

# STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

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No. 88 of 1990

An Act to make various amendments to the statute law of Queensland and to repeal the Aborigines Act and Other Acts Amendment Act 1975

[ASSENTED TO 6TH DECEMBER, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title.** This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1990*.

**2. Commencement.** Subject to subsection (2), this Act commences on the day on which it is assented to for and on behalf of Her Majesty.

(2) The amendment of the *Chiropractors and Osteopaths Act 1979-1988* made by this Act is to be taken to have commenced on 31 March 1990.

**3. Amendment of Acts.** Each Act specified in the Schedule hereto is amended in the manner set out in the Schedule and the Act as so amended may be cited as specified in the Schedule.

**4. Repeal.** The *Aborigines Act and Other Acts Amendment Act 1975* is repealed.

#### SCHEDULE

[s. 3]

##### Architects Act 1985

Section 7 (4)

Omit "reappointment" and substitute "re-appointment".

Section 21 (3)

Insert "(1)" before "(d)".

Section 33 (4) (a)

Omit "authorised" and substitute "authorized".

Section 34 (c)

Omit "Subject" and substitute "subject".

Section 39 (1)

Omit "board" and substitute "Board".

Section 39 (5) (b) (ii)

Omit "board" and substitute "Board".

Section 51

Omit "authorised" and substitute "authorized".

Section 52 (1)

Omit "authorised" and substitute "authorized".

Schedule

(a) In clause 1 (3), omit "authorised" and substitute "authorized";

(b) in clause 10, omit “his” and substitute “this”.

Citation: *Architects Act 1985-1990*

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**Brisbane and Area Water Board Act 1979-1989**

Section 4

Omit the definition “maximum flood level” from where it occurs and insert it after the definition “Local Authority”.

Section 5 (1)

Omit “*The City of Brisbane (Water Supply) Act of 1959-1978*” and substitute “*the City of Brisbane (Water Supply) Act 1959-1978*”.

Section 109 (2) (c)

Omit “or” where lastly occurring and substitute “of”.

Section 111 (2)

Omit “chairman” and substitute “Chairman”.

Section 123

Omit “head works” and substitute “headworks”.

Citation: *Brisbane and Area Water Board Act 1979-1990*

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**Carriage of Dangerous Goods by Road Act 1984-1988**

Section 11 (1)

Omit “*The Commissions of Inquiry Acts 1953 to 1954*” and substitute “*the Commissions of Inquiry Act 1950-1989*”.

Citation: *Carriage of Dangerous Goods by Road Act 1984-1990*

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**Chiropractors and Osteopaths Act 1979-1988**

Section 6

(a) Omit subsection (1) and substitute the following subsection:—

“(1) The body corporate constituted under the *Chiropractic Manipulative Therapists Act 1979-1987* under the name and style “The Chiropractic Manipulative Therapists Board of Queensland” is hereby preserved, continued in existence and constituted under the name and style “The Chiropractors and Osteopaths Board of Queensland” and shall have and may exercise and discharge

the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.”;

(b) insert after subsection (3) the following subsections:—

“(4) Unless the contrary intention appears, a reference in any—

(a) Act;

or

(b) Proclamation, Order in Council, regulation, by-law or other instrument made under any Act;

or

(c) agreement, contract, deed or other document, instrument or writing of any kind;

to The Chiropractic Manipulative Therapists Board of Queensland constituted under the *Chiropractic Manipulative Therapists Act 1979-1987* shall be read and construed as a reference to the Board.

(5) Any proceeding which prior to the commencement of this subsection was commenced by or against The Chiropractic Manipulative Therapists Board of Queensland and which is not concluded at that commencement may be continued by or against the Board.

(6) The Registrar of Titles and the Registrar of Dealings and any other person charged with the keeping of a register of dealings concerning land vested in or held by The Chiropractic Manipulative Therapists Board of Queensland shall without further authority than this subsection alter the name as shown in that register of the registered proprietor, registered lessee, owner or occupier of land referred to therein to “The Chiropractors and Osteopaths Board of Queensland”.”.

