

Queensland



**JUSTICE LEGISLATION
(MISCELLANEOUS
PROVISIONS) ACT 1992**

Act No. 40 of 1992

Queensland



JUSTICE LEGISLATION (MISCELLANEOUS PROVISIONS) ACT 1992

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Queensland



**Justice Legislation (Miscellaneous Provisions)
Act 1992**

Act No. 40 of 1992

**An Act to amend certain Acts administered by the Minister for Justice
and Corrective Services and to repeal certain Acts**

[Assented to 14 August 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.

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Justice Legislation (Miscellaneous Provisions) Act 1992*.

Commencement

2.(1) The following provisions commence on a day to be fixed by proclamation—

- (a) sections 21, 50, 80(1), 91, 105, 106, 120, 124, 134 and 135;
- (b) Part 4;
- (c) amendments 10, 15 and 44 of the *Bills of Sale and Other Instruments Act 1955*;
- (d) all amendments of the *Hawkers Act 1984*;
- (e) amendments 4 to 7, 11 and 14 of the *Liens on Crops of Sugar Cane Act 1931*;
- (f) all amendments of the *Pawnbrokers Act 1984*;
- (g) all amendments of the *Second-hand Dealers and Collectors Act 1984*;
- (h) amendment 11 of the *Small Claims Tribunals Act 1973*;
- (i) amendments 7, 14 and 27 of the *Trustee Companies Act 1968*.

(2) Amendment 9 of the *Corrective Services (Administration) Act 1988* is taken to have commenced on 22 June 1992.

PART 2—AMENDMENT OF THE JUSTICES ACT 1886

Amendment of Justices Act 1886

3. The *Justices Act 1886* is amended as set out in this Part.

Replacement of s.1 (Short title and division of Act)

4. Section 1—

omit, insert—

‘Short title

‘1. This Act may be cited as the *Justices Act 1886*.’.

Omission of headings before ss.3 and 4

5. Headings before sections 3 and 4—

omit.

Amendment of s.4 (Meaning of terms)

6.(1) Section 4 (definitions “**District Court**”, “**Magistrates Court**”, “**Minister**”, “**Oath**”, “**Police officer**” and “**Stipendiary Magistrate**”)—

omit.

(2) Section 4—

insert—

‘**“private complaint”** means a complaint made by a person who is not—

- (a) a public officer; or
- (b) in making the complaint, acting in—
 - (i) the execution of a duty imposed on the person by law; or
 - (ii) the proper administration of an Act or Commonwealth Act;

‘**“public officer”** means—

- (a) an officer or employee of the public service of the State or the

Commonwealth; or

(b) an officer or employee of a statutory body that represents the Crown in right of the State or the Commonwealth; or

(c) an officer or employee of a local authority;
who is acting in an official capacity;’.

(3) Section 4 (definition “**Breach of duty**”)—

omit ‘upon complaint whereof’, *insert* ‘on complaint of which’.

(4) Section 4 (definition “**Clerk of the court**”)—

omit ‘, or deemed to have been appointed,’.

(5) Section 4 (definition “**Justices**” or “**justice**”)—

omit ‘constituted under and in accordance with this Act’.

Replacement of heading before s.19 (General provisions)

7. Heading before section 19—

omit, insert—

‘Division 1—General provisions’.

Replacement of heading before s.22 (Magistrates Courts)

8. Heading before section 22—

omit, insert—

‘Division 2—Magistrates Courts’.

Replacement of s.22 (Power to appoint Magistrates Courts Districts, etc.)

9. Section 22—

omit, insert—

‘Continuance of Magistrates Courts

‘22.(1) The Magistrates Courts, as formerly established as courts of record in Queensland, are continued in existence.

‘(2) Each Magistrates Court is to have a seal that is to be kept by the clerk of the court and is to be judicially noticed.

‘Jurisdiction of Magistrates Courts

‘22A. Magistrates Courts are to have the civil, criminal and other jurisdiction—

- (a) that Courts of Petty Sessions or justices sitting in Petty Sessions had before the commencement of the *Justices Act Amendment Act 1964*; and
- (b) that is conferred on them by this Act and other Acts.

‘Magistrates Court districts

‘22B.(1) The Governor in Council may make regulations with respect to—

- (a) the appointment of districts, and divisions of districts, for the purposes of Magistrates Courts; and
- (b) the names of districts and divisions; and
- (c) the appointment of places for holding Magistrates Courts within districts and divisions; and
- (d) the transfer of proceedings, matters, documents, records and accounts from one Magistrates Court to another.

‘(2) Two or more Magistrates Courts may be held at the same time at the same place.

‘(3) Provision made by a proclamation under section 22 (as in force immediately before the commencement of this section) continues to have effect, after the commencement, as if it had been made by a regulation.

‘(4) Provision made by an order in council under section 5 of the *Decentralisation of Magistrates Courts Act 1965* (as in force immediately before the commencement of this section) continues to have effect, after the commencement, as if it had been made by a regulation under this Act.

‘Appointment of clerks of the court

‘22C.(1) The Governor in Council may, by Gazette notice, appoint a person to be clerk of the court, or an assistant clerk of the court, at 1 or more places.

‘(2) A clerk of the court—

- (a) may discharge the functions of the office at each place for which the clerk is appointed; and
- (b) is the clerk of each Magistrates Court held at the place.’.

Insertion of new s.23

10. After section 22—

insert—

‘Vacancy in office of clerk of court etc.

‘23.(1) If, in relation to a place appointed for holding a Magistrates Court, a clerk of the court is not appointed or is absent, a Magistrate may discharge the duties of the clerk of the court.

‘(2) Anything done by or in relation to a Magistrate acting under subsection (1) is taken to have been done by the clerk of the court.

‘(3) If a Magistrate is discharging the duties of clerk of the court under subsection (1), the Magistrate may require a police officer to perform, or assist in performing, a specified part of the duties.

‘(4) Anything done by or in relation to a police officer acting under subsection (3) is taken to have been done by the clerk of the court.’.

Replacement of heading before s.24 (Powers of one justice)

11. Heading before section 24—

omit, insert—

‘Division 3—Powers of single justice’.**Replacement of heading before s.27 (Hearing and quorum)**

12. Heading before section 27—

omit, insert—

‘Division 4—Hearing and quorum’.**Amendment of s.28 (Majority to decide)**

13.(1) Section 28 (1st sentence)—

omit ‘Except as hereinafter provided, when’,

insert ‘When’.

(2) Section 28 (2nd and 3rd sentences)—

omit, insert—

‘(2) Despite subsection (1), on a complaint for an indictable offence, any 2 or more of the justices may commit the defendant for trial even though a majority of the justices are of the opinion that the defendant should be discharged.

‘(3) If the defendant is committed under subsection (2), a memorandum of the dissent of the majority of the justices is to be made on, or attached to, the depositions.’.

Replacement of heading before s.30 (Stipendiary Magistrates)

14. Heading before section 30—

omit, insert—

‘Division 5—Magistrates’.**Amendment of s.30 (Stipendiary Magistrates)**

15. Section 30(3)—

omit.

Omission of s.31 (Duties of clerks of petty sessions to be discharged by police magistrate)

16. Section 31—

omit.

Replacement of heading before s.32 (Extent of jurisdiction)

17. Heading before section 32—

omit, insert—

‘Division 6—Extent of jurisdiction’.

Replacement of s.34 (Duty of police officers)

18. Section 34—

omit, insert—

‘Police officers to obey warrants of justice etc.

‘34. Police officers must obey, and perform their duties in relation to, warrants, orders and directions of a justice.’.

Replacement of s.35 (Duty of police officers)

19. Section 35—

omit, insert—

‘Apprehended person may be taken before any justice

‘35.(1) A police officer or other person who apprehends a person (the “offender”) offending against law may take the offender before any justice.

‘(2) The justice may deal with the person according to law, even though the justice does not have jurisdiction for the place where the offender was apprehended.’.

Omission of s.36 (Duty of police officers)

20. Section 36—

omit.

Replacement of s.39 (Power of Court to order delivery of certain property)

21. Section 39—

omit, insert—

‘Power of court to order delivery of certain property

‘39.(1) If property—

- (a) has come into the custody or possession of the police—
 - (i) in connection with any charge or prosecution; or
 - (ii) otherwise in the course of their duty; or
- (b) has come into the possession of a Magistrates Court or clerk of the court, whether as an exhibit or otherwise, in connection with a summary proceeding under this Act;

the Magistrates Court may, on application by a police officer or the clerk of the court or by a claimant of the property—

- (c) make an order for the delivery of the property to the person who appears to be its owner; or
- (d) if the owner cannot be ascertained—make such order in relation to the property as the Court considers appropriate.

‘(2) Subject to subsection (3), the order does not prevent a person from recovering the property by action from the person to whom the property is delivered under the order.

‘(3) An action for the recovery of the property may only be brought within 6 months after the making of the order.

‘(4) A regulation may make provision with respect to disposal of property mentioned in subsection (1) if—

- (a) the owner has not been ascertained; and
- (b) an order of a court of competent jurisdiction has not been made for the disposal of the property.

‘(5) The regulation may authorise the sale of the property and the

application of the proceeds of sale.’.

Replacement of heading before s.40 (Interruption of proceedings)

22. Heading before section 40—

omit, insert—

‘Division 7—Interruption of proceedings’.

Amendment of s.40 (Penalty for insulting or interrupting justices)

23. Section 40(2)—

omit ‘fifty pounds’ (one hundred dollars), insert ‘2 penalty units’.

Replacement of heading before s.42 (Complaints)

24. Heading before section 42—

omit, insert—

‘Division 1—Complaints’.

Replacement of heading before s.48 (Variance and amendment)

25. Heading before section 48—

omit, insert—

‘Division 2—Amendment of complaints, summonses and warrants’.

Replacement of s.50 (Recording of amendment)

26. Section 50—

omit, insert—

‘Recording of amendment

‘50. If an order is made for the amendment of a complaint, summons or warrant, the Magistrates Court or justices must—

- (a) immediately enter particulars of the amendment on the complaint,

summons or warrant; and

- (b) give a copy of the order to the party against whom the order is made on request by the party.’.

Replacement of heading before s.51 (Complaints how made)

27. Heading before section 51—

omit, insert—

‘Division 3—How complaints are made’.

Replacement of heading before s.52 (Limitation)

28. Heading before section 52—

omit, insert—

‘Division 4—Limitation of proceedings’.

Replacement of heading before s.53 (Summons)

29. Heading before section 53—

omit, insert—

‘Division 5—Summonses’.

Omission of heading before s.56 (Service, endorsement, and proof of service)

30. Heading before section 56—

omit.

Amendment of s.56

31.(1) Section 56—

insert (as a section heading)—

‘Service of summonses’.

(2) Section 56(2)(b)—

omit ‘ “*The Main Roads Acts, 1920 to 1965*”’,

insert ‘*the Transport Infrastructure (Roads) Act 1991*’.

(3) Section 56(6) (2nd sentence)—

renumber as subsection (7).

(4) Section 56(6) (3rd sentence)—

omit, insert—

‘(8) The deposition made under subsection (7) is, on production to the Magistrates Court or justices—

- (a) evidence of the matters contained in the deposition; and
- (b) sufficient proof of the service of the document on the defendant.’.

Insertion of new s.56A

32. After section 56—

insert—

‘Right of entry to serve summons

‘56A.(1) Subject to subsection (3), a police officer or public officer, and a person acting in aid of the police officer or public officer, may enter, and remain for a reasonable time in or on, a place for the purpose of serving a summons.

‘(2) If the officer seeking to serve the summons is not a uniformed police officer, the officer must produce the officer’s identification to any person requesting proof of the officer’s authority to be in or on the place.

‘(3) If the place is premises, or the part of premises, used exclusively for residential purposes, a police officer or public officer, and a person acting in aid of the police officer or public officer, may enter the place only with the consent of the occupier.’.

Replacement of heading before s.57 (Warrants in the first instance)

33. Heading before section 57—

omit, insert—

‘Division 6—Warrants and arrest without warrant’.

Replacement of s.57 (Warrant and summons in what cases issued)

34. Section 57—

omit, insert—

‘Cases in which warrants may be issued

‘57. If a complaint is made before a justice—

- (a) that a person is suspected of having committed an indictable offence within the justice’s jurisdiction; or
- (b) that a person charged with committing an indictable offence elsewhere within the State is suspected of being within the justice’s jurisdiction; or
- (c) that a person charged with committing an indictable offence on the high seas, or elsewhere outside the State, of which notice may be taken by the courts of the State, is suspected of being within the justice’s jurisdiction;

the justice may issue a warrant—

- (d) to apprehend the person; and
- (e) have the person brought before justices to answer the complaint and to be further dealt with according to law.’.

Replacement of s.58 (Proviso)

35. Section 58—

omit, insert—

‘Summons may be issued instead of warrant

‘58.(1) A justice may issue a summons against a person for an indictable offence instead of issuing a warrant to apprehend the person for the offence.

‘(2) Despite the issue of the summons, a justice may issue a warrant for the apprehension of the person at any time before or after the time mentioned in the summons for the person’s appearance.’.

Omission of headings before ss.60, 62, 65 and 69

36. Headings before sections 60, 62, 65 and 69—

omit.

Replacement of heading before s.70 (Publicity)

37. Heading before section 70—

omit, insert—

‘Division 7—When courts open’.

Amendment of s.71B (Prohibition on taking photographs, producing pictures or other optical effects)

38. Section 71B—

omit ‘Penalty: \$400 or imprisonment for one month’ (wherever occurring),

insert ‘Maximum penalty—7 penalty units, imprisonment for 1 month or both.’.

Replacement of heading before s.72 (Counsel and solicitor)

39. Heading before section 72—

omit, insert—

‘Division 8—Right to conduct own case or have counsel or solicitor’.

Replacement of heading before s.73 (Evidence)

40. Heading before section 73—

omit, insert—

‘Division 9—Evidence’.**Replacement of heading before s.78 (Witnesses in general)**

41. Heading before section 78—

omit, insert—

‘Division 10—Witnesses in general’.**Replacement of s.78 (Power of justice to summon witnesses to attend and give evidence)**

42. Section 78—

omit, insert—

‘Power to issue summons to witness

‘78.(1) If a justice is satisfied that a person within the justice’s jurisdiction is likely to be able to give material evidence as a witness at the hearing of a complaint, the justice may issue a summons to the person.

‘(2) The summons must require the person—

(a) to appear at a time and place specified in the summons; and

(b) to testify before the justices present about what the person knows concerning the complaint.

‘(3) The summons must be served, and a memorandum of service endorsed on the summons, in the same way, and within the same time, as a summons to a defendant.

‘(4) Proof of service of the summons may be given in the same way as a summons to a defendant.’.

Amendment of s.79 (After summons warrant)

43. Section 79 (1st sentence)—

omit ‘fifty pounds’ (one hundred dollars), *insert* ‘2 penalty units’.

Replacement of heading before s.84 (Remand and adjournment)

44. Heading before section 84—

omit, insert—

‘Division 11—Remand and adjournment’.

Replacement of heading before s.89 (Committal and recognizance)

45. Heading before section 89—

omit, insert—

‘Division 12—Committal and recognisance’.

Omission of heading before s.94 (Recognizances generally)

46. Heading before section 94—

omit.

Replacement of s.94 (Recognizances taken out of Court)

47. Section 94—

omit, insert—

‘Recognisances taken out of court

‘94.(1) If justices have fixed the amount in which the principal and any sureties are to be bound by a recognisance, the recognisance need not be entered into before the same justices, but may be entered into before—

- (a) another justice; or
- (b) a clerk of the court; or
- (c) an inspector of police or another police officer who is of a higher rank; or
- (d) another police officer who is in charge of a police station; or
- (e) if a party is in gaol—the keeper of the gaol.

