

Queensland



**STATUTE LAW REVISION  
ACT (No. 2) 1995**

**Act No. 58 of 1995**

# Queensland



## STATUTE LAW REVISION ACT (No. 2) 1995

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**ADDITIONAL TRANSITIONAL PROVISIONS CONNECTED  
WITH REPEAL OF CERTAIN ACTS**



Queensland



## **Statute Law Revision Act (No. 2) 1995**

### **Act No. 58 of 1995**

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**An Act to amend or repeal certain Acts for the purpose of statute law revision**

*[Assented to 28 November 1995]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Statute Law Revision Act (No. 2) 1995*.

### **Commencement**

2.(1) Provisions in schedules 1 and 2 providing for particular amendments to commence on a day other than the day of assent have effect.

(2) Also, section 5 and schedules 3 to 10 commence on the day after the day of assent.

### **Purpose**

3. The purpose of this Act is to improve the quality of the statute law of Queensland by amending and repealing Acts for the purpose of statute law revision.<sup>1</sup>

### **Amended Acts—schs 1 and 2**

4. Schedules 1 and 2 amend the Acts mentioned in them.

### **Repealed Acts—schs 3 to 10**

5.(1) The Acts mentioned in schedules 3 to 7 are repealed.

(2) The Acts mentioned in schedule 8 are repealed so far as they are part of the law of Queensland.

(3) The Acts and provisions mentioned in schedule 9 are declared to be

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<sup>1</sup> All amendments for the purpose of statute law revision are required to be concise, of a minor nature and non-controversial.

laws to which the *Acts Interpretation Act 1954*, section 20A<sup>2</sup> applies.

(4) Schedule 10 has effect.

**Explanatory notes etc.**

**6.(1)** Explanatory notes to the provisions of this Act do not form part of the Act.

**(2)** The provision references given at the end of the Acts mentioned in schedule 4 do not form part of this Act.

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<sup>2</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

**SCHEDULE 1****MINOR AMENDMENTS FOR STATUTE LAW  
REVISION**

section 4

**ACQUISITION OF LAND ACT 1967****Amendment****1. Section 14(2), ‘\$100’—***omit, insert—*

‘2 penalty units’.

**2. Section 36(4), ‘\$200’—***omit, insert—*

‘4 penalty units’.

**3. Section 42(2), ‘\$40’—***omit, insert—*

‘1 penalty unit’.

**Explanatory note**

The amendments change penalties expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

**ACTS INTERPRETATION ACT 1954****Amendment****1. Section 19—**

*omit, insert—*

**‘Repealed and amended Acts not revived on repeal of repealing and amending Acts**

**‘19.(1)** In this section—

**“Act”** includes a provision of an Act.

**“repeal”** includes expiry.

**‘(2)** If an Act (the **“first Act”**) is repealed by another Act (the **“other Act”**), the first Act is not revived merely because the other Act is repealed.

*Examples—*

1. Act A repeals Act B. Act A is repealed. The repeal of Act A does not revive Act B.

2. Act A repeals Act B. Act A is automatically repealed under section 22C. The repeal of Act A does not revive Act B.

**‘(3)** If an Act (the **“first Act”**) is amended by another Act (the **“other Act”**), the continuing operation of the amendments made by the other Act is not affected merely because the other Act is repealed and, in particular, the first Act is not revived in the form in which it was in before the amendments took effect merely because of the repeal.

*Examples—*

1. Act A amends Act B. Act A is repealed after it has commenced by a later Act C. The amendments made by Act A continue to operate, even though Act A has been repealed.

2. Act A amends Act B. Act A is automatically repealed under section 22C. The amendments made by Act A continue to operate, even though Act A has been repealed.

**‘(4)** This section is in addition to, and does not limit, sections 20 and 20A, or any provision of the law by which the repeal is made.’.

## SCHEDULE 1 (continued)

**2. Section 20, before subsection (1)—***insert—***‘20.(1A)** In this section—**“Act”** includes a provision of an Act.**“repeal”** includes expiry.’.**3. Section 20(1), ‘, amendment or expiry’—***omit, insert—***‘or amendment’.****4. Section 20(1), ‘or a provision of an Act’—***omit.***5. Section 20(1), ‘or provision’—***omit.***6. Section 20(2), ‘the Act or provision had not been repealed or amended or had not expired’—***omit, insert—***‘the repeal or amendment had not happened’.****7. Section 20—***insert—***‘(2A)** Without limiting subsections (1) and (2), the repeal or amendment of an Act does not affect—

- (a) the proof of anything that has happened; or

## SCHEDULE 1 (continued)

- (b) any right, privilege or liability saved by the operation of the Act;  
or
- (c) any repeal or amendment made by the Act; or
- (d) any savings, transitional or validating effect of the Act.

‘(2B) This section is in addition to, and does not limit, sections 19 and 20A, or any provision of the law by which the repeal or amendment is made.’.

**8. Section 20(1A) to (2B)—**

*renumber* as section 20(1) to (5).