Citation: *Chiropractors and Osteopaths Act 1979-1990*

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### **Clean Waters Act 1971-1989**

Section 36 (1)

Omit “the” where occurring before “the chief executive”.

Citation: *Clean Waters Act 1971-1990*

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### **Credit Societies Act 1986**

Section 76 (1)

In paragraphs (j) and (k), omit “(8)” and substitute “(12)” in each case.

Citation: *Credit Societies Act 1986-1990*

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**Crimes (Confiscation of Profits) Act 1989**

Section 8 (7) (a)

Insert “not” after “was” where firstly occurring.

Section 31 (9)

Omit “(2)” and substitute “(4)”.

Citation: *Crimes (Confiscation of Profits) Act 1989-1990*

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**Cultural Record (Landscapes Queensland and Queensland Estate) Act  
1987**

Section 4

(a) In subsection (1)—

- (i) in the note to the section, omit “**and amendment**”;
- (ii) omit “(1)” where occurring after the note to the section;
- (iii) in the introductory words preceding the Table, omit “or amended”;

(iv) in the Table—

- (A) omit “or Amendment” from the heading to the second column;
- (B) omit “*Aborigines Act and Other Acts Amendment Act 1975*” from the first column;
- (C) omit “Amended by repealing sections 7 and 8 and the heading immediately preceding section 7” from the second column;

(b) omit subsection (2).

Citation: *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1990*

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**District Courts Act 1967-1989**

Section 7

Repeal the section.

Section 16

In the note to the section, insert “;” after “s. 19”.

Section 59(2)

After the expression “412,” insert the expression “415.”.

Citation: *District Courts Act 1967-1990*

**Drugs Misuse Act 1986-1990**

Section 52A

In the note to the section, omit “s.” where occurring before “52A.”.

Third Schedule

Repeal the schedule and substitute the following schedule:—

**“THIRD SCHEDULE**

[ss. 8, 9]

Dangerous Drug	Quantity of Dangerous Drug
Amphetamine . . . . .	2.0 grams
Barbituric Acid and any 5,5 disubstituted derivatives of barbituric acid whether or not further substituted at position 1 of the ring . . . . .	50.0 grams
4-Bromo-2,5-dimethoxyamphetamine . . . . .	0.5 grams
Cannabis sativa . . . . .	500.0 grams or, if the dangerous drug consists of plants the aggregate weight of which is less than 500.0 grams, 100 plants
Cocaine . . . . .	2.0 grams
Codeine . . . . .	10.0 grams
N,N-Diethyltryptamine . . . . .	2.0 grams
2,5-Dimethoxy-4-Ethylamphetamine (DOET) . . . . .	2.0 grams
2,5-Dimethoxy-4-Methylamphetamine . . . . .	2.0 grams
N,N-Dimethyltryptamine . . . . .	2.0 grams
Fenethylamine . . . . .	2.0 grams
Fentanyl . . . . .	0.01 grams
Heroin . . . . .	2.0 grams

THIRD SCHEDULE—*continued*

[ss. 8, 9]

Dangerous Drug	Quantity of Dangerous Drug
Hydromorphone .....	2.0 grams
Lysergide .....	0.004 grams
Methadone .....	2.0 grams
5-Methoxy-3,4-Methylenedioxy amphetamine (MMDA) .....	2.0 grams
Methylamphetamine .....	2.0 grams
3,4-Methylenedioxymethamphetamine (MDMA) ..	2.0 grams
Moramide .....	2.0 grams
Morphine .....	2.0 grams
Opium .....	20.0 grams
Paramethoxyamphetamine (PMA) .....	2.0 grams
Pethidine .....	10.0 grams
Phencyclidine .....	0.5 grams
Psilocin .....	0.10 grams
Psilocybin .....	0.10 grams
Tetrahydrocannabinols including their alkyl homologues except where separately specified; and their corresponding carboxylic acids .....	2.0 grams
3,4,5-Trimethoxyamphetamine (TMA) .....	2.0 grams”.