‘(2) The recognisance has effect as if it had been entered into before the justices.

‘(3) If it is inconvenient for a surety to enter into the recognisance at the same time as the principal, the recognisance of the surety may be taken by any person authorised to take the recognisance of the principal and any other sureties, even though the person does not take the recognisance of the principal or other sureties.’.

Omission of heading before s.97 (Execution of warrants of commitment)

48. Heading before section 97—

omit.

Omission of heading before s.98 (Forms)

49. Heading before section 98—

omit.

Omission of section 98 (Forms)

50. Section 98—

omit.

Insertion of heading

51. Before section 98A—

insert—

‘Division 13—Records of court’.

Amendment of s.98C (Interpretation)

52. Section 98C(1)—

insert—

‘ “SETONS” is an acronym for the ‘self-enforcing ticketable offence notice system’;

“**SETONS clerk**” means the person appointed to the office of that name under the *Public Service Management and Employment Act 1988*;’.

Amendment of s.98D (Reminder notices)

53. Section 98D(2)(b)(iv)—
renumber as subsection (2)(c).

Amendment of ss.98E, 98F, 98G, 98H, 98I, 98L and 98M

54. Sections 98E(1), (4) and (5), 98F(1), 98G(1), 98H(3) and (4), 98I(1), 98L(2) and 98M(2)—
omit ‘clerk of the court’ (wherever occurring), *insert* ‘SETONS clerk’.

Amendment of s.98F (Enforcement orders)

55. Section 98F(2)—
omit, insert—
‘(2) On the making of the order—
(a) the order is taken to be an order of the prescribed court; and
(b) the prescribed court is taken to have jurisdiction to make the order.’.

Amendment of ss.98H and 98L

56. Sections 98H(1) and 98L(1)—
omit ‘clerk of the court who made the order’, *insert* ‘SETONS clerk’.

Amendment of s.98K (Fine option orders)

57.(1) Section 98K(b)—
omit ‘a Magistrates Court’,
insert ‘the court prescribed for the purpose of section 98F(2)’.
‘(2) After section 98K(b)—

insert—

‘(c) the SETONS clerk were the clerk of the court prescribed for the purposes of section 98F(2).’.

‘Omission of s.98N (Regulations)

58. Section 98N—

omit.

Replacement of heading before s.99 (Information presented)

59. Heading before section 99—

omit, insert—

‘Division 1—Procedure on presentation of information’.

Amendment of s.101

60. Section 101—

insert (as a section heading)—

‘Committal of person who has been apprehended’.

Replacement of heading before s.102A (Procedure for private complaint)

61. Heading before section 102A—

omit, insert—

‘Division 2—Procedure for private complaint’.

Amendment of s.102F (Publication prohibited)

62. Section 102F(1) (penalty at the end)—

omit, insert—

‘Maximum penalty—

- (a) in the case of an individual—4 penalty units, imprisonment for 6 months or both; or
- (b) in the case of a corporation—20 penalty units.’.

Omission of s.102H (Meaning of expression “private complaint”)

63. Section 102H—

omit.

Replacement of heading (Warrant—committal)

64. Heading before section 103—

omit, insert—

‘Division 3—Warrant of committal’.

Insertion of heading before s.103A

65. Before section 103A—

insert—

‘Division 4—Defendant’s appearance on private complaint’.

Amendment of s.103A (Defendant’s appearance upon private complaint)

66. Section 103A(4)—

omit.

Insertion of heading before s.104

67. Before section 104—

insert—

‘Division 5—Examination of witnesses’.**Amendment of s.111 (Depositions of persons dead, absent, etc.)**

68.(1) Section 111 (3rd sentence, paragraph (a), all words after ‘on his behalf’)—

omit.

(2) Section 111 (3rd sentence, paragraph (b))—

omit ‘clerk of petty sessions’, *insert* ‘clerk of the court’.

(3) Section 111 (1st proviso)—

omit ‘clerk of petty sessions’, *insert* ‘clerk of the court’.

(4) Section 111 (2nd proviso and 3rd proviso)—

omit.

Replacement of heading before s.113 (Defendant admitting guilt)

69. Heading before section 113—

omit, insert—

‘Division 6—Defendant admitting guilt’.**Replacement of heading before s.113A (Corporation charged with indictable offence)**

70. Heading before section 113A—

omit, insert—

‘Division 7—Corporation charged with indictable offence’.**Replacement of heading before s.121 (Transmission of undertaking as to bail)**

71. Heading before section 121—

omit, insert—

‘Division 8—Action on committal for trial’.**Omission of headings**

72. Headings before sections 123, 126 and 129—
omit.

Replacement of heading before s.132 (Remote places)

73. Heading before section 132—
omit, insert—

‘Division 9—Examination of witnesses in another court district’.

Replacement of heading before s.139 (Venue)

74. Heading before section 139—
omit, insert—

‘Division 1—Venue’.

Replacement of heading before s.141 (Complainant’s default)

75. Heading before section 141—
omit, insert—

‘Division 2—Default by complainant or defendant’.

Omission of heading before s.142 (Defendant’s default)

76. Heading before section 142—
omit.

Amendment of s.142 (Proceedings in absence of defendant)

77. Section 142(3)—
omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

Amendment of s.142A (Permissible procedure in absence of defendant in certain cases)

78.(1) Section 142A(3)—

omit.

(2) After section 142A(14)—

insert—

‘(15) In this section—

“public officer” does not include—

- (a) an officer of the public service of the Commonwealth; or
- (b) an officer or employee of a statutory body that represents the Crown in right of the Commonwealth.’

Replacement of heading before s.144 (Hearing)

79. Heading before section 144—

omit, insert—

‘Division 3—Hearing’.

Amendment of s.146A (Proceeding at hearing on defendant’s confession in absentia)

80.(1) Section 146A(1)—

omit, insert—

‘(1) This section applies if a summons has been issued requiring a person to appear before a Magistrates Court or justices to answer a complaint, other than a complaint of—

- (a) an offence that is also triable on indictment; or
- (b) an offence for which the defendant is liable to be sentenced to imprisonment for a term of more than 1 year; or

(c) an offence prescribed by regulation for the purposes of this paragraph; or

(d) an offence in relation to which another Act requires the court or justices to proceed in a way different from that provided by this section.’.

(2) Section 146A(2)—

omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

(3) Section 146A(6)—

omit.

Amendment of s.146B (Payment to clerk of petty sessions of money recoverable in a summary way)

81.(1) Section 146B—

omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

(2) Section 146B (1st sentence)—

omit ‘(whether passed before or after the passing of “*The Justices Acts Amendment Act of 1941*”)’.

(3) Section 146B (4th sentence, all words after ‘Rules’ and before proviso)—

omit.

Omission of heading before s.148 (Practice)

82. Heading before section 148—

omit.

Replacement of heading before s.149 (Dismissal)

83. Heading before section 149—

omit, insert—

‘Division 4—Dismissal’.

Replacement of heading before s.151 (Convictions and orders)

84. Heading before section 151—

omit, insert—

‘Division 5—Convictions and orders’.

Amendment of s.151 (Formal convictions and orders)

85. Section 151—

omit ‘clerk of petty sessions’, *insert* ‘clerk of the court’.

Omission of heading before s.153 (No certiorari)

86. Heading before section 153—

omit.

Replacement of heading before s.154 (Copies of depositions, etc.)

87. Heading before section 154—

omit, insert—

‘Division 6—Supply of copies of record’.

Replacement of heading after s.154 (Imprisonment)

88. Heading after section 154—

omit, insert—

‘Division 7—Imprisonment’.

Replacement of heading before s.157 (Costs)

89. Heading before section 157—

omit, insert—

‘Division 8—Costs’.

Amendment of s.158 (Costs on dismissal)

90. Section 158(2) (2nd sentence)—

omit.

Insertion of new s.158A

91. After section 158—

insert—

‘Exercise of discretion in relation to an award of costs

‘158A.(1) Despite section 158(1), justices who dismiss a complaint may make an order for costs in favour of a defendant against a complainant who is a police officer or public officer only if the justices are satisfied that it is proper that the order for costs should be made.

‘(2) In deciding whether it is proper to make the order for costs, the justices must take into account all relevant circumstances, including, for example—

- (a) whether the proceeding was brought and continued in good faith; and
- (b) whether there was a failure to take appropriate steps to investigate a matter coming to, or within, the knowledge of a person responsible for bringing or continuing the proceeding; and
- (c) whether the investigation into the offence was conducted in an appropriate way; and
- (d) whether the order of dismissal was made on technical grounds and not on a finding that there was insufficient evidence to convict or make an order against the defendant; and
- (e) whether the defendant brought suspicion on himself or herself by conduct engaged in after the events constituting the commission of the offence; and

- (f) whether the defendant unreasonably declined an opportunity before a charge was laid—
 - (i) to explain the defendant’s version of the events; or
 - (ii) to produce evidence likely to exonerate the defendant;
and the explanation or evidence could have avoided a prosecution;
and
- (g) whether the defendant conducted the defence in a way that prolonged the proceeding unreasonably; and
- (h) whether the defendant was acquitted on a charge, but convicted on another.

‘(3) If an order for costs under section 158 is made against a complainant who is a police officer or public officer (within the meaning of this subsection), the clerk of the court is to give to the defendant a certificate signed by the clerk showing the amount of costs awarded.

‘(4) Subject to subsection (5), the defendant is entitled to be paid by the State the amount shown in the certificate within 2 months after payment is claimed.

‘(5) If application for an order to review the order for costs is made under section 209—

- (a) payment of the amount shown in the certificate is stayed until the application is determined; and
- (b) payment is to be made of the amount (if any) ordered or confirmed by further order made on the application.

‘(6) In subsection (3)—

“**public officer**” does not include—

- (a) an officer or employee of the public service of the Commonwealth; or
- (b) an officer or employee of a statutory body that represents the Crown in right of the Commonwealth; or
- (c) an officer or employee of a local authority.’.

Replacement of heading before s.161 (Enforcement of decisions)

92. Heading before section 161—

omit, insert—

‘Division 9—Enforcement of decisions’.

Omission of heading before s.161A (Execution)

93. Heading before section 161A—

omit.

Amendment of s.164 (Payment by instalments of, or security taken for payment of, money)

94. Section 164—

omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

Omission of headings

95. Headings before sections 167 and 169—

omit.

Amendment of s.169 (To whom payments to be made)

96. Section 169—

omit ‘clerk of petty sessions’, *insert* ‘clerk of the court’.

Omission of headings

97. Headings after section 169 and before section 172—

omit.

Amendment of s.172 (Procedure on execution)

98.(1) Section 172—

omit ‘clerk of petty sessions’ (wherever occurring),
insert ‘clerk of the court’.

(2) Section 172(4)—

omit ‘five pounds’ (ten dollars), *insert* ‘1 penalty unit’.

(3) Section 172(5)—

omit ‘twenty pounds’ (forty dollars), *insert* ‘1 penalty unit’.

(4) Section 172(8) (heading)—

omit.

Omission of heading before s.173 (Imprisonment)

99. Heading before section 173—

omit.

Amendment of s.173 (Mitigation of punishment by justices)

100. Section 173 (3rd sentence)—

omit ‘twenty-five pounds’ (fifty dollars), *insert* ‘1 penalty unit’.

Omission of heading before s.175 (Duty of clerk of petty sessions and of keeper of gaol)

101. Heading before section 175—

omit.

Amendment of s.175 (Transfer of jurisdiction as to enforcement of fines, etc.)

102.(1) Section 175—

omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

(2) Section 175(1) and (2)—

omit ‘Courts of Petty Sessions’, *insert* ‘Magistrates Courts’.

Amendment of s.175A (Allocation of part payments)

103. Section 175A—

omit ‘clerk of petty sessions’, *insert* ‘clerk of the court’.

Omission of heading before s.177 (Remission)

104. Heading before section 177—

omit.

Amendment of s.179 (Meaning of terms)

105. Section 179 (definitions “**reciprocating court**” and “**reciprocating State or Territory**”)—

omit, insert—

“**reciprocating court**” means a court of a reciprocating State or Territory declared by regulation to be a reciprocating court;

“**reciprocating State or Territory**” means a State or Territory declared by regulation to a reciprocating State or Territory;’.

Amendment of s.180 (Proclamation of reciprocating States and Territories and reciprocating courts)

106.(1) Section 180(1)—

omit ‘by Proclamation’.

(2) Section 180(2)(a)—

omit ‘by Proclamation’.

Omission of heading (Part VIII—Surety of the peace and for good behaviour)

107. Heading to Part 8—

omit.

Amendment of s.212 (Return of order and terms on which it may be granted)

108. Section 212(2) (2nd sentence)—

omit, insert—

‘(3) Subsection (2) applies whether the order to review is returnable before the Court of Appeal or a Judge.

‘(4) In this section—

“**stay of proceedings**” includes suspension of an order of disqualification or otherwise affecting status.’.

Amendment of s.222 (Appeal to a single Judge)

109.(1) Section 222(2)—

omit ‘clerk of petty sessions’ (wherever occurring),

insert ‘clerk of the court’.

(2) Section 222(3)—

omit ‘a District Court or Court of Quarter Sessions’,

insert ‘or District Court’.

Amendment of s.227 (Judge may state case)

110.(1) Section 227—

omit ‘the Supreme Court sitting as the Full Court’,

insert ‘Court of Appeal’.

(2) Section 227—

omit ‘Full Court’ (last occurring), *insert* ‘Court of Appeal’.

Amendment of s.230 (Memorandum of Judge's determination)

111. Section 230—

omit 'clerk of petty sessions' (wherever occurring),

insert 'clerk of the court'.

Amendment of s.232 (Costs of appeal)

112. Section 232(2)—

omit 'a fee of two shillings and six pence' (twenty-five cents),

insert 'the prescribed fee'.

Omission of headings

113. Headings before sections 233 and 238—

omit.

Omission of headings

114. Heading to Part 10 and headings in that Part—

omit.

Replacement of heading to Part 11 (Part XI—Fees and rules of court)

115. Heading to Part 11—

omit, insert—

'PART 10—REGULATIONS AND RULES OF COURT'.**Replacement of s.266 (Governor in Council to prescribe fees, etc.)**

116. Section 266—

omit, insert—

‘Regulations

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

‘(2) A regulation may make provision with respect to—

- (a) prescribing or approving forms for the purposes of this Act, the method of verifying any information required by or in forms and the completion or preparation of forms in accordance with the directions contained in forms; and
- (b) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay fees, costs and charges, when fees, costs and charges are payable, and the recovery of any unpaid amount of fees, costs and charges; and
- (c) prescribing offences for contraventions of a regulation, and fixing a maximum penalty of a fine of 2 penalty units for such a contravention.

‘(3) The power conferred by this section to make a regulation providing for the imposition of fees may be exercised by providing for all or any of the following matters—

- (a) specific fees;
- (b) maximum or minimum fees;
- (c) scales of fees;
- (d) the reduction, waiver or refund of fees.’.

Amendment of s.267 (Rules of Court)

117. Section 267 (3rd, 4th and 5th sentences)—

omit, insert—

‘Rules of Court are subordinate legislation.’.

