

Queensland



**STATUTE LAW  
(MISCELLANEOUS  
PROVISIONS) ACT 1992**

**Act No. 36 of 1992**

# Queensland



## STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1992

### TABLE OF PROVISIONS

Section	Page
1 Short title .....	6
2 Amended Acts and regulation .....	6
3 Repeals .....	6
4 Declaratory provisions .....	6
5 Explanatory notes .....	6

#### SCHEDULE 1

<b>MINOR AMENDMENTS</b> .....	7
GRAMMAR SCHOOLS ACT 1975 .....	7
HEALTH ACT 1937 .....	10
LAND TAX ACT 1915 .....	12
OATHS ACT 1867 .....	13
PAY-ROLL TAX ACT 1971 .....	14
POLICE SERVICE ADMINISTRATION ACT 1990 .....	14
QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991 .....	15
QUEENSLAND PERFORMING ARTS TRUST ACT 1977 .....	19
STAMP ACT 1894 .....	21
TOBACCO PRODUCTS (LICENSING) ACT 1988 .....	24
VALUATION OF LAND ACT 1944 .....	24

#### SCHEDULE 2

<b>AMENDMENTS BY WAY OF STATUTE LAW REVISION</b> .....	26
ABORIGINAL LAND ACT 1991 .....	26
AMBULANCE SERVICE ACT 1991 .....	27

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ANTI-DISCRIMINATION ACT 1991 .....	27
CLASSIFICATION OF FILMS ACT 1991 .....	28
CONTAMINATED LAND ACT 1991 .....	29
DENTAL TECHNICIANS AND DENTAL PROSTHETISTS ACT 1991 ..	29
HEALTH RIGHTS COMMISSION ACT 1991 .....	30
INTEGRATED RESORT DEVELOPMENT ACT 1987 .....	30
JAMES COOK UNIVERSITY OF NORTH QUEENSLAND ACT 1970 ..	31
JUDICIAL REVIEW ACT 1991 .....	31
LAND ACT 1962 .....	32
LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) ACT 1990 .....	33
MENTAL HEALTH ACT 1974 .....	39
NATIONAL RAIL CORPORATION (AGREEMENT) ACT 1991 .....	40
QUEENSLAND HERITAGE ACT 1992 .....	40
QUEENSLAND UNIVERSITY OF TECHNOLOGY ACT 1988 .....	41
RACING AND BETTING ACT 1980 .....	41
REFERENDUMS ACT 1989 .....	42
STATE TRANSPORT ACT 1960 .....	42
STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1991 .....	43
STIPENDIARY MAGISTRATES ACT 1991 .....	43
TORRES STRAIT ISLANDER LAND ACT 1991 .....	44
TRAFFIC AMENDMENT REGULATION 1991 (No. 4) .....	44
UNIVERSITY OF CENTRAL QUEENSLAND ACT 1989 .....	45
UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1989 .....	45
WINE INDUSTRY ACT 1974 .....	46

### **SCHEDULE 3**

<b>ACTS REPEALED</b> .....	47
Roads (Contribution to Maintenance) Act 1957 .....	47
State Government Insurance Office (Queensland) Act Amendment Act 1979 .....	47

**SCHEDULE 4**

<b>DECLARATORY PROVISIONS</b> .....	48
<b>OATHS ACT 1867</b> .....	48
<b>VARIOUS REPEALED ACTS</b> .....	48



Queensland



**Statute Law (Miscellaneous Provisions) Act  
1992**

**Act No. 36 of 1992**

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**An Act to make various amendments of the statute law of  
Queensland, to repeal certain Acts and to declare certain matters**

*[Assented to 2 July 1992]*

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.

**Short title**

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1992*.

**Amended Acts and regulation**

2. Each Act and regulation mentioned in Schedules 1 and 2 is amended as set out in those Schedules.

**Repeals**

3. The Acts mentioned in Schedule 3 are repealed.

**Declaratory provisions**

4. Schedule 4 has effect.

**Explanatory notes**

5. Matter appearing under the heading 'Explanatory note' in this Act does not form part of the Act.

**SCHEDULE 1****MINOR AMENDMENTS**

section 2

**GRAMMAR SCHOOLS ACT 1975****Amendments****1. Sections 3 and 4—***omit.***2. Section 5(1) (definition “Minister”)—***omit.***3. Section 7(4)(d)—***omit* ‘the amount fixed by Order in Council’,*insert* ‘the amount prescribed by regulation’.**4. Section 14(e)—***omit, insert—*

‘(e) to make rules with respect to—

- (i) fees and charges to be paid in relation to students enrolled or to be enrolled at the school; and
- (ii) the management and control of the school; and
- (iii) the discipline and conduct of students enrolled at the school.’.

**5. Section 37(3)(b)—**

*omit* ‘Order in Council’, *insert* ‘regulation’.

**6. Section 46—**

*omit, insert—*

**‘Rules for election of members**

‘46. The Governor in Council may, by regulation, make rules for the election of members to a board.’.

**7. Sections 51 and 52—**

*omit.*

**8. Sections 53 and 54—**

*omit, insert—*

**‘Regulations**

‘51.(1) The Governor in Council may make regulations for the purposes of this Act.

‘(2) A regulation may be made—

- (a) creating offences against the regulation; and
- (b) fixing a maximum penalty of a fine of 2 penalty units for an offence against the regulation.

**‘Orders in council**

‘52. Orders in council under this Act are declared to be—

- (a) subordinate legislation; and
- (b) exempt instruments for the purposes of the *Legislative Standards Act 1992*.’.

**9. Schedule 1—**

*omit.*

**10. Schedule 2—**

*omit.*

**Commencement**

Amendments 3, 4 and 5 commence on 1 July 1992.