Citation: *Drugs Misuse Act 1986-1990*

## Education Act 1964-1990

## Section 62S

Repeat the section and substitute the following section:—

“62S. **Investments.** Any surplus moneys held by a Council in its general fund or trust fund or any money held upon trust by a Council may be invested from time to time in any authorized trustee investment or with any authorized and approved dealer in the short term money market.

The provisions of this section shall not apply where the conditions placed upon any gift, grant, bequest or devise direct to the contrary.”.

Citation: *Education Act 1964-1990*

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### **Factories and Shops Act 1960-1990**

Heading preceding section 50

Omit the heading “AGES OF EMPLOYEES” occurring after section 44 and preceding section 50.

Citation: *Factories and Shops Act 1960-1990*

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### **Fishing Industry Organization and Marketing Act 1982-1989**

Section 6 (1)

Omit the definition “depot” from where it occurs and insert it after the definition “cross-line”.

First Schedule

In clause 26, omit “\$400” and substitute “15 penalty units”.

Citation: *Fishing Industry Organization and Marketing Act 1982-1990*

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### **Forestry Act 1959-1990**

Section 65

Omit subsection (3) and substitute the following subsection:—

“(3) Where any officer or employee of the Conservator of Forests has, within the boundaries of any State Forest, Timber Reserve or Forest Entitlement Area, as the case may be, extinguished or caused to be extinguished a fire burning within that State Forest, Timber Reserve or Forest Entitlement Area, as the case may be, then, if it be established that such fire originated on land other than that State Forest, Timber Reserve or Forest Entitlement Area, as the case may be, and that the owner or occupier of the land on which such fire originated, or his agent or employee, was responsible for the lighting of such fire and that its lighting was not authorized under Part VII of the *Fire Service Act 1990*, the Conservator of Forests may recover from the owner or occupier of the land on which the fire originated, in any court of competent jurisdiction, all reasonable expenses incurred by such officer or employee in controlling and extinguishing such fire (including, but without limiting the

generality hereof, salaries and wages of officers and employees and compensation for the use of plant, vehicles and equipment).

The provisions of this subsection shall be in addition to and not in derogation of or substitution for the provisions of any other enactment of this Act.”.

Citation: *Forestry Act 1959-1990*

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**Gladstone Area Water Board Act 1984-1988**

Section 70 (3)

Insert “a” before “provision”.

Section 85 (5)

Omit “4” and substitute “(4)”.

Section 87

Omit “authorised” and substitute “authorized”.

Section 106

In subsections (1) and (2), omit “*Insurance Act 1960-1982*” and substitute “*Insurance Act 1960-1976*” in each case.

Citation: *Gladstone Area Water Board Act 1984-1990*

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**Griffith University Act 1971-1990**

Section 17A (3)

Insert “by” after “on him”.

Citation: *Griffith University Act 1971-1990*

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**Harbours Act 1955-1989**

Section 8 (1)

In the definition “Secretary”, omit “Director” and substitute “Director-General”.

Section 86 (3)

(a) in provision (i), omit “;” where occurring after “fee” and substitute “.”;

(b) in provision (ia), omit “.” where occurring after “withdrawn” and substitute “;”;

(c) in provision (ib), omit “.” where occurring after “withdrawn” and substitute “;”.

Section 195

Omit “Crown Land” and substitute “Crown land”.

Citation: *Harbours Act 1955-1990*

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**Industrial Relations Act 1990**

Section 11.3 (2)

Omit “—” where occurring after “for”.

Section 13.14

Omit subsection (6) and substitute the following subsection:—

“(6) The Industrial Registrar may revoke an exemption of an industrial organization granted under subsection (3)—

(a) on application therefor by the industrial organization, if the Industrial Registrar is satisfied that the rules of the industrial organization comply with subsection (1);

or

(b) if the Industrial Registrar is no longer satisfied—

(i) that the rules of the industrial organization provide for the conduct of elections of the kind referred to in subsection (1) by a secret ballot other than a postal ballot;

or

(ii) of a matter referred to in subsection (3) (b);

and the Industrial Registrar has given the industrial organization the opportunity, as prescribed, to show cause why the exemption should not be revoked.”.