Insertion of new Part 11

118. After Part 10—

insert—

‘PART 11—SAVINGS AND TRANSITIONAL

‘Savings and transitional

‘268.(1) A reference in any Act or document to—

- (a) a Police Magistrate; or
- (b) justices in petty sessions or a Court of Petty Sessions; or
- (c) a place for holding Courts of Petty Sessions; or
- (d) a clerk of Petty Sessions;

is taken to be a reference to—

- (e) a Magistrate; or
- (f) a Magistrates Court; or
- (g) a place for holding Magistrates Courts; or
- (h) a clerk of the court;

respectively.

‘(2) If, by or under any Act, any jurisdiction, function or power is conferred on a Police Magistrate, the jurisdiction, function or power is taken to have been conferred on a Magistrate.’.

Omission of headings

119. Headings to Schedules 1 and 2—

omit.

Omission of Schedules 3, 4 and 5

120. Schedules 3, 4 and 5—

omit.

PART 3—AMENDMENT OF THE LAND SALES ACT 1984

Amendment of Land Sales Act 1984

121. The *Land Sales Act 1984* is amended as set out in this Part.

Omission of s.4 (Amendment and citations)

122. Section 4—

omit.

Amendment of s.6 (Interpretation)

123.(1) Section 6(1) (definitions “**Local Authority**” and “**Registrar**”)—

omit.

(2) Section 6(1)—

insert—

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

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

(3) Section 6(1) (definitions “**registrable instrument of transfer**” and “**relevant freehold land**”)—

omit ‘in the office of the Registrar of Titles’ (wherever occurring),

insert ‘by the land registration authority’.

(4) Section 6(1) (definition “**relevant leasehold land**”)—

omit ‘in the Department of Mapping and Surveying’,

insert ‘by the land registration authority’.

Insertion of new s.7A

124. After section 7—

insert—

‘Part not to apply to large transactions

‘7A.(1) This Part does not apply to a large transaction.

‘(2) In subsection (1)—

“large transaction” means a transaction—

- (a) for the sale of relevant land comprising 6 or more subdivisinal portions, or proposed subdivisinal portions, to a single person; or
- (b) for the purchase of relevant land comprising 6 or more subdivisinal portions, or proposed subdivisinal portions, by a single person.’.

Amendment of s.8 (Restriction on selling and purchasing)

125. Section 8(1A)—

omit.

Amendment of s.10 (Delivery of registered plan)

126.(1) Section 10(1)(a)—

omit ‘in the office of the Registrar of Titles’,

insert ‘by the land registration authority’.

(2) Section 10(1)(b)—

omit ‘in the office of the Department of Mapping and Surveying’,

insert ‘by the land registration authority’.

Amendment of s.18 (Declaration of non-application of Part in respect of certain relevant leasehold land)

127.(1) Section 18(1)—

omit ‘The Governor in Council may by instrument published in the Gazette’,

insert ‘A regulation may’.

(2) After section 18(2)—

insert—

‘(3) A declaration made under subsection (1) before the commencement of this subsection continues to have effect, after the commencement, as if it had been made by a regulation.’.

Amendment of s.19 (Exemption from Part)

128.(1) Section 19(2)—

omit, insert—

‘(2) Subject to subsection (2B), the registrar must, within 15 days of receipt of the application—

- (a) grant the application by instrument of exemption; or
- (b) refuse it by written notice to the applicant.

‘(2A) If the registrar grants the application—

- (a) the registrar may grant it subject to any condition specified in the instrument; and
- (b) the registrar must specify in the instrument the provisions of this Part in relation to which the exemption is granted.

‘(2B) If the application is defective in a way that hampers the registrar’s consideration of the application, the registrar may seek further information from the applicant to cure the defect.’.

(2) Section 19(3)—

omit ‘Minister’, *insert* ‘registrar’.

(3) Section 19(3) (2nd sentence)—

renumber as subsection (3A).

Amendment of s.20 (Application of Part to sale or purchase of proposed lots)

129. Section 20(2)—

omit ‘Companies (Queensland) Code’, insert ‘Corporations Law’.

Replacement of s.32 (Offence provision)

130.(1) Section 32—

omit, insert—

‘Offences against Act

‘32.(1) A person who contravenes section 8(1), 11(1) or (3), 12, 23(1), 23(3) or 24 commits an offence.

Maximum penalty—

- (a) in the case of an individual—100 penalty units, imprisonment for 6 months or both; or
- (b) in the case of a corporation—500 penalty units.

‘(2) A person who contravenes section 9, 10 or 21 commits an offence.

Maximum penalty—

- (a) in the case of an individual—10 penalty units; or
- (b) in the case of a corporation —50 penalty units.

‘(3) Any liability imposed by this section is in addition to any other liability or remedy provided by law.

‘(4) Without limiting subsection (3), the institution of proceedings for an offence against this Act is not a condition precedent to any right to enforce any other liability or remedy provided by law.’.

Replacement of s.35 (Regulations)

131. Section 35—

omit, insert—

‘Delegations

‘35. The chief executive may delegate the chief executive’s powers under this Act to an officer or employee of the department.

‘Regulations

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

‘(2) A regulation may make provision with respect to—

- (a) prescribing or approving forms for the purposes of this Act, the method of verifying any information required by or in forms and the completion or preparation of forms in accordance with the directions contained in forms; and
- (b) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay fees, costs and charges, when fees, costs and charges are payable, and the recovery of any unpaid amount of fees, costs and charges; and
- (c) prescribing offences for contraventions of a regulation, and fixing a maximum penalty of a fine of 20 penalty units for such a contravention.’.

Omission of Schedule (Amendments of Auctioneers and Agents Act 1971-1981)

132. Schedule—

omit.

PART 3A—AMENDMENT OF MOBILE HOMES ACT 1989

Amendment of Mobile Homes Act 1989

133. The *Mobile Homes Act 1989* is amended as set out in this Part.

Amendment of s.3 (Interpretation)

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

omit.

‘(2) Section 3(1)—

insert—

‘ “**mobile home**” means a structure (other than a caravan) prescribed by regulation;’.

Amendment of s.8 (Strictures on conduct of site)

135. Section 8(4)—

omit, insert—

‘(4) If an owner of a site is entitled to charge a fee for a service rendered in relation to the sale or attempted sale of a mobile home by an occupier, the amount of the fee demanded or accepted by the owner must not be more than the prescribed amount.’.

Amendment of Schedule 1

136. Schedule 1, Part 1, clause 6(2)—

omit, insert—

‘(2) The owner of the site must not unreasonably refuse consent to the sale and assignment.’.

PART 4—AMENDMENT OF MOTOR VEHICLES SECURITIES ACT 1986

Amendment of Motor Vehicles Securities Act 1986

137. The *Motor Vehicles Securities Act 1986* is amended as set out in this Part.

Omission of ss.3 and 4

138. Sections 3 and 4—

omit.

Amendment of s.5 (Interpretation)

139.(1) Section 5(1) (definitions “**Minister**”, “**motor vehicle**” and “**Registrar**”)—

omit.

(2) Section 5(1)—

insert—

“**motor vehicle**” has the meaning given by the regulations;

“**registered security interest**” means a security interest that is included in the register under this Act;

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

(3) Section 5(2) and (3)—

omit.

Replacement of s.6 (Register)

140. Section 6—

omit, insert—

‘Register

‘6.(1) A register of security interests must be kept by the registrar.

‘(2) The register must include the following particulars in relation to each security interest that is included in the register—

- (a) the name of the person holding the interest;
- (b) the registration number given to the interest;
- (c) the day the interest is registered;
- (d) details of the motor vehicle the subject of the interest.’.

Omission of s.6A (Approval of standard forms of instruments)

141. Section 6A—

omit.

Replacement of s.7 (Registration of instruments)

142. Section 7—

omit, insert—

‘Application for registration of security interest

‘7.(1) An application for the registration of a security interest must be—

- (a) made in the prescribed way; and
- (b) supported by any prescribed information; and
- (c) accompanied by the prescribed fee.

‘(2) The registrar is not required to inquire into the validity of information given in support of the application.

‘Registration of security interest

‘7AA.(1) If the registrar is satisfied that an application under section 7 is properly made, the registrar must register the security interest by entering in the register the particulars mentioned in section 6(2).

‘(2) Applications for registration of security interests must be registered

in the order of time of lodgment with the registrar.’.

Replacement of ss.8 to 11

143. Sections 8 to 11—

omit, insert—

‘Application for assignment of a registered security interest

‘8.(1) An assignment of a registered security interest may be registered, but is not required to be registered.

‘(2) An application for the assignment of a registered security interest must be—

- (a) made in the prescribed way; and
- (b) supported by any prescribed information; and
- (c) accompanied by the prescribed fee.

‘(3) The registrar is not required to inquire into the validity of information given in support of the application.

‘Registration of assignment of a registered security interest

‘9.(1) If the registrar is satisfied that an application made under section 8 is properly made, the registrar must register the assignment by entering in the register particulars of the parties to the assignment.

‘(2) Applications for registration of assignments of security interests must be registered in the order of time of lodgment with the registrar.

‘Registration becomes effective on next business day

‘10. The registration of—

- (a) a security interest; or
- (b) an assignment of a registered security interest; or
- (c) a memorandum of satisfaction; or
- (d) another prescribed document;

does not take effect until the beginning of the next business day after particulars of the registration are entered in the register.

‘Effect of failure to register a security interest

‘**11.** Subject to section 12, an unregistered security interest in relation to a motor vehicle does not have effect against a person who is not a party to the instrument creating the interest.’.

Replacement of s.12 (Priority of instruments)

144. Section 12—

omit, insert—

‘Priority of security interests

‘**12.(1)** The holder of a security interest (the “**relevant interest**”) in a motor vehicle is entitled to priority for any title, or right to possession, conferred by the interest as against—

- (a) the holder of a subsequent security interest if at the time the subsequent security interest was created the holder of the interest had notice of the relevant interest; and
- (b) subject to paragraph (a), the holder of another security interest if—
 - (i) the relevant interest and the other interest are both registered; and
 - (ii) the application to register the relevant interest was lodged before the application to register the other interest.

‘**(2)** Subsection (1) does not apply to a security interest that is a registrable charge to which Part 3.5 of the Corporations Law applies.’.

Amendment of s.13 (Notice of security interest)

145. Section 13(b)—

omit, insert—

- ‘(b) the security interest is included in the register;’.

Replacement of ss.14 and 15

146. Sections 14 and 15—

omit, insert—

‘Application for discharge of registered security interest

‘14.(1) An application for the discharge of a registered security interest must be—

- (a) made in the prescribed way; and
- (b) supported by any prescribed information and prescribed document; and
- (c) accompanied by any prescribed fee (if any).

‘(2) Application may be made for a full or partial discharge of the interest.

‘(3) The registrar is not required to inquire into the validity of information or documents given in support of the application.

‘(4) In this section—

“partial discharge” means—

- (a) a discharge of an obligor under a registered security interest in relation to the obligor’s performance of a specified part of the obligor’s obligation under the security interest; or
- (b) if a registered security interest relates to more than 1 vehicle—a release of the security interest in relation to any of the vehicles.

‘Registration of discharge of registered security interest

‘15. If the registrar is satisfied that an application made under section 14 is properly made, the registrar must register the discharge by—

- (a) entering any prescribed particular in the register; and
- (b) doing anything else that may be prescribed.’.

Omission of s.16 (Registration fees)

147. Section 16—

omit.

Replacement of s.17 (Onus to cancel registration of instrument upon discharge)

148. Section 17—

omit, insert—

‘Onus to cancel registration on discharge

‘17. A person who is the holder of a registered security interest at the time the interest is fully discharged must, within 14 days after the discharge happens—

- (a) lodge an application under section 14 for the full discharge of the interest; and
- (b) do anything else that may be necessary to effect the registration of the discharge.’.

Replacement of ss.19, 20 and 21

149. Sections 19, 20 and 21—

omit, insert—

‘Correction of errors

‘19. If the registrar is satisfied that an error, omission or failure to comply with this Act has happened in relation to—

- (a) a registered security interest; or
- (b) the register;

the registrar must do everything necessary to correct the error, omission or failure.

‘Registrar may cancel registration

‘20.(1) If it appears to the registrar that a registered security interest has been discharged or extinguished, the registrar may, by written notice given to the person shown in the register as the holder of the interest, require that person to show cause within 14 days after the giving of the notice why the registration of the interest should not be cancelled.

‘(2) If the person fails to show cause to the registrar’s satisfaction, the registrar may cancel the registration of the interest and note the day of cancellation in the register.

‘False or misleading information

‘21.(1) A person must not, for the purposes of this Act—

- (a) make a statement to an officer or employee of the department that the person knows is false or misleading in a material particular; or
- (b) omit from a statement to an officer or employee of the department anything without which the statement is, to the person’s knowledge, false or misleading in a material particular.

Maximum penalty—100 penalty units, imprisonment for 1 year or both.

‘(2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states that the information given was false or misleading to the person’s knowledge.

‘False or misleading documents

‘21A. A person must not, for the purposes of this Act, give to an officer or employee of the department a document containing information that the person knows is false, misleading or incomplete in a material particular without—

- (a) indicating to the officer or employee that the document is false, misleading or incomplete in a material particular and the respect in which the document is false, misleading or incomplete in a material particular; and

- (b) giving the correct information to the officer or employee if the person has, or can reasonably obtain, the correct information.

Maximum penalty—100 penalty units, imprisonment for 1 year or both.’.

Replacement of ss.22 and 23

150. Sections 22 and 23—

omit, insert—

‘Certificate of entry in register

‘22.(1) A person may, by inquiry, require the registrar to state whether a security interest in relation to a specified motor vehicle is included in the register.

‘(2) A person may—

- (a) on application made in the prescribed way; and
- (b) on payment of the prescribed fee;

request the registrar to issue a certificate in relation to a specified motor vehicle.

‘(3) The certificate must—

- (a) contain—
 - (i) if a security interest is included in the register—the particulars mentioned in section 6(2); or
 - (ii) if no security interest is included in the register—a statement to that effect; and
- (b) be dated the day it is issued.

‘Search of register

‘23.(1) A person may—

- (a) on application made in the prescribed way; and
- (b) on payment of the prescribed fee;

search for and inspect a document filed in the registrar’s office under this Act.

‘(2) The person may make extracts from the document or, on payment of the prescribed fee, require the registrar to make an office copy of the document, or part of the document, on the person’s behalf.’

Amendment of s.24 (Forged, etc. certificates)

151. Section 24 (at the end)—

insert—

‘Maximum penalty—100 penalty units, imprisonment for 1 year or both.’.

Amendment of s.25 (Purchaser from approved dealer not to be deemed to have notice of security interest in certain circumstances)

152. Section 25(1)(b)—

omit ‘an instrument evidencing’.

Amendment of s.27 (Purchases to which ss.25 and 26 do not apply)

153.(1) Section 27(1)(c)—

omit ‘Companies (Queensland) Code’, *insert* ‘Corporations Law’.

(2) Section 27(2)—

omit ‘Companies (Queensland) Code are related to each other would be determined under that Code’,

insert ‘Corporations Law are related to each other would be determined under that law’.

Amendment of s.28 (Compensation for loss etc. by holder of security interest)

154.(1) Section 28(1)—

omit—

‘that is evidenced by an instrument—

- (a) that had been lodged or is specified in a schedule of instruments that has been lodged with the Registrar for registration;’,

insert—

‘—

- (a) in relation to which an application for registration had been lodged with the registrar;’.

(2) Section 28(5)—

omit ‘Consolidated Revenue Fund’, *insert* ‘Consolidated Fund’.

Omission of s.29 (Compensation for loss during first 12 months of operation of section)

155. Section 29—

omit.