**9. Section 20, before subsection (3)—**

*insert—*

**‘Creation of offences and changes in penalties**

‘(2C) In this section—

“Act” includes a provision of an Act.

“repeal” includes expiry.’.

**10. Section 20(3) and (4), ‘a provision of’—**

*omit.*

**11. Section 20(3) and (4), ‘the provision’—**

*omit, insert—*

‘the Act’.

**12. Section 20(2C) to (4), with heading before section 20(2C)—**

*renumber* as section 20C(1) to (3).

## SCHEDULE 1 (continued)

**13. Section 20(5)—**

*omit.*

**14. Section 20A, before subsection (1)—**

*insert—*

**‘20A.(1A)** In this section—

**“Act”** includes a provision of an Act.

**“repeal”** includes expiry.’.

**15. Section 20A(1) and (2), ‘or a provision of an Act’—**

*omit.*

**16. Section 20A(1), ‘or provision’—**

*omit.*

**17. Section 20A(1) and (2), ‘or expiry’—**

*omit.*

**18. Section 20A(3)—**

*omit, insert—*

**‘(3)** A declaration may be made for subsection (2) about an Act whether or not the Act is a law to which subsection (1) applies.

**‘(4)** A declaration made for subsection (2) about an Act does not imply that, in the absence of a declaration about it, another Act is not a law to which this section applies.

**‘(5)** This section is in addition to, and does not limit, sections 19 and 20, or any provision of the law by which the repeal is made.’.

## SCHEDULE 1 (continued)

**19. Section 20A(1A) to (5)—**

*renumber* as 20A(1) to (6).

**20. Section 22C—**

*insert—*

‘**(1A)** A repeal under subsection (1) has effect for all purposes, including, for example, sections 19 to 20A.<sup>3</sup>

‘**(1B)** This section is in addition to, and does not limit the operation of any other provision of this Act about repeals.’.

**21. Section 22C(1A) to (2)—**

*renumber* as section 22C(2) to (4).

**22. Section 32AA—**

*renumber* as section 32AB.

**23. After section 32A—**

*insert—*

**‘Definitions generally apply to entire Act**

‘**32AA.** A definition in or applying to an Act applies to the entire Act.’.

**24. Section 35B—**

*omit, insert—*

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<sup>3</sup> Section 19 (Repealed and amended Acts not revived on repeal of repealing and amending Acts)  
Section 20 (Saving of operation of repealed Act etc.)

## SCHEDULE 1 (continued)

**‘References to provisions designated by number without mentioning another Act****‘Definitions**

**‘35B.(1)** In this section—

**‘body of the Act’** means the Act apart from any preamble, schedule or appendix of the Act.

**‘provision unit’** means—

- (a) the body of the Act or the preamble, a schedule or appendix of the Act; or
- (b) a chapter, part, division, subdivision, section, subsection, paragraph, subparagraph, or sub-subparagraph, of the body of the Act or a schedule or appendix of the Act; or
- (c) another provision of the body of the Act or a schedule or appendix of the Act; or
- (d) a provision of a preamble of the Act.

**‘Purpose of section**

**‘(2)** This section explains the meaning of a reference in an Act (the **‘Act concerned’**) to a provision, designated by a number, that does not mention another Act.

*Examples of references to which section applies—*

1. ‘Chapter 10’.
2. ‘Part 5, division 4’.
3. ‘Section 10 of this Act’.
4. ‘Paragraph (a) of this subsection’.

**‘References in a provision unit of an Act mentioning the Act or larger provision unit of Act**

**‘(3)** If a reference in an Act to a provision also mentions the Act or a larger provision unit of the Act, the reference itself indicates the provision of the Act to which it refers.

## SCHEDULE 1 (continued)

*Examples—*

1. A reference in the body of the Act to ‘section 10 of this Act’ is a reference to section 10 of the body of the Act concerned.

2. A reference in a schedule of an Act to ‘section 10 of this schedule’ is a reference to section 10 of the schedule where the reference occurs.

3. A reference to ‘paragraph (a) of this subsection’ is a reference to paragraph (a) of the subsection where the reference occurs.

‘(4) For subsection (3), a reference in a schedule or appendix of an Act to a provision, designated by a number, together with the words ‘of the Act’ is a reference to the provision, designated by the number, of the body of the Act concerned.

*Example—*

A reference in a schedule of an Act to ‘section 10 of the Act’ is a reference to section 10 of the body of the Act.

**‘Other references in body of Act****‘(5) If—**

- (a) the reference is in the body of an Act; and
- (b) subsection (4) does not apply to the reference;

the reference is a reference to the provision, designated by the number, of the body of the Act or, if there are 2 such provisions, the provision, designated by the number, of the next larger, appropriate provision unit where the reference occurs.

*Examples in the body of an Act—*

1. A reference in the body of an Act to ‘chapter 10’ is a reference to chapter 10 of the body of the Act.

2. A reference to ‘part 1’ is a reference to—

- (a) if the body of the Act is divided into chapters (that is, at least 2 of the chapters are further divided into parts)—part 1 of the chapter where the reference occurs; or
- (b) if the body of the Act is not divided into chapters (that is, there is only 1 part 1)—part 1 of the body of the Act.