Amendments 6 and 10 commence on a day fixed by proclamation.

**Explanatory note***Provisions relating to statutory instruments*

Amendments 3, 5 and 8 rationalise and update provisions relating to statutory instruments made under the Act. Instruments of a legislative nature will in future be made by regulation. Instruments of a non-legislative nature will continue to be made by order in council. Orders in council will continue to be subject to tabling and disallowance, but will not be drafted by the Office of the Parliamentary Counsel.

*Power of boards to make rules*

Amendment 4 removes a requirement that the rules must first be approved by the Governor in Council before they can be made by the board. It also clarifies the fee making power and recasts the paragraph.

*Removal of 'Henry VIII clause'*

Amendment 6 removes a Henry VIII clause and allows the Governor in Council to make, by regulation, rules for the election of members of the board. Amendment 10 is consequential on this amendment.

*Statute law revision*

Amendments 1, 2, 7 and 9 omit obsolete or redundant provisions.

## HEALTH ACT 1937

### Amendments

#### 1. Section 77—

*omit, insert—*

#### ‘Nuisances

‘77. Each of the following is taken to be a nuisance for the purposes of this Act—

- (a) premises in such a state as to be a nuisance or injurious or prejudicial to health;
- (b) a swamp, pool, ditch, gutter, watercourse, sanitary convenience, or other accumulation of water on any land or street or a receptacle holding water (other than a reservoir, or a storage of water used in connection with manufacturing purposes), in such a state as to be—
  - (i) a nuisance or injurious or prejudicial to health; or
  - (ii) a breeding-ground for mosquitoes;
- (c) an animal so kept as to be a nuisance or injurious or prejudicial to health;
- (d) an accumulation or deposit that is a nuisance or injurious or prejudicial to health;
- (e) a house or part of a house so overcrowded as to be dangerous or injurious or prejudicial to the health of the residents whether or not members of the same family;
- (f) a workplace—
  - (i) that is not kept in a clean state; or
  - (ii) that is not ventilated in a way that renders harmless, so far as practicable, any gases, vapours, dust or other impurities—
    - (A) that are generated in the course of the work carried on in the workplace; and
    - (B) that are a nuisance or injurious or prejudicial to health;

or

- (iii) that is so overcrowded while work is carried on that it is dangerous or injurious or prejudicial to the health of persons employed in the workplace;
- (g) a chimney emitting smoke in such a way as to be a nuisance;
- (h) the infestation of any place or premises by—
  - (i) rats, mice or other vermin; or
  - (ii) any form of insect life declared by regulation to be injurious or prejudicial to health.’.

## **2. Section 180—**

*omit, insert—*

### **‘Regulations**

**‘180.(1)** The Governor in Council may make regulations for the purposes of this Act.

**‘(2)** A regulation may be made under this section with respect to any of the following matters—

- (a) the promotion, safeguarding and maintenance of the health and wellbeing of the people of Queensland;
- (b) the powers of inspectors in relation to—
  - (i) the signing and serving of notices on persons contravening a regulation; and
  - (ii) securing compliance with a regulation by persons contravening the regulation; and
- (c) any matter in relation to which the Director-General may make a regulation.

**‘(3)** The Director-General may also make regulations with respect to the matters mentioned in subsection (2)(b).’.

### **Commencement**

Amendment 1 commences on a day to be fixed by proclamation.

**Explanatory note**

*Smoke from all chimneys may constitute a nuisance*

Amendment 1 changes the existing section by providing that all chimneys are subject to the section. Previously, domestic chimneys were excluded from the section and smoke from domestic chimneys could not be dealt with as a nuisance.

The amendment also recasts the section in Plain English.

*Regulation making power*

Amendment 2 is partly consequential on amendment 1. It inserts a general regulation making power to allow regulations to be made by the Governor in Council for the purposes of the Act. Previously regulations under the Act could only be made by the Director-General.

## LAND TAX ACT 1915

**Amendments****1. Section 2—**

*omit.*

**2. Section 3(1) (definitions “Australia”, “Minister”, “Person”, “Prescribed” and “This Act”)—**

*omit.*

**3. After section 9A—**

*insert—*

**‘Rounding down amounts of tax etc.**

**‘9B.** If an amount payable under this Act is not a multiple of 5 cents, the Commissioner may reduce the amount to the nearest amount that is a multiple of 5 cents.’.

**Explanatory note**

*Phasing out of 1 and 2 cent coins*

Amendment 3 deals with the phasing out of 1 and 2 cent coins by allowing the

Commissioner to round amounts down to the nearest 5 cents.

*Statute law revision*

Amendments 1 and 2 omit obsolete or redundant provisions.

## OATHS ACT 1867

### Amendments

#### 1. Section 13—

*omit* ‘justice of the peace’,

*insert* ‘commissioner for declarations, justice of the peace.’.

#### 2. Section 13—

*omit* ‘of the Supreme Court’.

#### 3. Section 13 (at the end)—

*insert*—

‘(2) In subsection (1), mention of a person holding a specified office or occupational qualification means a person holding the office or qualification under the law of Queensland, the Commonwealth, another State or a Territory.’.

### Explanatory note

Amendment 1 is consequential on the enactment of the *Justices of the Peace and Commissioners for Declarations Act 1991* and recognises the role of commissioners for declarations in taking declarations.

Amendments 2 and 3 allow recognition of the witnessing of statutory declarations by persons holding equivalent offices or qualifications under the law of the Commonwealth, another State or a Territory.

