

Queensland



**STATUTE LAW
(MISCELLANEOUS
PROVISIONS) ACT 1994**

Act No. 15 of 1994

Queensland



STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1994

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ACTS REPEALED

Queensland



**Statute Law (Miscellaneous Provisions) Act
1994**

Act No. 15 of 1994

**An Act to make various amendments of Queensland statute law and
to repeal certain Acts**

[Assented to 10 May 1994]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1994*.

Commencement

2. This Act commences on the day of assent except so far as is otherwise expressly provided.

Amended Acts—Schs 1 and 2

3. An Act mentioned in Schedule 1 or 2 is amended as specified in the relevant schedule.

Repeals—Sch 3

4. The Acts mentioned in Schedule 3 are repealed.

Explanatory Notes

5. An explanatory note to a provision of this Act is not part of the Act.

SCHEDULE 1**MINOR AMENDMENTS AND AMENDMENTS BY
WAY OF STATUTE LAW REVISION**

section 3

ACTS INTERPRETATION ACT 1954**Amendments****1. After section 15D—***insert—***‘Automatic commencement of postponed law****‘15DA.(1)** In this section—**“assent day”** means the date of assent of—

- (a) if the postponed law is an Act—the Act; or
- (b) if the postponed law is a provision of an Act—the Act that enacts the provision;

“postponed law” means an Act or provision of an Act that does not commence on the assent day because a provision of an Act postpones its commencement until a day fixed under an instrument.**‘(2)** If a postponed law has not commenced within 1 year of the assent day, it automatically commences on the next day.**‘(3)** However, within 1 year of the assent day, a regulation may extend the period before commencement under subsection (2) to not more than 2 years of the assent day.**‘(4)** The regulation mentioned in subsection (3) may be made under—

- (a) the Act that is the postponed law; or
- (b) the Act of which the postponed law is a provision; or

SCHEDULE 1 (continued)

(c) an Act that the postponed law amends;

as if the Act mentioned in paragraph (a), (b) or (c) included a provision that had commenced and authorised the regulation to be made.

‘(5) This section—

- (a) only applies to a postponed law enacted after 31 December 1994; and
- (b) applies to a postponed law unless an Act expressly states it does not apply.

Example—

The *Hypothetical Act 1995* was assented to on 5 April 1995 and was expressed to commence on a day to be fixed by proclamation. If the Act was not commenced by 5 April 1996, it would commence on 6 April 1996 under subsection (2) unless a regulation had been made under subsection (3) extending time for commencement.’.

2. Section 20(3)—

omit, insert—

‘(3) This section does not affect the following provisions—

- Criminal Code, section 11 (Effect of changes in law)
- *Penalties and Sentences Act 1992*, section 180 (Effect of alterations in sentences).’.

3. Section 20A(2)—

omit ‘another’, insert ‘an’.

4. In Pt 6 (after s 22B)—

insert—

‘Automatic repeal of amending Act

‘**22C.(1)** An amending Act enacted after 30 June 1994 is automatically repealed at the beginning of the day after all of its provisions have commenced.

 SCHEDULE 1 (continued)

‘(2) In this section—

“**amending Act**” means an Act that consists only of provisions of the following types—

- (a) the Act’s long title;
- (b) the Act’s preamble (if any);
- (c) a provision about the Act’s citation;
- (d) a provision (if any) about the Act’s commencement;
- (e) a provision providing for the amendment or repeal of an Act or other instrument;
- (f) a provision declaring an Act or a provision of an Act to be a law to which section 20A applies.

Example 1—

The *Hypothetical Amending Act 1995* amends the *ABC Act* and the *LMN Act*. It also repeals a list of Acts set out in a Schedule. Apart from—

- a long title
- a provision about the Act’s citation (that is, the Act’s short title)
- a provision about the Act’s commencement
- amending provisions (that is, provisions stating that the *ABC Act* and the *LMN Act* are amended and the provisions amending the Acts)
- repealing provisions (that is, a provision stating that the Acts set out in the Schedule are repealed and a Schedule)
- a provision about the application of s20A to a provision being repealed,

the *Hypothetical Amending Act 1995* contains no other provisions. Its repealing provisions commence on assent, 21 March 1995. Its amending provisions commence on proclamation, 12 April 1995. Under subsection (1), the *Hypothetical Amending Act 1995* is automatically repealed at the beginning of 13 April 1995.

Example 2—

The *Example Act 1995* contains provisions establishing a new scheme. It also amends several Acts and repeals others. Because it contains the scheme provisions, it is not an amending Act covered by subsection (1).’.

SCHEDULE 1 (continued)

5. Section 24B(3)(b)—

omit ‘terminate’, *insert* ‘end’.

6. Section 24B(3A)—

omit ‘terminated’, *insert* ‘ended’.

7. Section 24B(4)—

omit ‘or the termination of the appointment’,
insert ‘or the ending of the appointment under subsection (3)(b)’.

8. Section 24B(6)(b)—

omit ‘is filled’, *insert* ‘ends’.

9. Section 24B(7)—

omit ‘ceases to have effect’, *insert* ‘ends’.

10. Section 24B—

insert—

‘(7A) If the vacancy in the office in which a person is acting ends, the person’s appointment to act in the office because of the vacancy also ends.

‘(7B) If the holder of the office in which a person is acting resumes the office, the person’s appointment to act in the office because of the absence of the holder of the office ends.

‘(7C) Subsections (7A) and (7B) apply even if a contrary intention appears in the instrument of, or evidencing the, appointment to act.

‘(7D) A person’s substantive appointment to an office does not end merely because the person acts in another office.

SCHEDULE 1 (continued)

‘(7E) To avoid any doubt, it is declared that subsections (7A) to (7D) do not change the law of Queensland.’.

11. Section 24B(9)(b) and (c)—

omit, insert—

‘(b) the appointment had ended; or

(c) the occasion for the person to act had not arisen or had ended.’.

12. Section 24B(13)—

omit, insert—

‘(13) Writing purporting to be, or to contain, an appointment, or the ending of an appointment under subsection (3)(b), is evidence of the appointment or the ending of the appointment.’.

13. Section 32D (other than examples)—

omit, insert—

‘References to persons generally

‘32D.(1) In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.

‘(2) Subsection (1) is not displaced merely because there is an express reference to either an individual or a corporation elsewhere in the Act.’.

14. Section 33(5B)—

omit ‘of a department of government without specifying a particular department’,

insert ‘without specifying a particular unit of the public sector’.

SCHEDULE 1 (continued)

15. Section 33(5B)(a) and (b)—

omit ‘department of government’, *insert* ‘unit of the public sector’.

16. Section 33(5C)—

omit ‘the chief executive of a department of government’,
insert ‘a chief executive’.

17. After section 33—

insert—

‘References to States include Territories

‘33A.(1) In an Act, a reference to a State (other than a reference to Queensland or a particular State by name) includes a reference to the Australian Capital Territory and the Northern Territory.

Examples—

‘a law of a State’ includes a law of the Australian Capital Territory and a law of the Northern Territory.

‘a law of the Commonwealth or another State’ includes a law of the Australian Capital Territory and a law of the Northern Territory.

‘(2) Subsection (1) is not displaced merely because there is an express reference to a Territory elsewhere in the Act.

‘(3) This section applies to an Act enacted before 1 July 1994 only if the Act includes a definition to the effect that a reference to a State includes a reference to a Territory.’.

18. Section 36 (definition “chief executive”)—

omit, insert—

“chief executive”—

- (a) for a unit of the public sector specified by name—means the chief executive (however described) under whose control the unit is placed; or

SCHEDULE 1 (continued)

- (c) in any other case—has the meaning given by section 33;’.

Explanatory note**Automatic commencement of postponed law—amendment 1**

A Bill often provides that the Act or provision of the Act is to commence on a day fixed by an instrument such as a proclamation. This allows flexibility about when the Act or provision will commence. Flexibility is particularly useful if preparation (for example, conducting community information programs or making a regulation) is necessary before the legislation operates and preparation length is uncertain.

Section 15D deals with commencement by proclamation or other instrument. Proposed section 15DA reinforces Parliament’s control by setting an outer limit for commencement. To allow ample time for the integration of this new limit into the legislation’s administrative implementation, the limit only applies to Acts enacted from 1 January 1995—proposed subsection (5)(a).

Proposed subsection (2) automatically commences an uncommenced Act or provision of an Act 1 year after the Act receives assent. Proposed subsection (3) then allows the outer limit to be extended to 2 years by regulation. Proposed subsection (4) deals with the situation where there would otherwise not be power to make a regulation.

This automatic commencement applies unless the Act itself expressly states that it does not—see proposed subsection (5)(b).

Amendment 2

Section 20 deals with the saving of operation of repealed, amended or expired provisions. The proposed amendment recasts existing subsection (3) more simply.

Amendment 3

Section 20A continues the effect of saving, transitional, validating and declared provisions after their repeal. Existing subsection (2) allows one Act to declare another Act or a provision of another Act to be a declared law whose effect is continued after it is repealed. The proposed amendment makes it possible for an Act to declare itself, or a provision of it, to be a declared law. This is an efficient way to use the section and will assist in ensuring that the Queensland statute book remains free of ‘deadwood’.

Automatic repeal of amending Act—amendment 4

Ensuring that the Queensland Statute Book is of the highest standard is one of the statutory functions of the Office of the Queensland Parliamentary Counsel—see *Legislative Standards Act 1992*, section 7(j).

SCHEDULE 1 (continued)

The repeal of legislation that itself repealed or amended other legislation does not affect what the repealed legislation had done to the other legislation—*Acts Interpretation Act*, section 19 (Repealed Acts etc. not revived).

Proposed section 22C is designed to assist maintenance of the Statute Book by ensuring the on-going automatic removal from the Statute Book of legislation that merely amends or repeals other legislation.

In addition, an on-going review by the Office and Departments is examining legislation currently on the statute book to decide whether it should be retained or whether it may be removed because it has no continuing operation. Those identified as appropriate for removal are then repealed.

Once a reprint of amended legislation is available, any legislation that had amended it is also identified as appropriate for removal by repeal.

The repeal of legislation identified as appropriate for removal is usually done in a Statute Law (Miscellaneous Provisions) Act. For example, see section 4 and Schedule 3 to this Act.

Acting appointments—amendments 5–12

Amendments 5–9 and 11–12 simplify section 24B (Acting appointments) by replacing the concepts of ‘termination’, ‘cessation’ and ‘filling’ with the single concept of ‘ending’.

Amendment 10 inserts proposed subsections (7A) to (7D) to clarify what happens when a new or existing appointee takes up or resumes an office in which someone has been acting. The period of acting ends under subsection (7A) or (7B) as appropriate.

Because of subsection (7C), the acting appointment will end even if the instrument of appointment to act stated, for example, that the appointee was to act ‘until further advised’. However, a standing appointment to act, for example, during an office holder’s absence, allows further periods of acting during the office holder’s subsequent absences.

Subsection (7D) ensures that, after the acting appointment ends, the acting appointee generally resumes duty in the office (if any) to which the acting appointee had been substantively appointed.

Subsection (7E) makes it clear that subsections (7A) to (7D) do not represent a change of law. As is typical of many provisions of the *Acts Interpretation Act 1954*, the provisions are explanatory and declaratory in nature.

References to persons generally include corporations and individuals—amendment 13

“[P]erson” is defined as including an individual and a corporation—see section 36.

SCHEDULE 1 (continued)

Proposed subsection 32D(1) complements this definition. Existing section 32D is merely restated in proposed subsection (2) in a clearer way.

Chief executive—amendments 14–16 and 18

Existing section 33(5B) and (5C) give meaning to a reference to a ‘chief executive’ of a government department without specifying a particular department. Proposed amendments 14 to 16 extend the application of the subsections. They will give meaning to a reference to a ‘chief executive’ of a unit of the public sector (including a government department) without specifying the particular unit. This will avoid the need for an Act to include the rather obvious definition of “chief executive” as meaning the chief executive of the department administering the Act.

Proposed amendment 18 is a consequential amendment.

References to States include Territories—amendment 17

“State” is defined as meaning a State of the Commonwealth and including the Australian Capital Territory (ACT) and the Northern Territory (NT)—see section 36. Amendment 17 inserts a new section 33A. Proposed section 33A(1) complements this definition while making it clear that the section does not apply to references to Queensland (for example, ‘the State’) or named States (for example, ‘Victoria’).

Proposed subsection (2) covers the situation where in an Act there are references to a State and express references to a Territory. Of themselves, the express references to a Territory elsewhere in the Act do not displace the inclusion of a reference to the ACT and the NT in a reference to a State.

Proposed subsection (3) provides that the section applies to an Act enacted before 1 July 1994 only if the Act includes a definition to the effect that a reference to a State includes a reference to a Territory. Acts enacted before then were usually drafted on the assumption that references to the States did not include references to the Territories. Inclusion in an Act of a definition of the type mentioned in the proposed subsection (3) is one way in which the assumption is displaced for an Act.

BRANDS ACT 1915**Amendment****1. Section 6(5) (paragraph starting ‘Provided that this provision’)—**

insert—

‘(f) a mark or cut on a head of cattle authorised under another Act.’.

SCHEDULE 1 (continued)

Explanatory note

The provision mentioned prohibits the making of cuts or marks on any head of cattle other than registered cattle earmarks. The list of exceptions that the new paragraph is added to did not specify the possibility that another Act may allow a cut or mark. The amendment cures this deficiency.

BRISBANE FOREST PARK ACT 1977**Amendments****1. Section 5—**

omit, insert—

‘Brisbane Forest Park

‘5.(1) Brisbane Forest Park comprises the lands prescribed by regulation to be the park.

‘(2) Subject to section 7 (Manner of altering area of park), the Governor in Council may, by regulation, include land in, or exclude land from, the park.

‘(3) A map showing the area of the park may be inspected, and purchased, at the Brisbane office of the department.’.

2. Section 7(3)—

omit, insert—

‘(3) If the Legislative Assembly approves of the proposal by resolution on a motion of which at least 14 days notice has been given, the Governor in Council may, by regulation, give effect to the proposal by including in the park, or excluding from the park, the land the subject of the proposal.’.

3. Section 8(2) (1st sentence)—

omit words from ‘Order in Council made upon’ to ‘to such land’,

insert ‘regulation, include in the park the land that comprised the road.’.

SCHEDULE 1 (continued)

4. Section 8(2) (2nd sentence)—

omit.

5. Section 13(1)(b)—

omit, insert—

- ‘(b) 2 officers of the department dealing with matters relating to State Forests who are nominated by the chief executive of that department;
- (ba) 1 officer of the department dealing with matters relating to the registration of interests in freehold and leasehold land who is nominated by the chief executive of that department;
- (bb) 1 officer of the department dealing with matters relating to the environment who is nominated by the chief executive of that department;
- (bc) 1 officer of each of 3 departments prescribed by regulation for the purposes of this paragraph who are nominated by the chief executives of their respective departments;’.