3. A reference in the body of an Act to ‘division 2’ is a reference to division 2 of

## SCHEDULE 1 (continued)

the part of the Act where the reference occurs.

4. A reference in the body of an Act to ‘subdivision 3’ is a reference to subdivision 3 of the division of the Act where the reference occurs.

5. A reference in the body of an Act to ‘section 10’ is a reference to section 10 of the body of the Act.

6. A reference in the body of an Act to ‘subsection (1)’ is a reference to subsection (1) of the section of the Act where the reference occurs.

7. A reference in the body of an Act to ‘paragraph (a)’ is a reference to—

- (a) if the section where the reference occurs is divided into subsections—paragraph (a) of the subsection where the reference occurs; or
- (b) if the section where the reference occurs is not divided into subsections—paragraph (a) of the section of the Act where the reference occurs.

8. A reference to ‘subparagraph (i)’ is a reference to subparagraph (i) of the paragraph where the reference occurs.

**‘Other references in preamble, schedule or appendix**

**‘(6) If—**

- (a) the reference is in the preamble or a schedule or appendix of an Act; and
- (b) subsection (4) does not apply to the reference; and
- (c) the reference is a reference to a provision that does not occur in the preamble, schedule or appendix;

the reference is a reference to the provision, designated by the number, of the body of the Act.

*Examples—*

1. A reference in a schedule that is not divided into chapters to ‘chapter 10’ is a reference to chapter 10 in the body of the Act.

2. A reference in a dictionary schedule to ‘section 30’ is a reference to section 30 in the body of the Act.

**‘(7) If—**

- (a) the reference is in the preamble or a schedule or appendix of an

## SCHEDULE 1 (continued)

Act; and

- (b) subsection (4) does not apply to the reference; and
- (c) the reference is a reference to a provision that does occur in the preamble, schedule or appendix;

the reference is a reference to the provision designated by the number, of the schedule, appendix or preamble or, if there are 2 such provisions, the provision, designated by the number, of the next larger, appropriate provision unit where the reference occurs.

*Examples—*

1. A reference in a schedule divided into parts to ‘part 1’ is a reference to—
  - (a) if the schedule is divided into chapters (that is, at least 2 of the chapters are further divided into parts)—part 1 of the chapter where the reference occurs; or
  - (b) if the schedule is not divided into chapters (that is, there is only 1 part 1)—part 1 of the schedule.
2. A reference in a schedule divided into sections to ‘section 10’ is a reference to section 10 of the schedule.
3. A reference in a schedule divided into a single series of items to ‘item 5’ is a reference to item 5 of the schedule.
4. A reference in a schedule divided into 2 or more series of items to ‘item 5’ is a reference to item 5 of the series in which the reference occurs.’.

**25. Part 12—**

*insert—*

**‘Regulation making power**

‘47F. The Governor in Council may make regulations under this part.’.

**26. Sections 50 and 51—**

*omit.*

## SCHEDULE 1 (continued)

**27. Before section 52—**

*insert—*

**‘References to Acts Shortening Act 1867**

‘**51A.** In an Act or document, a reference to the Acts Shortening Act or *Acts Shortening Act 1867* may, if the context permits, be taken to be a reference to this Act.’

**28. Section 53—**

*omit.*

**Explanatory note**

Amendment 1 remakes section 19 to clarify its operation. The section has been recast to deal separately with the non-revival of repealing and amending Acts on their repeal. Examples have been included to cover automatic repeal under section 22C. The examples are complemented by an amendment of that section. The remade section is intended merely to restate the effect of the existing section.

Amendments 2 to 7 bring the drafting of section 20 into line with remade section 19. Amendment 7 also includes a proposed new subsection based on the *Interpretation Act 1987* (NSW), section 30(2). The new subsection clarifies the range of matters not affected by repeal or amendment.

Amendment 8 is a consequential renumbering amendment.

Amendments 9 to 12 bring the drafting of existing section 20(3) and (4) into line with remade section 19, and recast the subsections as a separate section with its own heading.

Amendment 13 omits a provision consequentially on amendment 7.

Amendments 14 to 18 bring the drafting of section 20A into line with remade section 19. Amendment 18 also amends section 20A to include a new subsection providing that certain implications about the application of the section are not to be drawn from the making of a declaration under section 20A(2).

Amendment 19 is a consequential renumbering amendment.

Amendment 20 adds subsections to section 22C to clarify its operation. The additional subsections are not intended to change the effect of the section.

Amendment 21 is a consequential renumbering amendment.

## SCHEDULE 1 (continued)

Amendments 22 and 23 are amendments of the Act included in the Criminal Code (1995), schedule 2. The amendments are included here to enable them to be commenced ahead of the Criminal Code. The amendments in the Criminal Code are deleted elsewhere in this Bill.

Amendment 24 remakes section 35B, which sets out the rules for referring to the provisions of legislation. The replacement section merely makes minor refinements to already existing rules.