## PAY-ROLL TAX ACT 1971

### Amendments

**1. Section 3(1) (definitions “Local Authority”, “Minister” and “person”)—**

*omit.*

**2. After section 18—**

*insert—*

**‘Rounding down amounts of tax etc.**

**‘18A.** If an amount payable under this Act is not a multiple of 5 cents, the Commissioner may reduce the amount to the nearest amount that is a multiple of 5 cents.’.

### Explanatory note

*Phasing out of 1 and 2 cent coins*

Amendment 2 deals with the phasing out of 1 and 2 cent coins by allowing the Commissioner to round amounts down to the nearest 5 cents.

*Statute law revision*

Amendment 1 omits unnecessary definitions.

## POLICE SERVICE ADMINISTRATION ACT 1990

### Amendments

**1. Section 1.4(1) (definitions “department” and “Minister”)—**

*omit.*

**2. Section 5.7(1)—**

*omit, insert—*

‘(1) Appointment to a position as a commissioned officer, including by way of promotion—

- (a) if the position is prescribed as one open to appointment on a part-time basis—may be on the basis of part-time employment; or
- (b) in the case of any other position—is to be on the basis of full-time employment.’

**Explanatory note**

Amendment 2 allows commissioned police officers, like non-commissioned police officers, to be appointed on a part-time basis.

Amendment 1 omits unnecessary definitions.

## QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991

**1. Section 27—**

*omit.*

**2. Section 29—**

*omit, insert—*

**‘Annual report**

‘29. The Authority must include in each annual report prepared under section 46J of the *Financial Administration and Audit Act 1977*—

- (a) separate reports from—
  - (i) the Board; and
  - (ii) the Registrar/General Manager; and
  - (iii) the Director of the Home Building Advisory Service;on matters within their respective spheres of responsibility; and

(b) the audited accounts of the Authority.’.

**3. Section 34(3)—**

*omit* ‘A licence’, *insert* ‘A contractor’s licence’.

**4. Section 37—**

*omit* ‘annually and in advance’.

**5. Section 39(2)(a)—**

*omit* ‘registration’, *insert* ‘licence’.

**6. Section 56(1)(b)—**

*omit* ‘imprinted with the licensed contractor’s licence card’,  
*insert* ‘signed by the licensed contractor’.

**7. Section 58(1)(d)—**

*omit, insert—*

‘(d) if the major domestic building work is residential construction work—must be imprinted with the building contractor’s licence card.’.

**8. Section 58(2)(b)—**

*omit, insert—*

‘(b) if the major domestic building work is residential construction work—the Authority or an agent of the Authority.’.

**9. Section 66(1)—**

*omit* ‘domestic building contract’,

*insert* ‘contract to which this section applies’.

**10. Section 66(2)—**

*omit* ‘domestic building contract’,

*insert* ‘contract to which this section applies’.

**11. Section 66(2)—**

*omit* ‘domestic building contracts’, *insert* ‘contracts’.

**12. Section 66(4)—**

*omit* ‘domestic building contract or any provision of such a contract’,

*insert* ‘contract or any provision of a contract’.

**13. Section 66 (at the end)—**

*insert—*

‘(5) This section applies to a contract for the performance of building work of a class prescribed by regulation.’.

**14. Schedule, section 2 (at the end)—**

*insert—*

‘(5) An order in force under section 59 of the repealed Act immediately before the commencement of Part 6 is, on the commencement of that Part, taken to be a direction under that Part.

‘(6) The provisions of the repealed Act relating to building work carried out by owner-builders continue to apply, subject to any adaptations and modifications prescribed under this Act, to any such building work that had been carried out or started before the commencement of Part 3.

‘(7) A proceeding for an offence against the repealed Act may, subject to

the limitation of time prescribed by section 58 of the repealed Act, be brought by a person authorised by the Authority, either generally or in the particular case, to bring the proceeding.

‘(8) A person who was, immediately before the commencement of Part 3, carrying on the business of a class of building work for which a licence is required under this Act, but for which registration was not required under the repealed Act, is taken to be licensed to carry out and supervise that class of building work—

- (a) until a day 6 months after the commencement of Part 3 or, if another day is fixed by regulation for the purposes of this section in relation to the relevant class of building work, that other day; or
- (b) until the day the person is granted or refused a licence under this Act;

whichever is earlier.

‘(9) If a person is taken to be licensed to carry out and supervise building work under subsection (8), a provision of this Act requiring—

- (a) a contract to be imprinted with the licensee’s licence card; or
- (b) display of the contractor’s licence number;

need not be complied with.

‘(10) A regulation may be made with respect to any matter for which—

- (a) it is necessary or convenient to facilitate the transition from the operation of the repealed Act to the operation of this Act; and
- (b) this Schedule does not make provision or sufficient provision.’.

### **Commencement**

Amendments 3 to 14 commence on the day the provisions they respectively amend commence.

### **Explanatory note**

*Consistency with the Financial Administration and Audit Act 1977*

Amendments 1 and 2 are included at the recommendation of the Auditor-General to ensure consistency with the *Financial Administration and Audit Act 1977*.

*Licences can be issued throughout the year*

Amendment 4 will allow the Authority to issue licences for varying periods to spread renewals throughout the year.

*Section not to apply to significant unit developments*

Amendment 13 is necessary as the section would otherwise place impossible obligations on the builders of high rise unit developments to define stages of construction at which progress payments are due.

*Transitional provisions*

Amendment 14 includes additional transitional provisions and allows persons who carried on building work of a kind that did not require those persons to be registered under the repealed Act to continue to carry on that class of work for a limited period. It also allows regulations to be made to deal with unforeseen circumstances.

*Statute law revision*

Amendments 3 and 5 to 12 make minor drafting improvements.