6. Section 13(2) (2nd sentence)—

omit, insert—

‘(2A) The officer mentioned in subsection (1)(bb) must be a conservation officer under the *Nature Conservation Act 1992*.’.

7. Section 13(3)—

omit.

8. Section 41(3)—

omit ‘Unless and until the Governor in Council by Order in Council prescribes differently, the’,

insert ‘The’.

SCHEDULE 1 (continued)

9. Schedules 1 and 2—

omit.

Commencement

The amendments commence on a day to be fixed by proclamation.

Explanatory note

Amendment 2 recasts the existing subsection to remove a Henry VIII provision that allows the Schedule to the Act to be amended by Order in Council. Amendments 1, 4 and 9 are consequential on amendment 2.

Amendment 3 removes another Henry VIII provision that allows the Schedule to the Act to be amended by Order in Council.

Amendment 7 removes a third Henry VIII provision that allows classes of government officers mentioned in the Act to be substituted by other classes specified in an Order in Council. Amendments 5 and 6 are consequential on amendment 3.

Amendment 8 removes an unnecessary power.

CITY OF BRISBANE MARKET ACT 1960**Amendments****1. Section 3—**

omit, insert—

‘Exemption from Act

‘3. The Governor in Council may, by regulation, exempt any fruit or vegetable from the operation of this Act.’.

2. Section 4 (definition “Minister”)—

omit.

SCHEDULE 1 (continued)

3. Section 4 (definition “vegetables”)—

omit ‘Order in Council from time to time’, *insert* ‘regulation’.

4. Section 5(2)—

omit ‘by notification published in the Gazette’.

5. Section 6A(2)—

omit ‘publication in the Gazette of the notification by the Governor in Council of such’.

6. Section 8(f)—

omit ‘by notification published in the Gazette’.

7. Section 13(1)—

omit ‘, by notification published in the Gazette,’.

8. Section 16(2)(b)—

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

9. Section 16(2) and (3)—

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

10. Section 16A(1)—

omit ‘by Order in Council’.

11. Section 17(5)—

omit—

SCHEDULE 1 (continued)

‘Penalty: \$1 000

Daily Penalty: \$50’,

insert—

‘Maximum penalty—

(a) 20 penalty units; and

(b) 1 penalty unit for each day after conviction that the offence continues.’.

12. Section 21A(3)(b)—

omit ‘by Order in Council published in the Gazette’.

13. Section 25(1)—

omit ‘from time to time by Order in Council’, *insert* ‘by regulation’.

14. Section 25(2) and(3)—

omit.

15. Section 25A(1)—

omit ‘from time to time by Order in Council’, *insert* ‘by regulation’.

16. Section 25A(1), (3), (4) and (6)—

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

17. Section 25A(2)—

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

SCHEDULE 1 (continued)

18. Section 25A(3)—

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

19. Section 25A(4) and (6)—

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

20. Section 25A(4)—

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

21. Section 25A(5)—

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

22. Section 27(1)(d)(xiv)—

omit words from ‘in any case \$500’ to ‘is continued’,

insert ‘10 penalty units or, for a continuing offence, 1 penalty unit for each day that the offence continues’.

23. Section 28A(2)—

omit ‘penalty of \$500’, *insert* ‘maximum penalty of 10 penalty units’.

24. Section 29—

omit.

Explanatory note

Amendments 1, 3, 8, 9, 13 and 15 to 21 implement current drafting practice by providing that the statutory instruments to be used under the Act are regulations. The opportunity has also been taken in Amendment 1 to recast the provision in accordance with current drafting practice and, in Amendments 13 and 15, to omit unnecessary and redundant terms.

SCHEDULE 1 (continued)

Amendment 2 removes an unnecessary definition.

Amendments 4 to 7 implement current drafting practice by omitting the requirement for matter of an administrative nature to be published in the Gazette.

Amendments 10 and 12 provide that, although the Governor in Council's approval continues to be required, it is not a requirement that the approval be given by order in council.

Amendments 11, 22 and 23 update references and recast provisions in accordance with current drafting practice.

Amendments 14 and 24 remove unnecessary and redundant provisions.

COMMUNITY SERVICES (ABORIGINES) ACT 1984**Amendment****1. Part 3, Div 2 (after s 41)—**

insert—

'Indemnification of Aboriginal police officer for liability for tort

'41A.(1) If—

- (a) an Aboriginal police officer incurs legal liability for committing a tort while acting, or purporting to act, in the execution of duty as an officer; and
- (b) the officer acted honestly and without gross negligence;

the State may indemnify the officer for the liability.

'(2) If—

- (a) an Aboriginal police officer incurs legal liability for helping, directly or indirectly, a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to be an emergency; and
- (b) the officer acted honestly and without gross negligence;

the State must indemnify the officer for the liability.'.

SCHEDULE 1 (continued)

Explanatory note

Aboriginal police have the function of maintaining peace and good order in trust areas and have functions, duties and powers conferred on them by by-laws under the Act. The amendment inserts a provision about being indemnified by the State for liability incurred for a tort committed while acting in the execution of duty or in an emergency. The indemnity provided for is similar to the indemnity for police officers under the *Police Service Administration Act 1990*.

**COMMUNITY SERVICES (TORRES STRAIT) ACT
1984****Amendment****1. Part 3, Div 2 (after s 39)—**

insert—

‘Indemnification of Island police officer for liability for tort**‘39A.(1) If—**

- (a) an Island police officer incurs legal liability for committing a tort while acting, or purporting to act, in the execution of duty as an officer; and
- (b) the officer acted honestly and without gross negligence;

the State may indemnify the officer for the liability.

‘(2) If—

- (a) an Island police officer incurs legal liability for helping, directly or indirectly, a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to be an emergency; and
- (b) the officer acted honestly and without gross negligence;

the State must indemnify the officer for the liability.’.

SCHEDULE 1 (continued)

Explanatory note

Island police have the function of maintaining peace and good order in trust areas and have functions, duties and powers conferred on them by by-laws under the Act. The amendment inserts a provision about being indemnified by the State for liability incurred for a tort committed while acting in the execution of duty or in an emergency. The indemnity provided for is similar to the indemnity for police officers under the *Police Service Administration Act 1990*.

CONTAMINATED LAND ACT 1991**Amendments****1. Section 4—**

insert—

‘**“prescribed purpose”** means a purpose prescribed under section 17(5);’.

2. Section 16(1)—

omit ‘an authorised person who’, *insert* ‘if an authorised person’.

3. Section 16(1)(d)—

omit, insert—

‘(d) a hazardous substance is being handled in a particular way;’.

4. Section 19 (heading)—

omit ‘**Assessment**’, *insert* ‘**Investigation**’.

5. Section 19(1)(c)(iii)(A) and (2)(c)(iii)(A)—

omit ‘purpose prescribed for the purposes of section 17(5)’,

insert ‘prescribed purpose’.

SCHEDULE 1 (continued)

6. Section 19(4)(a)—

omit ‘inspection’, *insert* ‘investigation’.

7. Section 19(9)—

omit ‘contamination’, *insert* ‘investigation’.

8. Section 20(1)(c)(iii)(A) and (2)(c)(iii)(A)—

omit ‘purpose prescribed for the purposes of section 17(5)’,
insert ‘prescribed purpose’.

9. Section 23(5)—

omit, insert—

‘(5) Land may be classified as a probable site if the land is being, or has been, used—

- (a) for a prescribed purpose; or
- (b) in a way that is known to have caused, or may have caused, other land to become contaminated land.’.

10. Section 30(3)—

omit ‘32(1)(b) or (c)’, *insert* ‘32(b) or (c)’.

11. Section 32—

omit ‘30(1)(b)’, *insert* ‘30(1)(f)’.

12. Section 44—

omit ‘16(1)’, *insert* ‘16(4)’.

SCHEDULE 1 (continued)

13. Section 44—

omit ‘36(1)’, insert ‘36(3)’.

14. Section 47(4) (after ‘that’)—

insert ‘the owner’.

15. Section 47(4)(a)—

omit ‘the owner’.

16. Section 51(1)(a)—

omit ‘if the penalty’, insert ‘if a penalty’.

Explanatory note

Amendments 1, 5, 8 and 9 provide for easier reference to land uses prescribed for the purposes of the Act.

Amendments 2 and 3 correct grammatical errors.

Amendments 4, 6 and 7 provide for more consistent use of terms under the Act.

Amendments 10 to 13 correct cross-referencing errors.

Amendments 14 to 16 correct technical errors.

DISEASES IN TIMBER ACT 1975**Amendments****1. Section 3 (definition “chief executive”)—**

omit.

SCHEDULE 1 (continued)

2. Section 3 (definitions “disease” and “infected area”)—

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

3. Section 4(1)—

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

4. Section 4(2)—

omit from ‘Where an infected area’ to ‘subsequent Order in Council—’,
insert ‘The Governor in Council, by regulation—’.

5. Section 5(1)—

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

6. Section 10(1)—

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

7. Section 17—

omit, insert—

‘Regulation making power

‘17.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may create offences and prescribe penalties of not more than 2 penalty units for the offences.’.

8. Section 18—

omit.

SCHEDULE 1 (continued)

Explanatory note

Amendment 1 removes an unnecessary definition.

Amendments 2 to 6 implement current drafting practice by providing that the statutory instruments to be used under the Act are regulations.

Amendment 7 recasts the section by removing unnecessary and redundant terms and converts the monetary penalty into penalty units in accordance with current drafting practice.

Amendment 8 removes a redundant provision.

EDUCATION (GENERAL PROVISIONS) ACT 1989**Amendments****1. Section 10—**

omit ‘, 58(2)(e), 75(1), 75(6) and 76(1)’, *insert* ‘and 58(2)(e)’.

2. Section 11—

omit.

3. Section 12(1)—

omit ‘17’, *insert* ‘15(1)(c)’.

4. Section 13—

omit, insert—

‘Power to establish State schools

‘13. The Minister may establish, maintain and carry on State schools that the Minister considers necessary.’.

SCHEDULE 1 (continued)

5. Section 14—

omit, insert—

‘Power to establish other ways of educational instruction

‘14. The Minister may establish, maintain and carry on other ways of educational instruction that the Minister considers necessary, including, for example—

- (a) environmental education centres; and
- (b) outdoor education centres; and
- (c) centres for continuing secondary education.’.

6. Section 19(1)—

omit ‘and fees’.

7. Section 21—

omit ‘or his delegate in that behalf’.

8. Section 28(2) (at the end)—

insert—

‘Maximum penalty—10 penalty units.’.

9. Section 32—

omit.

10. Section 46—

omit ‘59’, insert ‘74’.

SCHEDULE 1 (continued)

11. Section 61(3)(b)—

omit ‘an averment’, *insert* ‘a statement’.

12. Section 61(3)(b)—

omit all words from ‘shall be evidence’,
insert ‘is evidence of the thing stated;’.

13. Section 61(3)(c)—

omit all words from ‘shall be evidence’,
insert ‘is evidence of the things contained in the certificate;’.

14. Section 61(3)(d)—

omit all words from ‘shall be conclusive’,
insert ‘is evidence of the things contained in the certificate.’.

15. Section 66—

omit, insert—

‘Audit requirements

‘66. For the purposes of the *Financial Administration and Audit Act 1977*, a corporation mentioned in section 65 of this Act is a statutory body within the meaning of that Act.’.

16. Section 71—

omit, insert—

‘Disposal of property donated for school or other educational purposes

‘71.(1) This section applies to property devised, bequeathed or given to the Corporation—

SCHEDULE 1 (continued)

- (a) for the benefit of a specified school; or
- (b) for the promotion of a specified branch of education.

‘(2) This section applies if—

- (a) the property cannot be used in the way specified by the donor because—
 - (i) the specified school has been discontinued; or
 - (ii) the specified branch of education has been wholly or partly discontinued; or
- (b) in the Minister’s opinion, it is not practicable for the property to be used in the way specified by the donor.

‘(3) The Minister may direct that the property—

- (a) be used for another purpose of the department; or
- (b) be sold (freed and discharged from a trust to which it is subject) and the proceeds of the sale be used for another purpose of the department; or
- (c) if the property is land—
 - (i) be given back to the donor; or
 - (ii) if the donor is dead—be given to a descendant of the donor.’.

17. Section 72(7)—

omit.

18. Section 75(2) (at the end)—

insert—

‘Maximum penalty—10 penalty units.’.

SCHEDULE 1 (continued)

19. Section 75—

insert—

‘(3A) A person establishing or conducting an international educational institution must comply with the conditions of the approval.

Maximum penalty—10 penalty units.’.

20. Section 76(1) (at the end)—

insert—

‘Maximum penalty—10 penalty units.’.

21. Section 76—

insert—

‘(3) A person to whom the approval applies must comply with the conditions of the approval.

Maximum penalty—10 penalty units.’.

22. Section 77(2)—

omit, insert—

‘(2) An association, trust or other arrangement formed or established under subsection (1) is taken to be a statutory body under the *Financial Administration and Audit Act 1977*.’.

23. Section 79—

omit.

24. Sections 81–83—

omit.

SCHEDULE 1 (continued)

25. Section 84—

renumber and relocate as section 77B.

Explanatory note

Amendments 1 and 3 correct cross references.

Amendments 4, 5, 7, 9 to 15, 17, 22, 23 and 24 bring about statute law revision by omitting redundant references and provisions, updating references and recasting provisions in accordance with current drafting practice. The amendments do not make changes of substance.

Amendments 2 and 6 are consequential amendments because of a recent amendment of section 36 of the *Financial Administration and Audit Act 1977*.

Amendments 8, 18 and 20 insert specific penalties because of the omission of the general penalty provision by amendment 24.

Amendment 16 recasts section 71 of the Act so that it will apply to personal property as well as real property. This has been done to overcome difficulties in administering bequests of small amounts that the department has held for many years. Adequate information about the purpose of the bequest is often not known. The proposed section provides for property to be used for another purpose of the department, sold or (in the case of land) returned to the donor.

Amendments 19 and 21 make it clear that a person must comply with conditions to which approvals under sections 75 and 76 of the Act are subject. Specific penalties have been inserted as a result of the omission of the general penalty provision by amendment 24.

Amendment 25 is a consequential renumbering amendment.

EXOTIC DISEASES IN ANIMALS ACT 1981**1. Section 5 (definition “Minister”)—**

omit.

SCHEDULE 1 (continued)

2. Section 5 (definitions “animal product”, “biological preparation” (paragraph (c) and “exotic disease”))—

omit ‘which the Governor in Council, by Order in Council, declares’,
insert ‘prescribed by regulation’.

3. Section 7—

omit, insert—

‘Delegation by Minister and chief inspector

‘7.(1) The Minister may delegate the Minister’s powers under Part 2 (other than sections 12(3)(b), 17(3), 19(3)(b), 20(6) and 22(3)).