The rules help shorten Queensland legislation by ensuring that provision references are as concise as possible, but unambiguous. Although the proposed section is lengthy, the rules themselves are fairly straightforward. (The section is, of course, considerably lengthened by the inclusion of numerous examples to help the reader.) The rules can be summarised as follows—

- within the ‘body’ of an Act (the Act apart from any preamble, schedule or appendix of the Act), when referring to—
  - a section of the body of the Act, the wording used is ‘section 3’
  - a section of a numbered schedule, the wording used is ‘schedule 0, section 0’
  - a section of an unnumbered schedule, the wording used is ‘the schedule, section 0’
- within a schedule not divided into sections, when referring to—
  - a section of the body of the Act, the wording used is ‘section 0’
- within a schedule divided into sections, when referring to—
  - a section of the body of the Act, the wording used is ‘section 0 of the Act’
  - a section in another schedule, the wording used is ‘schedule 0, section 0’
  - a section of the schedule itself, the wording used is ‘section 0’.

Amendments 25 and 28 limit the regulation making power to part 12 of the Act (The Executive Government of the State). The power is not needed for other parts of the Act.

Amendment 26 omits sections about the Supreme Court’s rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 27 inserts a provision to deal with references to an earlier repealed Act that deals with matters dealt with under the *Acts Interpretation Act 1954*. The

## SCHEDULE 1 (continued)

provision will enable references to the repealed Act to be updated in reprints (see *Reprints Act 1992*, section 22(4)).

## **ALCAN QUEENSLAND PTY. LIMITED AGREEMENT ACT 1965**

### **Amendment**

#### **1. Section 3, second sentence—**

*omit.*

#### **2. Sections 4 and 5—**

*omit, insert—*

#### **‘Variation of agreement**

‘**4.(1)** The agreement may be varied by a further agreement between the Minister and the company.

‘**(2)** The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.

‘**(3)** The Minister must notify the making of the further agreement by gazette notice.

‘**(4)** The agreement as varied has the force of law as if it were an enactment of this Act.

#### **‘Regulation making power**

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

### **Explanatory note**

As the agreement under the Act as varied has the force of law, the amendment requires proposed varying agreements to be approved by regulation. The amendment also requires the date of the making of a varying agreement to be notified and inserts

## SCHEDULE 1 (continued)

a regulation making power. The amendments will ensure Parliamentary oversight over the making of varying agreements.

**ANIMALS PROTECTION ACT 1925****Amendment**

**1. Section 3, definition “ill-treat”, from ‘and “ill-treated” ’ to ‘corresponding meanings’—**

*omit.*

**2. Section 3, definition “pound”, from ‘and “impounded” ’ to ‘correlative meaning;’—**

*omit.*

**3. Section 3, from ‘Any reference’ to ‘that other Act.’—**

*omit.*

**4. Section 4(1)(f), from ‘(for’ to ‘meaning)’—**

*omit.*

**5. Section 4(1), second sentence, ‘\$1 000’—**

*omit, insert—*

‘20 penalty units.’

**6. Section 4(1), second sentence, ‘\$50’—**

*omit, insert—*

‘1 penalty unit’.

## SCHEDULE 1 (continued)

**7. Section 4—***insert—***(5)** In subsection (1)(f)—‘**“exercise”** includes release.’.**8. Section 6, first sentence, ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**9. Section 7(1)(d), ‘by-law’—***omit, insert—*

‘local law’.

**10. Section 8(3) and (4), heading—***omit.***11. Section 9, second sentence, ‘\$200’—***omit, insert—*

‘4 penalty units’.

**12. Section 11(6), penalty, ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**13. Section 17(2) and (3), heading—***omit.*

## SCHEDULE 1 (continued)

**14. Section 21(2), ‘by the regulations under this Act’—**

*omit, insert—*

‘under a regulation’.

**15. Section 22(2) to (5), heading—**

*omit.*

**16. Section 23—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendments 1 to 3 omit a provision and wording made redundant by amendments of the *Acts Interpretation Act 1954*.

Amendments 5 and 7 relocate a definition in accordance with current drafting practice.

Amendments 6 to 8, 11 and 12 change an amount expressed in dollars to penalty units.

Amendment 9 updates a reference to take account of the *Local Government Act 1993*.

Amendments 10, 13 and 15 omit unnecessary headings.

Amendment 14 updates the language of a provision in accordance with current drafting practice.

Amendment 16 updates the language of the Act’s regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**ANTI-DISCRIMINATION ACT 1991****Amendment****1. Section 2—**

*omit.*

**2. Section 216(2)—**

*omit.*

**3. Section 267, heading—**

*omit, insert—*

**‘Regulation making power’.**

**Explanatory note**

Amendment 1 omits the Act’s commencement provision.

Amendment 2 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 3 revises the heading of the regulation section in accordance with current drafting practice.

**APIARIES ACT 1982****Amendment****1. Section 5, definition “honorary inspector”, ‘duties and’—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 5, definition “land”—**

*omit.*

**3. Section 5—**

*insert—*

‘**“owner”**, of land leased from the State, does not include the State.