## QUEENSLAND PERFORMING ARTS TRUST ACT 1977

### Amendments

#### 1. Section 2—

*omit.*

#### 2. Section 3 (definitions “by-laws”, “financial year” and “Minister”)—

*omit.*

#### 3. Section 3—

*insert—*

‘ “**complex**” means part of the Queensland Cultural Centre that is occupied and operated by the Trust, and includes an area designated in a lease agreement;’.

**4. Section 63 (second sentence)—**

*omit, insert—*

‘(2) A regulation may impose a maximum penalty of not more than 4 penalty units for a contravention of the regulation.’.

**5. After section 64(1)(d)—**

*insert—*

‘(da)the regulation and control of access to the complex and the conduct of persons, and the presence and use of vehicles, in the complex;’.

**6. Section 64(2) and (3)—**

*omit, insert—*

‘(2) Without limiting subsection (1), by-laws may be made under that subsection with respect to—

- (a) the removal of vehicles—
  - (i) that are parked or left standing in the complex in ways that obstruct, interfere with or cause danger to other vehicles on, or users of, the complex; or
  - (ii) that appear to be abandoned in the complex; or
  - (iii) that are parked in contravention of parking signs; or
  - (iv) that are parked in contravention of directions given by persons authorised by the Trust to regulate parking in the complex; and
- (b) the storage of removed vehicles (whether on or off the complex); and
- (c) the fixing and payment of removal and storage fees for removed vehicles.

‘(3) A by-law may impose a maximum penalty of not more than 4 penalty units for a contravention of a by-law.

‘(4) The Trust must submit a by-law made under subsection (1) for

consideration by the Governor in Council.

‘(5) The Governor in Council may—

- (a) approve the by-law as submitted; or
- (b) disallow the by-law.’.

### **Explanatory note**

#### *Definition of “complex”*

Amendment 3 defines “complex” for the purposes of the Act.

#### *Expansion of by-law making power*

Amendments 5 and 6 empower the trust to make by-laws for the removal and storage of illegally parked vehicles. Amendment 6 also provides that by-laws under the Act must be approved or disallowed by the Governor in Council. The by-laws are subordinate legislation and subject to tabling and disallowance under the *Statutory Instruments Act 1992*.

#### *Statute law revision*

Amendments 1 and 2 omit obsolete and redundant provisions.

Amendment 4 renumbers and recasts provisions in accordance with current drafting practice.

## **STAMP ACT 1894**

### **Amendments**

#### **1. Section 22(7) and (8)—**

*omit, insert—*

‘(7) A stamp duty assessment may be notified—

- (a) by post; or
- (b) by delivery; or
- (c) by facsimile transmission; or
- (d) by endorsement of the assessment on, or attachment of the assessment to, the prescribed form.

‘(8) Subsection (7)(c) applies if—

- (a) a person requests notification in that way; and
- (b) the person nominates a facsimile number for the notification of stamp duty assessments either generally or in relation to a particular assessment.

‘**(9)** If a stamp duty assessment is notified by facsimile transmission, the Commissioner must record the day on which, and the number to which, notification of the assessment is transmitted.

‘**(10)** A stamp duty assessment notified by facsimile transmission is taken to be notified on the day recorded by the Commissioner, unless the contrary is proved.

‘**(11)** Subsection (7)(d) applies only to an instrument that is lodged for the purpose of stamp duty assessment.

‘**(12)** Notification of a stamp duty assessment under subsection (7)(d)—

- (a) is given on the day the person lodging the instrument has notice of the assessment; or
- (b) is taken to have been given on the day 7 days after the assessment was endorsed on or attached to the prescribed form;

whichever is earlier.

‘**(13)** Subsection (12)(b) does not apply if—

- (a) the prescribed form is not available for inspection at the office at which it was presented at any time during office hours for 30 days after the day mentioned in subsection (12)(b); or
- (b) the person who lodged the instrument requested notification of the stamp duty assessment in a way mentioned in subsection (7)(a), (b) or (c).

‘**(14)** In this section—

“**notified**” means—

- (a) in the case of an instrument that is lodged for the purpose of stamp duty assessment—notified to the person who lodged the instrument or a party to the instrument; or
- (b) in the case of an instrument that comes into the possession of the Commissioner other than by way of lodgment for the purpose of stamp duty assessment—notified to a party to the instrument;

**“prescribed form”** means the prescribed form of requisition for impressed duty stamps that accompanied the instrument when the instrument was lodged.’.

## 2. After section 22—

*insert—*

### **‘Rounding down amounts of duty etc.**

**‘22AA.** If an amount payable under this Act is not a multiple of 5 cents, the Commissioner may reduce the amount to the nearest amount that is a multiple of 5 cents.’.

## 3. After section 23D—

*insert—*

### **‘Notification to agent is notification to principal**

**‘23E.** For the purposes of this Act, notification of a stamp duty assessment to the agent of a person is taken to be notification to the person.’.

## **Explanatory note**

### *Assessments by facsimile transmission*

Amendment 1 allows the Commissioner to issue assessments by facsimile transmission in appropriate cases. It also recasts and renumbers the existing section 22(7) and (8) in accordance with current drafting practice.

### *Phasing out of 1 and 2 cent coins*

Amendment 2 deals with the phasing out of 1 and 2 cent coins by allowing the Commissioner to round amounts down to the nearest 5 cents.

### *Agent’s knowledge*

Amendment 3 removes any doubt about whether a person who instructs an agent to lodge an instrument for a stamp duty assessment has notice of the assessment when the person’s agent receives notice of the assessment.

