

Queensland



**ACTS INTERPRETATION
(STATE COMMERCIAL
ACTIVITIES) AMENDMENT
ACT 1994**

Act No. 73 of 1994

Queensland



**ACTS INTERPRETATION (STATE
COMMERCIAL ACTIVITIES)
AMENDMENT ACT 1994**

TABLE OF PROVISIONS

Section	Page
1	Short title 4
2	Act amended 4
3	Insertion of new Part 12 4
PART 12—THE EXECUTIVE GOVERNMENT OF THE STATE	
47	Purpose of Part 4
47A	Meaning of “State” in Part 4
47B	Powers of State 4
47C	Commercial activities by State 5
47D	Commercial activities by Minister 6
47E	Delegation by Minister 6
4	Insertion of new s 53 6
53	Regulations 6

Queensland



Acts Interpretation (State Commercial Activities) Amendment Act 1994

Act No. 73 of 1994

An Act to amend the *Acts Interpretation Act 1954* about the State's powers, in particular its power to carry out commercial activities, and for other purposes

[Assented to 1 December 1994]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Acts Interpretation (State Commercial Activities) Amendment Act 1994*.

Act amended

2. This Act amends the *Acts Interpretation Act 1954*.

Insertion of new Part 12

3. After section 46—

insert—

‘PART 12—THE EXECUTIVE GOVERNMENT OF THE STATE

‘Purpose of Part

‘47.(1) This Part declares certain matters.

‘(2) A declaration about a matter is intended to remove any doubt about the matter.

‘Meaning of “State” in Part

‘47A. In this Part—

“the State” means the Executive Government of the State of Queensland.

‘Powers of State

‘47B.(1) The State has all the powers, and the legal capacity, of an individual.

‘(2) The State may exercise its powers—

- (a) inside and outside Queensland; and
- (b) inside and outside Australia.

‘(3) This Part does not limit the State’s powers.

Example—

This Part does not affect any power a Minister has apart from this Part to bind the State by contract.

‘**Commercial activities by State**

‘**47C.(1)** The State may carry out commercial activities.

‘(2) This section is sufficient statutory authority for the State to carry out a commercial activity.

‘(3) Commercial activities may be carried out—

- (a) without further statutory authority; and
- (b) without prior appropriation from the public accounts for the purpose.

‘(4) Commercial activities may be carried out—

- (a) inside and outside Queensland; and
- (b) inside and outside Australia.

‘(5) In this section—

“**commercial activities**” includes—

- (a) commercial activities that are not within the ordinary functions of the State; and
- (b) commercial activities of a competitive nature; and
- (c) activities declared by a regulation to be commercial activities;

but does not include activities declared by a regulation not to be commercial activities.

“**State**” includes—

- (a) a department of government of the State; and
- (b) a part of a department of government of the State.

‘Commercial activities by Minister

‘47D. A Minister may carry out commercial activities for the State.

‘Delegation by Minister

‘47E.(1) A Minister may delegate the State’s powers to an officer of the State.

‘(2) An officer of the State may subdelegate delegated powers to another officer of the State.

‘(3) In this section—

“officer of the State” means—

- (a) a chief executive, or employee, of a unit of the public sector; or
- (b) an officer of the public service.’.

Insertion of new s 53

4. After section 52—

insert—

‘Regulations

‘53. The Governor in Council may make regulations under this Act.’.