**“State”** includes Territory.’.

**4. Section 8, ‘, functions and duties’—**

*omit, insert—*

‘and functions’.

**5. Section 9(2)(b)(v), from ‘and authorities’ to ‘and duties’—**

*omit, insert—*

‘and functions’.

**6. Section 9(2)(b)(v), ‘may’—**

*omit.*

**7. Section 15(5), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**8. Section 31(1), (7)(a) and (8)(a), ‘or Territory of the Commonwealth’—**

*omit.*

## SCHEDULE 1 (continued)

**9. Section 32(1), ‘in his opinion’—**

*omit.*

**Explanatory note**

Amendments 1, 2, 4, 5 and 8 omit definitions, words and phrases that are redundant because of the *Acts Interpretation Act 1954*, section 36 (see definitions of “function”, “land” and “State”).<sup>4</sup>

Amendment 3 reinserts, as a separate definition, an exception to the omitted definition of “land” in amendment 2.

Amendments 6 and 9 correct minor errors.

Amendment 7 changes a reference to a prescribed form to an approved form in accordance with current drafting practice.

**APPEAL COSTS FUND ACT 1973****Amendment****1. Section 15(1)(c) and (d)—**

*omit.*

**2. Section 15(2), ‘the Queen in Council or’—**

*omit.*

**3. Section 22(1), ‘that is had as a consequence of the proceedings being rendered abortive or as a consequence of an order for or upon a new trial’—**

*omit.*

---

<sup>4</sup> Section 36 (Meaning of commonly used words and expressions).

## SCHEDULE 1 (continued)

**4. Section 26, heading—**

*omit, insert—*

**‘Regulation making power’.**

**5. Section 26, words before paragraph (a)—**

*omit, insert—*

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

**‘(2) A regulation may be made about—’.**

**6. Section 26(f), (g) and (i)—**

*omit.*

**7. Section 26(h)—**

*renumber* as section 26(2)(f).

**Explanatory note**

Amendments 1 and 2 omit provisions referring to now abolished privy council appeals.

Amendment 3 omits unnecessary wording to clarify the operation of a provision.

Amendments 4, 5 and 6 update the regulation making power in accordance with current drafting practice.

Amendment 7 is a consequential renumbering amendment.

**ARCHITECTS ACT 1985****Amendment****1. Section 5, heading—**

## SCHEDULE 1 (continued)

*omit, insert—*

**‘Definitions’.**

**2. Section 5, definition “architecture”—**

*omit.*

**3. Section 5—**

*insert—*

**‘“approved form”** see section 53A.<sup>5</sup>

**“architecture”** does not include naval architecture, golf course architecture, landscape architecture or another form of architecture declared under a regulation not to be architecture for the Act.

**“prescribed examinations”** means the examinations prescribed under a regulation.’.

**4. Section 28, penalty, ‘\$2 000’—**

*omit, insert—*

**‘40 penalty units’.**

**5. Section 39(2), penalty, ‘\$1 000’—**

*omit, insert—*

**‘20 penalty units’.**

---

<sup>5</sup> Section 53A (Approval of forms)

## SCHEDULE 1 (continued)

**6. Section 40(6)(a)(ii), ‘an order in council made pursuant to section 5’—***omit, insert—*

‘a regulation made under section 5 for the definition “architecture”’.

**7. Sections 41(2) and (3) and 42, penalty, ‘\$2 000’—***omit, insert—*

‘40 penalty units’.

**8. Section 44, penalty—***omit, insert—*

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

**9. Section 48(4)(a) and (7)(a), ‘form prescribed’—***omit, insert—*

‘approved form’.

**10. Section 52(3A), ‘\$2,000’—***omit, insert—*

‘40 penalty units’.

**11. After section 53—***insert—***‘Approval of forms**‘**53A.** The chief executive may approve forms for use under this Act.’.

## SCHEDULE 1 (continued)

**12. Section 54, heading and words before paragraph (a)—**

*omit, insert—*

**‘Regulation making power**

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

‘**(2)** A regulation may be made for or about—’.

**13. Section 54(h)—**

*omit.*

**14. Section 54(j), ‘\$1,000’—**

*omit, insert—*

‘20 penalty units’.

**15. Section 54(k)—**

*omit.*

**16. Section 55—**

*omit.*

**17. After section 56—**

*insert—*

**‘Transitional provision about forms**

‘**57.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

## SCHEDULE 1 (continued)

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**18. Schedule, rule 9, ‘prescribed form or a form to the like effect’—**

*omit, insert—*

‘approved form’.

**19. Schedule, rule 10(2), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**Explanatory note**

Amendment 1 changes a section heading in accordance with current drafting practice.

Amendment 2 omits a definition that is replaced by amendment 3.

Amendment 3 inserts a definition about approved forms. It also inserts a replacement definition “architecture” that implements current drafting practice by providing that statutory rules used under the Act are regulations and a definition “prescribed examinations” clarifying that the examinations are to be prescribed by regulation.