## TOBACCO PRODUCTS (LICENSING) ACT 1988

### Amendments

#### 1. Section 3—

*omit.*

#### 2. Section 4(1) (definition “the Minister”)—

*omit.*

#### 3. After section 27—

*insert—*

#### ‘Rounding down amounts

‘27A. If an amount payable under this Act is not a multiple of 5 cents, the Commissioner may reduce the amount to the nearest amount that is a multiple of 5 cents.’.

### Explanatory note

*Phasing out of 1 and 2 cent coins*

Amendment 3 deals with the phasing out of 1 and 2 cent coins by allowing the Commissioner to round amounts down to the nearest 5 cents.

*Statute law revision*

Amendments 1 and 2 omits obsolete or redundant provisions.

## VALUATION OF LAND ACT 1944

### Amendments

#### 1. Section 5(1)—

*insert—*

‘“**land registration authority**” means the official responsible for keeping registers in relation to dealings in land;’.

**2. After section 31—**

*insert—*

**‘Use of combined form****‘31A.(1) If—**

- (a) a person acquires or disposes of land; and
- (b) a properly completed combined form is lodged with the land registration authority with the instrument of transfer of the land before the end of the time allowed under section 31(1);

the person is taken to have complied with the subsection.

**‘(2) In subsection (1)—**

**“combined form”** means a form that provides information required under—

- (a) section 31(1); and
- (b) the *Foreign Ownership of Land Register Act 1988*; and
- (c) the *Land Tax Act 1915*; and
- (d) the *Local Government Act 1936*; and
- (e) the *Stamp Act 1894*.’.

**Explanatory note***Combined form*

Amendment 2 recognises the use of the recently introduced combined form in advising departments of the change of ownership of land.

Amendment 1 is consequential on amendment 2.

**SCHEDULE 2****AMENDMENTS BY WAY OF STATUTE LAW  
REVISION**

section 2

**ABORIGINAL LAND ACT 1991****Amendments****1. Section 5.09(b) and (c)—***omit, insert—*

‘(b) is subject to interests created by instruments endorsed on the deed of grant held by those grantees and the interests relate to the land;’.

**2. Section 8.10(a)—***omit, insert—*

‘(a) becomes a patient within the meaning of the *Mental Health Act 1974*; or’.

**3. Section 8.12(3)(c)—***omit* ‘involved to the proceeding’, *insert* ‘involved in the proceeding’.**Explanatory note**

Amendment 1 corrects a minor error by combining section 5.09(b) and (c) of the Act.

Amendment 2 updates the citation of an Act and corrects a minor error by substituting ‘or’.

Amendment 3 corrects a minor grammatical error.

## AMBULANCE SERVICE ACT 1991

### Amendment

#### 1. Section 4.11—

*insert* (as a heading)—

**‘Effect of dissolution’.**

### Explanatory note

Amendment 1 inserts a heading to a section.

## ANTI-DISCRIMINATION ACT 1991

### Amendments

#### 1. Section 4 (definition “services”)—

*omit* ‘include’ (first occurring), *insert* ‘includes’.

#### 2. Section 112 (Example)—

*omit* ‘Mental Health Services Act 1974’, *insert* ‘Mental Health Act 1974’.

#### 3. Section 120—

*omit* ‘or environment’.

#### 4. Section 156(1)(c) (at the end)—

*omit* ‘and’, *insert* ‘or’.

**5. Section 182(2)—**

*omit, insert—*

‘(2) If a respondent, without reasonable excuse, does not comply with an order to attend a conference, the Tribunal may order the respondent to pay costs to the complainant.’.

**6. Section 182(3)—**

*omit ‘the’, insert ‘an’.*

**7. Section 218(d)—**

*omit ‘to’ (second occurring).*

**8. Section 222—**

*omit ‘this’, insert ‘the’.*

**9. Section 231—**

*omit ‘this’, insert ‘the’.*

**Explanatory note**

Amendment (1) corrects a minor grammatical error.

Amendment (2) updates the citation of an Act.

The remaining amendments correct minor errors.

## **CLASSIFICATION OF FILMS ACT 1991**

**Amendments****1. Section 66—**

*omit.*

**2. Schedule 1—**

*omit.*

**Explanatory note**

Amendments 1 and 2 omit obsolete provisions.

**CONTAMINATED LAND ACT 1991****Amendment****1. Section 4 (definition “Director”)—**

*omit, insert—*

“**Director**” means the chief executive of the department;’.

**2. Section 20(2)(c) (before “the local authority” (last occurring))—**

*insert ‘to’.*

**Commencement**

Amendment 1 commences on 1 July 1992.

**Explanatory note**

Amendment 2 corrects a minor grammatical error.

**DENTAL TECHNICIANS AND DENTAL  
PROSTHETISTS ACT 1991****Amendments****1. Section 19(1)—**

*omit ‘Medical Act and Other Acts (Administration) Act 1966’,*

*insert ‘Medical Acts and Other Acts (Administration) Act 1966’.*

**2. Schedule (heading ‘Medical and Other Acts (Administration) Act 1966’)—**

*omit, insert—*

**‘Medical Acts and Other Acts (Administration) Act 1966’.****Commencement**

Amendment 1 is taken to have commenced on 18 September 1991.

Amendment 2 is taken to have commenced on 3 April 1992.

**Explanatory note**

Amendments 1 and 2 correct the citation of an Act.

**HEALTH RIGHTS COMMISSION ACT 1991****Amendment****1. Section 123(1)—**

*omit ‘section 58(a) to (f)’, insert ‘section 58(1)(a) to (f)’.*

**Commencement**

Amendment 1 takes effect on the day the Act is proclaimed into force.

**Explanatory note**

Amendment 1 corrects a cross-reference.

**INTEGRATED RESORT DEVELOPMENT ACT 1987****Amendment****1. Section 60A(1)(b)(ii)—**

*omit ‘rights of members’, insert ‘rights of those members’.*

**Explanatory note**

Amendment 1 allays any doubt about which members the provision applies to.