(2) The chief inspector may delegate the chief inspector’s powers under this Act to a government veterinary officer.’.

4. Section 9(3) (penalty)—

omit, insert—

‘Maximum penalty—200 penalty units or imprisonment for 1 year.’.

5. Section 10(1)—

omit ‘published in the Gazette’.

6. Section 10(2)—

omit.

7. Section 10—

insert—

‘(4) A notification under this section is subordinate legislation.’.

SCHEDULE 1 (continued)

8. Section 11(1) (penalty)—*omit, insert—*

‘Maximum penalty—200 penalty units or imprisonment for 1 year.’.

9. Section 14(1)—*omit* ‘published in the Gazette’.**10. Section 14(2) (penalty)—***omit, insert—*

‘Maximum penalty—200 penalty units or imprisonment for 1 year.’.

11. Section 14(3) (penalty)—*omit, insert—*

‘Maximum penalty—200 penalty units or imprisonment for 1 year.’.

12. Section 14—*insert—*

‘(4) A notification under this section is subordinate legislation.’.

13. Section 15(2) (penalty)—*omit, insert—*

‘Maximum penalty—100 penalty units or imprisonment for 6 months.’.

14. Section 16(1)—*omit* ‘published in the Gazette’.

SCHEDULE 1 (continued)

15. Section 16(2)—

omit.

16. Section 16—

insert—

‘(4) A notification under this section is subordinate legislation.’.

17. Section 17(1) (penalty)—

omit, insert—

‘Maximum penalty—200 penalty units or imprisonment for 1 year.’.

18. Section 18(1)—

omit ‘published in the Gazette’.

19. Section 18(2)—

omit.

20. Section 18—

insert—

‘(4) A notification under this section is subordinate legislation.’.

21. Section 19(2) (penalty)—

omit, insert—

‘Maximum penalty—40 penalty units.’.

SCHEDULE 1 (continued)

22. Section 28—*omit, insert—***‘Declaration of outbreak of exotic disease**

‘28.(1) The Minister may, by notification, declare when an outbreak of a specified exotic disease started or ended in a specified area of the State.

‘(2) A notification under this section is subordinate legislation.’.

23. Section 33(1)(b)—*omit, insert—*

‘(b) The Minister may delegate the Minister’s powers under this subsection to a government veterinary officer.’.

24. Section 37 (penalty)—*omit, insert—*

‘Maximum penalty—80 penalty units or imprisonment for 6 months.’.

25. Section 39 (penalty)—*omit, insert—*

‘Maximum penalty—80 penalty units or imprisonment for 6 months.’.

26. Section 40(4)—*omit* ‘penalty of \$4 000 or imprisonment for 6 months’,*insert* ‘maximum penalty of 80 penalty units or imprisonment for 6 months’.**27. Section 46—***omit.*

SCHEDULE 1 (continued)

28. Section 47(1), (2) and (3)—

omit, insert—

‘(1) The Governor in Council may make regulations under this Act.

‘(2) A regulation may be made about the matters specified in Schedule 2.’.

29. Section 47(4)(b)—

omit.

30. Section 48—

omit.

31. Schedule 2 (cl 15)—

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

32. Schedule 2 (cls 17 and 18)—

omit.

Explanatory notes

Amendment 1 removes an unnecessary definition.

Amendment 2 implements current drafting practice by providing that the statutory instrument to be used under the section is a regulation.

Amendments 3 and 23 remake the powers of delegation in accordance with current drafting practice. Section 27A (Delegation of powers) of the *Acts Interpretation Act 1954* then applies.

Amendments 4, 8, 10, 11, 13, 17, 21, 24 to 26 and 31 implement current drafting practice by converting monetary penalties into penalty units.

Amendment 5 removes terminology that becomes unnecessary because of Amendment 7.

Amendments 6, 15, 19, 27, 29, 30 and 32 remove redundant provisions.

SCHEDULE 1 (continued)

Amendments 7, 12, 16 and 20 insert new subsections providing that notifications under the section are subordinate legislation. Sections 40 (Notification) and 43 (Tabling) of the *Statutory Instruments Act 1992* will apply and require the notifications to be gazetted and tabled in Parliament.

Amendment 9 removes terminology that becomes unnecessary because of Amendment 12.

Amendment 14 removes terminology that becomes unnecessary because of Amendment 16.

Amendment 18 removes terminology that becomes unnecessary because of Amendment 20.

Amendment 22 recasts the section in plain English, provides that a notification under the section is subordinate legislation and removes redundant provisions. Sections 40 (Notification) and 43 (Tabling) of the *Statutory Instruments Act 1992* will apply and require the notifications to be notified and tabled in Parliament.

Amendment 28 recasts the regulating making power in the subsections in accordance with current drafting practice and removes redundant provisions. Provisions of the *Statutory Instruments Act 1992* (in particular, sections 24 (Statutory instrument may be of general or limited application), 25 (Statutory instrument may make different provision for different categories) and 27 (Statutory instrument may prohibit)) will apply.

FRIENDLY SOCIETIES ACT 1991

Amendments

1. Section 10.2(2)—

omit, insert—

‘(2) Parts 5.4 to 5.8 of the Corporations Law apply, with all necessary changes and any changes prescribed by regulation, to the following matters in the same way as they apply to a company—

- (a) the winding-up of a friendly society voluntarily or by the Court;
- (b) the dissolution of a friendly society;
- (c) a defunct or dissolved friendly society.

‘(2A) In the application of Parts 5.4 to 5.8 of the Corporations Law, a

 SCHEDULE 1 (continued)

reference in the Corporations Law to the Commission is a reference to the Registrar.’.

2. Section 10.2(3)—

omit ‘Subsection (2) applies’, *insert* ‘Subsections (2) and (2A) apply’.

3. Section 10.2(3)—

omit ‘it’, *insert* ‘they’.

Explanatory Note

The amendments make it clear that Parts 5.4 to 5.8 of the Corporations Law, about dissolution of companies and defunct or dissolved companies, also apply to friendly societies.

FRUIT MARKETING ORGANISATION ACT 1923

Amendments

1. Section 2 (definitions “Prescribed”, “This Act” and “Vegetables”)—

omit.

2. Section 2—

insert—

‘ “**vegetables**” means vegetables grown in Queensland, other than vegetables prescribed by regulation.’.

3. Section 2 (definitions “Citrus fruit”, “Deciduous fruit”, “Fruit” and “Other fruits”)—

omit ‘the Governor in Council, by notification in the Gazette,’,

insert ‘regulation’.

SCHEDULE 1 (continued)

4. Section 6(5)(vii)—

omit, insert—

‘(vii)to impose levies on fruit marketed, whether or not the fruit is or is about to be marketed by or under the authority of the COD under a direction under this Act or as prescribed by regulation;’.

5. Section 6A—

omit ‘order in council’, insert ‘regulation’.

6. Section 6A(3)—

omit.

7. Section 6C(2)—

omit ‘order in council’, insert ‘regulation’.

8. Section 6L(b)—

omit ‘an order in council’, insert ‘a regulation’.

9. Section 6M(1)—

omit words from ‘An order in council’ to ‘is empowered to’,
insert ‘The Minister may declare, by Gazette notice, that the Minister will’.

10. Section 6M(2)—

omit ‘the order in council is gazetted’, insert ‘of the Gazette notice’.

SCHEDULE 1 (continued)

11. Section 6M(3)—

omit ‘an order in council’, *insert* ‘a regulation’.

12. Section 6M(4) and (12)—

omit ‘order in council’, *insert* ‘regulation’.

13. Section 6N(1)—

omit ‘an order in council’, *insert* ‘a regulation’.

14. Section 6N(1)(a) and (b)—

omit ‘order’, *insert* ‘regulation’.

15. Section 6N(8)—

omit ‘an order in council’, *insert* ‘a regulation’.

16. Section 6O—

omit ‘order in council’, *insert* ‘regulation’.

17. Section 6O(a)—

omit ‘order’, *insert* ‘regulation’.

18. Section 6P(1)(b)—

omit ‘an order in council’, *insert* ‘a regulation’.

19. Section 6W(2)—

omit ‘order in council’, *insert* ‘regulation’.

SCHEDULE 1 (continued)

20. Section 6W(3)—

omit ‘by order in council’, *insert* ‘by the Governor in Council’.

21. Section 6W(6)(a)—

omit ‘order in council’, *insert* ‘regulation’.

22. Section 6W(7)—

omit ‘an order in council’, *insert* ‘a regulation’.

23. Section 6W(8)—

omit ‘an order in council’, *insert* ‘a regulation’.

24. Section 7(8A) and (8B)—

omit.

25. Section 7(8C)(i)—

omit.

26. Section 7(8C)(ii)—

renumber as section 7(8A).

27. Section 7A (1st sentence)—

omit ‘an Order in Council be issued by the Governor in Council’,
insert ‘a regulation be made’.

28. Section 7A (3rd sentence)—

omit ‘such Order shall’, *insert* ‘the regulation must’.

SCHEDULE 1 (continued)

29. Section 7A (3rd and 4th sentences)—

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

30. Section 7A (4th sentence, including the proviso)—

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

31. Section 7A (4th sentence)—

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

32. Section 7A (4th sentence)—

omit ‘of such Order’, *insert* ‘of the regulation’.

33. Section 7A (4th sentence)—

omit ‘fixed by such Order’, *insert* ‘fixed by regulation’.

34. Section 7A (4th sentence, including the proviso)—

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

35. Section 7A (5th, 6th and 7th sentences)—

omit.

36. Section 8(3)(v)—

omit ‘from time to time prescribed by the Governor in Council by Order in Council’,

insert ‘prescribed by regulation’.

SCHEDULE 1 (continued)

37. Section 8(3) (last sentence)—

omit.

38. Section 11(2)(b)(i), (ii) and (iii)—

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

39. Section 11(2)(b)(i)—

omit ‘the date specified in any such Order in Council’,
insert ‘the day prescribed by regulation’.

40. Section 11(2)(b)(i)—

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

41. Section 11(2)(b)(ii) and (iii)—

omit ‘the date specified in such Order in Council’,
insert ‘the day prescribed by regulation’.

42. Section 11(2)(c) (1st, 2nd and 3rd sentences)—

omit ‘unless thereunto authorised by an Order in Council made pursuant to paragraph (b) of this subsection’,

insert ‘unless authorised by regulation under paragraph (b)’.

43. Section 13A(3)(a)—

omit ‘order in council’, *insert* ‘regulation’.

44. Section 15(2) and (3)—

omit.

SCHEDULE 1 (continued)

45. Section 16—

omit.

46. Section 17(1)—

omit ‘one hundred dollars’, *insert* ‘2 penalty units’.

47. Section 17(2)—

omit.

48. Section 18—

omit, insert—

‘Offences are summary offences

‘18. An offence against this Act is a summary offence.’.

49. Section 19—

omit.

50. After section 20—

insert—

‘Period of office of elected members and consumers’ representative on COD

‘21.(1) Despite section 9(1) and (4), the period of office of the following persons is extended to 28 February 1995—

- (a) the elected members of COD;
- (b) the consumers’ representative appointed to COD;
- (c) a person filling a casual vacancy in an office mentioned in paragraph (a) or (b).

SCHEDULE 1 (continued)

‘(2) However, the period of office mentioned in subsection (1) may be further extended until a day declared by regulation.

‘(3) A regulation under subsection (2) must be notified on or before 28 February 1995.

‘(4) The day mentioned in subsection (2) must be not later than 31 August 1995.

‘(5) This section expires on—

(a) 28 February 1995; or

(b) if a day is declared by regulation under subsection (2)—that day.’.

Explanatory note

Amendments 1, 6, 24 to 26 and 44 to 49 omit redundant provisions and make necessary consequential amendments.

Amendments 2 to 5, 7 to 23 and 27 to 43 rationalise the use of subordinate legislation and make necessary consequential amendments. In some cases provisions have been recast into plain English.

Amendment 50 extends the period of office of the elected members and the consumer’s representative on the COD. The term of office of these members finishes on 31 August 1994 and, for the elected members, elections of the sectional group committees of the COD representatives would have to be held. New legislation is proposed that will cover the COD and other statutory producers’ bodies. This amendment is an interim measure until the new provisions are in place. The amendment provides for an extension, in the first instance to 28 February 1995, with a provision for a further extension by regulation to a day not later than 31 August 1995.

FUNERAL BENEFIT BUSINESS ACT 1982**Amendment****1. Part 2, after section 6A—**

insert—

‘Appointment of inspectors

‘6B.(1) The chief executive may appoint an officer of the public service

SCHEDULE 1 (continued)

to be an inspector.

‘(2) The chief executive may appoint a person to be an inspector only if—

- (a) the chief executive believes that the person has the necessary expertise or experience to be an inspector; or
- (b) the person has satisfactorily completed a course of training approved by the chief executive.

‘(3) The chief executive may limit the powers of an inspector by stating conditions in the instrument of appointment.

‘Inspector’s identity card

‘6C.(1) The chief executive must issue an identity card to each inspector.

‘(2) The identity card must—

- (a) contain a recent photograph of the inspector; and
- (b) be signed by the inspector.

‘(3) A person who ceases being an inspector must return the identity card to the chief executive as soon as practicable after ceasing to be an inspector, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—20 penalty units.

‘Production of inspector’s identity card

‘6D.(1) An inspector may exercise a power under this Act in relation to a person only if the inspector first produces or displays the inspector’s identity card for inspection by the person.

‘(2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must produce the identity card for inspection by the person at the first reasonable opportunity.’.

Commencement

Amendment 1 commences when amendment 9 (so far as it has not commenced) of

SCHEDULE 1 (continued)

the *Funeral Benefit Business Act 1982*, in Schedule 1 to the *Consumer Law (Miscellaneous Provisions) Act 1993*, commences.

Explanatory note

The amendments allow for inspectors to continue to be appointed under the Act but are to be appointed by the chief executive instead of by the Governor in Council.

The power to appoint inspectors was formerly contained in s 6 of the Act. The Act was amended by the *Consumer Law (Miscellaneous Provisions) Act 1993* and the power to appoint inspectors was inadvertently omitted.

The amendments also make provision for inspectors to be issued with identity cards and to produce the cards for inspection.

GLADSTONE AREA WATER BOARD ACT 1984**Amendments****1. Section 15—**

omit, insert—

‘Term of appointment

‘15.(1) An appointed member’s appointment starts—

- (a) on the day notice of the appointment is published in the Gazette;
or
- (b) on a later day specified in the notice.

‘(2) An appointed member’s term ends on a day fixed by Gazette notice.

‘(3) The day mentioned in subsection (2) must be not later than 6 months after the day prescribed under the *Local Government Act 1993* for holding the triennial election following the member’s appointment.’.

