agents of the prospective purchaser to whom the access may be given; and
  - (c) any conditions of the agreement.
- (3) Information mentioned in subsection (2)(a) may be identified by description including by a stated category.

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- (4) The persons mentioned in subsection (2)(b) may be identified by name, by a stated class, or by being a person approved by the State.
- (5) In this section—
  - (a) a reference to an agreement includes a deed; and
  - (b) a reference to entering into an agreement with the State includes executing a deed in favour of the State.
- (6) In this section—

*prospective purchaser* means a person who has expressed to the State an interest in purchasing a declared entity, shares in a declared entity or part or all of a business or asset of a declared entity.

## 21 Disclosure and use of information for a declared project

- (1) A person may disclose information in the possession or control of the State or a declared entity, for the purpose of a declared project, to—
  - (a) a person involved in the declared project; or
  - (b) a person to whom the information may be given under a confidentiality agreement; or
  - (c) a declared entity, or employee or agent of a declared entity.
- (2) A declared entity or its board must comply with a request by the Minister for the disclosure of information under subsection (1) to a person.
- (3) A person may use information in the possession or control of a declared entity or the State for the purpose of a declared project.
- (4) Also, to remove any doubt, it is declared that a person may disclose or use information in compliance with a transfer notice or project direction.

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- (5) A person who, acting honestly, discloses or uses information under this section is not liable, civilly, criminally or under an administrative process, for the disclosure or use.
- (6) In this section—  
*confidentiality agreement* means an agreement mentioned in section 20, whether entered into or executed before or after the commencement of this section.

## 22 Effect on legal relationships

- (1) Nothing done under this Act—
- (a) makes a relevant entity liable for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty; or
  - (b) makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or
  - (c) except as expressly provided under a transfer notice, is taken to fulfil a condition that—
    - (i) terminates, or allows a person to terminate, an instrument or obligation; or
    - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
    - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
    - (iv) requires any money to be paid before its stated maturity; or
  - (d) releases a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this

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Act, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

*Example—*

A contract entered into by a declared entity provides that the entity agrees not to transfer a particular asset without a particular person's consent and that, if the consent is given, it may be subject to particular conditions. If the asset is transferred to another declared entity under a transfer notice, the consent required under the contract is taken to have been given unconditionally.

(3) If, apart from this subsection, giving notice to a person would be necessary to do something under this Act, the notice is taken to have been given.

(4) In this section—

*relevant entity* means—

- (a) the State or an employee or agent of the State; or
- (b) a declared entity or an employee or agent of a declared entity.

## 23 Things done under this Act

To remove any doubt, it is declared that a thing is taken to be done under this Act if it is done by, or in compliance with, a transfer notice or project direction, even if the thing includes taking steps under another Act.

*Example—*

A declared entity is a lessee of land under the *Land Act 1994*. In compliance with a project direction, the declared entity grants a sublease of the land. The grant of the sublease is taken to be done under this Act. So, under section 22(2), any approval to the sublease that would otherwise be required under the *Land Act 1994*, section 332, is taken to have been given unconditionally.

## 24 Preservation of rights of seconded employees

(1) This section applies if, under a transfer notice—

- (a) an employee of a declared entity (the *employer*) is seconded to another declared entity or the State; or



- 
- (b) an employee of the State (also the *employer*) is seconded to a declared entity.
- (2) The employee is taken to continue to be employed by the employer on the same terms and conditions as applied before the secondment, subject to any subsequent variation of those terms and conditions under any applicable law or contract.
- (3) The secondment does not—
- (a) affect the employee's benefits, entitlements or remuneration; or
  - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
  - (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
  - (d) constitute a termination of employment by the employer, retrenchment or redundancy.
- (4) The secondment continues, even if the declared entity to which the employee is seconded stops being a declared entity, until the secondment is ended by the employer or the employee's employment with the employer ends.
- (5) In this section—  
*employee*, of a declared entity, does not include a director of the entity.

## **25 Preservation of rights of transferred employees**

- (1) This section applies to the transfer, as part of a declared project, of—
- (a) an employee of a declared entity (the *former employer*) to another declared entity or the State; or
  - (b) an employee of the State (also the *former employer*) to a declared entity.

[s 26]

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- (2) The transfer does not—
- (a) affect the employee's benefits, entitlements or remuneration; or
  - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
  - (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
  - (d) constitute a termination of employment by the former employer, retrenchment or redundancy; or
  - (e) entitle the employee to a payment or other benefit because he or she is no longer employed by the former employer; or
  - (f) require the former employer to make any payment in relation to the employee's accrued rights to recreation, sick, long service or other leave irrespective of any arrangement between the former employer and the employee.
- (3) In this section—
- employee*, of a declared entity, does not include a director of the entity.

## 26 Evidentiary aids

- (1) This section applies to a proceeding under this Act.
- (2) A certificate signed by the Minister stating any of the following matters is conclusive evidence of the matter—
- (a) that a stated thing was, or is being, done for the purpose of a declared project;
  - (b) that a stated person is, or was at a stated time, involved in a declared project;

- (c) that a stated company was established for a declared project;
  - (d) that a stated direction given by the Minister related to a declared project.
- (3) A document certified by the Minister to be a copy of a project direction is conclusive evidence of the direction.