Amendments 4, 5, 7, 8, 10 and 14 change penalties expressed in dollars to penalty units.

Amendment 6 is consequential on amendment 3. The opportunity also has been taken to update language in accordance with current drafting practice.

Amendments 9, 18 and 19 change references to prescribed forms to approved forms in accordance with current drafting practice.

Amendment 11 inserts a provision allowing the chief executive to approve forms for the Act.

Amendments 12 and 15 update the regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

Amendment 13 is consequential on amendment 11.

Amendment 16 omits a redundant provision.

Amendment 17 inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**ART UNIONS AND PUBLIC AMUSEMENTS ACT 1992****Amendment****1. Sections 121 and 122—**

*omit.*

**Explanatory note**

This amendment omits sections 121 and 122 of the Act. Section 121, which provides for the issue of infringement notices, is omitted because of the introduction of the self-enforcing ticketable offence notice system (SETONS) in the *Justices Act 1886*, part 4A. The omission of section 122 is consequential on the omission of section 121.

**ASSOCIATIONS INCORPORATION ACT 1981****Amendment****1. Sections 55(1) and 57, ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**Explanatory note**

Amendment 1 changes penalties expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

**AUCTIONEERS AND AGENTS ACT 1971****Amendment****1. Section 16(4)(d)(iii) and (iv)—**

*omit, insert—*

‘(iii) if the business at the place is conducted for or on behalf of—

- (A) an individual licensee—the licensee’s name and the address of the licensee’s principal place of business; or
- (B) a corporation—the name of the corporation and the address of its principal place of business.’.

**2. Section 23(2)—**

*omit, insert—*

‘(2) For subsection (1), a person is taken to have been convicted of an indictable offence if the person is summarily convicted of an indictable offence.

‘(2A) Subsection (2) applies—

- (a) whether or not a conviction is recorded; and
- (b) despite any other Act or law.’.

**3. Section 34(1), ‘Subject to section 41, a’—**

*omit, insert—*

‘A’.

**4. Section 36(4), ‘Subject to section 41, a’—**

*omit, insert—*

‘A’.

## SCHEDULE 1 (continued)

**5. Section 65(3)(b)(iii) and (iv)—**

*renumber* as section 65(3)(c) and (d).

**6. Section 90(7), ‘Maximum penalty for a second or subsequent offence—10 penalty units.’—**

*omit, insert—*

‘Minimum penalty for a second or subsequent offence—10 penalty units.’.

**7. Section 131(2)(c)—**

*omit.*

**Commencement**

Amendment 6 is taken to have commenced on the day of assent of the *Statute Law Revision Act 1995*.

**Explanatory notes**

Amendment 1 updates paragraphing in accordance with current drafting practice.

Amendments 2, 3, 4 and 7 omit references to repealed or omitted provisions.

Amendment 5 corrects inappropriate paragraphing.

Amendment 6 corrects a drafting error.

**AUSTRALIAN CONSULAR OFFICERS’ NOTARIAL  
POWERS AND EVIDENCE ACT 1946****Amendment****1. Section 1(2) to (4)—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 2, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 4, first sentence, ‘any enactment in force at the commencement of this Act or thereafter in force’—**

*omit, insert—*

**‘an Act’.**

**4. Section 4, second sentence, words after ‘any Act’—**

*omit.*

**Explanatory note**

Amendment 1 omits provisions about the commencement of the Act and amendments made to the Act.

Amendment 2 revises the heading of the definition section in accordance with current drafting practice.

Amendments 3 and 4 omit redundant wording.

**AUSTRAL–PACIFIC FERTILIZERS LIMITED  
AGREEMENT ACT 1967****Amendment****1. Section 2—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 3, heading—**

*omit, insert—*

**‘Agreement has force of law’.**

**3. Section 3, ‘shall have’—**

*omit, insert—*

**‘has’.**

**4. After section 3—**

*insert—*

**‘Variation of agreement**

**‘4.(1)** The agreement may be varied by a further agreement between the Minister and the other party to the agreement.

**‘(2)** The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.

**‘(3)** The Minister must notify the day of the making of the further agreement by gazette notice.

**‘(4)** The agreement as varied has the force of law as if it were an enactment of this Act.

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 omits the provision that ratified the agreement made by the Minister before the Act was passed. This provision was declaratory and validating and has no further operation. Its effect will be preserved by the *Acts Interpretation Act 1954*,

## SCHEDULE 1 (continued)

section 20A.<sup>6</sup>

Amendment 2 replaces the section heading to more accurately reflect the contents of the section.

Amendment 3 makes a minor adjustment to the language used in the section to reflect current drafting style.

Amendment 4 requires proposed varying agreements to be approved by regulation because the agreement under the Act as varied has the force of law. The amendment also requires the date of the making of a varying agreement to be notified in the gazette and inserts a regulation making power.