2. Sections 23 and 24—

omit, insert—

SCHEDULE 1 (continued)

‘General powers of Board

‘23.(1) The Board has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with, property; and
- (c) appoint agents and attorneys; and
- (d) fix charges and other terms for services and facilities it supplies; and
- (e) engage consultants.

‘(2) Without limiting subsection (1), the Board has the powers given to it under this or another Act.

‘(3) The Board may exercise its powers outside Queensland and outside Australia.

‘(4) In this section—

“power” includes legal capacity.’.

3. Section 30(2) (1st sentence)—

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

4. Section 30(2) (2nd sentence)—

omit ‘of making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

5. Section 31(2) (1st sentence)—

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

SCHEDULE 1 (continued)

6. Section 31(2) (2nd sentence)—

omit ‘of the making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

7. Section 31(3)(a) and (b)—

omit ‘order’, *insert* ‘regulation’.

8. Section 32—

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

9. Section 32—

omit ‘such order’, *insert* ‘regulation’.

10. Section 34(2)—

omit ‘publication’, *insert* ‘notification’.

11. Section 34(2)—

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

12. Section 46(1)—

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

13. Part 6 (Divs 2 to 5)—

omit, insert—

SCHEDULE 1 (continued)

‘Division 2—Application of Finance Acts**‘Board is statutory body**

‘56. The Board is a statutory body under the following Acts—

- (a) the *Financial Administration and Audit Act 1977*;
- (b) the *Statutory Bodies Financial Arrangements Act 1982*.’.

14. Section 122—

omit, insert—

‘Regulations

‘122.(1) The Governor in Council may make regulations under this Act.

‘(2) A regulation may be made with respect to the management and use of catchment areas and reservoirs.

‘(3) A regulation may provide that contravention of a regulation is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

15. Section 123(1)—

omit ‘may make by-laws not inconsistent with this Act providing for—’,

insert—

‘may make by-laws under this Act.

‘(2) A by-law may be made with respect to the following matters—’.

16. Section 123(2)—

renumber as subsection (3).

SCHEDULE 1 (continued)

17. Section 123—

insert—

‘(4) A by-law may provide that contravention of a by-law is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

18. Sections 125 and 126—

omit.

19. Section 127(1)—

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

20. Section 127—

insert—

‘(1A) The repeal of a by-law or part of a by-law by the Governor in Council under subsection (1)(a) does not limit any other way of repealing the by-law or part of the by-law.’.

21. Section 128—

omit.

22. Section 131(3) and (4)—

omit ‘penalty not exceeding \$100’,

insert ‘maximum penalty of 2 penalty units’.

23. Section 132—

omit.

SCHEDULE 1 (continued)

24. Section 133(2)—

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

25. After section 135—

insert—

‘Amounts held in Operating, Reserve and Capital Works Funds

‘136.(1) On the commencement of this section—

- (a) the amount held in a relevant fund immediately before the commencement—
 - (i) is an amount belonging to the Board; and
 - (ii) is to be accounted for in the accounts of the Board; and
- (b) the amount held in the Trust Fund is to be paid into a trust account kept by the Board for the purpose.

‘(2) In this section—

“relevant fund” means—

- (a) Operating Fund; or
- (b) Reserve Fund; or
- (c) Capital Works Fund; or
- (d) any other fund prescribed under section 75(1)(e) (as in force immediately before the commencement of this section).

‘(3) This section expires at the end of the day it commences.’.

Explanatory note

Amendment 1 extends the period for the appointment of a new member from 3 months to 6 months after the triennial local government elections.

Amendment 2 recasts the existing provisions and gives the Board the powers of an individual to carry out its functions.

Amendments 3 to 12 and 19 effect statute law revision by rationalising the types of subordinate instruments that may be made under the Act and making the necessary

SCHEDULE 1 (continued)

consequential amendments.

Amendment 13 omits provisions dealing with the financial management of the Board. Amendment 13 also inserts a new provision that has the effect of applying the borrowing and investment provisions of the *Statutory Bodies Financial Arrangements Act 1982* and removes any doubt about the application of the *Financial Administration and Audit Act 1977* to the Board. The direct application of these Acts will allow the implementation of accrual accounting.

Amendments 14 and 15 recast the regulation and by-law making powers in accordance with current drafting practice. Amendment 14 also recasts and relocates an empowering provision about offences against a regulation.

Amendment 16 is consequential on amendment 15.

Amendment 17 recasts and relocates an empowering provision about offences against a by-law.

Amendment 18 is consequential on amendments 14 and 17 and omits a redundant provision.

Amendment 20 is partly consequential on amendment 19 and, in addition, removes any doubt about how a by-law may be repealed.

Amendments 21 and 23 omit redundant provisions.

Amendments 22 and 24 assist in rationalising the Statute Book by substituting penalty units for monetary amounts.

Amendment 25 is consequential on amendment 13.

INDUSTRIAL DEVELOPMENT ACT 1963

Amendment

1. Section 25A(3)—

insert—

‘and

- (c) towards repayment of principal or interest for an amount borrowed or raised by the Corporation.’.

SCHEDULE 1 (continued)

Explanatory note

The amendment provides for the Industrial Estates Construction Fund to be used for the repayment of amounts raised by the Corporation.

MEDICAL ACT 1939**Amendment****1. Section 33(3)—**

omit from ‘A person’ to ‘assessor.’.

Explanatory note

The amendment removes an age restriction on assessors appointed under the Act.

**PRIMARY PRODUCERS’ ORGANISATION AND
MARKETING ACT 1926****Amendments****1. Section 2 (definitions “Council” and “This Act”)—**

omit.

2. Section 2 (definition “Affiliated Body”)—

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

3. Section 2 (definition “Primary producer”)—

omit ‘the Governor in Council, by Order in Council,’, *insert* ‘regulation’.

SCHEDULE 1 (continued)

- 4. Section 2 (definition “Producer representative body”)—**
omit ‘an Order in Council’, *insert* ‘a regulation’.
- 5. Sections 4, 5, 6(4), 6(5) and 7 (including heading before s 4)—**
omit.
- 6. Section 9(1)—**
omit ‘Order in Council’, *insert* ‘regulation’.
- 7. Section 9(1A)—**
omit ‘by Order in Council may’, *insert* ‘by regulation may’.
- 8. Section 9(1A)—**
omit ‘of any Order in Council under’, *insert* ‘of a regulation under’.
- 9. Section 9(1A)—**
omit ‘by Order in Council under’, *insert* ‘by regulation under’.
- 10. Section 9(1A)—**
omit ‘by any Order in Council’, *insert* ‘by a regulation’.
- 11. Section 9(1A)—**
omit ‘such Order in Council’, *insert* ‘the regulation’.
- 12. Section 9(1A)—**
omit ‘of any Order in Council in question’, *insert* ‘of a regulation’.

SCHEDULE 1 (continued)

13. Section 9(1B)—

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

14. Section 9(1B)—

omit from ‘Order in Council (which’ to ‘constituting the Board)’,
insert ‘regulation’.

15. Section 9(1B)—

omit ‘that lastmentioned Order in Council’, *insert* ‘the regulation’.

16. Section 9(2)—

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

17. Section 9(2)—

omit ‘of such Order’, *insert* ‘of the regulation’.

18. Section 9(2)—

omit ‘by such Order’, *insert* ‘by the regulation’.

19. Section 9(2)—

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

20. Section 9(2)—

omit ‘under such Order’, *insert* ‘under the regulation’.

21. Section 9(2)—

omit ‘an Order in Council has’, *insert* ‘a regulation has’.

SCHEDULE 1 (continued)

22. Section 9(2)—

omit from ‘another Order in Council’, to ‘first-mentioned Order in Council’,

insert ‘another regulation’.

23. Section 9(2)—

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

24. Section 9(2) (last sentence)—

omit.

25. Section 9(3)—

omit ‘by an Order in Council’, *insert* ‘by a regulation’.

26. Section 9(3)—

omit ‘in such Order’, *insert* ‘in the regulation’.

27. Section 9(3)—

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

28. Section 9(3)—

omit ‘of such subsequent Order’, *insert* ‘of the subsequent regulation’.

29. Section 9(3)—

omit ‘by such subsequent Order’, *insert* ‘by the subsequent regulation’.

SCHEDULE 1 (continued)

30. Section 9(3)—

omit ‘that an Order in Council’, *insert* ‘that a regulation’.

31. Section 9(3)—

omit ‘under such Order’, *insert* ‘under the regulation’.

32. Section 9(4)—

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

33. Section 9(4)—

omit from ‘Order in Council (which’ to ‘relation thereto)’,
insert ‘regulation’.

34. Section 9(4)—

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

35. Section 9(5)—

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

36. Section 9(5)—

omit from ‘(not being an’ to ‘made thereunder)’.

37. Section 9(5)—

omit ‘of such Order’, *insert* ‘of the regulation’.

38. Section 9(5)—

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

SCHEDULE 1 (continued)

39. Section 9(5)—

omit ‘such Order should’, *insert* ‘the regulation should’.

40. Section 9(5)—

omit ‘such Order shall’, *insert* ‘the regulation must’.

41. Section 9(5)—

omit ‘of the Order’, *insert* ‘of the regulation’.

42. Section 9(5A)—

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

43. Section 9(5A)—

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

44. Section 9(6)—

omit ‘any such Order in Council’, *insert* ‘a regulation’.

45. Section 9(6)—

omit ‘such Order’, *insert* ‘the regulation’.

46. Section 9(6)—

omit ‘Order the’, *insert* ‘regulation the’.

47. Section 9(6)—

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

SCHEDULE 1 (continued)

48. Section 9(7)—

omit ‘Any Order in Council made’, *insert* ‘A regulation made’.

49. Section 9(7)—

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

50. Section 9(7)—

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

51. Section 9(7)—

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

52. Section 9(7)—

omit ‘any Order in Council amending’, *insert* ‘a regulation amending’.

53. Section 9(7)—

omit from ‘Any Order in Council so’ to ‘which it amends.’.

54. Section 9(7A)—

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

55. Section 9(7A)—

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

56. Section 9(7A)—

omit from ‘Order in Council (which’ to ‘Orders abovementioned)’,
insert ‘regulation’.

SCHEDULE 1 (continued)

57. Section 9(7A)—

omit from ‘Order in Council (whether’ to ‘subsequent Order)’,
insert ‘regulation’.

58. Section 9(7B)—

omit ‘by Orders in Council’, *insert* ‘by regulation’.

59. Section 9(7B)—

omit from ‘(it being hereby declared’ to ‘in relation thereto)’.

60. Section 9(7B)—

omit from ‘With respect to Orders in Council’ to ‘applies of any Order in Council.’.

61. Section 9(7B)—

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

62. Section 9(7B)—

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

63. Section 9(8) and (9)—

omit.

64. Section 10—

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

SCHEDULE 1 (continued)

65. Section 10—

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

66. Section 10—

omit ‘any such Order in Council’, *insert* ‘a regulation’.

67. Section 10(d)—

omit from ‘by this section’, to ‘subsequent Order’,
insert ‘in this section, the Governor in Council may, by regulation,’.

68. Section 10A—

omit ‘by any Order in Council (or any amendment thereof)’.
insert ‘by regulation’.

69. Section 10A—

omit ‘Order in Council published in the Gazette’, *insert* ‘regulation’.

70. Section 10A—

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

71. Section 10A—

omit ‘original Order in Council (or any amendment thereof)’,
insert ‘regulation’.

72. Section 10A—

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

SCHEDULE 1 (continued)

73. Section 10A—

omit ‘the publication in the Gazette of the Order in Council giving notice as’,

insert ‘notification in the Gazette of the regulation giving notice as’.

74. Section 10A—

omit ‘**Orders in Council.** Any Order in Council issued or purporting to be issued’,

insert ‘A regulation’.

75. Section 10A—

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

76. Section 10A—

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

77. Section 10C—

omit ‘Order in Council published in the Gazette’, *insert* ‘regulation’.

78. Section 10C—

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

79. Section 10C—

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

SCHEDULE 1 (continued)

80. Section 10C—

omit ‘publication in the Gazette of the Order in Council giving notice’,
insert ‘notification in the Gazette of the regulation giving notice’.

81. Section 10C—

omit ‘specified in the Order in Council’,
insert ‘specified in the regulation’.

82. Section 10C—

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

83. Section 10C—

omit ‘prescribed in the Order in Council’,
insert ‘prescribed in the regulation’.

84. Section 10C—

omit ‘**Orders in Council.** Any Order in Council issued or purporting to be issued’,

insert ‘A regulation’.

85. Section 10D—

omit ‘Order in Council published in the Gazette’, *insert* ‘regulation’.

86. Section 10D—

omit ‘any Order or Orders in Council issued’, *insert* ‘a regulation’.

SCHEDULE 1 (continued)

87. Section 10D—

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

88. Section 10D—

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

89. Section 10D—

omit ‘Any such Order in Council issued or purporting to be issued’,
insert ‘A regulation’.

90. Section 12—

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

91. Section 14(1)(vi)—

omit ‘Order in Council applies’,
insert ‘regulation declaring the Board’s commodity to be a commodity under this Act applies’.

92. Sections 14A(4)—

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

93. Section 14A(4)—

omit from ‘Provided that the Governor’ to ‘under this subsection.’.

94. Section 18A—

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

SCHEDULE 1 (continued)

95. Section 18B—

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

96. Heading before section 30—

omit.

97. Section 30(3)—

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

98. Section 30(4) and (5)—

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

99. Section 30(7)—

omit from ‘The Governor in Council may by’ to ‘representatives authorized by such an Order in Council.’,

insert ‘The representatives must be persons elected in accordance with regulations made under subsection (8B).’.

100. Section 30(7)—

omit ‘Order in Council: Provided that in’, *insert* ‘regulation. In’.

101. Section 30(8)—

omit ‘**Prescribed instruments.** Prescribed instruments under this Act may’,

insert ‘Regulations made by the Governor in Council may’.

SCHEDULE 1 (continued)

102. Section 30(8A)—

omit ‘notice in the Gazette’, *insert* ‘regulation’.

103. After section 30(8A)—

insert—

‘(8B) The Governor in Council may make regulations for—

- (a) the election of the representatives by the members of mill suppliers’ committees for the mills whose suppliers are represented on the district cane growers’ executive concerned; and
- (b) the number of representatives to be elected; and
- (c) the terms of office of the representatives; and
- (d) the vacation of office by the representatives; and
- (e) the filling of casual vacancies.’.

104. Section 30(9)—

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

105. After section 30(9)—

insert—

‘(10) Despite the amendment of subsection (7) by the *Statute Law (Miscellaneous Provisions) Act 1994* and any regulations under subsection (8B), the members of the Queensland Cane Growers’ Council in office at the commencement of this subsection continue in office under the terms of their appointment to the office.’.

106. Section 30D(1)—

omit, insert—

‘**30D.(1)** A regulation made under section 30(9) may make provision for the constitution of a State Council of the producer representative body

SCHEDULE 1 (continued)

mentioned in the regulation.’.