## JAMES COOK UNIVERSITY OF NORTH QUEENSLAND ACT 1970

### Amendments

#### 1. Section 2—

*omit.*

#### 2. Section 3 (definition “Minister”)—

*omit.*

#### 3. Section 7(2)—

*omit—*

‘(2) The Council constituted under subsection (1) is to assume office on a day fixed by proclamation.’.

### Explanatory note

Amendments 1 and 2 omit obsolete and unnecessary provisions.

Amendment 3 recasts the subsection and provides, in accordance with accepted practice, that it is the Governor who makes a proclamation and not the Governor in Council.

## JUDICIAL REVIEW ACT 1991

### Amendments

#### 1. Section 33(3)(b)—

*omit ‘38’, insert ‘39’.*

#### 2. Schedule 2 (clause 9(d))—

*renumber as clause 9(c).*

**3. Schedule 4 (rule 13(1))—**

*omit* ‘section 10 or 42’, *insert* ‘Division 3 of Part 1 or section 48’.

**Explanatory note**

These amendments correct numbering errors.

**LAND ACT 1962****Amendments****1. Section 2—**

*omit.*

**2. Section 4(1) to (14)—**

*omit.*

**3. Section 4(15)(a), (b) and (c)—**

*renumber* as section 4(1), (2) and (3) respectively.

**4. Section 4(16)—**

*renumber* as section 4(4).

**5. Section 5 (definitions “Department”, “Division”, “Local Authority”, “Minister”, “Part”, “Public Curator” and “This Act”)—**

*omit.*

**6. Section 30(IF)—**

*renumber* as section 30(1F).

**7. Schedule—**

*omit.*

**Explanatory note**

Amendment 6 corrects a typographical error.

Amendments 1, 2 and 5 omit obsolete and redundant provisions.

Amendments 3 and 4 are consequential on amendment 2.

## **LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) ACT 1990**

**Amendments****1. Section 1.4(1) (definition “open to inspection”, paragraph (c))—**

*omit* ‘Director’, *insert* ‘chief executive’.

**2. Section 1.4(2)—**

*omit.*

**3. Section 3.5(4)(g)—**

*omit* ‘whereunder’, *insert* ‘under which’.

**4. Section 4.9(2)—**

*omit* ‘section (1)’, *insert* ‘subsection (1)’.

**5. Section 4.11(5)—**

*omit* ‘thereof’, *insert* ‘of a separate application’.

**6. Section 5.1(3)(k)—**

*omit* ‘thereon’, *insert* ‘road junctions and intersections’.

**7. Section 5.1(3)(o)—**

*omit* ‘undergrounding of’, *insert* ‘underground’.

**8. Section 5.3(7)—**

*omit* ‘thereon’, *insert* ‘on the plan’.

**9. Section 5.6(6)(b)—**

*omit* ‘therein’, *insert* ‘in the Trust Fund’.

**10. Section 5.8(3)(a)(ii)—**

*omit* ‘thereof’, *insert* ‘of the proposed allotment’.

**11. Section 5.8(3)(a)(ii)—**

*omit* ‘thereto’, *insert* ‘to the proposed allotment’.

**12. Section 5.8(3)(d)—**

*omit* ‘then’.

**13. Section 5.8(3)(d)—**

*omit* ‘thereafter’, *insert* ‘then’.

**14. Section 5.8(3)(d)—**

*omit* ‘thereof’ (wherever occurring), *insert* ‘of the agreement’.

**15. Section 5.8(3)(e)—**

*omit* ‘thereon’, *insert* ‘on the application’.

**16. Section 5.10(2)(b)—**

*omit* ‘thereto’, *insert* ‘to the lake’.

**17. Section 5.10(2)(e)(iii)—**

*omit* ‘thereon’, *insert* ‘on the land’.

**18. Section 5.10(2)(e)(iv)—**

*omit* ‘thereof’, *insert* ‘of the land’.

**19. Section 5.10(5)(a)(ii)—**

*omit* ‘thereof’, *insert* ‘of the common lake area’.

**20. Section 5.10(5)(a)(ii)—**

*omit* ‘therein’, *insert* ‘in the memorandum of association’.

**21. Section 5.10(5) (last sentence)—**

*omit* ‘therein’, *insert* ‘in the memorandum of association’.

**22. Section 5.10(7)(b)(i)—**

*omit* ‘thereof’, *insert* ‘of the lake’.

**23. Section 5.10(8)(a)—**

*omit* ‘thereto’, *insert* ‘to the common lake area’.

**24. Section 5.11(13)(b)—**

*omit* ‘hereto’, *insert* ‘to this section’.

**25. Section 6.3(1)(d)—**

*omit* ‘thereof’, *insert* ‘of the works’.

**26. Section 6.3(4)—**

*omit* ‘therein’, *insert* ‘in the Trust Fund’.

**27. Section 6.4(3)—**

*omit* ‘thereof’, *insert* ‘of the works’.

**28. Section 7.1(2)(c)—**

*omit* ‘Rules of the Court’, *insert* ‘rules of court’.

**29. Section 7.1(4)(a)—**

*omit* ‘thereof’, *insert* ‘of the appeal’.

**30. Section 7.1(4)(b)—**

*omit* ‘Rules of Court’, *insert* ‘rules of court’.

**31. Section 7.1(4)(c)—**

*omit* ‘thereto’, *insert* ‘to the appeal’.

**32. Section 7.1A(4)—**

*omit* ‘thereof’, *insert* ‘or part of the previous decision’.