**BAIL ACT 1980****Amendment****1. Section 6, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 6(1), definition “Director of Prosecutions”—**

*omit.*

**3. Section 6(1)—**

*insert—*

**“admit”** to bail includes grant bail.

**“approved form”** see section 36C.<sup>7</sup>.

---

<sup>6</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

<sup>7</sup> Section 36C (Approval of forms)

## SCHEDULE 1 (continued)

**4. Section 6(2)—**

*omit.*

**5. Section 14(2)(b)—**

*omit, insert—*

‘(b) must give the person a notice in the approved form that includes the particulars required under a regulation.’.

**6. Section 14A(2), words after paragraph (b)—**

*omit, insert—*

‘must give the defendant a notice in the approved form that includes the particulars required under a regulation.’.

**7. After section 36B—**

*insert—*

**‘Approval of forms**

**‘36C.(1)** The chief executive may approve forms for—

- (a) anything for which this Act requires or permits an approved form to be used; or
- (b) another use under this Act.

**‘(2)** Subsection (1)(b) does not apply to forms for court proceedings.’.

**8. Section 37, heading—**

*omit, insert—*

**‘Regulation making power’.**

## SCHEDULE 1 (continued)

**9. Section 37, ‘for the purposes of’—**

*omit, insert—*

‘under’.

**10. After section 37—**

*insert—*

**‘Transitional provision about forms**

**‘38.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 revises the heading of the definition section in accordance with current drafting practice.

Amendment 2 omits an unnecessary definition.

Amendment 3 inserts a definition presently dealt with in an interpretative subsection and definition about approved forms.

Amendment 4 omits a provision recast as a definition by amendment 3.

Amendments 5 and 6 change references to prescribed forms to approved forms in accordance with current drafting practice and government policy. The forms mentioned in the amended provisions are required to include the particulars prescribed under a regulation.

Amendment 7 inserts a provision allowing the chief executive to approve forms for the Act.

## SCHEDULE 1 (continued)

Amendments 8 and 9 revise the regulation section in accordance with current drafting practice.

Amendment 10 inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**BANANA INDUSTRY PROTECTION ACT 1989****Amendment****1. Section 2—**

*omit.*

**2. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 3, definitions “Chief Inspector”, “director-general”, “financial year” and “Minister”—**

*omit.*

**4. Section 3—**

*insert—*

**“approved form”** see section 29.<sup>8</sup>

**“employment agreement”** includes an award or industrial agreement.’.

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<sup>8</sup> Section 29 (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 5(e), ‘by order in council or as may be prescribed’—**

*omit.*

**6. Section 6(1), ‘make an order in council under this section delegating’—**

*omit, insert—*

‘by regulation delegate’.

**7. Section 6(1)(a) to (c) and (2), ‘the order in council’—**

*omit, insert—*

‘the regulation’.

**8. Section 6(1)(c) and (2), ‘an order in council’—**

*omit, insert—*

‘a regulation’.

**9. Section 6(4)—**

*omit.*

**10. Section 7(2), ‘Subject to subsection (5), members’—**

*omit, insert—*

‘Members’.

**11. Section 7(5) and (6)—**

*omit.*

## SCHEDULE 1 (continued)

**12. Section 12(2)—**

*omit.*

**13. Section 13(1)(a)—**

*omit.*

**14. Section 13(2)(b)—**

*omit, insert—*

‘(b) on the terms and conditions the Governor in Council considers appropriate subject to any relevant employment agreement.’.

**15. Section 14(1), ‘(an enactment repealed by this Act)’—**

*omit.*

**16. Section 20(1), ‘The Governor in Council by order in council’—**

*omit, insert—*

‘A regulation’.

**17. Section 20(1), ‘order in council’—**

*omit, insert—*

‘regulation’.

**18. Section 20(2) to (4), ‘an order in council’—**

*omit, insert—*

‘a regulation’.

## SCHEDULE 1 (continued)

**19. Section 23—**

*omit.*

**20. Section 29—**

*omit, insert—*

**‘Approval of forms**

‘**29.** The chief executive may approve forms for use under this Act.’

**21. Section 30—**

*omit, insert—*

**‘Regulation making power**

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

‘**(2)** A regulation may be made about a matter mentioned in schedule 2.’

**22. Schedule 1—**

*omit.*

**23. Schedule 2, section (7)—**

*omit, insert—*

**‘Offences**

‘**7.** Fixing a penalty of not more than 20 penalty units for a contravention of a regulation.’

**Explanatory note**

Amendment 1 omits redundant repeals, savings and transitional provisions.

Amendment 2 changes a heading in accordance with current drafting practice.

Amendment 3 omits redundant definitions.

## SCHEDULE 1 (continued)

Amendment 4 inserts definitions consequential on amendments 14 and 20.

Amendments 5 to 8 and 16 to 18 provide that the statutory instrument to be used is a regulation in accordance with current drafting practice.

Amendment 9 omits a provision made obsolete by the *Acts Interpretation Act 1954*.

Amendments 10 to 12 omit spent savings provisions.

Amendment 13 omits a redundant provision allowing appointments.

Amendment 14 recasts the provision and updates references to agreements under the *Industrial Relations Act 1990*.