107. Section 30E(1)—

omit, insert—

‘**30E.(1)** A regulation made under section 30(9) may make provision for the constitution of local branches and district councils, or similar bodies, and for each of those bodies to be a subsidiary body of the State Council of the producer representative body mentioned in the regulation.’.

108. Section 30E(2)—

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

109. Section 30F(9)—

omit ‘Prescribed instruments’, insert ‘A regulation’.

110. Section 33 (heading)—

omit, insert—

‘Matters for regulation’.

111. Section 33(1)—

omit from ‘Prescribed instruments may be made’ to ‘the following matters:—’,

insert ‘The Governor in Council may, by regulation, provide for the following matters—’.

112. Section 33(1)(i)(b)—

omit ‘Forms. Prescribing the’, insert ‘The’.

SCHEDULE 1 (continued)

113. Section 33(1)(i)(c)—

omit ‘Returns, etc. Prescribing forms’, *insert* ‘Forms’.

114. Section 33(1)(i)(c)—

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

115. Section 33(2)—

omit ‘notification published in the Gazette’, *insert* ‘regulation’.

116. Section 33(4)—

omit.

117. Section 39—

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

118. Section 43(3)—

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

119. Section 44—

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

120. Section 46(2)—

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

121. Section 47(2)—

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

SCHEDULE 1 (continued)

122. After section 55—

insert—

‘Validation of order in council

‘56.(1) It is declared that the order in council purporting to have been made under this Act and published in the Gazette on 30 June 1990 at page 1337 is taken to be, and always to have been, a valid exercise of power.

‘(2) Without limiting subsection (1)—

- (a) the order in council is taken to be, and always to have been, an order that could lawfully be made under this Act; and
- (b) all acts, matters and things done before the commencement of this section in reliance on the order in council are taken to be as lawfully done as they would be if they had been done after that commencement.

‘(3) This section expires at the end of the day on which it commences.

‘Dissolution of Council

‘57.(1) On the commencement of this section—

- (a) the Council of Agriculture and The Council of Agriculture Fund are dissolved; and
- (b) the members of the Council go out of office; and
- (c) the assets and liabilities of the Council become the assets and liabilities of Queensland Farmers’ Federation Ltd (A.C.N. 055 764 488); and
- (d) any proceeding by or against the Council that is not finished may be continued by or against Queensland Farmers’ Federation Ltd; and
- (e) any right of action by or against the Council becomes a right of action by or against Queensland Farmers’ Federation Ltd.

‘(2) Subsection (1) is a law to which section 20A of the *Acts*

SCHEDULE 1 (continued)

Interpretation Act 1954 applies.

‘(3) This section expires at the end of the day it commences.’.

Explanatory note

Amendments 103, 106 and 107 allow the Governor in Council to make regulations for the election of district canegrower’s executive members from mill suppliers’ committees. Amendment 105 continues the term of office of the members of the Queensland Cane Growers’ Council. Amendments 112 and 113 clarify a reference to forms. Amendment 122, by inserting proposed section 56, validates an order in council made on 30 June 1990 which purported to transfer the assets of the Queensland Butter Board to the Butter Producers’ Federation. The same amendment, by inserting proposed section 57, provides for the dissolution of the Council of Agriculture, a body that represented commodity boards and organisations under the Act but has been inactive for a number of years. The amendment also transfers its assets and liabilities to the Queensland Farmers’ Federation Ltd, a body that represents Queensland farmers and has agreed to accept the assets and liabilities.

The remaining amendments provide for the prescription of certain matters by regulation rather than by order in council in accordance with current drafting practice.

REPRINTS ACT 1992**Amendments****1. Section 3 (definition “law”, paragraph (c))—**

omit, insert—

‘(c) an agreement or other instrument that has the force of law or is in, or attached to, an Act or subordinate legislation;’.

2. Section 3 (definition “referential words”, at the end)—

insert ‘or a provision of another law’.

SCHEDULE 1 (continued)

3. Section 22(4)—

omit, insert—

‘(4) If a law provides that reference to a law or provision of a law (the “**first law**”) is a reference to another law or provision of the first law or another law (the “**second law**”), the first law is taken to have been replaced by the second law in all appropriate contexts.

‘(5) In this section—

“**law**” includes a law of the Commonwealth, another State or a Territory;

“**made**” includes enacted;

“**remade**” includes re-enacted.’.

4. Section 24 (example 2, ‘the age of 55 years’)—

omit, insert—

‘55’.

5. Section 29—

insert—

‘*Example 26* (both conjunctive and disjunctive)—

‘or’ may replace ‘and/or’.

‘*Example 27* (specific title to general title)—

‘chief executive’ may replace ‘Director-General’, ‘Under Secretary’ or a similar title.¹

‘*Example 28* (non-compressed provision reference to compressed provision reference)—

‘section 10(2)(a)(i)(A)’ may replace ‘sub-subparagraph (A) of subparagraph (i) of paragraph (a) of subsection (2) of section 10’.

¹ If the replaced terms are defined, the definition may be omitted as redundant under section 39 (Omission of obsolete and redundant provisions)—see also section 7(1)(g) (Editorial changes).

 SCHEDULE 1 (continued)

Example 29 (descriptive provision reference to numerical provision reference)—

In the following provisions, the bolded words may be omitted and the underlined words inserted—

1. '(3) Proceedings under **the last preceding** subsection (2) ...'.
2. '(2) Without limiting **the foregoing provisions of this section** subsection (1)...'
3. '(c) ...as stated in paragraph (b), or coloured as stated in **the said** paragraph (b);'.

Example 30 (other types of provision reference)—

1. 'paragraph (a)(i)' may replace 'subparagraph (a)(i)'.
2. 'paragraph (a)' may replace 'provision (a)'.

Example 31 (references to laws of other jurisdictions)—

1. '*Therapeutic Goods Act 1966* (Cwlth)' may replace '*Therapeutic Goods Act 1966* of the Commonwealth'.
2. '*Gaming Act 1850* (NSW)' may replace '*Gaming Act 1850* of New South Wales'.

6. Section 39—

insert—

Example 2—

Because of the *Acts Interpretation Act 1954*, particularly section 24B(8)(b) (which says that laws apply to an acting appointee as if the appointee were the holder of the office), section 33 (References to Ministers, departments and chief executives) and section 36 (Meaning of commonly used words and expressions), many statutory definitions are redundant.

Accordingly, common definitions such as the following can be omitted as redundant—

1. "area", in relation to a local authority, has the meaning it has under the *Local Government Act 1936*;²

² See *Acts Interpretation Act 1954*, section 36, definition "area". See also *Local Government Act 1993*, section 755(1)(a) and (b) about references to local authority and the area of a local authority and section 23 (Changed name or title) of this Act.

SCHEDULE 1 (continued)

2. “Department” means the department of government of Queensland within which this Act is administered;³
3. “Director-General” means the chief executive, by whatever title the chief executive is known, of the department, and includes any officer temporarily discharging the responsibilities of the chief executive;⁴
or
“Director-General” means the chief executive of the department;
4. “local authority”, in relation to any land, means a local authority or a joint local authority constituted under the *Local Government Act 1936* for the area in which the land is situated, and includes the Brisbane City Council constituted under the *City of Brisbane Act*;⁵
5. “Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any other Minister of the Crown for the time being performing the duties of the Minister;⁶.

7. Section 43(2) (example 1, ‘the age of 18 years’)—

omit, insert—

‘18’.

³ See *Acts Interpretation Act 1954*, section 36, definition “department” and section 33(5) to (5AB) (References to Ministers, departments and chief executives).

⁴ See *Reprints Act 1992*, section 29 (Expression of number, year, date, time, amount of money, quantity etc.), example 27. See also *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “chief executive”; section 33(5B) (References to Ministers, departments and chief executives); and 24B(8)(b) (which says that laws apply to an acting appointee as if the appointee were the holder of the office).

⁵ See *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “local government”. See also *Local Government Act 1993*, section 755(1)(a) about references to local authority and section 23 (Changed name and title) of this Act.

⁶ See *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “Minister” and section 33(1) and (2) (References to Ministers, departments and chief executives).

SCHEDULE 1 (continued)

Explanatory note**Definitions “law” and “referential words”—amendments 1 and 2**

The *Reprints Act 1992* allows laws to be reprinted.

“[L]aw” is currently defined to include agreements having the force of law. Amendment 1 will extend reprinting advantages (such as consolidation of amendments) to agreements and other instruments that are incorporated in legislation (for example, set out in a Schedule to legislation) or attached to the legislation.

“[R]eferential words is defined as particular words ‘or words to that or similar effect, occurring in conjunction with a number to designate a provision of *the law in which the words appear*’ (emphasis added). An example of referential words is ‘section 12 thereof’. Amendment 2 proposes to extend the definition to words to the effect of the particular words, or words to that or similar effect, occurring in conjunction with a number to designate a provision of *another law*.

The *Reprints Act 1992*, section 41 will then operate to authorise the omission in a reprint of unnecessary referential words—see also section 7(1)(g). This enables a law to be reprinted without the clutter of unnecessary referential words.

Express translator provision for remade law—amendment 3

Section 22 (Remade law or provision) allows references to a law or provision to be updated.

It is often difficult to decide whether a particular law or provision has been remade as another law or provision. In a difficult case, it is helpful to have an express provision stating that a reference to, for example, section 123 of the *Old Act* is taken to be a reference to section 456 of the *New Act*. Amendment 3 will insert new subsection (4) to facilitate the incorporation of updated references in reprints.

Existing subsection (4) has been remade as new subsection (5). It also includes a definition of “remade”.

Current drafting practice (age)—amendments 4 and 7

These amendments make minor amendments of examples to bring them into line with current drafting practice.

Current drafting practice (miscellaneous)—amendment 5

Section 29 allows editorial power to be used in a reprint to express matters consistently with current legislation drafting practice—see also section 7(1)(c) (Editorial changes). Extensive examples are given. Amendment 5 inserts 6 further examples.

To avoid difficulties in interpreting the hybrid ‘and/or’, it is not used in current Queensland legislative drafting. American judicial comment on the hybrid has been

 SCHEDULE 1 (continued)

critical of its use—

‘It is manifest that we are confronted with the task of first construing “and/or”, that befuddling, nameless thing, that Janus-faced verbal monstrosity, neither word nor phrase, the child of a brain of someone too lazy or too dull to express his precise meaning, or too dull to know what he did mean, now commonly used by lawyers in drafting legal documents, through carelessness or ignorance or as a cunning device to conceal rather than express meaning with the view to furthering the interests of their clients. We have even observed the “thing” in statutes, in the opinions of courts, and in statements in briefs of counsel, some learned and some not.’ (Supreme Court of Wisconsin, quoted in R. Dick, *Legal Drafting*, Carswell, 1985, 2nd ed, p 105).

Proposed example 26 highlights that current practice uses ‘or’ where ‘and/or’ might previously have been used. The disjunctive ‘or’ most closely approximates to the disused hybrid.

Proposed example 27 highlights another current practice that is supported by the *Acts Interpretation Act 1954*, section 33 (References to Ministers, departments and chief executives). General references are currently used to avoid the need for numerous consequential amendments if administrative arrangements or office titles change.

Proposed examples 28 to 30 deal with current drafting practices about provision references.

Proposed example 31 deals with current drafting practice about references to laws of other jurisdictions.

Redundant examples—amendment 6

Proposed example 2 clarifies the scope of section 39 (Omission of obsolete and redundant provisions) by examples of definitions that have become redundant because of amendments of the *Acts Interpretation Act 1954*.

RIVER IMPROVEMENT TRUST ACT 1940

Amendments

1. Sections 3(1) to (4), 4(1) and (2), 6A(1) and (2) and 7(1)—

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

2. Sections 8 to 8M—

omit, insert—

SCHEDULE 1 (continued)

‘Trust is statutory body

‘8. A Trust is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.’.

3. Section 12A—

omit.

Explanatory note

Amendment 1 implements current drafting practices by providing that the statutory instruments to be used under the Act are regulations rather than orders in council.

Amendments 2 and 3 omit provisions dealing with borrowing and investment by the Trusts. Amendment 2 also inserts a new provision that has the effect of applying the borrowing and investment provisions of the *Statutory Bodies Financial Arrangements Act 1982* to the Trusts.

ROMAN CATHOLIC CHURCH LANDS ACT 1985**Amendments****1. After section 1—**

insert—

‘Definition

‘1A. In this Act—

“time the land is prescribed”, for land specified in a Schedule, means—

- (a) if the land was specified in Schedule 1, 2 or 3 on the commencement of this Act—the time this Act commenced; or
- (b) if the land was specified in Schedule 4 on the commencement of the *Roman Catholic Church Lands Act Amendment Act 1986*—the time that Act commenced; or
- (c) if the Schedule was or is amended by another law by inserting a

SCHEDULE 1 (continued)

description of the land—the time the law commenced or commences.’.

2. Section 2—

omit ‘passing of this Act’, *insert* ‘time the land is prescribed’.

3. Section 3—

omit ‘passing of this Act’, *insert* ‘time the land is prescribed’.

4. Section 4—

omit ‘passing of this Act’, *insert* ‘time the land is prescribed’.

5. Section 4A—

omit ‘passing of the *Roman Catholic Church Lands Act Amendment Act 1986*’,

insert ‘time the land is prescribed’.

6. Section 6—

omit.

7. Schedule 1—

insert—

‘Free- hold	C/T 32939	7458 196	StanleyToombulBrisbane	Lot 234 on Registered Plan No. 216992	7.359 ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased
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SCHEDULE 1 (continued)

Free- hold	C/T 32945	7458 197	StanleyToombulBrisbane	Lot 235 on Registered Plan No. 216992	7.322 ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased
Free- hold	C/T 32951	7458 198	StanleyToombulBrisbane	Lot 236 on Registered Plan No. 216992	7.318 ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased’.

Explanatory note

Amendment 6 omits section 6. Section 6 is a ‘Henry VIII’ provision, that is, a provision that allows an Act to be amended by a statutory instrument. Specifically it allows further parcels of land to be added to the Schedules by way of an order in council. The effect of the amendment is that in future the Schedules may only be amended by another Act, as for any other amendment.

Amendments 1 to 5 are consequential on the omission of section 6. They clarify the operation of the relevant provisions of the Act on parcels of land according to the time the parcels were specified in the Act.

Amendment 7 inserts a further 3 parcels of land into Schedule 1. This land is held in trust for the Church. By being specified in Schedule 1, it is vested in the appropriate trustee.

SOIL CONSERVATION ACT 1986**1. Section 6 (definitions “chief executive”, “Director-General”)—**

omit.

2. Sections 7, 8, 10 to 15, 17 to 26, 28, 30, 31, 33, 35 and 39 to 41—

omit ‘Director-General’, insert ‘chief executive’.