Amendment of s.30 (Compensation for loss, etc. by purchaser)

156.(1) Section 30(1)(b)—

omit ‘instrument that was registered’, *insert* ‘security interest’.

(2) Section 30(2)—

omit ‘, upon the recommendation of the Minister,’.

(3) Section 30(4)—

omit ‘Consolidated Revenue Fund’, *insert* ‘Consolidated Fund’.

Replacement of ss.31 and 32

157. Sections 31 and 32—

omit, insert—

‘Delegations

‘31. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.

‘Protection

‘32.(1) The registrar, or an officer or employee of the department, incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

‘(2) A liability that would, apart from this section, attach to the registrar, or an officer or employee, attaches instead to the State.’.

Omission of s.33 (General penalty for offence)

158. Section 33—

omit.

Amendment of s.36 (Fees and penalties)

159. Section 36—

omit ‘Consolidated Revenue Fund’, *insert* ‘Consolidated Fund’.

Replacement of ss.37 to 39

160. Sections 37 to 39—

omit, insert—

‘Evidentiary provisions

‘37. In any proceedings—

- (a) it is not necessary to prove the appointment of the registrar; and
- (b) a signature purporting to be that of the registrar is evidence of the signature it purports to be; and
- (c) a certificate purporting to be signed by the registrar stating that it is a copy or an extract of a document is evidence of the matter; and
- (d) a certificate purporting to be signed by the registrar stating that on a day or time mentioned in the certificate—
 - (i) a security interest was registered; or

- (ii) a document was filed or produced in the registrar's office; is evidence of the matter.

'Recognised States

'38.(1) If the Governor in Council is satisfied that—

- (a) another State or a Territory has enacted a law in relation to the registration of security interests; and
- (b) suitable arrangements may be made between Queensland and the other State or Territory for the recording and transfer of information in relation to the registrations;

the Governor in Council may, by regulation, declare that other State or Territory to be a recognised State.

'(2) If a security interest is registered under the law of a recognised State, sections 13 and 22 apply as if the security interest had been registered under this Act.

'Regulations

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

'(2) A regulation may make provision with respect to—

- (a) prescribing or approving forms for the purposes of this Act, the method of verifying any information required by or in forms and the completion or preparation of forms in accordance with the directions contained in forms; and
- (b) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay fees, costs and charges, when fees, costs and charges are payable, and the recovery of any unpaid amount of fees, costs and charges; and
- (c) prescribing offences for contraventions of a regulation, and fixing a maximum penalty of a fine of 20 penalty units for each contravention.

‘Savings provision

‘40. If, immediately before the commencement of this section—

- (a) an instrument evidencing a security interest; or
- (b) an assignment of an instrument evidencing a security interest;

is registered under this Act and the registration has taken effect, the instrument, or the assignment, is taken to be included in the register of security interests.’.

PART 5—SUPREME COURT ACT 1867**Amendment of Supreme Court Act 1867**

161. The *Supreme Court Act 1867* is amended as set out in this Part.

Amendment of s.39A (Masters)

162. Section 39A(1), (2) and (3)—

omit, insert—

‘(1) The Governor in Council may, by commission, appoint a person who is qualified to be appointed as a Supreme Court Judge as Master.

‘(2) If there are 2 or more Masters, the Governor in Council may, by commission, appoint a Master to be the Senior Master.’.

PART 6—MINOR AMENDMENTS AND REPEALS

Amended Acts

163. Each Act mentioned in Schedule 1 is amended as set out in the Schedule.

Repeal

164. The Acts mentioned in Schedule 2 are repealed.

SCHEDULE 1

MINOR AMENDMENTS

section 153

BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955

1. Section 2—

omit.

2. Sections 4 and 5—

omit, insert—

‘Liens on Crops of Sugar Cane Act not affected

‘5. This Act does not affect the *Liens on Crops of Sugar Cane Act 1931*.’.

3.(1) Section 6(1) (definitions “Office” and “Registrar”)—

omit.

(2) Section 6(1)—

insert—

‘ **“Central District”** means the area described as the Central District in Schedule 1 to the *Supreme Court Act 1895*;

“chief executive” means the chief executive of the department;

“Northern District” means the area described as the Northern District in Schedule 2 to the *Supreme Court Act 1895*;

“office of the registrar” means—

(a) in the case of the Central District—the office of the registrar of the

SCHEDULE 1 (continued)

Supreme Court at Rockhampton; and

- (b) in the case of the Northern District—the office of the registrar of the Supreme Court at Townsville; and
- (c) in the case of the Southern District—the office of the department at Brisbane;

“registrar” means the chief executive;

“Southern District” means the area of the State other than the Central District and the Northern District;’.

4. Section 7—

omit, insert—

‘Unregistered instruments

‘7. An unregistered instrument has no effect against a person other than the grantor and the grantee.

‘When a registered instrument takes effect

‘7A.(1) Subject to subsection (2), an instrument registered under this Act is taken to have been given on the day that it was executed and has effect from the time of its execution.

‘(2) A registered instrument has priority, for any title, or right to possession, to chattels conferred by the instrument, according to the time of its registration.

‘Registration does not cure invalidity

‘7B. Subject to section 16, registration of an instrument does not validate, give effect to, make operative or make enforceable the instrument, or any subsequent dealing with the instrument that is capable of registration under this Act, if the instrument is otherwise invalid, ineffective, inoperative or unenforceable as between the parties to the instrument.’.

SCHEDULE 1 (continued)

5. Section 9—

omit, insert—

‘Place of registration

‘9.(1) If the chattels comprised in or subject to an instrument are described in the instrument as being at a place—

- (a) in the Central District; or
- (b) in the Northern District; or
- (c) in the Southern District;

the instrument must be registered, and registration must be renewed, at the office of the registrar in the district in which the place is located.

‘(2) If the chattels comprised in or subject to an instrument are described in the instrument as being at places located in different districts, the instrument must be registered, and registration must be renewed, at the office of the registrar in each of the districts in which the chattels are described as located.

‘(3) If an instrument—

- (a) has been registered in 1 district; and
- (b) is required to be registered in another district;

a copy of the instrument, verified in a way determined by the registrar, may be filed in the other district as if it were the original instrument.

‘(4) If an instrument that is required under subsection (2) to be registered, or its registration renewed, in more than 1 district is not registered or renewed in each of the districts, the instrument is taken to be unregistered so far as it relates to chattels that are in the district in which the instrument has not been registered or its registration renewed.

‘(5) Dealings with a registered instrument that are capable of registration must be registered at the office of the registrar in each district in which the instrument is registered.

‘(6) If a dealing is not registered in a district in which the instrument is registered, the dealing is taken to be unregistered so far as it relates to chattels that are in the district in which the dealing has not been registered.’.

SCHEDULE 1 (continued)

6. Section 10—

insert (as a section heading)—

‘Registration’.

7. Section 10(1) (heading)—

omit.

8. Section 10(2) (headings ‘Mode of registration’ and ‘Second Schedule’)—

omit.

9. Section 10(2) (1st sentence)—

omit ‘office’, *insert* ‘office of the registrar’.

10. Section 10(2) (3rd sentence)—

omit ‘, in the form of the Second Schedule to this Act or a form to the like effect and authenticated by the signature of the Registrar and, in the case of a registration in an office of the Registrar, by the seal of the Registrar’.

11. Section 10(2) (3rd sentence)—

omit ‘office’(second occurring), *insert* ‘office of the registrar’.

12. Section 10(3)—

omit, insert—

‘(3) A register of registered instruments must be kept by the registrar at each office at the registrar.

‘(3A) The register must include the following particulars in relation to each registered instrument—

SCHEDULE 1 (continued)

- (a) the name of the grantor;
- (b) the registration number;
- (c) the class of instruments to which the instrument belongs;
- (d) any other particular prescribed by regulation to be entered in the register for that class of instruments.

‘**(3B)** The registrar must register an instrument by entering in the register the particulars mentioned in subsection (3A).’.

13. Section 10(4), (5) and (6) (headings)—

omit.

14. Section 12(4) (heading)—

omit.

15. Section 12(4)—

omit ‘in the form of the Third Schedule to this Act, or a form to the like effect’,

insert ‘in the form approved by the registrar’.

16. Section 12(5) (1st sentence)—

omit ‘, and authenticate such number and indorsement by his signature and, in the case of a registration in an office of the Registrar, by the seal of the Registrar.’.

17. Section 12(5) (2nd sentence)—

renumber as subsection (5A).

SCHEDULE 1 (continued)

18. Heading before section 13—

omit.

19. Section 13 (2nd sentence)—

omit ‘and authenticate such endorsement by his signature and, in the case of a registration in an office of the Registrar, by the seal of the Registrar,’.

20. Section 13 (1st, 2nd and 3rd sentences)—

renumber as subsections (1), (2) and (3) respectively.

21. Heading before section 14—

omit.

22. Section 14(4) (2nd sentence)—

omit ‘, and such certificate shall be authenticated by the signature of the Registrar and, in the case of a registration in an office of the Registrar, by the seal of the Registrar,’.

23. Section 14(4) (2nd, 3rd and 4th sentences)—

renumber as subsections (5), (6) and (7) respectively.

24. Heading before section 15—

omit.

25. Section 15(2)(a)—

omit ‘in whose office the instrument in question is registered’.

SCHEDULE 1 (continued)

26. Section 15(2)(a), (b) and (c)—

renumber as subsections (2), (2A) and (2B) respectively.

27. Heading before section 17—

omit.

28. Section 17(1) (1st sentence)—

omit ‘in every office’, *insert* ‘in the office of the registrar’.

29. Section 17(1) (2nd sentence)—

omit ‘in any office’, *insert* ‘in the office of the registrar’.

30. Section 17(3) (1st sentence)—

omit ‘in or at any office’, *insert* ‘at any office of the registrar’.

31. Section 17(1) and (3) (2nd sentences)—

renumber as subsections (1A) and (4) respectively.

32. Section 18—

omit, insert—

‘Disposal of instruments

‘**18.** If the registration of an instrument has lapsed and has not been renewed for a period of 2 years, the registrar may dispose of, or destroy, the instrument.’.

33. Section 19—

omit, insert—

SCHEDULE 1 (continued)

‘Contents of instruments

‘19.(1) An instrument must state—

- (a) the names of the grantor and grantee (or the name by which the grantor or grantee is usually known) and an address of the grantor and grantee; and
- (b) a general description of the chattels or types of chattels comprised in, or subject to, or intended to be comprised in, or subject to, the instrument; and
- (c) a description of the place (in a way that is sufficient to allow reasonable identification) where the chattels are situated, or intended to be situated, at the time the instrument is executed; and
- (d) the consideration for granting the instrument.

‘(2) If the instrument is a stock mortgage, a lien on crops or a lien on wool, the instrument must comply—

- (a) in the case of a stock mortgage—with the requirements of sections 26 and 28; or
- (b) in the case of a lien on crops—with the requirements of section 31; or
- (c) in the case of a lien on wool—with the requirements of section 34.

‘(3) This section does not limit section 21.

‘Further advances

‘19A.(1) Further advances may be made on the security of an instrument unless the instrument otherwise provides.

‘(2) This section does not limit section 21.’.

34. Section 21—

omit, insert—

SCHEDULE 1 (continued)

‘Effect of bill of sale on chattels acquired later

‘21.(1) Subject to subsections (2) and (3) and any other express provision of this Act, a bill of sale given as security is of no effect in relation to chattels that the grantor acquires, or becomes entitled to, after the execution of the bill.

‘(2) If a bill of sale given as security over chattels expressly provides that it is for a loan to be spent, wholly or partly, in the purchase of the chattels, the grantor is taken to have acquired the chattels at the time the bill is executed.

‘(3) Unless the bill of sale otherwise provides, the bill is to have effect in relation to chattels that the grantor acquires, or becomes entitled to, after the execution of the bill if the chattels—

- (a) are acquired in substitution for a chattel that at the time of execution of the bill was comprised in, or subject to, the bill; or
- (b) are brought onto the place—
 - (i) where the chattels described in the bill (the **“nominated chattels”**) are stated in the bill as being situated or intended to be situated; or
 - (ii) where the nominated chattels are, at any time after the execution of the bill, situated from time to time; or
- (c) are acquired for use or intended use in the business described in the bill wherever the business may at any time be carried on.’.

35. Heading before section 24—

omit, insert—

‘Division 1—Optional registration of assignments of book debts’.

36. Heading before section 25—

omit, insert—

SCHEDULE 1 (continued)

‘Division 2—Stock mortgages’.**37. Heading before section 31—***omit, insert—****‘Division 3—Liens on crops’.*****38. Heading before section 34—***omit, insert—****‘Division 4—Liens on wool’.*****39. Headings before and after section 37—***omit.***40. After section 37—***insert—***‘Delegations**

‘38. The registrar may delegate the registrar’s powers under this or another Act to an officer or employee of the department.’.

41. Heading before sections 39 and 45—*omit.***42. Heading before section 46—***omit.***43. Sections 46 and 47—***omit, insert—*

SCHEDULE 1 (continued)

‘Regulations

‘46(1). The Governor in Council may make regulations for the purposes of this Act.

‘(2) A regulation may make provision with respect to—

- (a) prescribing or approving forms for the purposes of this Act, the method of verifying any information required by or in forms and the completion or preparation of forms in accordance with the directions contained in forms; and
- (b) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay fees, costs and charges, when fees, costs and charges are payable, and the recovery of any unpaid amount of fees, costs and charges.’.

44. Schedules 1 to 3—

omit.

**CORRECTIVE SERVICES (ADMINISTRATION) ACT
1988****1. Section 4—**

omit.

2. Section 6 (definition “Minister”)—

omit.

SCHEDULE 1 (continued)

3. Section 11—

omit.

4. Section 12(1)—

omit.

5. Section 12(2)—

omit ‘other than in the first appointment of commissioners’.

6. Section 12(2)—

renumber as section 12(1).

7. Section 12(3)—

omit ‘Notwithstanding subsections (1) and (2)’,

insert ‘Despite subsection (1)’.

8. Section 12(3)—

renumber as section 12(2).

9. Section 19(3) and (4)—

omit, insert—

‘(3) The Commission may authorise a person or body of persons engaged under subsection (2)(f) to exercise the powers (other than the power of delegation) and perform the functions conferred—

(a) the Commission; or

(b) an officer or employee of the Commission;

under this or another Act.

SCHEDULE 1 (continued)

‘(4) An authorisation under subsection (3) may be given subject to any condition or limitation that is specified in the authorisation.’.

10. Section 21—

omit, insert—

‘Delegations

‘**21.** The Commission may delegate the Commission’s powers under this or another Act to—

- (a) a Commissioner; and
- (b) an officer or employee of the Commission; and
- (c) a person or body of persons engaged by the Commission under section 19(2)(f).’.

11. Section 22—

omit.

12. Section 43(4)—

omit.

13. Section 69(1), (2) and (4)—

omit.

14. Section 71(2)—

omit.

15. Schedule—

omit.

SCHEDULE 1 (continued)

CONTRACTORS' TRUST ACCOUNTS ACT 1974**1. Section 3 (definitions “Minister” and “Registrar”)—**

omit.

2. Section 3—

insert—

‘**“registrar”** means the chief executive of the department.’.

3. Section 11(2)—

omit ‘\$400’, insert ‘8 penalty units’.

4. Section 14(1)(a)—

omit ‘\$2 000’, insert ‘40 penalty units’.

5. Section 14(1)(a)—

omit ‘\$10 000’, insert ‘200 penalty units’.

6. Section 14(1)(b)—

omit ‘\$1 000’, insert ‘20 penalty units’.