Citation: *Industrial Relations Act 1990*

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**Intellectually Disabled Citizens Act 1985-1989**

Section 32

(a) In subsection (1) (b), omit “dependents” and substitute “dependants”;

(b) in subsection (2), insert “a” after “already”.

Section 33 (1)

Insert “a” after “becomes”.

Citation: *Intellectually Disabled Citizens Act 1985-1990*

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**James Cook University of North Queensland Act 1970-1989**

Section 16 (c) (i)

Omit “Budget” and substitute “budget”.

Citation: *James Cook University of North Queensland Act 1970-1990*

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**Justices Act 1886-1990**

Section 156 (1)

Insert “or has been sentenced to serve” after “serving”.

Citation: *Justices Act 1886-1990*

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**Libraries and Archives Act 1988**

Section 5 (2) (b)

Omit “activites” and substitute “activities”.

Citation: *Libraries and Archives Act 1988-1990*

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**Medical Act 1939-1988**

Section 2

Repeal the section.

Section 28 (1)

(a) In provision (i), omit “Who” and substitute “who”;

(b) in provision (ii), omit “Whose” and substitute “whose”.

Section 37 (3A) (c)

Insert “be” after “deemed to” where secondly occurring.

Section 37C (4)

Omit “subsection (4)” and substitute “subsection (2)”.

Citation: *Medical Act 1939-1990*

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**Mental Health Services Act 1974-1989**

Section 15 (10)

Omit “perons” and substitute “persons”.

Sixth Schedule

In the note to clause 8, omit “or” and substitute “of”.

Citation: *Mental Health Services Act 1974-1990*

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**Mining (Fossicking) Act 1985-1990**

Section 10 (5)

Omit “and any person acting under the authority of a warden” and substitute “; mining registrar, field officer or other authorized person”.

Section 27

(a) Omit “warden” and substitute “mining registrar”;

(b) omit “upon any unoccupied Crown land in a designated area.” and substitute “in a designated area upon land that—

(a) is not occupied land;

or

(b) is the subject of a mining claim or a mining lease or an application for either.”.

Citation: *Mining (Fossicking) Act 1985-1990*

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**Mortgages (Secondary Market) Act 1984-1989**

Section 4

Omit the definition “Minister” and substitute the following definition:—

““Minister” includes any Minister of the Crown for the time being performing the duties of the Minister;”.

Section 34 (b)

(a) In subparagraph (i), omit “exerciseable” and substitute “exercisable”;

(b) in subparagraph (iii), omit “(1)” where firstly occurring and substitute “(i)”.

Citation: *Mortgages (Secondary Market) Act 1984-1990*

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**Nursing Act 1976-1987**

Section 11 (2)

Omit “of” where lastly occurring and substitute “or”.

Citation: *Nursing Act 1976-1990*

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**Off-shore Facilities Act 1986**

Section 4

Omit “(1)” where occurring after the note to the section.

Citation: *Off-shore Facilities Act 1986-1990*

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**Private Employment Agencies Act 1983-1985**

Section 5

(a) In paragraph (b) of the definition “model” insert “or the public” after “customers”;

(b) in the definition “theatrical performer”—

(i) insert “speak,” after “sing,”;

(ii) insert “or recorded” after “presented”.

Citation: *Private Employment Agencies Act 1983-1990*

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**Property Law Act 1974-1990**

Section 84 (5)

Omit “Miner’s” and substitute “Miners’ ”.