SCHEDULE 1 (continued)

3. Section 7(g)—

omit ‘by Order in Council published in the Gazette’,
insert ‘prescribed by regulation’.

4. Sections 10, 13, 15, 20 and 22—

omit ‘Director-General’s’, *insert* ‘chief executive’s’.

5. Section 9—

omit.

6. Section 16(1)—

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

7. Section 16(2)—

omit ‘On and from the date of an Order in Council approving’,
insert ‘On the approval of’.

8. Section 16(2) and (4)—

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

9. Section 16(4)—

omit ‘The Governor in Council may, upon the recommendation of the Minister, by Order in Council’,

insert ‘A regulation may’.

SCHEDULE 1 (continued)

10. Section 16—*insert—*

‘(5) A notification under subsection (3) is not subordinate legislation.’.

11. Section 18(2)—

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

12. Section 20(4)—

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

13. Section 38(2)—*omit—*

‘Penalty: \$1,000’,

insert—

‘Maximum penalty—20 penalty units’.

14. Section 38(4)—

omit ‘not exceeding \$500’, *insert* ‘of not more than 10 penalty units’.

15. Section 41(2)—

omit ‘not exceeding \$500’, *insert* ‘of not more than 10 penalty units’.

Explanatory notes

Amendment 1 removes unnecessary and redundant provisions.

Amendments 2 and 4 update references.

Amendments 3, 6, 8, 9, 11 and 12 implement current drafting practice by providing that the statutory instruments to be used under the Act are regulations.

Amendment 5 removes an unnecessary delegation power. Section 10 (Delegations)

SCHEDULE 1 (continued)

of the *Primary Industries Corporation Act 1992* allows the chief executive to delegate the chief executive's powers under an Act. Section 27A (Delegation of powers) of the *Acts Interpretation Act 1954* also applies.

Amendment 7 amends section 16(2) to remove a reference to an order in council.

Amendment 10 provides that a notification by the Governor in Council, under section 16(3), is not subordinate legislation. It is therefore not required to be gazetted or tabled in Parliament.

Amendments 13 to 15 implement current drafting practice by converting monetary penalties into penalty units.

SOUTH EAST QUEENSLAND WATER BOARD ACT 1979

Amendments

1. Section 4(3)—

omit 'an Order in Council', *insert* 'a regulation'.

2. Section 6(3)—

omit, insert—

'(3) Before the operational area is varied, the Minister must—

- (a) obtain the consent of each local government whose area or part of whose area would, if the proposed variation were made, be included in, or excluded from, the operational area because of the variation; and
- (b) if a Ministerial Advisory Committee has been established under section 21A—consult with the Committee.'

3. After s 6—

insert—

SCHEDULE 1 (continued)

‘Local government may be required to contribute to capital works

‘6A.(1) If the operational area is varied to include a local government whose area, or part of whose area, was not previously included in the operational area, the Governor in Council may, by regulation, require the local government to pay an amount as contribution to the cost of existing headworks, treatment works and trunk mains and other existing capital works.

‘(2) The amount of the contribution is to be calculated in the way prescribed by regulation.’.

4. Section 14—

omit, insert—

‘Term of appointment

‘14.(1) An appointed member’s appointment starts—

- (a) on the day notice of the appointment is published in the Gazette;
or
- (b) on a later day specified in the notice.

‘(2) An appointed member’s term ends on a day fixed by Gazette notice.

‘(3) The day mentioned in subsection (2) must be not later than 6 months after the day prescribed under the *Local Government Act 1993* for holding the triennial election following the member’s appointment.’.

5. Section 16(2)—

omit ‘by notification published in the Gazette’.

6. Section 19(1)—

omit, insert—

‘19.(1) The Minister must appoint a member of the Board as the chairperson of the Board.’.

SCHEDULE 1 (continued)

7. Sections 24 and 25—

omit, insert—

‘General powers of Board

‘24.(1) The Board has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with, property; and
- (c) appoint agents and attorneys; and
- (d) fix charges and other terms for services and facilities it supplies; and
- (e) engage consultants.

‘(2) Without limiting subsection (1), the Board has the powers given to it under this or another Act.

‘(3) The Board may exercise its powers outside Queensland and outside Australia.

‘(4) In this section—

“power” includes legal capacity.’.

8. Section 29(1)(a)(ii), (1)(b)(ii) and (1)(c)(ii)—

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

9. Section 31(2) (1st sentence)—

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

10. Section 31(2) (2nd sentence)—

omit ‘of making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

SCHEDULE 1 (continued)

11. Section 32(2) (1st sentence)—

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

12. Section 32(2) (2nd sentence)—

omit ‘of the making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

13. Section 32(3)(a) and (b)—

omit ‘order’, *insert* ‘regulation’.

14. Section 33—

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

15. Section 33—

omit ‘such order’, *insert* ‘regulation’.

16. Section 35(2)—

omit ‘publication’, *insert* ‘notification’.

17. Section 35(2)—

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

18. Section 38B (heading)—

omit ‘Orders’, *insert* ‘Regulation’.

SCHEDULE 1 (continued)

19. Section 38B(1)—

omit ‘Orders in Council such as are authorised by sections 31(2) and 32(2) and any order’,

insert ‘a regulation that is authorised by section 31(2) or 32(2) and a regulation’.

20. Section 38B(2) and (3)—

omit ‘an order’, *insert* ‘a regulation’.

21. Section 39—

omit ‘publication’, *insert* ‘notification’.

22. Section 39—

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

23. Section 39A—

omit, insert—

‘Delegations

‘39A. The Board may delegate the Board’s powers under this Act to—

- (a) a member of the Board; or
- (b) the secretary.’.

24. Section 45(2)—

omit.

25. Sections 50(1), 52(1) and 61(2)—

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

SCHEDULE 1 (continued)

26. Part 6, Divs 2–4—

omit, insert—

‘Division 2—Application of Finance Acts**‘Board is statutory body**

‘63. The Board is a statutory body under the following Acts—

- (a) the *Financial Administration and Audit Act 1977*;
- (b) the *Statutory Bodies Financial Arrangements Act 1982*.’.

27. Sections 91 and 92—

omit.

28. Section 98—

omit ‘notification published in the Gazette’, *insert* ‘Gazette notice’.

29. Section 101(1)—

omit ‘notification whereby’, *insert* ‘Gazette notice by which’.

30. Section 101(1)—

omit ‘subsequent notification’, *insert* ‘later Gazette notice’.

31. Section 101(2)—

omit, insert—

‘(2) The Gazette notice may provide that the assignment take effect before, on, or after the publication of the notice.’.

SCHEDULE 1 (continued)

32. Section 106(2)—

omit, insert—

‘(2) A manual prepared under subsection (1), or any amendment of the manual, that is recommended by the Technical Advisory Committee is not effective until it is approved by the Minister.’.

33. Section 134—

omit, insert—

‘Regulations

‘**134.(1)** The Governor in Council may make regulations under this Act.

‘(2) A regulation may be made with respect to the following matters—

- (a) the nomination, approval and selection of persons for appointment to the Board;
- (b) the establishment, membership, functions and powers of a committee for the purpose of approving or selecting persons for appointment to the Board.

‘(3) A regulation may provide that contravention of a regulation is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

34. Section 135(1)—

omit ‘may make by-laws not inconsistent with this Act providing for—’,

insert—

‘may make by-laws under this Act.

‘(2) A by-law may be made with respect to the following matters—’.

35. Section 135(2)—

renumber as subsection (3).

SCHEDULE 1 (continued)

36. Section 135—

insert—

‘(4) A by-law may provide that contravention of a by-law is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

37. Sections 137 and 138—

omit.

38. Sections 139(1)—

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

39. Section 139—

insert—

‘(1A) The repeal of a by-law or part of a by-law by the Governor in Council under subsection (1)(a) does not limit any other way of repealing the by-law or part of the by-law.’.

40. Section 140—

omit.

41. Section 143(3) and (4)—

omit ‘penalty not exceeding \$100’,

insert ‘maximum penalty of 2 penalty units’.

42. Section 144—

omit.

SCHEDULE 1 (continued)

43. Section 145(2)—

omit ‘penalty of \$1 000’,

insert ‘maximum penalty of 20 penalty units’.

44. After s 146—

insert—

‘Amounts held in funds

‘147.(1) On the commencement of this section—

- (a) the amount held in a relevant fund immediately before the commencement—
 - (i) is an amount belonging to the Board; and
 - (ii) is to be accounted for in the accounts of the Board; and
- (b) the amount held in the Trust Fund is to be paid into a trust account kept by the Board for the purpose.

‘(2) In this section—

“relevant fund” means—

- (a) Operating Fund; or
- (b) Reserve Fund; or
- (c) Capital Works Fund; or
- (d) any other fund prescribed under section 78(e) (as in force immediately before the commencement of this section).

‘(3) This section expires at the end of the day it commences.’.

Explanatory note

Amendments 1, 8 to 22, 25 and 38 effect statute law revision by rationalising the types of subordinate instrument that may be made under the Act and making the necessary consequential amendments.

Amendment 2 provides that before an operational area is varied the Minister must obtain the consent of relevant local governments and consult with the Ministerial

SCHEDULE 1 (continued)

Advisory Committee, if one has been established.

Amendment 3 provides a mechanism by which a local government can be included in an operational area. In that case, the local government may be required to contribute to the cost of existing capital works.

Amendment 4 extends the period for the appointment of a new member from 3 months to 6 months after the triennial local government elections.

Amendment 5 omits an unnecessary requirement to formally publish the appointment of a person to fill a casual vacancy in the Board.

Amendment 6 recasts the subsection in accordance with current drafting practice and omits an unnecessary requirement to formally publish the appointment of the chairperson.

Amendment 7 recasts the existing provisions and gives the Board the powers of an individual to carry out its functions.

Amendment 23 recasts the delegation power in accordance with current drafting practice.

Amendment 24 omits a spent provision.

Amendment 26 omits provisions dealing with the financial management of the Board. Amendment 26 also inserts a new provision that has the effect of applying the borrowing and investment provisions of the *Statutory Bodies Financial Arrangements Act 1982* and removing any doubt about the application of the *Financial Administration and Audit Act 1977* to the Board. The direct application of these Acts will allow the implementation of accrual accounting.

Amendment 27 omit redundant provisions.

Amendment 28 updates language in accordance with current drafting practice.

Amendments 29 to 31 are consequential on amendment 28.

Amendment 32 recasts the subsection to remove a spent provision.

Amendments 33 and 34 recast the regulation and by-law making powers in accordance with current drafting practice. Amendment 33 also recasts and relocates an empowering provision about offences against a regulation.

Amendment 35 is consequential on amendment 34.

Amendment 36 recasts and relocates an empowering provision about offences against a by-law.

Amendment 37 is consequential on amendments 33 and 36 and omits a redundant provision.

Amendment 39 is partly consequential on amendment 38 and, in addition, removes

SCHEDULE 1 (continued)

any doubt about how a by-law may be repealed.

Amendments 40 and 42 omit redundant provisions.

Amendments 41 and 43 assist in rationalising the Statute Book by substituting penalty units for monetary amounts.

Amendment 44 is consequential on amendment 26.

STAMP ACT 1894**Amendments****1. Section 16(1)(a) (after ‘an instrument,’)—**

insert ‘if the instrument does not specify all the facts and circumstances affecting the liability of the instrument to duty or the amount of the duty with which it is chargeable.’

2. Section 49(3)—

omit, insert—

‘(3) The transferor in a transfer or conveyance of property must make a statutory declaration specifying the consideration for, or value of, (whichever is greater) all property included in the transaction to which the transfer or conveyance relates.’

Commencement

The amendments commence on a day to be fixed by proclamation.

Explanatory note

Amendment 1 makes it clear that section 16 of the Act only requires a statutory declaration to accompany an instrument lodged for assessment if the instrument does not show the true value of the transaction.

Amendment 2 replaces section 49(3)—

- removing the requirement that all property included in a transaction be specified in the relevant instrument of transfer or conveyance; and

SCHEDULE 1 (continued)

- retaining the requirement that the consideration or value of all property included in a transaction be specified in a statutory declaration; and
- specifying that it is the transferor who makes the declaration.

STATUTORY INSTRUMENTS ACT 1992**Amendments****1. Section 44(4)—**

omit, insert—

‘(4) The subordinate legislation’s effect also ends at the end of 14 sitting days after the notice is given unless the motion has been otherwise disposed of (including by withdrawal or lapsing).’.

2. In Part 5, after section 46—

insert—

‘Forms—availability and notification

‘47.(1) This section applies if under an Act or subordinate legislation (the “authorising law”) forms are to be approved or made available by an entity.

‘(2) Copies of a form under the authorising law must be made available (by purchase or otherwise) to a person who asks for them.

‘(3) A form under the authorising law must have a heading stating the name of the authorising law and briefly indicating the form’s purpose.

‘(4) All forms under the authorising law must be numbered using a system that gives each form a unique number.

Examples—

1. Forms may be numbered consecutively starting with the number ‘1’.
2. Forms may be numbered to reflect the Part of the Act to which they relate. For example, forms dealing with mining leases covered by Part 7 of the *Mineral Resources Act 1989* and the *Mineral Resources Regulation*

SCHEDULE 1 (continued)

1990 may be numbered 7.1, 7.2, 7.3 etc.

‘(5) All versions of a form under the authorising law must be numbered consecutively using a system that gives each version of the form a unique number.

‘(6) The approval or availability under the authorising law of a form, or a new version of a form, must be notified in the Gazette.

‘(7) Subsection (6) may be complied with in either of the following ways—

- (a) by publication in the Gazette of a notice of—
 - (i) the approval or availability of the form; and
 - (ii) the form’s heading, number and version number; and
 - (iii) a place or places where copies can be obtained (by purchase or otherwise);
- (b) by publication in the Gazette of the form.

‘(8) Failure to comply with this section does not affect a form’s validity.

‘(9) This section does not apply to a form declared by regulation to be a form to which this section does not apply.

‘(10) This section does not apply to a form, or a version of a form, approved or made available by an entity before the commencement of this section.’.

3. Section 47 (as in force before Amendment 2)—

renumber as section 48.

4. Schedule 1—

omit ‘sections 18–23 sections 24AA–25’, *insert* ‘sections 18–25’.

Commencement

Amendment 2 commences on 1 July 1994.

 SCHEDULE 1 (continued)
Explanatory note**Recast s 44(4)—amendment 1**

Section 44 deals with disallowance of subordinate legislation. Subsection (4) has been recast for better clarification of the preconditions to subordinate legislation's effect ending under this subsection.

Availability and notification of forms—amendments 2 and 3

Proposed section 47 deals with forms that are approved or made available administratively under an Act or subordinate legislation. The proposed section states standard requirements to facilitate access to forms (and the correct versions of forms) by people who wish to use them. The proposed section will also enable information about the forms to be given in the Queensland Legislation Annotations in appropriate cases. This information would then be updated in the Queensland Legislation Update.