7. Section 14(1)(b)—

omit ‘\$4 000’, insert ‘80 penalty units’.

8. Section 17—

omit, insert—

SCHEDULE 1 (continued)

‘Delegations

‘17. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.

‘Regulations

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

‘(2) A regulation may prescribe offences for contraventions of a regulation, and fix a maximum penalty of a fine of 5 penalty units for each contravention.’.

CREDIT ACT 1987**1. Section 7(1) (definitions “property” and “Registrar”)—**

omit.

2. Section 7(1)—

insert—

‘ “registrar” means the chief executive of the department;’.

3. Section 87A(3)—

omit.

4. Section 122(7) and (8)—

omit, insert—

‘(7) If a person (the **“offender”**) who is—

- (a) the printer, publisher or proprietor of a newspaper; or

SCHEDULE 1 (continued)

- (b) the licensee of—
 - (i) a commercial broadcasting station; or
 - (ii) a commercial television station; or
- (c) the exhibitor of a film; or
- (d) a person acting under the authority of a person mentioned in paragraph (a), (b) or (c);

contravenes this section because of the publication of a representation or statement in, or omission of a statement from, an advertisement, no contravention is taken to have happened unless—

- (e) the offender was warned by the registrar—
 - (i) in the case of a representation mentioned in subsection (1)(a)(i)—that publication of—
 - (A) the representation; or
 - (B) a representation substantially the same as the representation; or
 - (ii) in any other case—that publication, or omission, of the statement;

would be a contravention of this section; and
- (f) the offender, after the warning, published, caused to be published, or omitted to publish, the representation or statement in an advertisement.

(8) In this section—

“advertisement” includes a notice, sign, label, circular and matter that is not writing, but conveys a message because of the form or context in which it appears;

“commercial broadcasting station” means a broadcasting station that has been granted a commercial radio licence that is in force under the *Broadcasting Act 1942* of the Commonwealth (the **“Commonwealth Act”**);

“commercial television station” means a television station that has been

SCHEDULE 1 (continued)

granted a commercial television licence that is in force under the Commonwealth Act;

“licensee” has the meaning given by the Commonwealth Act;

“publishing of an advertisement” means publishing by any means, and includes publishing—

- (a) in a newspaper or periodical; and
- (b) by radio; and
- (c) by television; and
- (d) in a film.

5. After section 172(1)(d)—

insert—

‘(e) may appear, or intervene, in a proceeding before a court either personally or by counsel, solicitor or agent.’.

6. After section 172—

insert—

‘Delegations

‘172A. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

7. Section 178(2) and (3)—

omit.

8. Schedule 8 (Acts repealed by section 178)—

omit.

SCHEDULE 1 (continued)

9. Schedule 9, clause 9(a)—*omit, insert—*

‘(a) the provision of credit—

- (i) by a school within the meaning of the *Employment, Education and Training Act 1988* of the Commonwealth (the “**Commonwealth Act**”); or
- (ii) by a tertiary institution within the meaning of the Commonwealth Act;

for the purposes of payment of fees or other expenses relating to the supply of educational services by the school or institution; or’.

DECENTRALIZATION OF MAGISTRATES COURTS ACT 1965

1. Sections 1, 2 and 3—*omit, insert—***‘Short title**

‘1. This Act may be cited as the *Decentralisation of Magistrates Courts Act 1965*.

‘Justices Act has effect subject to this Act

‘2. The *Justices Act 1886* has effect subject to this Act.’.

2. Section 4 (definitions ‘District’, ‘Division’ and ‘Metropolitan District’)—*omit, insert—*

‘**“district”** means a district appointed under the *Justices Act 1886* for the

SCHEDULE 1 (continued)

purposes of Magistrates Courts;

“**division**” means a division, of a district, appointed under the *Justices Act 1886* for the purposes of Magistrates Courts;

“**metropolitan district**” means the district named or known as the metropolitan district;’.

3. Part 2—

omit.

4. Part 3—

renumber as Part 2.

5. Parts 4, 5 and 7—

omit, insert—

**‘PART 3—ADMINISTRATION OF MAGISTRATES
COURTS IN THE METROPOLITAN DISTRICT**

‘Chief clerk

‘11.(1) The Governor in Council may, by Gazette notice, appoint a chief clerk for the metropolitan district.

‘(2) The chief clerk is to be an officer of the public service.

‘Functions and powers of the chief clerk

‘12.(1) The chief clerk is the clerk of the court of each Magistrates Court held at a place within the metropolitan district.

‘(2) The chief clerk has such additional functions and powers as are prescribed.

SCHEDULE 1 (continued)

‘PART 4—MISCELLANEOUS**‘Regulations**

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

‘(2) A regulation may make provision with respect to—

- (a) matters of practice and procedure to expedite the hearing and determination of complaints within a district; and
- (b) prescribing the functions and powers of the chief clerk, clerks of the court and any officers of the court.

‘(3) Provision made by an order in council made under section 15 of this Act (as in force immediately before the commencement of this section) continues to have effect, after the commencement, as if it had been made by a regulation.’.

HAWKERS ACT 1984**1. Sections 3, 4 and 5—**

omit.

2. Section 6 (definitions “authorized officer”, “Commissioner”, “Local Authority”, “Minister” and “police officer”)—

omit.

3. Section 6—

insert—

‘ “authorised officer” means an officer or employee of the department

SCHEDULE 1 (continued)

who is an authorised officer;

“authorised police officer” means an authorised officer who is a police officer;

“chief executive” means the chief executive of the department;

“Commissioner” means the Commissioner of the Police Service.’

4. Section 8—

omit, insert—

‘Authorised officer

‘8.(1) Subject to subsection (2), the chief executive may appoint—

- (a) an officer or employee of the department; or
- (b) a police officer;

to be an authorised officer for the purposes of this Act.

‘(2) Before the chief executive appoints a police officer to be an authorised officer, the chief executive must obtain the consent of the Commissioner.

‘(3) The Commissioner may consent to an appointment either generally, in relation to a class of police officers or in a particular case.

‘(4) An appointment made under subsection (1) must be in, or evidenced by, writing.

‘Identity cards

8A.(1) The chief executive must issue an identity card to each authorised officer (other than a police officer).

‘(2) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved, in writing, by the chief executive.

‘(3) A person who ceases to be an authorised officer must, as soon as

SCHEDULE 1 (continued)

practicable, return his or her card to the chief executive.

‘Proof of authority

‘8B. An authorised officer (other than a police officer) must not exercise any power under this Act in relation to a person unless the authorised officer first produces his or her identity card for inspection by the person.’.

5. Section 9—

omit, insert—

‘Issue of licences

‘9. The chief executive may issue and renew licences under this Act.’.

6. Section 10(d)—

omit ‘in the opinion of an authorized officer’.

7. Section 11(1)—

omit, insert—

‘(1) An application for a licence must be made to the chief executive in the prescribed form.’.

8. Section 12 (all words before paragraph (a))—

omit, insert—

‘If an application is made for a licence, the chief executive may—’.

9. Section 12(c)—

omit.

SCHEDULE 1 (continued)

10. Section 12(d) and (e)—

renumber as paragraphs (c) and (d).

11. Section 12 (at the end)—

insert—

‘(2) For the purposes of subsection (1), the chief executive may obtain—

- (a) a report from the Commissioner in relation to the applicant and, if the applicant is a body corporate, in relation to an executive officer of the body corporate; and
- (b) if an applicant, or an executive officer of the body corporate that is an applicant, holds, or previously held, a licence or certificate of registration (or similar accreditation) in relation to the business of hawker in another State or a Territory—a report from the appropriate licensing authority in the State or Territory.’.

12. Section 13—

omit, insert—

‘Application to be determined by chief executive

‘**13.(1)** The chief executive may, after considering any information at the chief executive’s disposal—

- (a) approve an application for a licence either unconditionally or subject to conditions; or
- (b) reject the application.

‘(2) If the application is approved, the chief executive must issue a licence in the prescribed form.’.

13. Section 14—

omit, insert—

SCHEDULE 1 (continued)

‘Renewal of licences

‘14.(1) An application to renew a licence must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fee;

not more than 60, and not less than 14, days before the expiry of the licence.

‘(2) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

‘(3) If the application is approved, the chief executive must issue a licence in the prescribed form.

‘(4) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive does not approve or reject the application before the expiry of the licence;

the licence is taken to continue in force until the day the chief executive approves or rejects the application.

‘Conditions to be endorsed on licence

‘14A.(1) A licence or a renewed licence that is issued subject to conditions must be endorsed with the conditions.

‘(2) A condition or other matter may be endorsed on a licence or a renewed licence as a symbol the meaning of which is prescribed by regulation.’.

14. Section 15(2)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

SCHEDULE 1 (continued)

15. After section 15—

insert—

‘Restoration of licence

‘15A.(1) If an application to renew a licence is not made within the time provided under section 14(1), the person who held the licence may, within 3 months after the expiry of the licence (the **“previous licence”**), apply for restoration of the licence.

‘(2) The application must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fees for restoration and renewal.

‘(3) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive has not approved or rejected the application;

the previous licence is taken to have continued in force.

‘(4) If the chief executive approves the application, the renewed licence is taken to have been in force from the expiry of the previous licence.

‘(5) If the chief executive rejects the application, the previous licence is taken to expire on the day the chief executive rejects the application.’.

16. Section 16—

omit ‘refused by authorized officer, he shall issue a notice of refusal’,

insert ‘rejected by the chief executive, the chief executive must issue a notice of rejection’.

17. Section 17(2)—

omit, insert—

‘(2) An application by a licensee to carry on business as a hawker in an additional local authority area must be made to the chief executive in the

SCHEDULE 1 (continued)

prescribed form.’.

18. Section 17(5), (6) and (7)—

omit, insert—

‘(5) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

‘(6) If the application is approved, details of the approval and any condition imposed must be endorsed on the licence.’.

19. Section 18—

omit ‘(other than an authorized officer or, where prescribed, the officer in charge of police for a division of a Police District)’.

insert ‘(other than the chief executive)’.

20. Section 19—

omit, insert—

‘Change of licensee’s address

‘19.(1) If a licensee changes address, the licensee must, not later than 7 days after the change—

- (a) give written notice of the change to the chief executive; and
- (b) produce the licensee’s licence to the chief executive for endorsement of the change.

‘(2) If the chief executive is satisfied of the correctness of the change of address, the chief executive must endorse the licence accordingly.’.

SCHEDULE 1 (continued)

21. Section 20—

omit ‘to the officer in charge of police for the division of the Police District in which he is then located’,

insert ‘to the chief executive’.

22. Section 21(1)—

omit, insert—

‘(1) If, on application made by a licensee and payment of the prescribed fee, the chief executive is satisfied that the licensee’s licence—

(a) has been lost, destroyed or stolen; or

(b) cannot easily be read;

the chief executive may issue a replacement licence.’.

23. Section 22(1)—

omit ‘An authorized officer may, in his absolute discretion,’,

insert ‘The chief executive may’.

24. Section 23(3)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

25. Section 24(1)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

26. Section 24(2)—

omit, insert—

‘(2) The surrender notice must state the day, time and place at which, and the authorised officer to whom, the licence must be surrendered.’.

SCHEDULE 1 (continued)

27. Section 24(4)—

omit, insert—

‘(4) Subject to subsections (5) and (6), a licensee who has been served with a surrender notice must surrender the licensee’s licence in accordance with the notice.’.

28. Section 24(5) (1st sentence)—

omit ‘an authorized officer’, insert ‘the chief executive’.

29. Section 24(5) (2nd sentence)—

*omit ‘An authorized officer may, in his absolute discretion,’,
insert ‘The chief executive may’.*

30. Section 24(5) (2nd sentence)—

omit ‘by approval under his hand’, insert ‘by written notice’.

31. Section 24(5) (2nd sentence)—

renumber as subsection (6).

32. Section 25(4)—

omit.

33. Section 32(a)—

omit ‘\$400’, insert ‘8 penalty units’.

34. Section 32(b)—

omit ‘\$800’, insert ‘16 penalty units’.

SCHEDULE 1 (continued)

35. Section 33(1)(a)—

omit ‘to an authorized officer or to a police officer’,

insert ‘to the chief executive or to an authorised officer’.

36. Part 5 (heading)—

omit, insert—

‘PART 5—POWERS OF AUTHORISED OFFICERS’.

37. Section 36(1)—

omit ‘police officer’ (wherever occurring),

insert ‘authorised police officer’.

38. Section 36(1) (second sentence)—

renumber as subsection (1A).

39. Section 37(1)—

omit ‘police officer’ (wherever occurring),

insert ‘authorised officer’.

40. Section 38—

omit ‘Any police officer’, *insert* ‘An authorised police officer’.

41. Section 39—

omit ‘Any police officer’, *insert* ‘An authorised police officer’.

SCHEDULE 1 (continued)

42. Section 41—

omit, insert—

‘Authorised officer may prosecute

‘41. In any proceedings under this Act, an authorised officer (whether or not the complainant) may appear and act in court on behalf of the prosecution.’.

43. Section 42—

omit ‘under the *Justices Act 1886-1982* upon the complaint of a police officer’,

insert ‘under the *Justices Act 1886*’.

44. Section 45—

omit, insert—

‘Protection

‘45.(1) The chief executive or an authorised officer incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

‘(2) A liability that would, apart from this section, attach to the chief executive or an authorised officer attaches instead to the State.’.

45. Section 46(a)—

omit ‘the Commissioner, an authorized officer or any police officer’,

insert ‘the chief executive, the Commissioner or an authorised officer’.

46. Section 46(b)—

omit ‘the Commissioner, an authorized officer or any other police officer’,

insert ‘the chief executive, the Commissioner or an authorised officer’.

SCHEDULE 1 (continued)

47. Section 47—

omit, insert—

‘Delegations

‘47. The chief executive may delegate the chief executive’s powers under this Act to—

- (a) an authorised officer; or
- (b) another officer or employee of the department.

‘Regulations

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

‘(2) A regulation may make provision with respect to—

- (a) the keeping of records; and
- (b) imposing additional duties on hawkers; and
- (c) the prescribing of fees and charges; and
- (d) the conditions to which a licence may be subject; and
- (e) the time within which something must be done.

‘(3) A regulation may prescribe offences for contravention of a regulation, and fix a maximum penalty of a fine of not more than 8 penalty units for such a contravention.’.

INVASION OF PRIVACY ACT 1971**1. Section 3—**

omit.

SCHEDULE 1 (continued)

2. Section 4 (definitions “individual”, “Minister” and “Registrar”)—

omit.

3. Section 4—

insert—

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

4. After Section 51A—

insert—

‘Delegations

‘**51B.** The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

5. Section 53—

omit.

JURY ACT 1929**1. Section 3 (definitions “Jury list” or “List”, “Police officer”, “Prescribed”, “Rules of Court” and “This Act”)—**

omit.

2. Section 3—

insert—

“**jury list**” means a list of persons qualified and liable to serve on juries;

“**list**” means a jury list;’.

SCHEDULE 1 (continued)

3. Section 4—

omit.

4. Section 8(2) (2nd to 6th sentences)—

omit.

5. Section 11(5)—

omit, insert—

‘(5) The jury district of each other court town is—

- (a) the area prescribed by regulation to be the jury district for the town; or
- (b) if no area is prescribed—all that area inside a radius of 13 km from the court house of the town.’

6. Section 12 (heading)—

omit, insert—

‘Duty of Electoral Commissioner’.

7. Section 12—

omit ‘Principal Electoral Officer’, *insert* ‘Electoral Commissioner’.