Citation: *Property Law Act 1974-1990*

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**Public Trustee Act 1978-1989**

Section 85

Repeal the section and substitute the following section:—

**“85. Public Trustee may complete matters commenced before authority ceased. (M.H.A. 5th Schedule cl. 2 (2)).** If, immediately prior to a time when the authority of the Public Trustee to manage the estate of an Incapacitated Person ceases pursuant to clause 2 (2) of the Fifth Schedule to the *Mental Health Services Act 1974-1990* or to section 34 of the *Intellectually Disabled Citizens Act 1985-1990* or to section 69, 73 or 79, there is anything within the powers of the Public Trustee in relation to the estate which, having been commenced by him, is not

completed, then, subject to any order of the Court to the contrary, that thing, if the Public Trustee thinks fit, may be completed by him as if his authority still continued, and for this purpose the provisions of this Act with all necessary adaptations shall apply and extend accordingly.”.

Citation: *Public Trustee Act 1978-1990*

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**Queensland Performing Arts Trust Act 1977-1988**

Section 9 (2)

Omit “reappointment” and substitute “re-appointment”.

Section 13 (4)

(a) Omit “reappointed” and substitute “re-appointed”;

(b) omit “reappointment” and substitute “re-appointment”.

Citation: *Queensland Performing Arts Trust Act 1977-1990*

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**Racing and Betting Act 1980-1990**

Section 11

(a) In subsection (1)—

(i) in paragraph (a), omit “the Q.T.C. Principal Club Committee” and substitute “The Queensland Turf Club”;

(ii) in paragraph (c), omit “R.J.C. Principal Club Committee” and substitute “Rockhampton Jockey Club”;

(b) in subsection (2) (g), omit “the Q.T.C. Principal Club Committee and the R.J.C. Principal Club Committee” and substitute “The Queensland Turf Club and the Rockhampton Jockey Club”.

Section 133 (1)

Omit “racing, trotting or greyhound racing” and substitute “sporting contingencies”.

Section 150

(a) In subsection (1) (b), omit “purchased” and substitute “acquired”;

(b) in subsection (2), omit “selling” and substitute “supplying”;

(c) in subsection (4)—

(i) in paragraph (a)—

(A) omit “purchase or otherwise”;

(B) omit “purchased” and substitute “acquired”;

(ii) in paragraph (b), omit “sell, supply, or cause or permit to

be sold or” and substitute “supply or cause or permit to be”;

(iii) in paragraph (c), omit “purchased” and substitute “acquired”.

Section 173

(a) In paragraph (a), omit “and address”;

(b) in paragraphs (b) and (c), omit “on which club levy is levied”.

Citation: *Racing and Betting Act 1980-1990*

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**Racing Venues Development Act 1982-1988**

Section 29 (9)

Omit “affected” and substitute “effected”.

Citation: *Racing Venues Development Act 1982-1990*

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**Real Property Act 1877-1990**

Section 35

Omit the second paragraph and substitute the following paragraph:—

“Such transfer shall be subject to all equitable mortgages and liens notified by any caveat lodged with the Registrar of Titles prior to the date of the registration of the writ of execution and to all other encumbrances liens and interests recorded in the register and the Registrar of Titles shall on receiving such transfer record the transfer in the register whereupon the purchaser shall subject as aforesaid be deemed the transferee or owner of such land estate interest or security.”.

Citation: *Real Property Act 1877-1990*

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**Real Property Acts Amendment Act 1952-1986**

Section 58 (1)

Insert “.” at the end of paragraph (a).

Citation: *Real Property Acts Amendment Act 1952-1990*

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**Regulation of Sugar Cane Prices Act 1962-1989**

Section 81

In the note to the section, omit “to” where first occurring.

Section 112

Omit “this section” and substitute “section 110”.

Citation: *Regulation of Sugar Cane Prices Act 1962-1990*

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**Regulatory Reform Act 1986**

Section 2

Omit “principle” and substitute “principal”.

Citation: *Regulatory Reform Act 1986-1990*

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**Retail Shop Leases Act 1984-1990**

Section 10B (2)

Omit “the” where occurring before “Valuers” and substitute “The”.

First Schedule

Omit “Service station” and substitute “Service stations”.

Citation: *Retail Shop Leases Act 1984-1990*

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**Royal Queensland Theatre Company Act 1970-1985**

Section 31 (2)

Omit “thirtieth day of June” and substitute “thirty-first day of December”.