**33. Section 7.2(1)—**

*omit* ‘thereon’, *insert* ‘on the matters’.

**34. Section 7.2(2)(a)—**

*omit* ‘within’ (last occurring), *insert* ‘with’.

**35. Section 7.2(2)(c)—**

*omit* ‘Rules of Court’, *insert* ‘rules of court’.

**36. Section 7.2(2)(c)—**

*omit* ‘Full Court of the Supreme Court’, *insert* ‘Court of Appeal’.

**37. Section 7.2(5)—**

*omit* ‘thereof’, *insert* ‘or part of the previous decision’.

**38. Section 7.4(3)—**

*omit* ‘Rules of Court’, *insert* ‘rules of court’.

**39. Section 7.5(5)—**

*omit* ‘Rules of Court’, *insert* ‘rules of court’.

**40. Section 7.5(5)—**

*omit* ‘thereon’, *insert* ‘of the proceeding’.

**41. Section 7.7(2)—**

*omit* ‘member of the Police Force’, *insert* ‘police officer’.

**42. Section 7.8(3)—**

*omit* ‘whereof’, *insert* ‘of which’.

**43.(1) Section 8.3A(2)—**

*omit* ‘Director of the Chemical Hazards and Emergency Management Unit’,

*insert* ‘the chief executive of the department that is responsible for the administration of Acts for the protection of the environment’.

**(2) Section 8.3A(3) and (4)—**

*omit* ‘Director of the Chemical Hazards and Emergency Management Unit’,

*insert* ‘that chief executive’.

**44. Section 8.5—**

*omit* ‘therein or omission therefrom’,

*insert* ‘in or omission from the document’.

**45. Section 8.10(8)(a)—**

*omit* ‘thereto’, *insert* ‘to the approval, consent or permission’.

**46. Section 8.10(10)(a)—**

*omit* ‘thereto’, *insert* ‘to the proposal’.

**47. Section 8.10(11)(b)—**

*omit* ‘thereof’, *insert* ‘of a planning scheme’.

**Commencement**

Amendment 43 commences on 1 July 1992.

**Explanatory note**

Amendment 8 corrects a reference.

The remaining amendments effect statute law revision by updating references to the Director to references to the chief executive and replacing outdated language.

**MENTAL HEALTH ACT 1974****Amendments****1. Sections 2, 3 and 4—**

*omit.*

**2. Section 5 (definitions “Minister”, “Minister for Justice”, “Schedule” and “stipendiary magistrate”)—**

*omit.*

**3. Section 29A(9)(b)—**

*omit* ‘Minister’s’, *insert* ‘Attorney-General’s’.

**4. Schedule 1—**

*omit*

**5. Schedule 2 (Part B)—**

*omit.*

**6. Schedules 3 and 4—**

*omit.*

**Explanatory note**

Amendments 1, 2, 4, 5 and 6 omit obsolete and unnecessary provisions.

Amendment 3 corrects a reference to the appropriate Minister.

## **NATIONAL RAIL CORPORATION (AGREEMENT) ACT 1991**

**Amendment****1. Section 3 (definition “Agreement”, after ‘which’)—**

*insert* ‘(apart from its Schedules)’.

**Explanatory note**

This amendment corrects the definition of “Agreement”. The text of the agreement set out in the Schedule to the Act does not include the lengthy Schedules to the Agreement.

## **QUEENSLAND HERITAGE ACT 1992**

**Amendments****1. Section 4 (definition “owner”, paragraph (a))—**

*omit* ‘Conservator of Forests’, *insert* ‘Primary Industries Corporation’.

**2. Section 43(1)(b)—**

*omit* ‘apprehend’, *insert* ‘believe’.

**Commencement**

Amendment 1 commences on the day that section 4 of the *Primary Industries Corporation Act 1992* commences.

**Explanatory note**

Amendment 1 updates a reference.

Amendment 2, in keeping with the Plain English style of the Act, replaces 1 word with another that is more user-friendly.

## QUEENSLAND UNIVERSITY OF TECHNOLOGY ACT 1988

**Amendments****1. Section 3—**

*omit.*

**2. Section 4 (definition “Minister”)—**

*omit.*

**3. Section 9—**

*omit* ‘Governor in Council by Proclamation published in the Gazette’,

*insert* ‘Governor by proclamation’.

**Explanatory note**

Amendments 1 and 2 omit obsolete and unnecessary provisions.

Amendment 3 provides, in accordance with accepted practice, that it is the Governor who makes a proclamation and not the Governor in Council.

## RACING AND BETTING ACT 1980

**Amendments****1. Sections 3 and 4—**

*omit.*

**2. Section 115O(15)—**

*omit* ‘subsection (13)’, *insert* ‘subsection (14)’.

**Explanatory note**

Amendment 1 omits obsolete or redundant provisions.

Amendment 2 corrects a cross-reference.

**REFERENDUMS ACT 1989****Amendment****1. Section 3.1(1)(c)(i)—**

*omit, insert—*

- ‘(i) the Commissioner receives an argument under paragraph (b)(iii) and an argument under paragraph (b)(iv) in relation to the referendum; and’.

**Explanatory note**

Amendment 1 corrects cross-references.

**STATE TRANSPORT ACT 1960****Amendment****1. Section 28 (heading)—**

*omit* ‘Commissioner’, *insert* ‘Director-General’.

**Explanatory note**

Amendment 1 updates a title.

## STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1991

### Amendment

#### 1. Schedule 2 (amendment of *Superannuation (State Public Sector) Amendment Act 1990*)—

*omit* ‘AMENDMENT’.

### Explanatory note

Amendment 1 corrects a mistake in the citation of the Act to be amended.