Amendment 3 is a consequential renumbering amendment.

Acts Interpretation Act 1954, section 23A applies to statutory instruments—amendment 4

Amendment 4 effectively adds 1 provision, namely, the *Acts Interpretation Act 1954*, section 23A (Conferral of statutory power on another entity) to Schedule 1. The *Statutory Instruments Act 1992*, section 14 (Applicable provisions) then operates to apply the additional provision to statutory instruments.

TOWNSVILLE/THURINGOWA WATER SUPPLY BOARD ACT 1987

Amendments**1. Section 15—**

omit, insert—

‘Term of appointment

‘15.(1) An appointed member's appointment starts—

- (a) on the day notice of the appointment is published in the Gazette;
or
- (b) on a later day specified in the notice.

SCHEDULE 1 (continued)

‘(2) An appointed member’s term ends on a day fixed by Gazette notice.

‘(3) The day mentioned in subsection (2) must be not later than 6 months after the day prescribed under the *Local Government Act 1993* for holding the triennial election following the member’s appointment.’.

2. Sections 23 and 24—

omit, insert—

‘General powers of Board

‘**23.(1)** The Board has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with, property; and
- (c) appoint agents and attorneys; and
- (d) fix charges and other terms for services and facilities it supplies; and
- (e) engage consultants.

‘(2) Without limiting subsection (1), the Board has the powers given to it under this or another Act.

‘(3) The Board may exercise its powers outside Queensland and outside Australia.

‘(4) In this section—

“power” includes legal capacity.’.

3. Section 30(2) (1st sentence)—

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

SCHEDULE 1 (continued)

4. Section 30(2) (2nd sentence)—

omit ‘of making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

5. Section 31(2) (1st sentence)—

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

6. Section 31(2) (2nd sentence)—

omit ‘of the making of the Order in Council or of its publication in the Gazette’,

insert ‘of notification of the regulation in the Gazette’.

7. Section 31(3)(a) and (b)—

omit ‘order’, *insert* ‘regulation’.

8. Section 32—

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

9. Section 32—

omit ‘such order’, *insert* ‘regulation’.

10. Section 34(2)—

omit ‘publication’, *insert* ‘notification’.

11. Section 34(2)—

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

SCHEDULE 1 (continued)

12. Section 46(1)—

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

13. Part 6, Divs 2–5—

omit, insert—

‘Division 2—Application of Finance Acts

‘Board is statutory body

‘56. The Board is a statutory body under the following Acts—

- (a) the *Financial Administration and Audit Act 1977*;
- (b) the *Statutory Bodies Financial Arrangements Act 1982*.’.

14. Section 101—

omit, insert—

‘Regulations

‘101.(1) The Governor in Council may make regulations under this Act.

‘(2) A regulation may be made with respect to the management and use of catchment areas and reservoirs.

‘(3) A regulation may provide that contravention of a regulation is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

15. Section 102(1)—

omit ‘may make by-laws not inconsistent with this Act providing for—’.

insert—

‘may make by-laws under this Act.

‘(2) A by-law may be made with respect to the following matters—’.

SCHEDULE 1 (continued)

16. Section 102(2)—

renumber as subsection (3).

17. Section 102—

insert—

‘(4) A by-law may provide that contravention of a by-law is an offence and prescribe a maximum penalty, of not more than 20 penalty units, for the offence.’.

18. Sections 104 and 105—

omit.

19. Section 106(1)—

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

20. Section 106—

insert—

‘(1A) The repeal of a by-law or part of a by-law by the Governor in Council under subsection (1)(a) does not limit any other way of repealing the by-law or part of the by-law.’.

21. Section 107—

omit.

22. Section 110(3) and (4)—

omit ‘penalty not exceeding \$100’,

insert ‘maximum penalty of 2 penalty units’.

SCHEDULE 1 (continued)

23. Section 111(2)(b)—*omit, insert—*

‘(b) contravenes any provision of a by-law;

may be prosecuted in a summary way under the *Justices Act 1886* and, unless another penalty is specifically provided, is liable to a maximum penalty of 20 penalty units.’.

24. After section 112—*insert—***‘Amounts held in funds**‘**113.(1)** On the commencement of this section—

- (a) the amount held in a relevant fund immediately before the commencement—
 - (i) is an amount belonging to the Board; and
 - (ii) is to be accounted for in the accounts of the Board; and
- (b) the amount held in the Trust Fund is to be paid into a trust account kept by the Board for the purpose.

‘**(2)** In this section—**“relevant fund”** means—

- (a) Operating Fund; or
- (b) Reserve Fund; or
- (c) Capital Works Fund; or
- (d) any other fund prescribed under section 59(1)(e) (as in force immediately before the commencement of this section).

‘**(3)** This section expires at the end of the day it commences.’.**Explanatory note**

Amendment 1 extends the period for the appointment of a new member from 3

SCHEDULE 1 (continued)

months to 6 months after the triennial local government elections.

Amendment 2 recasts the existing provisions and gives the Board the powers of an individual to carry out its functions.

Amendments 3 to 12 and 19 effect statute law revision by rationalising the types of subordinate instrument that may be made under the Act and making the necessary consequential amendments.

Amendment 13 updates the financial management provisions of the Act to bring them into line with the *Gladstone Area Water Board Act 1984* and the *South East Queensland Water Board Act 1979*.

Amendments 14 and 15 recast the regulation and by-law making powers in accordance with current drafting practice. Amendment 14 also recasts and relocates an empowering provision about offences against a regulation.

Amendment 16 is consequential on amendment 15.

Amendment 17 recasts and relocates an empowering provision about offences against a by-law.

Amendment 18 is consequential on amendments 14 and 15 and omits a redundant provision.

Amendment 20 is partly consequential on amendment 19 and, in addition, removes any doubt about how a by-law may be repealed.

Amendment 21 omits a redundant provision.

Amendments 22 and 23 assist in rationalising the Statute Book by substituting penalty units for monetary amounts. Amendment 23 also corrects a minor error.

Amendment 24 is consequential on amendment 13.

TRAFFIC AMENDMENT ACT 1994

Amendments

1. Section 6(3) (definition “parking”, after ‘temporarily’)—
omit ‘,’.

2. Section 18—
renumber as section 18(2).

SCHEDULE 1 (continued)

3. Section 18—*insert—***‘18.(1) Section 44F(1), after ‘this Part’—***insert ‘or a regulation’.***4. Section 32(12)—***omit ‘2898.1’, insert ‘2898’.***5. Section 32(12)—***omit ‘2898.2’, insert ‘2898’.***Explanatory note**

Amendment 1 omits a comma that could slightly change the meaning of the defined term in an unintended way.

Amendments 2 and 3 insert an amendment that allows a local government to issue an infringement notice for a parking infringement prescribed by regulation for which an official traffic sign is not applicable.

Amendments 4 and 5 correct a reference to the relevant Australian Standard.

UNIVERSITY OF CENTRAL QUEENSLAND ACT 1989**Amendments****1. Long title—***omit ‘University of Central Queensland’,**insert ‘Central Queensland University’.*

SCHEDULE 1 (continued)

2. Section 1—

omit ‘University of Central Queensland Act 1989’,
insert ‘Central Queensland University Act 1989’.

3. Sections 2 and 3—

omit.

4. Section 4(1)—

omit ‘In this Part and Part II, unless the contrary intention appears’,
insert ‘In this Act’.

5. Section 4(1) (definitions “appointed day”, “first Council”, “higher education course”, “Student Association”, “University College of Central Queensland” and “University College of Central Queensland Student Association”)—

omit.

6. Section 4(1) (definition “University”)—

omit ‘University of Central Queensland’,
insert ‘Central Queensland University’.

7. Section 4(1)—

insert—

‘**“Union”** means the Central Queensland University Union established and incorporated under Part 2;’.

8. Section 4(2)—

omit.

SCHEDULE 1 (continued)

9. Section 5(1)—

omit, insert—

‘5.(1) The university established under this section as originally enacted is established under the name ‘Central Queensland University’.

‘(1A) The University continues to consist of—

- (a) the Council; and
- (b) the enrolled students; and
- (c) the University’s graduates; and
- (d) the University’s academic and other staff.

‘(1B) The University continues to be established at Rockhampton.’.

10. Section 5(2)—

omit from ‘shall be’ to ‘and be’,

insert ‘is a body corporate, has perpetual succession and a common seal and is’.

11. Section 8(1)—

omit ‘, other than the first Council.’.

12. Part 2, Div 1, Subdiv 4, heading—

omit, insert—

‘Subdivision 4—Central Queensland University Union’.

13. Section 12 (heading)—

omit, insert—

‘Central Queensland University Union’.

SCHEDULE 1 (continued)

14. Section 12(1)—

omit, insert—

‘12.(1) The association established under this section as originally enacted is established under the name ‘Central Queensland University Union’.’.

15. Section 12(2)—

omit from ‘The Student’ to ‘and be’,

insert ‘The Union is a body corporate, has perpetual succession and a common seal and is’.

16. Sections 13–15—

omit ‘Student Association’, *insert* ‘Union’.

17. Section 25(2)—

omit ‘at its first meeting after its constitution pursuant to section 8 and thereafter’,

insert ‘,’.

18. Section 25(5)—

omit.

19. Section 26(2)—

omit ‘at its first meeting after its constitution pursuant to section 8 and thereafter’,

insert ‘,’.

SCHEDULE 1 (continued)

20. Section 26(5)—

omit.

21. Section 28(7)—

omit.

22. Section 28(8)—

omit, insert—

‘(8) The Vice-Chancellor may delegate the Vice-Chancellor’s powers to any person.’.

23. Section 33—

omit, insert—

‘Delegation by the Council

‘33.(1) The Council may, by resolution, delegate its powers to—

- (a) a member of the Council; or
- (b) a committee or board appointed by the Council; or
- (c) an officer of the University.

‘(2) Subsection (1) does not apply to the Council’s powers or functions under section 44 (Statutes) or section 57 (Budget).’.

24. Section 43(1)—

omit, insert—

‘43.(1) The Governor in Council may make regulations under this Act.’.

25. Section 44(2)(o) and (w)—

omit ‘Student Association’, insert ‘Union’.

SCHEDULE 1 (continued)

26. After section 66—*insert—****‘Division 4A—References to University, Council or Union*****‘References to University, Council or Union**

‘66A. Except so far as the context or subject matter otherwise indicates or requires—

- (a) a reference in an Act or document to the University College of Central Queensland or the University of Central Queensland is taken to be a reference to the University; and
- (b) a reference in an Act or document to the Council of the University College of Central Queensland or the Council of the University of Central Queensland is taken to be a reference to the Council; and
- (c) a reference in an Act or document to the University College of Central Queensland Student Association or the University of Central Queensland Student Association is taken to be a reference to the Union.’.

27. After section 87—*insert—***‘Application of s 20A of Acts Interpretation Act 1954 and expiry of Division**

‘88.(1) This Division is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

‘(2) This Division expires at the end of the day this section commences.’.

Explanatory note

The amendments provide for—

- a change of name from the ‘University of Central Queensland’ to the ‘Central Queensland University’

SCHEDULE 1 (continued)

- a change of name from the ‘University of Central Queensland Student Association’ to the ‘Central Queensland University Union’
- omission of obsolete or redundant provisions.
- expiry of savings and transitional provisions while saving their effect.

VETERINARY SURGEONS ACT 1936**Amendments****1. Section 3 (definitions “Minister”, “Prescribed”, “Regulations” and “This Act”)—**

omit.

2. Section 4(2)—

omit ‘by notification published in the Gazette’.

3. Section 4(2)—

omit ‘of Primary Industries of the State’.

4. Section 11—

omit.

5. Section 15B(1)—

omit ‘by notification published in the Gazette’.

6. Section 15C(2)—

omit ‘, by notification published in the Gazette,’.

SCHEDULE 1 (continued)

7. Section 15D(5)—

omit.

8. Section 18(1)(a)(ii)—

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

9. Section 18(1)(b)—

omit ‘in an Order in Council made pursuant to paragraph (a)’,
insert ‘by regulation’.

10. Section 18(1)(b)—

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

11. Section 18(1B)—

omit.

12. Section 19C(1)(c)—

omit ‘the Governor in Council by Order in Council’, *insert* ‘regulation’.

13. Section 19D—

omit ‘upon the recommendation of the Board, by Order in Council’,
insert ‘by regulation,’.

14. Section 25(5) (3rd sentence)—

omit ‘from time to time by Order in Council’, *insert* ‘by regulation’.

SCHEDULE 1 (continued)

15. Section 33B—

omit.

16. Section 37—

omit from ‘The Governor in Council’ to ‘with respect to—’,

insert—

‘(1) The Governor in Council may make regulations under this Act.

‘(2) A regulation may be made about the following matters—’.

17. Section 37(2)(s) and (t)—

omit.

18. Schedule—

omit.

Explanatory note

Amendment 1 removes unnecessary definitions.

Amendments 2, 5, 6 and 7 provide that it is not a requirement that the appointments, which are essentially administrative, be published in the Gazette.

Amendment 3 removes terminology made redundant by section 33 of the *Acts Interpretation Act 1954*.

Amendments 4 and 18 remove administrative provisions.

Amendments 8 to 10 and 12 to 14 implement current drafting practice by providing that the statutory instruments to be used under the Act are regulations.

Amendment 11 removes a provision made redundant by section 23 of the *Statutory Instruments Act 1992*.

Amendment 15 removes a provision made redundant by section 39 of the *Acts Interpretation Act 1954*.

SCHEDULE 1 (continued)

Amendment 16 updates the regulation making power in accordance with current drafting practice.

Amendment 17 removes redundant provisions.

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

section 3

ADOPTION OF CHILDREN ACT 1964**Amendments****1. Section 6 (definition “Children’s Court”)—***omit, insert—*

‘ **“Childrens Court”** means the Childrens Court constituted under the *Childrens Court Act 1992* other than by 2 justices of the peace;’.

2. Section 6 (definition “criminal history”)—

omit ‘Offenders Probation and Parole Act 1980 or legislation repealed by that Act’,

insert ‘Penalties and Sentences Act 1992 or another law about orders of that kind’.

3. Section 24(3)—

omit ‘Nurses Act 1964’, insert ‘Nursing Act 1992’.

Explanatory note

The amendments update references.

SCHEDULE 2 (continued)

AMBULANCE SERVICE ACT 1991**Amendment****1. After s 8.8—**

insert—

‘References to Ambulance Services Act 1967

‘8.8A. In an Act or document, a reference to the *Ambulance Services Act 1967* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

ARCHITECTS ACT 1985**Amendment****1. Section 7(1)(b) (after ‘Institute’)—**

insert ‘of Architects;’.

Explanatory note

The amendment inserts words accidentally omitted when the Act was passed.

BEACH PROTECTION ACT 1968**Amendment****1. Sections 33 and 62—**

omit.