8. Section 12(a)—

omit ‘Elections Act 1983—1989’, *insert* ‘Electoral Act 1992’.

9. Section 13(7)—

omit ‘Principal Electoral Officer’, *insert* ‘Electoral Commissioner’.

SCHEDULE 1 (continued)

10. Section 14(1)—

omit ‘Principal Electoral Officer’, *insert* ‘Electoral Commissioner’.

11. Section 14(2)—

omit ‘Principal Electoral Officer’, *insert* ‘Electoral Commissioner’.

12. Section 51 (3rd, 5th, 6th and 7th sentences)—

omit.

13. After section 51—

insert—

‘Regulations

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

‘**(2)** A regulation may make provision with respect to any matter for which provision may be made by order in council.’.

14. Schedule 1—

omit.

LIENS ON CROPS OF SUGAR CANE ACT 1931**1. Section 2 (definition “Registrar”)—**

omit.

SCHEDULE 1 (continued)

2. Section 2—

insert—

“**Central District**” means the area described as the Central District in Schedule 1 to the *Supreme Court Act 1895*;

“**Northern District**” means the area described as the Northern District in Schedule 2 to the *Supreme Court Act 1895*;

“**registrar**” means the chief executive of the department;

“**Southern District**” means the area of the State other than the Central District and the Northern District;’.

3. Section 3—

omit.

4. Section 4(1) (heading)—

omit ‘Schedule, Form “A”’.

5. Section 4(1)—

omit ‘in the form or to the effect of Form “A” of the Schedule hereto’,

insert ‘in the prescribed form’.

6. Section 4(3) (heading)—

omit ‘Schedule, Form “B”’.

7. Section 4(3)—

omit ‘Form “B” of the Schedule hereto’, *insert* ‘the prescribed form’.

SCHEDULE 1 (continued)

8. Sections 6 and 7—

omit, insert—

‘Registrar to keep records

‘6.(1) A register of registered liens must be kept by the registrar.

‘(2) The register must include the following particulars in relation to each registered lien—

- (a) the name of the lienor and lienee;
- (b) the registration number;
- (c) the date of registration;
- (d) the date of the agreement;
- (e) the consideration given;
- (f) the nature and description of the lien;
- (g) the description of the land to which the lien relates.

‘Discharge of liens

‘7.(1) On the discharge or satisfaction of a lien, the lienee must, if required to do so by the lienor, endorse the instrument creating the lien with a note to the effect that the lien has been discharged or satisfied.

‘(2) The lienee must sign the note and have his or her signature witnessed.

‘(3) The registrar must, on production of a lien noted with its discharge or satisfaction in accordance with this section, record that fact and the day and time of the registration of that fact—

- (a) in the register of registered liens; and
- (b) on the copy of the lien filed in the registrar’s office; and
- (c) on the lien produced to the registrar.’.

SCHEDULE 1 (continued)

9. Section 14—

omit ‘or, where the proper office is the office of a clerk of the Court, the clerk of the Court’.

10. Section 18—

omit, insert—

‘Place of registration

‘18.(1) A lien or the transfer, assignment or renewal of a lien may be registered or renewed at the office of the registrar in the district prescribed by this section.

‘(2) If the crop is described in the instrument creating the lien (the **“instrument”**) as being at a place—

- (a) in the Central District; or
- (b) in the Northern District; or
- (c) in the Southern District;

the instrument, transfer or assignment must be registered, or the registration renewed, at the office of the registrar in the district in which the place is located.

‘(3) If the crop is described in the instrument as being at places located in different districts, the instrument, transfer or assignment must be registered, or the registration renewed, in each of the districts in which the crop is described as located.

‘(4) If a lien, transfer or assignment that is required under subsection (3) to be registered, and its registration renewed, in more than 1 district is not registered or renewed in each of the districts, the lien, transfer or assignment is taken to be unregistered so far as it relates to the crop that is in the district in which the lien, transfer or assignment has not been registered or its registration renewed.’.

SCHEDULE 1 (continued)

11. Section 21—

omit.

12. After section 23—

insert—

‘Delegations

‘**23A.** The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

13. After section 24—

insert—

‘Regulations

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

‘**(2)** A regulation may make provision with respect to the prescribing of fees and charges.’.

14. Schedules A, B and C—

omit.

MORTGAGE BROKERS ACT 1987**1. Sections 3 and 4—**

omit.

SCHEDULE 1 (continued)

2. Section 5(1) (definitions “Minister” and “registrar”)—

omit.

3. Section 5(1)—

insert—

‘**“registrar”** means the chief executive of the department.’.

4. Section 5(2)—

omit.

5. After section 33—

insert—

‘Delegations

‘**33A.** The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

PARTNERSHIP (LIMITED LIABILITY) ACT 1988**1. Section 4(1) (definition “Registrar”)—**

omit, insert—

‘**“registrar”** means the chief executive of the department.’.

2. After section 27—

insert—

SCHEDULE 1 (continued)

‘Delegations

‘27A. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

PAWNBROKERS ACT 1984**1. Section 6 (definitions “authorized officer”, “Commissioner”, “Local Authority” and “police officer”)—**

omit.

2. Section 6—

insert—

“authorised officer” means an officer or employee of the department who is an authorised officer;

“authorised police officer” means an authorised officer who is a police officer;

“chief executive” means the chief executive of the department;

“Commissioner” means the Commissioner of the Police Service;’.

3. Section 8—

omit, insert—

‘Authorised officer

‘8.(1) Subject to subsection (2), the chief executive may appoint—

(a) an officer or employee of the department; or

(b) a police officer;

to be an authorised officer for the purposes of this Act.

SCHEDULE 1 (continued)

‘(2) Before the chief executive appoints a police officer to be an authorised officer, the chief executive must obtain the consent of the Commissioner.

‘(3) The Commissioner may consent to an appointment either generally, in relation to a class of police officers or in a particular case.

‘(4) An appointment made under subsection (1) must be in, or evidenced by, writing.

‘Identity cards

8A.(1) The chief executive must issue an identity card to each authorised officer (other than a police officer).

‘(2) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved, in writing, by the chief executive.

‘(3) A person who ceases to be an authorised officer must, as soon as practicable, return his or her card to the chief executive.

‘Proof of authority

‘**8B.** An authorised officer (other than a police officer) must not exercise any power under this Act in relation to a person unless the authorised officer first produces his or her identity card for inspection by the person.’.

4. Section 9—

omit, insert—

‘Issue of licences

‘**9.** The chief executive may issue and renew licences under this Act.’.

SCHEDULE 1 (continued)

5. Section 10(1)(c)—

omit ‘in the opinion of the authorized officer’.

6. Section 10(2)—

omit.

7. Section 11(1)—

omit, insert—

‘(1) An application for a licence must be made to the chief executive in the prescribed form.’.

8. Section 12 (all words before paragraph (a))—

omit, insert—

‘If an application is made for a licence, the chief executive may—’.

9. Section 12(c)—

omit.

10. Section 12(ca)—

renumber as paragraph (c).

11. Section 12 (at the end)—

insert—

‘(2) For the purposes of subsection (1), the chief executive may obtain—

- (a) a report from the Commissioner in relation to the applicant and, if the applicant is a body corporate, in relation to an executive officer of the body corporate; and
- (b) if an applicant, or an executive officer of the body corporate that is an applicant, holds, or previously held, a licence or certificate of

SCHEDULE 1 (continued)

registration (or similar accreditation) in relation to the business of pawnbroker in another State or a Territory—a report from the appropriate licensing authority in the State or Territory.’.

12. Section 13—

omit, insert—

‘Application to be determined by chief executive

‘13.(1) The chief executive may, after considering any information at the chief executive’s disposal—

- (a) approve an application for a licence either unconditionally or subject to conditions; or
- (b) reject the application.

‘(2) If the application is approved, the chief executive must issue a licence in the prescribed form.’.

13. Section 14—

omit, insert—

‘Renewal of licences

‘14.(1) An application to renew a licence must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fee;

not more than 60, and not less than 14, days before the expiry of the licence.

‘(2) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

‘(3) If the application is approved, the chief executive must issue a licence in the prescribed form.

SCHEDULE 1 (continued)

‘(4) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive does not approve or reject the application before the expiry of the licence;

the licence is taken to continue in force until the day the chief executive approves or rejects the application.

‘Conditions to be endorsed on licence

‘14A.(1) A licence or a renewed licence that is issued subject to conditions must be endorsed with the conditions.

‘(2) A condition or other matter may be endorsed on a licence or a renewed licence as a symbol the meaning of which is prescribed by regulation.’.

14. After section 15—

insert—

‘Restoration of licence

‘15A.(1) If an application to renew a licence is not made within the time provided under section 14(1), the person who held the licence may, within 3 months after the expiry of the licence (the “**previous licence**”), apply for restoration of the licence.

‘(2) The application must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fees for restoration and renewal.

‘(3) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive has not approved or rejected an application;

the previous licence is taken to have continued in force.

SCHEDULE 1 (continued)

‘(4) If the chief executive approves the application, the renewed licence is taken to have been in force from the expiry of the previous licence.

‘(5) If the chief executive rejects the application, the previous licence is taken to expire on the day the chief executive rejects the application.’.

15. Section 16—

omit ‘refused by an authorized officer, he shall issue a notice of refusal’,

insert ‘rejected by the chief executive, the chief executive must issue a notice of rejection’.

16. Section 17(2)—

omit, insert—

‘(2) An application by a licensee to change the premises endorsed on the licensee’s licence to other premises (being not more than 1) must be made to the chief executive in the prescribed form.’.

17. Section 17(7), (8) and (9)—

omit, insert—

‘(7) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

‘(8) If the application is approved, details of the approval and any condition imposed must be endorsed on the licence.’.

18. Section 18—

omit ‘(other than an authorized officer or, where prescribed, the officer in charge of police for a division of a Police District)’,

insert ‘(other than the chief executive)’.

SCHEDULE 1 (continued)

19. Section 19—

omit ‘to the officer in charge of police for the division of the Police District in which he is then located’,

insert ‘to the chief executive’.

20. Section 20(1)—

omit, insert—

‘(1) If, on application made by a licensee and payment of the prescribed fee, the chief executive is satisfied that the licensee’s licence—

(a) has been lost, destroyed or stolen; or

(b) cannot easily be read;

the chief executive may issue a replacement licence.’.

21. Section 21(1)—

omit ‘An authorized officer may, in his absolute discretion,’,

insert ‘The chief executive may’.

22. Section 22(3)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

23. Section 23(1)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

24. Section 23(2)—

omit, insert—

‘(2) The surrender notice must state the day, time and place at which, and the authorised officer to whom, the licence must be surrendered.’.

SCHEDULE 1 (continued)

25. Section 23(4)—

omit, insert—

‘(4) Subject to subsections (5) and (6), a licensee who has been served with a surrender notice must surrender the licensee’s licence in accordance with the notice.’.

26. Section 23(5) (1st sentence)—

omit ‘an authorized officer’, insert ‘the chief executive’.

27. Section 23(5) (2nd sentence)—

*omit ‘An authorized officer may, in his absolute discretion,’,
insert ‘The chief executive may.’.*

28. Section 23(5) (2nd sentence)—

omit ‘by approval under his hand’, insert ‘by written notice’.

29. Section 23(5) (2nd sentence)—

renumber as subsection (6).

30. Section 24—

omit, insert—

‘Change of licensee’s address

‘**24.(1)** If a licensee changes address, the licensee must, not later than 7 days after the change—

- (a) give written notice of the change to the chief executive; and
- (b) produce the licensee’s licence to the chief executive for endorsement of the change.

‘**(2)** If the chief executive is satisfied of the correctness of the change of

SCHEDULE 1 (continued)

address, the chief executive must endorse the licence accordingly.’.

31. Section 27—

omit, insert—

‘Individual to be nominated to represent body corporate or firm

‘27.(1) If an applicant for a licence under section 11 (the “**proposed licensee**”) is—

- (a) a body corporate; or
- (b) a firm registered under the *Business Names Act 1962*; or
- (c) an association of persons who jointly apply for the licence;

the proposed licensee must apply to the chief executive, either in the application or the prescribed form, for the approval of a person as the applicant’s nominee.

‘(2) A nominee is responsible for directly representing a licensee in the conduct of the licensee’s pawnbroking business.

‘(3) A licence mentioned in subsection (1) may be granted only if a nominee is approved in relation to the licence.

‘(4) A nominee may be—

- (a) in the case of a body corporate—a director of the body corporate; and
- (b) in the case of a firm—a member of the firm; and
- (c) in the case of an association of persons—one of those persons or another person who is not an applicant for the licence.

‘(5) A nominee must—

- (a) in the chief executive’s opinion, be a fit and proper person; and
- (b) not be disqualified from holding a licence under this Act.

‘(6) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to a proposed nominee, the chief executive may approve the proposed nominee.

SCHEDULE 1 (continued)

‘(7) If a licence mentioned in subsection (1) is granted, the chief executive must endorse the licence with the name of the approved nominee.

‘(8) A licensee may apply to the chief executive, in the prescribed form, to substitute the name of another nominee (the “**substitute nominee**”) for that of the nominee currently endorsed on the licence.

‘(9) The application under subsection (8) must be accompanied by the licensee’s current licence.

‘(10) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to the substitute nominee, the chief executive may—

- (a) approve the substitute nominee; and
- (b) endorse the licence with the name of the substitute nominee.

‘(11) In deciding whether a person is a fit and proper person for the purposes of this section, the chief executive is to have regard to the fame, character and suitability of the person.

‘(12) Section 12 applies to an application under this section as if it were an application for a licence.’.

32. Section 42(1)(a)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

33. Section 43(a)—

omit ‘\$400’, *insert* ‘8 penalty units’.

34. Section 43(b)—

omit ‘\$800’, *insert* ‘16 penalty units’.

SCHEDULE 1 (continued)

35. Section 44(1)(a)—

omit ‘to an authorized officer or to a police officer’,
insert ‘to the chief executive or an authorised officer’.

36. Part 5 (heading)—

omit, insert—

‘PART 5—POWERS OF AUTHORISED OFFICERS’.

37. Section 48(1)—

omit ‘police officer’ (wherever occurring),
insert ‘authorised police officer’.

38. Section 48(1) (2nd sentence)—

renumber as subsection (1A).

39. Section 49(1)—

omit ‘police officer’ (wherever occurring),
insert ‘authorised officer’.

40. Section 49(2)—

omit ‘a police officer’, *insert* ‘an authorised officer’.

41. Section 50 (heading)—

omit, insert—

‘Authorised officer may enter premises’.

SCHEDULE 1 (continued)

42. Section 50(1)(a)—

omit ‘A police officer’, *insert* ‘An authorised police officer’.

43. Section 50(1)(b)—

omit ‘A police officer’, *insert* ‘An authorised officer’.

44. Section 50(1)(a) and (b)—

renumber as subsections (1) and (1A) respectively.

45. Section 50(2)—

omit ‘A police officer’, *insert* ‘An authorised officer’.

46. Section 50(3)—

omit, insert—

‘(3) A person must not, without reasonable excuse, obstruct, prevent or delay, or attempt to destruct, prevent or delay, the entry into licensed premises of an authorised officer exercising the powers given to the officer under this Act.’.

47. Section 50(4)—

omit ‘a police officer’, *insert* ‘an authorised officer’.

48. Section 51 (1st and 2nd sentences)—

omit ‘any police officer’ (wherever occurring),
insert ‘an authorised police officer’.