## **27 Delegations**

The Minister may delegate the Minister's functions under this Act, except section 5, 6 or 9, to the chief executive.

## **28 Regulation-making power**

The Governor in Council may make regulations under this Act.

## Schedule Dictionary

### section 4

***agent*** includes a financier, insurer or advisor.

***asset*** includes a right.

***Coordinator-General*** means the Coordinator-General under the *State Development and Public Works Organisation Act 1971*.

***declared entity*** see section 6(1).

***declared project*** see section 5(1).

***disposal*** includes divestment.

***employee*** includes officer.

***Forestry Plantations Queensland*** means the corporation established under the *Forestry Plantations Queensland Act 2006*, section 6.

***Forestry Plantations Queensland Office*** means the public service office called by that name.

***government company*** means a corporation incorporated under the Corporations Act all the stock or shares in the capital of which is or are beneficially owned by the State.

***government entity*** means a government company or another entity that is ultimately owned by the State.

***information*** includes a document.

***instrument*** includes an oral agreement.

***lease*** includes any derivative under lease of the lease.

***MEDQ*** means MEDQ under the *Economic Development Act 2012*.

***officer*** includes a director.

***person involved***, in a declared project, means an employee or agent of the State who is involved in carrying out the project in the course of the employment or agency.

***Port of Brisbane Corporation*** means Port of Brisbane Corporation Limited ACN 124 048 522.

***Ports Corporation of Queensland*** means Ports Corporation of Queensland Limited ACN 126 302 994.

***project direction*** see section 11(1).

***Queensland Motorways*** means Queensland Motorways Limited ACN 067 242 513.

***Queensland Rail*** means QR Limited ACN 124 649 967.

***Queensland Treasury Holdings*** means Queensland Treasury Holdings Pty Ltd ACN 011 027 295.

***record*** includes any document.

***right*** includes power, privilege and immunity.

***transfer notice*** see section 9(1).

***ultimate holding company*** has the meaning given by the Corporations Act, section 9, as if section 48(2) and (3) of that Act did not apply.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 February 2013. Future amendments of the Infrastructure Investment (Asset Restructuring and Disposal) Act 2009 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	22 June 2009	
1A rv	2010 Act No. 11	26 March 2010	
Current as at 1 February 2013		Amendments included 2012 Act No. 43	Notes

## 5 List of legislation

### **Infrastructure Investment (Asset Restructuring and Disposal) Act 2009 No. 21**

date of assent 22 June 2009

commenced on date of assent

amending legislation—

### **Revenue and Other Legislation Amendment Act 2010 No. 11 s 1, pt 6**

date of assent 26 March 2010

commenced on date of assent

### **Economic Development Act 2012 No. 43 ss 1–2, 221 sch 1**

date of assent 11 December 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2013 (2013 SL No. 1)

## 6 List of annotations

### **Declared projects**

s 5 amd 2010 No. 11 s 80

### **Declared entities**

s 6 amd 2010 No. 11 s 81; 2012 No. 43 s 221 sch 1

### **Associated activities**

s 8 amd 2010 No. 11 s 82

### **Transfer notice**

s 9 amd 2010 No. 11 s 83

### **Limitation on power to second employees of a declared entity or State**

s 10 prov hdg amd 2010 No. 11 s 84

### **Workforce transition code of practice**

s 10A ins 2010 No. 11 s 85

### **Project direction**

s 11 amd 2010 No. 11 s 86

### **Change of status or ownership**

s 11A ins 2010 No. 11 s 87

### **Non-application of Property Law Act 1974, s 121 and pt 8, div 3**

s 15 sub 2010 No. 11 s 88

### **Particular lease provisions about fixtures have force of law**

s 15A ins 2010 No. 11 s 88

### **Other lease provisions also have force of law**

s 15B ins 2010 No. 11 s 88



**Severability**

s 17A ins 2010 No. 11 s 89

**Disclosure and use of information for a declared project**

s 21 amd 2010 No. 11 s 90

**Preservation of rights of seconded employees**

s 24 amd 2010 No. 11 s 91

**Preservation of rights of transferred employees**

s 25 amd 2010 No. 11 s 92

**PART 6—AMENDMENT OF RIGHT TO INFORMATION ACT 2009**

pt 6 (ss 29–30) om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE—DICTIONARY**

def “**Coordinator-General**” ins 2010 No. 11 s 93

def “**Forestry Plantations Queensland Office**” ins 2010 No. 11 s 93

def “**lease**” ins 2010 No. 11 s 93

def “**MEDQ**” ins 2012 No. 43 s 221 sch 1

def “**Urban Land Development Authority**” ins 2010 No. 11 s 93  
om 2012 No. 43 s 221 sch 1

## 7 Forms notified or published in the gazette

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.

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