Citation: *Royal Queensland Theatre Company Act 1970-1990*

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**Rural Training Schools Act 1965-1984**

Section 39

Omit subsections (2) and (3).

New section. 40

Insert after section 39 the following section:—

“**40. Publication of Orders in Council.** Section 28A of the *Acts Interpretation Act 1954-1989* applies in respect of Orders in Council made under this Act as if they were regulations.”

Citation: *Rural Training Schools Act 1965-1990*

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**Small Claims Tribunals Act 1973-1989**

Section 4

In the definition “claimant”, omit “(e)” where occurring before “in relation to a claim for payment” and substitute “(f)”.

Section 16 (2)

Omit all words from and including the word “paragraph” to and including the word “definition” and substitute the words “paragraph (a), (b), (c), (d), (e) or (f) of the definition”.

Citation: *Small Claims Tribunals Act 1973-1990*

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**Statutory Bodies Financial Arrangements Act 1982-1989**

Section 47 (2)

Omit “27 (5),”.

Citation: *Statutory Bodies Financial Arrangements Act 1982-1990*

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**Superannuation (Public Employees Portability and Acts Amendment)  
Act 1985**

Section 4 (1)

In provision (a) of the definition “approved superannuation scheme”, omit “adminstered” and substitute “administered”.

Section 6

Omit subsection (1) and substitute the following subsection:—

“(1) A person who—

(a) ceases to be a contributor to an approved superannuation scheme by reason of—

his voluntary resignation from his employment;

his being retrenched; or, as the case may be,

his ceasing to be a member of the Legislative Assembly,

and who within a period of three months after he ceases to be a contributor again becomes an eligible officer;

or

- (b) being an eligible officer and being a contributor to an approved superannuation scheme pursuant to section 56 of the *State Service Superannuation Act 1972-1990*, ceases to be such a contributor;

is, subject to this section, entitled to elect to forgo all his entitlements under the approved superannuation scheme, other than the entitlement prescribed by this Part, arising by reason of his ceasing to be a contributor to the approved superannuation scheme.”.

Citation: *Superannuation (Public Employees Portability and Acts Amendment) Act 1985-1990*

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#### **Urban Public Passenger Transport Act 1984**

##### Section 5

Repeal the section.

##### Section 9

Omit “*Public Service Act 1922-1978*” and substitute “*Public Service Management and Employment Act 1988-1990*”.

Citation: *Urban Public Passenger Transport Act 1984-1990*

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#### **Valuation of Land Act 1944-1987**

##### Section 15 (2)

Omit “subsection one” and substitute “subsection (1)”.

##### Section 47 (1) (c)

Omit “Taxes” and substitute “Land Tax”.

Citation: *Valuation of Land Act 1944-1990*

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#### **Wheat Pool Act 1920-1989**

##### Section 2

(a) Omit the definition “Carry” from where it occurs and insert it after the definition “Blended wheat”;

(b) insert “;” at the end of the definition “Season”;

(c) insert after the definition “Variety” the following definition:—  
“ “Vehicle” includes every tank, container, equipment and apparatus affixed to or intended to be affixed to a vehicle and intended to be used in connection with the vehicle;”;

(d) at the end of the definition “This Act” omit “;” and substitute “.”;

(e) omit the definition “Vehicle” from where it occurs after the definition “This Act”.

Section 7 (3)

Insert “.” at the end of the section.

Citation: *Wheat Pool Act 1920-1990*

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### **Workers’ Compensation Act 1916-1988**

Section 14A (9)

Omit “very” and substitute “a”.

Section 19A

Repeal the section and substitute the following section:—

**“19A. Recovery of accounts due.** Every premium payable under this Act when it becomes due and payable, and every amount recoverable by the Board by virtue of this Act in respect of compensation paid to an uninsured worker, shall be deemed to be a debt due to Her Majesty and payable to the Board, and shall be recoverable by complaint under this Act or as a civil debt in a court of competent jurisdiction.”.

Citation: *Workers’ Compensation Act 1916-1990*

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