SCHEDULE 1 (continued)

49. Section 51 (2nd sentence, paragraph (c))—

omit ‘a police officer’, *insert* ‘an authorised police officer’.

50. Section 51 (3rd sentence)—

omit ‘a police officer’, *insert* ‘an authorised police officer’.

51. Section 51 (1st, 2nd and 3rd sentences)—

renumber as subsections (1), (2) and (3) respectively.

52. Section 52—

omit ‘Any police officer’, *insert* ‘An authorised officer’.

53. Section 54—

omit, insert—

‘Authorised officer may prosecute

‘54. In any proceedings under this Act, an authorised officer (whether or not the complainant), may appear and act in court on behalf of the prosecution.’.

54. Section 57(1)—

omit ‘under the *Justices Act 1886-1982* upon the complaint of a police officer’,

insert ‘under the *Justices Act 1886*’.

55. Section 61(1) (2nd, 3rd, 4th and 5th sentences)—

renumber as subsections (1A), (1B), (1C) and (1D) respectively.

SCHEDULE 1 (continued)

56. Section 61(2)—

omit.

57. Section 61(3)(a) and (b)—

renumber as subsections (2) and (3) respectively.

58. Section 61(3)(b)(i) and (ii)—

renumber as paragraphs (a) and (b) respectively.

59. Section 61(4)—

omit.

60. Section 61(5) (1st and 2nd sentence)—

renumber as subsections (4) and (5) respectively.

61. Section 62—

omit, insert—

‘Protection

‘62.(1) The chief executive or an authorised officer incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

‘(2) A liability that would, apart from this section, attach to the chief executive or an authorised officer attaches instead to the State.’.

62. Section 64(a)—

omit ‘the Commissioner, an authorized officer or any police officer’,

insert ‘the chief executive, the Commissioner or an authorised officer’.

SCHEDULE 1 (continued)

63. Section 64(b)—

omit ‘the Commissioner, an authorized officer or any other police officer’,

insert ‘the chief executive, the Commissioner or an authorised officer’.

64. After section 65—

insert—

‘Delegations

‘65A. The chief executive may delegate the chief executive’s powers under this Act to—

- (a) an authorised officer; or
- (b) another officer or employee of the department.’.

65. Section 66 (at the end)—

insert—

‘(2) A regulation may make provision with respect to any matter for which provision may be made by order in council.’.

PYRAMID SELLING SCHEMES (ELIMINATION) ACT 1973

1. Section 3—

omit.

2. Section 4(1) (definitions “Minister” and “Registrar”)—

omit.

SCHEDULE 1 (continued)

3. Section 4(1)—*insert—*

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

4. Section 6(1) (Penalty)—*omit, insert—*

‘Maximum penalty—100 penalty units, imprisonment for 1 year or both.’.

5. Section 6(2) (Penalty)—*omit, insert—*

‘Maximum penalty—40 penalty units, imprisonment for 6 months or both.’.

6. Section 6(3) (Penalty)—*omit, insert—*

‘Maximum penalty—40 penalty units, imprisonment for 6 months or both.’.

7. Section 17(1) (Penalty)—*omit, insert—*

‘Maximum penalty—40 penalty units, imprisonment for 6 months or both.’.

8. Section 24 (Penalty)—*omit, insert—*

‘Maximum penalty—20 penalty units, imprisonment for 3 months or both.’.

SCHEDULE 1 (continued)

9. After section 28—*insert—***‘Delegations**

‘**28A.** The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

RECORDING OF EVIDENCE ACT 1962**1. Section 1—***omit, insert—***‘Short title**

‘**1.** This Act may be cited as the *Recording of Evidence Act 1962.*’.

2. Sections 2 and 3—*omit.***3. Section 4(1) (definition “Minister”)—***omit.***4. Section 10—***omit, insert—***‘Record and transcription to be evidence**

‘**10.(1)** A record under this Act of a legal proceeding is to be received by a Court or judicial person as evidence of anything recorded in the record.

‘**(2)** A transcription of a record under this Act that is certified as being a transcription held—

SCHEDULE 1 (continued)

- (a) in the official records of the State Reporting Bureau; or
- (b) by the body responsible for the safe custody of court transcriptions;

by the officer in charge of those records or transcriptions is to be received by a Court or judicial person as evidence of anything recorded in the transcription.’.

5. Section 11(2)—

omit ‘certified to as correct in accordance with section ten of this Act’,
insert ‘certified under section 10(2)’.

6. Section 11(2) (2nd sentence)—

renumber as subsection (2A).

7. Section 11(4)(b)—

omit, insert—

‘(b) if—

- (i) a transcription of the record has been made under this Act;
and
- (ii) the transcription has been certified as correct by the responsible shorthand reporter or recorder;

then, whether or not an order has been made under paragraph (a), by order authorise the destruction of the record on the master-tape.’.

8. Section 11(5)(a)—

omit ‘(certified in accordance with section ten of this Act)’.

SCHEDULE 1 (continued)

9. Section 11(6)(a)—

omit ‘(certified in accordance with section ten of this Act)’.

10. Section 12(1)(a) (Penalty)—

omit, insert—

‘Maximum penalty—4 penalty units’.

11. Section 14—

omit.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962

1. Section 3—

omit.

2. Section 4—

omit, insert—

‘Application of Act

‘4. Unless expressly provided, this Act applies to all births, deaths and marriages (whether or not the birth or death happened or the marriage was solemnised before the commencement of this Act).’.

3. Section 5 (definitions “Burial”, “Director-General”, “Minister” and “Repealed Acts”)—

omit.

SCHEDULE 1 (continued)

4. Section 5—

insert—

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

5. Section 6(2)—

omit.

6. Section 7(2)—

omit.

7. Section 8(3)—

omit.

8. Section 26(1)(b)—

omit ‘but within seven years’.

9. Section 26(2) (1st sentence)—

omit, insert—

‘If, because of—

- (a) lack of evidence; or
- (b) any other reason;

the Registrar-General is not able to register the birth of a person that is claimed to have happened in Queensland, application may be made to a District Court Judge for an order that the birth be registered.’.

10. Section 26(2) (2nd and 3rd sentences)—

renumber as subsections (2A) and (2B) respectively.

SCHEDULE 1 (continued)

11. Section 29A(1)—

omit ‘that occurred within the period of five years preceding’,
insert ‘that happened before’.

12. Section 29A(3)—

omit.

13. Section 29A(4)—

omit ‘or (3)’.

14. Section 29A(5)—

omit ‘or (3)’.

15. Section 29A(5) (2nd sentence)—

omit.

16. Section 29A(7)—

omit ‘Subsection (5)’, *insert* ‘Subsection (4)’.

17. Section 29A(4) to (8)—

renumber as subsections (3) to (7) respectively.

18. Section 44(1) (Penalty)—

omit, insert—

‘Maximum penalty—2 penalty units.’.

SCHEDULE 1 (continued)

19. Section 44(2) (Penalty)—*omit, insert—*

‘Maximum penalty—1 penalty unit.’.

20. Section 44(2A) (Penalty)—*omit, insert—*

‘Maximum penalty—1 penalty unit.’.

21. Section 44(3) (Penalty)—*omit, insert—*

‘Maximum penalty—2 penalty units.’.

22. Section 45(2)—*omit.***RETIREMENT VILLAGES ACT 1988****1. Section 51(3)(a)—***omit* ‘for a retirement village that has levied a services charge on or before the date of commencement of this section—’,*insert* ‘for a retirement village that has levied a services charge on or before the date of assent of this Act—’.

SCHEDULE 1 (continued)

**SECOND-HAND DEALERS AND COLLECTORS ACT
1984****1. Sections 3 to 5—**

omit.

2. Section 6(1) (definitions “authorized officer”, “Commissioner”, “Local Authority”, “Magistrates Court” and “Minister”)—

omit.

3. Section 6(1)—

insert—

‘ **“authorised officer”** means an officer or employee of the department who is an authorised officer;

“authorised police officer” means an authorised officer who is a police officer;

“chief executive” means the chief executive of the department;

“Commissioner” means the Commissioner of the Police Service;’.

4. Section 6(1) (definition “dealer”, paragraph (ca))—

omit ‘Firearms and Offensive Weapons Act 1979-1984’,

insert ‘Weapons Act 1990’.

5. Section 8—

omit, insert—

‘Authorised officer

‘8.(1) Subject to subsection (2), the chief executive may appoint—

SCHEDULE 1 (continued)

- (a) an officer or employee of the department; or
- (b) a police officer;

to be an authorised officer for the purposes of this Act.

‘(2) Before the chief executive appoints a police officer to be an authorised officer, the chief executive must obtain the consent of the Commissioner.

‘(3) The Commissioner may consent to an appointment either generally, in relation to a class of police officers or in a particular case.

‘(4) An appointment made under subsection (1) must be in, or evidenced by, writing.

‘Identity cards

‘8A.(1) The chief executive must issue an identity card to each authorised officer (other than a police officer).

‘(2) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved, in writing, by the chief executive.

‘(3) A person who ceases to be an authorised officer must, as soon as practicable, return his or her card to the chief executive.

‘Proof of authority

‘8B. An authorised officer (other than a police officer) must not exercise any power under this Act in relation to a person unless the authorised officer first produces his or her identity card for inspection by the person.’.

6. Section 9—

omit, insert—

SCHEDULE 1 (continued)

‘Issue of licences

‘9. The chief executive may issue and renew licences under this Act.’.

7. Section 10(1)(c)—

omit ‘in the opinion of an authorized officer’.

8. Section 10(3)—

omit, insert—

‘(3) A dealer’s licence must not be issued to a licensed collector.’.

9. Section 11(1)—

omit, insert—

‘(1) An application for a licence must be made to the chief executive in the prescribed form.’.

10. Section 12 (all words before paragraph (a))—

omit, insert—

‘If an application is made for a licence, the chief executive may—’.

11. Section 12(c)—

omit.

12. Section 12(ca)—

renumber as paragraph (c).

SCHEDULE 1 (continued)

13. Section 12 (at the end)—*insert—***‘(2)** For the purposes of subsection (1), the chief executive may obtain—

- (a) a report from the Commissioner in relation to the applicant and, if the applicant is a body corporate, in relation to an executive officer of the body corporate; and
- (b) if an applicant, or an executive officer of the body corporate that is an applicant, holds, or previously held, a licence or certificate of registration (or similar accreditation) in relation to the business of second-hand dealer and collector in another State or a Territory—a report from the appropriate licensing authority in the State or Territory.’.

14. Section 13—*omit, insert—***‘Application to be determined by chief executive****‘13.(1)** The chief executive may, after considering any information at the chief executive’s disposal—

- (a) approve an application for a licence either unconditionally or subject to conditions; or
- (b) reject the application.

‘(2) If the application is approved, the chief executive must issue a licence in the prescribed form.’.**15. Section 14—***omit, insert—***‘Renewal of licences****‘14.(1)** An application to renew a licence must—

- (a) be made to the chief executive in the prescribed form; and

SCHEDULE 1 (continued)

(b) be accompanied by the prescribed fee;
not more than 60, and not less than 14, days before the expiry of the licence.

‘(2) The chief executive may—

- (a) approve the application either unconditionally or subject to any conditions; or
- (b) reject the application.

‘(3) If the application is approved, the chief executive must issue a licence in the prescribed form.

‘(4) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive does not approve or reject the application before the expiry of the licence;

the licence is taken to continue in force until the day the chief executive approves or rejects the application.

‘Conditions to be endorsed on licence

‘14A.(1) A licence or a renewed licence that is issued subject to conditions must be endorsed with the conditions.

‘(2) A condition or other matter may be endorsed on a licence or a renewed licence as a symbol the meaning of which is prescribed by regulation.’.

16. Section 15(2)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

17. After section 15—

insert—

SCHEDULE 1 (continued)

‘Restoration of licence

‘15A.(1) If an application to renew a licence is not made within the time provided under section 14(1), the person who held the licence may, within 3 months after the expiry of the licence (the **“previous licence”**), apply for restoration of the licence.

‘(2) The application must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fees for restoration and renewal.

‘(3) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive has not approved or rejected an application;

the previous licence is taken to have continued in force.

‘(4) If the chief executive approves the application, the renewed licence is taken to have been in force from the expiry of the previous licence.

‘(5) If the chief executive rejects the application, the previous licence is taken to expire on the day the chief executive rejects the application.’.

18. Section 16—

omit ‘refused by an authorized officer, he shall issue a notice of refusal’,

insert ‘rejected by the chief executive, the chief executive must issue a notice of rejection’.

19. Section 17(2)—

omit, insert—

‘(2) An application by a licensee to—

- (a) replace the premises, or a location, endorsed on the licensee’s licence with other premises (being not more than 1) or another location; or

SCHEDULE 1 (continued)

(b) add another location to those endorsed on the licensee's licence; must be made to the chief executive in the prescribed form.'.

20. Section 17(7), (8) and (9)—

omit, insert—

'(7) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

'(8) If the application is approved, details of—

- (a) the approval of the premises and locations; and
- (b) any conditions imposed;

must be endorsed on the licence.'.

21. Section 18—

omit '(other than an authorized officer or, where prescribed, the officer in charge of police for a division of a Police District)',

insert '(other than the chief executive)'.

22. Section 19—

omit 'to the officer in charge of police for the division of the Police District in which he is then located',

insert 'to the chief executive'.

23. Section 20(1)—

omit, insert—

'(1) If, on application made by a licensee and payment of the prescribed fee, the chief executive is satisfied that the licensee's licence—

SCHEDULE 1 (continued)

- (a) has been lost, destroyed or stolen; or
- (b) cannot easily be read;

the chief executive may issue a replacement licence.’.

24. Section 21(1)—

omit ‘An authorized officer’, *insert* ‘The chief executive’.

25. Section 22(3)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

26. Section 23(1)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

27. Section 23(2)—

omit, insert—

‘(2) The surrender notice must state the day, time and place at which, and the authorised officer to whom, the licence must be surrendered.’.

28. Section 23(4)—

omit, insert—

‘(4) Subject to subsections (5) and (6), a licensee who has been served with a surrender notice must surrender the licensee’s licence in accordance with the notice.’.

29. Section 23(5) (1st sentence)—

omit ‘an authorized officer’, *insert* ‘the chief executive’.

SCHEDULE 1 (continued)

30. Section 23(5) (2nd sentence)—

omit ‘An authorized officer may, in his absolute discretion,’
insert ‘The chief executive may’.

31. Section 23(5) (2nd sentence)—

omit ‘by approval under his hand’, *insert* ‘by written notice’.

32. Section 23(5) (2nd sentence)—

renumber as subsection (6).

33. Section 24—

omit, insert—

‘Change of licensee’s address

‘24.(1) If a licensee changes address, the licensee must, not later than 7 days after the change—

- (a) give written notice of the change to the chief executive; and
- (b) produce the licensee’s licence to the chief executive for endorsement of the change.

‘(2) If the chief executive is satisfied of the correctness of the change of address notified under subsection (1), the chief executive must endorse the licence accordingly.’.

34. Section 27—

omit, insert—

‘Individual to be nominated to represent body corporate or firm

‘27.(1) If an applicant for a licence under section 11 (the “**proposed licensee**”) is—

- (a) a body corporate; or

SCHEDULE 1 (continued)

- (b) a firm registered under the *Business Names Act 1962*; or
- (c) an association of persons who jointly apply for the licence;

the proposed licensee must apply to the chief executive, either in the application or the prescribed form, for the approval of a person as the applicant's nominee.

‘(2) A nominee is responsible for directly representing a licensee in the conduct of the licensee's business as dealer.