SCHEDULE 2 (continued)

Explanatory note

The amendment omits provisions dealing with accounting and audit procedures for the Authority that are covered by the *Financial Administration and Audit Act 1977*.

**BILLS OF SALE AND OTHER INSTRUMENTS ACT
1955****Amendment****1. Schedule 5, cl 1(4)—**

omit ‘Part 8 of the *Credit Act 1987*’,
insert ‘sections 96 and 108 of the *Credit Act 1987*’.

Explanatory note

The amendment corrects an earlier incorrect amendment.

FARM PRODUCE MARKETING ACT 1964**Amendment****1. Section 5(1) (definition “Farm Produce”)—**

omit ‘the Governor in Council by Order in Council’, *insert* ‘regulation’.

Explanatory note

Amendment 1 effects current drafting practice by providing for the use of a regulation rather than an Order in Council.

SCHEDULE 2 (continued)

GAMING MACHINE ACT 1991**Amendment****1. Section 180(2)—**

omit ‘Commissioner’, *insert* ‘Commission’.

Explanatory note

The amendment corrects an incorrect reference.

GRAIN RESEARCH FOUNDATION ACT 1976**Amendments****1. Section 4 (definitions “department” and “Minister”)—**

omit.

2. Section 4 (definition “grain industries”)—

omit ‘legumes; the term includes’, *insert* ‘legumes, and includes’.

3. Section 4 (definition “grain industries”)—

omit ‘the Governor in Council by Order in Council’, *insert* ‘regulation’.

4. Section 7(1)—

omit all words from ‘On the day’ to ‘the Foundation is to consist of’,
insert ‘The Foundation is to consist of’.

SCHEDULE 2 (continued)

5. Section 7(3)—

omit ‘by notification published in the Gazette’.

6. Section 8—

omit, insert—

‘Term of appointment of members

‘8. The appointment of a member of the Foundation is for the term (not longer than 3 years) specified in the member’s instrument of appointment.’.

7. Section 11(2)—

omit.

Explanatory note

Amendment 1 omits unnecessary definitions.

Amendment 2 recasts the definition in accordance with current drafting practices.

Amendment 3 implements current drafting practices by providing that the appropriate statutory instrument to be used is a regulation rather than an order in council.

Amendment 4 omits redundant words.

Amendments 5 and 7 remove unnecessary requirements for notices of appointment of members of the Foundation to be published in the Gazette.

Amendment 6 recasts the provision in accordance with current drafting practices and omits a redundant provision dealing with the eligibility for reappointment of members of the Foundation.

HEALTH LEGISLATION AMENDMENT ACT 1993**Amendments****1. Section 16(1)—**

omit ‘fee prescribed by regulation’, *insert* ‘prescribed fee’.

 SCHEDULE 2 (continued)
2. Section 16(2)—*omit, insert—***‘(2) Section 18(4)—***omit* ‘The Governor in Council may, from time to time, upon the recommendation of the Board by Order in Council’,*insert* ‘A by-law may’.’.**3. Section 17(2)—***omit, insert—***‘(2) Section 24(3) and (4)—***omit* ‘period specified in subsection (2)’, *insert* ‘prescribed period’.’.**Explanatory note**

The amended provisions are amendments to the *Dental Act 1971* and have not yet commenced. The provisions originally amended the *Dental Act 1971* to allow certain matters to be prescribed by regulation. The matters are now left to be prescribed by a by-law (made by the Dental Board and approved by the Governor in Council) consistent with the rest of the Act.

HOSPITALS FOUNDATIONS ACT 1982

Amendment**1. Section 20(1)—***omit* ‘chairperson’, *insert* ‘member specified in section 18(3)(a)’.**Explanatory note**

The amended provision authorises the appointment of members of a body corporate under the Act, other than 1 particular member, by the Governor in Council. The member who is not appointed is presently described as the ‘chairperson’.

The provision is amended so that it describes this member by reference to the earlier

SCHEDULE 2 (continued)

provision specifying the member. This clarifies that, under that earlier provision, the member could be either the chairperson or the chairperson's nominee.

INDUSTRIAL RELATIONS ACT 1990**Amendment****1. After s 482, in Pt 20—**

insert—

‘References to Industrial Conciliation and Arbitration Act 1961

‘483. In an Act or document, a reference to the *Industrial Conciliation and Arbitration Act 1961* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

LIQUOR ACT 1992**Amendment****1. After s 250—**

insert—

‘References to Liquor Act 1912

‘251. In an Act or document, a reference to the *Liquor Act 1912* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

SCHEDULE 2 (continued)

LOCAL GOVERNMENT ACT 1993**Amendments****1. Section 170(d)—**

omit ‘or subject to a periodic detention order’.

2. Section 490(1)(a)—

omit ‘State department’s’, *insert* ‘department’s State’.

3. Section 755(1)—

insert—

‘(o) to the *Local Government Act 1936* is taken to be a reference to this Act.’.

4. Schedule, amendment of Valuation of Land Act 1944, amendment 1—

omit ‘5(1)’, *insert* ‘2’.

5. Schedule, amendment of Valuation of Land Act 1944, amendment 2—

omit ‘13B’, *insert* ‘29’.

6. Schedule, amendment of Valuation of Land Act 1944, amendment 2—

omit ‘13BA’, *insert* ‘29A’.

SCHEDULE 2 (continued)

7. Schedule, amendment of Valuation of Land Act 1944, amendment 3—

omit ‘25(1)’, insert ‘72(1)’.

8. Schedule, amendment of Valuation of Land Act 1944, amendment 4—

omit ‘25(1)(b)’, insert ‘72(1)(b)’.

Commencement

Amendments 4 to 8 are taken to have commenced on 26 March 1994. This is the day the original amendments in the *Local Government Act 1993* commenced.

Explanatory note

Amendment 1 omits redundant words.

Amendment 2 corrects a minor error.

Amendment 3 inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

Amendments 4 to 8 are necessary because of the renumbering of the *Valuation of Land Act 1944* (the “Valuation Act”) under section 43 of the *Reprints Act 1992*.

**MEAKER TRUST (RAINE ISLAND RESEARCH) ACT
1981****Amendments****1. Section 4 (definitions “Director”, “Minister”, “Pandora Cay” and “Secretary”)—**

omit.

SCHEDULE 2 (continued)

2. Section 4—*insert—*

‘ **“Moulter Cay”** means the coral cay situated at the intersection of 11^o24’24” south latitude and 144^o01’17” east longitude;’.

3. Section 6(1)(a)—*omit* ‘Director for the time being of National Parks and Wildlife’,*insert* ‘chief executive’.**4. Section 6(1)(c)—***omit* ‘Department of Primary Industries’,*insert* ‘department responsible for fisheries management’.**5. Section 6(1)(e)—***omit, insert—*

‘(e) a Torres Strait Islander; and’.

6. Section 6(3)—*omit* ‘Director, National Parks and Wildlife’, *insert* ‘chief executive’.**7. Section 11(1)—***omit* ‘prescribed by Order in Council’,*insert* ‘decided by the Governor in Council’.**8. Section 13—***omit* ‘Pandora’, *insert* ‘Moulter’.

SCHEDULE 2 (continued)

9. Section 21(1)—*omit, insert—*

‘21.(1) The chief executive may appoint an officer of the department as secretary of the Corporation.’.

10. Section 21(2)—*omit ‘Director of National Parks and Wildlife’, insert ‘chief executive’.***11. Section 21(2)—***omit ‘Queensland National Parks and Wildlife Service’,
insert ‘department’.***12. Section 24(1)(d), from ‘by Order’ to ‘Treasurer’—***omit.***13. Section 24(2)(b)—***omit ‘by Order in Council’.***14. Sections 28, 30, 31, 35 and 36—***omit.***15. Section 37—***omit, insert—***‘Regulation making power**

‘37. The Governor in Council may make regulations under this Act.’.

SCHEDULE 2 (continued)

Explanatory note

Amendment 1 omits definitions that are no longer needed.

Amendments 3, 4, 5, 6, 9, 10 and 11 update references to the Director and Secretary of the Queensland National Parks and Wildlife Service, Ministers, departments and Torres Strait Islanders in accordance with current drafting practice.

Amendments 2 and 8 concern references to 'Pandora Cay' which are updated to 'Moulter Cay', being its proper name under the *Queensland Place Names Act 1981*.

Amendments 7, 12 and 13 do away with the need to use a particular type of instrument.

Amendment 14 removes provisions dealing with accounting and audit procedures for the Corporation that are covered by the *Financial Administration and Audit Act 1977*.

Amendment 15 inserts a regulation making power that is in accordance with current drafting practice.

NEWSTEAD HOUSE TRUST ACT 1939**Amendments****1. Sections 2 and 12—**

omit.

2. Section 14(1)(ix)—

omit 'the sum of forty dollars for any offence', *insert* '1 penalty unit'.

3. Section 14(2) and (3)—

omit.

Explanatory note

Amendments 1 and 3 omit unnecessary provisions. Section 2 is the definition section which contains only obsolete or unnecessary definitions. Section 12 deals with accounting and audit procedures for the Trust that are covered by the *Financial Administration and Audit Act 1977*. Section 14(2) and (3) contain procedural matters

SCHEDULE 2 (continued)

for the making of regulations that are covered by the *Statutory Instruments Act 1992*.

Amendment 2 updates the limit on the amount of a penalty that may be imposed by a regulation so it is expressed in terms of a number of penalty units rather than a monetary amount.

QUEENSLAND LAW SOCIETY ACT 1952**Amendment****1. Section 52—**

renumber as section 51.

Explanatory note

The amendment corrects a numbering error.

SOUTH BANK CORPORATION ACT 1989**Amendment****1. Schedule 7 (explanatory note 1, at the end)—**

insert—

‘The provisions also include some amendments of that Act made since the enactment of this Schedule.’

Explanatory note

The amendment brings about statute law revision by updating the notes to Schedule 7. Note 1 presently describes Schedule 7 as being the provisions of the *Building Units and Group Titles Act 1980*, as in force at the enactment of the Schedule, with noted changes. As that Act has been and will continue to be amended, Schedule 7 will need to be revised from time to time to reflect the provisions of that Act in its current form, rather than its form when the Schedule was enacted.

SCHEDULE 2 (continued)

**STATUTE LAW (MISCELLANEOUS PROVISIONS)
ACT 1993****Amendments****1. Schedule 1 (amendment of Collections Act 1966, amendment 9)—**

omit ‘bank, building societies’, *insert* ‘banks or building societies’.

**2. Schedule 1 (amendment of Queensland Law Society Act 1952,
amendment 11)—**

omit ‘(a)’, *insert* ‘(9)’.

Commencement

Amendment 1 is taken to have commenced on 1 September 1993. Amendment 2 is taken to have commenced on 3 June 1993. Those are the days the original amendments in the *Statute Law (Miscellaneous Provisions) Act 1993* commenced.

Explanatory note

Amendment 1 corrects an incorrect reference to the words being omitted in the original amendment.

Amendment 2 corrects a typographical error.

**STATUTE LAW (MISCELLANEOUS PROVISIONS)
ACT (No. 2) 1993****Amendment****1. Schedule 1, amendment of Harbours Act 1955—**

omit ‘211’, *insert* ‘210A’.

SCHEDULE 2 (continued)

Commencement

The amendment is taken to have commenced on 14 December 1993. This is the day the original amendment in the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1993* commenced.

Explanatory note

The amendment corrects a numbering error.

STOCK ACT 1915**Amendment****1. Section 4(1) (definition “Local Authority Area”)—**

omit.

Explanatory note

The amendment omits an obsolete definition.

TORRES STRAIT FISHERIES ACT 1984**Amendment****1. Section 9—**

omit.

Explanatory note

This amendment omits a redundant provision.

SCHEDULE 2 (continued)

**TRANSPORT INFRASTRUCTURE (RAILWAYS) ACT
1991****Amendments****1. Section 7.14A(1)(a)—**

omit ‘7.14C(5)’, insert ‘7.14C’.

2. Section 7.14J(1)—

omit ‘7.14C(5)’, insert ‘7.14C’.

Explanatory note

The amendments corrects cross references.

TRUST ACCOUNTS ACT 1973**Amendment****1. After s 39—**

insert—

‘References to Trust Accounts Act 1923

‘40. In an Act or document, a reference to the *Trust Accounts Act 1923* is taken to be a reference to this Act.’.

Explanatory note

The amendment inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

SCHEDULE 2 (continued)

WORKERS' COMPENSATION ACT 1990**Amendments****1. Section 3.20(1)—**

omit, insert—

'3.20.(1) Except so far as is otherwise prescribed and subject to the Board's directions, the General Manager—

- (a) is to conduct the business of the Board; and
- (b) has the powers and functions given to the Board by this Act.'

2. Section 3.20(3)—

omit.

3. After s 11.12—

insert—

'References to Workers' Compensation Act 1916

'11.13. In an Act or document, a reference to the *Workers' Compensation Act 1916* is taken to be a reference to this Act.'

Explanatory note

Amendments 1 and 2 clarify the meaning of section 3.20 by recasting some ambiguous words in subsection (3) and placing them in subsection (1).

Amendment 3 inserts a provision to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act.

SCHEDULE 2 (continued)

**WORKERS' COMPENSATION AMENDMENT ACT
1993****Amendment****1. Schedule (cl 51)—**

omit '11.9(1)', insert '11.9(1)(b)'.

Commencement

This amendment is taken to have commenced on 30 September 1993. This is the day the original amendments in the *Workers' Compensation Amendment Act 1993* commenced.

Explanatory note

The amendment corrects a minor technical error.

SCHEDULE 3**ACTS REPEALED**

section 4

PART 1

Agricultural Bank (Rate of Interest) Act 1946

Agricultural Bank (Rate of Interest) Act 1948

Alfred Grant Pty. Ltd. and Other Companies (Distribution of Trust Moneys) Act 1979

ANZ Executors & Trustee Company Act 1983

Commonwealth and State Housing Agreement Act 1945

Commonwealth and State Housing Agreement Act 1956

Commonwealth and State Housing Agreement Act 1961

Commonwealth and State Housing Agreement Act 1966

Commonwealth and State Housing Agreement Act 1973

Commonwealth and State Housing Agreement Act 1974

Commonwealth and State Housing Agreement Act 1981

Commonwealth and State Housing Agreement Act 1985

Government Loan Act 1959

Police Act Amendment Act 1972

Public Hospitals (Third Party Patients) Validation of Fees and Charges Act 1991

Reconstructed Companies Act 1894

Regulation of Sugar Cane Prices Act Amendment Act 1986

Rental Bond Act Amendment and Validation Act 1991

SCHEDULE 3 (continued)

PART 2*Education (Board of Advanced Education Dissolution) Act 1989***Commencement**

Part 2 commences on the same day that section 3 of the *Higher Education (General Provisions) Act 1993* commences.

Explanatory note

These Acts have been identified as obsolete.