## STIPENDIARY MAGISTRATES ACT 1991

### Amendments

#### 1. Section 10(2) (second occurring), (3), (4) and (5)—

*renumber as* section 10(3), (4), (5) and (6) respectively.

#### 2. Section 10(3)—

*omit* ‘subsection (2)(d)’, *insert* ‘subsection (3)(d)’.

#### 3. Section 10(5)—

*omit* ‘subsection (2)’, *insert* ‘subsection (3)’.

#### 4. Section 15(4) (second occurring), (5), (6) and (7)—

*renumber as* section 15(5), (6), (7) and (8) respectively.

#### 5. Section 17(1)—

*omit* ‘section 15(4)’, *insert* ‘section 15(5)’.

**Explanatory note**

Amendments 1 and 4 correct numbering errors.

Amendments 2, 3 and 5 are consequential on amendments 1 and 4.

**TORRES STRAIT ISLANDER LAND ACT 1991****Amendments****1. Section 5.09(b) and (c)—**

*omit, insert—*

‘(b) is subject to interests created by instruments endorsed on the deed of grant held by those grantees and the interests relate to the land;’.

**2. Section 8.10(a)—**

*omit, insert—*

‘(a) becomes a patient within the meaning of the *Mental Health Act 1974*; or’.

**Explanatory note**

Amendment 1 corrects a minor error by combining section 5.09(b) and (c) of the Act.

Amendment 2 updates the citation of an Act and corrects a minor error by substituting ‘or’.

**TRAFFIC AMENDMENT REGULATION 1991 (No. 4)****Amendment****1. Section 14—**

*omit* ‘After regulation 108B’, *insert* ‘After regulation 108A’.

**Commencement**

Amendment 1 is taken to have commenced on 29 June 1991.

**Explanatory note**

Amendment 1 corrects an amending instruction about where to insert a new section of the regulation (dealing with automatic cancellation of driver's licences) to allay any doubt about the validity of the section.

**UNIVERSITY OF CENTRAL QUEENSLAND ACT 1989****Amendments****1. Section 4 (definition “Minister”)—**

*omit.*

**2. Section 9—**

*omit* ‘Governor in Council by Proclamation published in the Gazette’,  
*insert* ‘Governor by proclamation’.

**Explanatory note**

Amendment 1 omits an unnecessary definition.

Amendment 2 provides, in accordance with accepted practice, that it is the Governor who makes a proclamation and not the Governor in Council.

**UNIVERSITY OF SOUTHERN QUEENSLAND ACT  
1989****Amendments****1. Section 4 (definition “Minister”)—**

*omit.*

**2. Section 9—**

*omit* ‘Governor in Council by Proclamation published in the Gazette’,  
*insert* ‘Governor by proclamation’.

**Explanatory note**

Amendment 1 omits an unnecessary definition.

Amendment 2 provides, in accordance with accepted practice, that it is the Governor who makes a proclamation and not the Governor in Council.

## WINE INDUSTRY ACT 1974

**Amendments****1. Section 3 (definitions “Director-General” and “Minister”)—**

*omit.*

**2. Section 3—**

*insert—*

**“Director-General”** means the chief executive of the department;

**SCHEDULE 3****ACTS REPEALED**

section 3

**1. Roads (Contribution to Maintenance) Act 1957.****Explanatory note**

This Act is no longer of public utility. The Act was amended last year by the *Statute Law (Miscellaneous Provisions) Act 1991* to allow transfer of funds standing to the credit of the Roads Maintenance Account to the Consolidated Fund.

Section 20 of the *Acts Interpretation Act 1954* will preserve the operation of the repealed Act to allow recovery of any amounts that may be still outstanding under the repealed Act.

**2. State Government Insurance Office (Queensland) Act Amendment Act 1979.****Explanatory note**

This Act was inadvertently not repealed when the *State Government Insurance Office (Queensland) Act 1960* and its amending Acts were repealed by the *Suncorp Insurance And Finance Act 1985*.

## SCHEDULE 4

### DECLARATORY PROVISIONS

section 4

#### OATHS ACT 1867

1. A declaration made before the commencement of the amendments made by this Act to the *Oaths Act 1867* in a way that would have been lawful under that Act had it been made after the commencement of this clause is, from the commencement, taken to have been lawfully made.

#### **Explanatory note**

This provision validates statutory declarations made under the *Oaths Act 1867* before persons who were not previously permitted to take a statutory declaration.

### VARIOUS REPEALED ACTS

#### **Repealed Acts**

1. To allay any doubt, it is declared that an Act set out in column 1 of the following table was repealed by the corresponding Act set out in column 2 on the corresponding day set out in column 3.

**TABLE**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Censorship of Films Act Amendment Act 1971</i>	<i>Classification of Films Act 1991</i>	The day section 66 of the Classification of Films Act 1991 is proclaimed into force.
<i>Electoral Districts Act Amendment Act 1985</i>	<i>Electoral Districts Act 1991</i>	15 April 1991
<i>Wheat Delivery Quotas Act 1970</i>	<i>Grain Industry (Restructuring) Act 1991</i>	11 December 1991
<i>Wheat Industry Stabilization Act and Another Act Amendment Act 1974</i>	<i>Grain Industry (Restructuring) Act 1991</i>	11 December 1991
<i>Sugar Milling Rationalization (Far Northern Region) Act Amendment Act 1987</i>	<i>Sugar Milling Rationalisation Act 1991</i>	11 December 1991
<i>Sugar Milling Rationalization (Far Northern Region) Act Amendment Act 1989</i>	<i>Sugar Milling Rationalisation Act 1991</i>	11 December 1991

**Explanatory note**

This clause allays any doubt about the validity of the repeal of the Acts mentioned in column 1 of the table.