‘(3) A licence mentioned in subsection (1) may be granted only if a nominee is approved in relation to the licence.

‘(4) A nominee may be—

- (a) in the case of a body corporate—a director of the body corporate; and
- (b) in the case of a firm—a member of the firm; and
- (c) in the case of an association of persons—one of those persons or another person who is not an applicant for the licence.

‘(5) A nominee must—

- (a) in the chief executive's opinion, be a fit and proper person; and
- (b) not be disqualified from holding a licence under this Act.

‘(6) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to a proposed nominee, the chief executive may approve the proposed nominee.

‘(7) If a licence mentioned in subsection (1) is granted, the chief executive must endorse the licence with the name of the approved nominee.

‘(8) A licensee may apply to the chief executive, in the prescribed form, to substitute the name of another nominee (the “**substitute nominee**”) for that of the nominee currently endorsed on the licence.

‘(9) The application under subsection (8) must be accompanied by the licensee's current licence.

‘(10) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to the substitute nominee, the chief executive

SCHEDULE 1 (continued)

may—

- (a) approve the substitute nominee; and
- (b) endorse the licence with the name of the substitute nominee.

‘(11) In deciding whether a person is a fit and proper person for the purposes of this section, the chief executive is to have regard to the fame, character and suitability of the person.

‘(12) Section 12 applies to an application under this section as if it were an application for a licence.’.

35. Section 32(2) and (3)—

omit, insert—

‘(2) A person must, within 7 days of ceasing to be a licensed collector, deliver his or her collector’s badge to the chief executive.

‘(3) A licensed collector whose collector’s badge is lost, destroyed or stolen must, immediately on becoming aware of that fact, report the matter to the chief executive.

‘(4) If, on application by the collector and payment of the prescribed fee, the chief executive is satisfied that the licensed collector’s badge has been lost, destroyed or stolen, the chief executive may issue a replacement badge.’.

36. Section 49(a)—

omit ‘\$400’, insert ‘8 penalty units’.

37. Section 49(b)—

omit ‘\$800’, insert ‘16 penalty units’.

SCHEDULE 1 (continued)

38. Section 50(1)(a)—

omit ‘to an authorized officer or to a police officer’,

insert ‘to the chief executive or to an authorised officer’.

39. Part 5 (heading)—

omit, insert—

‘PART 5—POWERS OF AUTHORISED OFFICERS’.

40. Section 55(1)—

omit ‘police officer’ (wherever occurring),

insert ‘authorised police officer’.

41. Section 55(1) (2nd sentence)—

renumber as subsection (1A).

42. Section 56(1)—

omit ‘police officer’ (wherever occurring),

insert ‘authorised officer’.

43. Section 56(2)—

omit ‘a police officer’, *insert* ‘an authorised officer’.

44. Section 57 (heading)—

omit, insert—

‘Authorised officer may enter premises’.

SCHEDULE 1 (continued)

45. Section 57(1)(a)—

omit ‘A police officer’, *insert* ‘An authorised police officer’.

46. Section 57(1)(b)—

omit ‘A police officer’, *insert* ‘An authorised officer’.

47. Section 57(1)(a) and (b)—

renumber as subsections (1) and (1A).

48. Section 57(2)—

omit ‘A police officer’, *insert* ‘An authorised officer’.

49. Section 57(3)—

omit, insert—

‘(3) A person must not, without reasonable excuse, obstruct, prevent or delay, or attempt to obstruct, prevent or delay, the entry by an authorised officer exercising the powers given to the officer under this Act into—

- (a) a dealer’s premises; or
- (b) a location where the business of a dealer is being carried on.’.

50. Section 57(4)—

omit ‘a police officer’, *insert* ‘an authorised officer’.

51. Section 58 (1st and 2nd sentences)—

omit ‘any police officer’ (wherever occurring),
insert ‘an authorised police officer’.

SCHEDULE 1 (continued)

52. Section 58 (2nd sentence, paragraph (c))—

omit ‘a police officer’, *insert* ‘an authorised police officer’.

53. Section 58 (3rd sentence)—

omit ‘a police officer’, *insert* ‘an authorised police officer’.

54. Section 58 (1st, 2nd and 3rd sentences)—

renumber as subsections (1), (2) and (3) respectively.

55. Section 59—

omit ‘Any police officer’, *insert* ‘An authorised officer’.

56. Section 61—

omit, insert—

‘Authorised officer may prosecute

‘61. In any proceedings under this Act, an authorised officer (whether or not the complainant), may appear and act in court on behalf of the prosecution.’.

57. Section 62(1)—

omit ‘under the *Justices Act 1886-1982* upon the complaint of a police officer’,

insert ‘under the *Justices Act 1886*’.

58. Section 66(1) (2nd, 3rd and 4th sentences)—

renumber as subsections (1A), (1B) and (1C) respectively.

SCHEDULE 1 (continued)

59. Section 66(1) (5th sentence)—

omit.

60. Section 66(2)—

omit ‘in accordance with subsection (1)’, *insert* ‘under subsection (1)’.

61. Section 66(3)(a) and (b)—

renumber as subsections (3) and (4) respectively.

62. Section 66(3)(b)(i) and (ii)—

renumber as paragraphs (a) and (b) respectively.

63. Section 66(4)—

omit.

64. Section 66(5) (1st and 2nd sentences)—

renumber as subsections (5) and (6) respectively.

65. Section 67—

omit, insert—

‘Protection

‘67.(1) The chief executive or an authorised officer incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

‘(2) A liability that would, apart from this section, attach to the chief executive or an authorised officer attaches instead to the State.’.

SCHEDULE 1 (continued)

66. Section 69(a)—

omit ‘the Commissioner, an authorized officer or any police officer’,
insert ‘the chief executive, the Commissioner or an authorised officer’.

67. Section 69(b)—

omit ‘the Commissioner, an authorized officer or any other police officer’,

insert ‘the chief executive, the Commissioner or an authorised officer’.

68. After section 70—

insert—

‘Delegations

‘70A. The chief executive may delegate the chief executive’s powers under this Act to—

- (a) an authorised officer; or
- (b) another officer or employee of the department.’.

69. Section 71(h)—

omit ‘\$400’, *insert* ‘8 penalty units’.

70. Section 71 (at the end)—

insert—

‘(2) A regulation may make provision with respect to any matter for which provision may be made by order in council.’.

SCHEDULE 1 (continued)

SMALL CLAIMS TRIBUNALS ACT 1973**1. Section 3—**

omit.

2. Section 4 (definition “Minister”)—

omit.

3. Section 4—

insert—

‘ **“metropolitan district”** means the metropolitan district within the meaning of the *Decentralisation of Magistrates Courts Act 1965*;’.

4. Section 4 (2nd sentence)—

omit ‘paragraph’, *insert* ‘subsection’.

5. Section 4 (1st and 2nd sentence)—

renumber as subsections (1) and (2) respectively.

6. Section 10(3)—

omit.

7. Section 13(1) and (2)—

omit, insert—

‘(1) The office of every clerk of the court of a Magistrates Court (other than offices in the metropolitan district) is a registry.

‘(2) There is to be a registry, appointed under the *Justices Act 1886*, in the metropolitan district.’.

SCHEDULE 1 (continued)

8. Section 15(1) (1st sentence)—

omit, insert—

‘(1) Each clerk of the court of a Magistrates Court (other than a clerk of the court at a place in the metropolitan district) is a registrar.’.

9. Section 15(2) (1st sentence)—

omit, insert—

‘(2) There is to be appointed to the registry in the metropolitan district a registrar and a deputy registrar.’.

10. Section 16(1)(b)—

omit, insert—

‘(b) a claim that is the subject of a dispute arising under the *Dividing Fences Act 1953* if the claim is in relation to an amount or value less than the prescribed amount; and’.

11. Section 42—

omit, insert—

‘Certain matters to be reported to the Minister

‘**42.(1)** The Governor in Council is to nominate a referee (the “**nominated referee**”) for the purposes of this section.

‘(2) In subsection (3), a reference to a referee is a reference to a referee other than the nominated referee.

‘(3) If—

(a) a matter arises out of a proceeding before a Small Claims Tribunal and the referee constituting the tribunal considers the matter to be of importance as regards the relationship of consumer and trader; or

(b) in the course of a proceeding, or because of a proceeding, a

SCHEDULE 1 (continued)

referee considers that a trader has, in the course of the trader's dealings with the claimant, engaged in conduct that should be brought to the attention of the Minister; or

- (c) a referee is of the opinion that a matter relevant to—
- (i) the administration of this Act; or
 - (ii) the practices and procedures of tribunals;
- should be brought to the attention of the Minister;

the referee must give a written report on the matter to the nominated referee.

‘(4) If—

- (a) a matter arises out of a proceeding before a Small Claims Tribunal constituted by the nominated referee and the nominated referee considers the matter to be of importance as regards the relationship of consumer and trader; or
- (b) in the course of a proceeding, or because of a proceeding, the nominated referee considers that a trader has, in the course of the trader's dealings with the claimant, engaged in conduct that should be brought to the attention of the Minister; or
- (c) the nominated referee is of the opinion that a matter relevant to—
 - (i) the administration of this Act; or
 - (ii) the practices and procedures of tribunals;should be brought to the attention of the Minister; or
- (d) a referee reports a matter under subsection (3) to the nominated referee and the nominated referee considers that the matter is of a kind mentioned in paragraph (a) or (b);

the nominated referee must give a written report on the matter to the Minister.’.

SCHEDULE 1 (continued)

SUPREME COURT OF QUEENSLAND ACT 1991**1. Section 56 (at the end)—**

insert—

‘(c) the chief executive of the department.

‘(2) A Judge of Appeal may subdelegate powers delegated to the Judge under subsection (1) to a member of the staff of the Court of Appeal.

‘(3) The chief executive may subdelegate powers delegated to the chief executive under subsection (1) to an officer or employee of the department.’.

2. Section 58(2)—

omit, insert—

‘(2) The jurisdiction and powers of the Court that are not required to be exercised only by the Court of Appeal may be exercised by the Court in the Trial Division.’.

3. Section 71(1)—

omit ‘the Court of Appeal is required to hear and determine’,

insert ‘is required to be heard and determined only by the Court of Appeal’.

4. Section 71(5)—

omit ‘under an Act other than this Act’.

5. Section 75(1)(e)—

omit ‘matters are’, *insert* ‘matters as are’.

SCHEDULE 1 (continued)

6. Section 88—

omit.

7. Section 99 (at the end)—

insert—

‘(c) the chief executive of the department.

‘(2) A member of the Commission may subdelegate powers delegated to the member under subsection (1) to a member of the staff of the Commission.

‘(3) The chief executive may subdelegate powers delegated to the chief executive under subsection (1) to an officer or employee of the department.’.

TRUSTEE COMPANIES ACT 1968**1. Section 3—**

omit.

2. Section 4(1) (definitions “foreign company”, “recognized company” and “registrar”)—

omit, insert—

‘**“foreign company”** has the meaning given by the Corporations Law;

“recognised company” has the meaning given by the Corporations Law;

“registrar” means the chief executive of the department;’.

SCHEDULE 1 (continued)

3. Section 21(1)(c)—

omit, insert—

‘(c) committee of the estate of a patient within the meaning of Schedule 5 to the *Mental Health Act 1974*;’.

4. Section 21(8)—

omit ‘Companies (Queensland) Code’, insert ‘Corporations Law’.

5. Section 63(2)—

omit, insert—

‘(2) In Part 2 of Schedule 2—

“**member**”, if used in a provision that limits the number of shares that may be held by a member, includes, in its application to a corporation, a corporation that is a related body corporate within the meaning of section 50 of the Corporations Law.’.

6. Section 64A—

omit ‘Attorney-General’ (wherever occurring), insert ‘Minister’.

7. Section 65(1) (all words after ‘make’)—

omit, insert—

‘a statutory declaration in a form approved by the chief executive.

‘(1A) The declaration must contain the following particulars—

- (a) a statement that the liability of the members of the company is limited;
- (b) the number and face value of the shares making up the capital of the company;
- (c) the number of shares issued;

SCHEDULE 1 (continued)

- (d) the extent to which calls have been made on shares and the amount received on the calls;
- (e) details of company assets;
- (f) details of company liabilities;
- (g) any other matter determined by the chief executive.’.

8. Section 65(3)—

omit ‘ten dollars’, insert ‘1 penalty unit’.

9. Section 66—

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

10. Section 66A(1)—

omit ‘Companies (Queensland) Code’, insert ‘Corporations Law’.

11. Section 66A(2)(a)(ii)—

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

12. Section 66A(2) (2nd sentence)—

omit ‘This subsection shall’, insert ‘Subsection (2) must’.

13. Section 66A(2) (2nd sentence)—

renumber as subsection (2A).

14. Section 66E(1)—

omit ‘a statutory declaration in, or to the effect of, the Fourth Schedule to this Act’,

SCHEDULE 1 (continued)

insert —

‘a statutory declaration in a form approved by the chief executive.

‘**(1A)** The declaration must contain the following particulars—

- (a) the number and face value of the shares making up the authorised capital of the company;
- (b) the number and face value of the shares making up the issued capital of the company;
- (c) the amount of paid-up capital;
- (d) the amount of uncalled capital;
- (e) the extent to which calls have been made on shares and the amount received on the calls;
- (f) the amount of company assets;
- (g) the amount of company liabilities;
- (h) the nature and amount of credit and standby facilities available to the company at balance date;
- (i) details of the company balance sheet;
- (j) any other matter determined by the chief executive.’.

15. Section 66E(5)—

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

16. Section 66G (2nd sentence)—

omit ‘This section’, *insert* ‘Subsection (1)’.

17. Section 66G (1st and 2nd sentences)—

renumber as subsections (1) and (2).

SCHEDULE 1 (continued)

18. Section 71—*omit, insert—***‘Delegations**

‘71. The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.’.

19. Section 72(2) to (6)—*omit.***20. Section 73(3)—***omit ‘Attorney-General’, insert ‘Minister’.***21. Schedule 1—***omit.***22. Schedule 2, Part 1—***omit, insert—***‘PART 1**

‘ANZ Executors & Trustee Company Limited

Permanent Trustee Company Limited

Perpetual Trustees Australia Limited

Perpetual Trustees Queensland Limited

Trust Company of Australia Limited’.

SCHEDULE 1 (continued)

23. Schedule 2, Part 2 (Trust Company of Australia Limited, paragraph (f))—

omit ‘Companies Act 1961-1975’, insert ‘Corporations Law’.

24. Schedule 2, Part 2 (ANZ Executors & Trustee Company Limited, paragraph (f))—

omit ‘Companies (Queensland) Code’, insert ‘Corporations Law’.

25. Schedule 2, Part 2 (at the end)—

insert—

‘PERMANENT TRUSTEE COMPANY LIMITED

- (a) Subject to section 63(2), a member must not be the beneficial holder of more than 15% of the capital of the company from time to time on issue.
- (b) The paid-up capital of the company must be at least \$5 000 000.’.

26. Schedule 2, Part 2—

reposition provisions according to their headings on an alphabetical, letter by letter basis.

27. Schedules 3 and 4—

omit.

SCHEDULE 2**REPEALS**

section 154

*Cash Orders Regulation Act Amendment Act 1959**Justices Acts Amendment Act 1932**Justices Acts Amendment Act 1941**Justices Acts Amendment Act 1949**Justices Acts Amendment Act 1963**Justices Acts Amendment Act 1964**Justices Act Amendment Act 1979**Hide, Skin, and Wool Dealers Act 1958**Pyramid Selling Schemes (Elimination) Act Amendment Act 1986*