Amendment 15 is consequential to amendment 1.

Amendment 19 omits provisions made obsolete by the *Acts Interpretation Act 1954*.

Amendment 20 omits provisions about service that are covered by the *Acts Interpretation Act 1954* and inserts a provision allowing the chief executive to approve forms for the Act.

Amendment 21 updates the regulation making power in accordance with current drafting practice.

Amendment 22 omits spent repealing provisions.

Amendment 23 omits a provision made redundant by the chief executive's power to approve forms and substitutes a provision allowing penalties to be imposed directly under the regulations.

**BEACH PROTECTION ACT 1968****Amendment****1. Section 2A—**

*omit.*

**2. Section 3(1), definitions “Area”, “Director-General”, “Harbour Board”, “Local Authority”, “Minister” and “Owner”—**

*omit.*

## SCHEDULE 1 (continued)

**3. Section 3(1)—**

*insert—*

‘**“owner”**, of land, means the person (other than the State) who, for the time being, is entitled to receive the rent of the land, and includes the holder of a licence or permission from the State, or a person deriving title to the land.’.

**4. Section 3(2), ‘order in council’—**

*omit, insert—*

‘regulation’.

**5. Section 3(2), from ‘On and from the date’ to ‘order in council’, 2nd mention—**

*omit, insert—*

‘On the making of the regulation, all land in the locality stated in the regulation’.

**6. Section 5(3)(b)—**

*omit, insert—*

‘(b) a person nominated by the Minister administering the *Land Act 1994*;’.

**7. Section 5(3)(d) and (e)—**

*omit, insert—*

‘(d) a person nominated by the Minister administering the *Mineral Resources Act 1989*;

(e) a person nominated by the Minister administering the *Local Government Act 1993*;’.

## SCHEDULE 1 (continued)

**8. Section 5(6) and (7)—**

*omit.*

**9. Sections 17 to 28 and 30 to 32—**

*omit, insert—*

**‘Application of Statutory Bodies Financial Arrangements Act**

‘17. The authority is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.’

**10. Section 36(1), words before paragraph (a)—**

*omit, insert—*

‘A regulation may—’.

**11. Section 36(3)(a), words after ‘Registrar of Titles’—**

*omit, insert—*

‘to be kept in the land registry’.

**12. Section 36(3)(b), words after ‘land, to the’—**

*omit, insert—*

‘chief executive of the department in which the *Land Act 1994* is administered to be kept in the land registry.’.

**13. Section 39(6), penalty, ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

## SCHEDULE 1 (continued)

**14. Sections 39(8) and 43(3)(a)(iii), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**15. Section 41B, from ‘Before’ to ‘1982,’—**

*omit, insert—*

‘Before a local government applies under the *Local Government (Planning and Environment) Act 1990*’.

**16. Section 42, after ‘1982’—**

*insert—*

‘(as continued in effect under the *Transport Infrastructure Act 1994*, section 236)’.

**17. Section 43(3)(a)(iii), ‘\$100’—**

*omit, insert—*

‘2 penalty units’.

**18. Section 43(4)(b), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**19. Section 44(1A), from ‘pursuant’ to ‘1982’—**

*omit, insert—*

‘under the *Local Government (Planning and Environment) Act 1990*’.

## SCHEDULE 1 (continued)

**20. Section 44(6), ‘\$2 500’—**

*omit, insert—*

‘50 penalty units’.

**21. Section 44(6), ‘\$250’—**

*omit, insert—*

‘5 penalty units’.

**22. Section 44(7)(ca)—**

*omit, insert—*

‘(ca) “town planning scheme” means a town planning scheme approved under the *Local Government (Planning and Environment) Act 1990*.’.

**23. Section 46(4), from ‘As soon as’ to ‘upon that copy’—**

*omit, insert—*

‘As soon as practicable after the compensation is paid, the secretary must give to the registrar of titles notice of the payment and must identify the land for which the payment was made.

The notice must be in the form approved by the registrar of titles.’.

**24. Section 47(1B) and (2), ‘\$2 500’—**

*omit, insert—*

‘50 penalty units’.

**25. Section 47(1B) and (2), ‘\$250’—**

*omit, insert—*

‘5 penalty units’.

## SCHEDULE 1 (continued)

**26. Section 48(4), ‘\$500’—***omit, insert—*

‘10 penalty units’.

**27. Section 49(4), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**28. Section 53, ‘\$500’—***omit, insert—*

‘10 penalty units’.

**29. Section 54(1), ‘\$1 500’—***omit, insert—*

‘30 penalty units’.

**30. Section 54(2), ‘\$100’—***omit, insert—*

‘2 penalty units’.

**31. Section 58—***omit.***32. Section 60—***omit, insert—*

## SCHEDULE 1 (continued)

**‘Regulation making power**

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

‘**(2)** A regulation may create offences and prescribe penalties of not more than 50 penalty units.’.

**33. Section 61—**

*omit.*

**Explanatory note**

Amendments 1 and 8 omit spent savings and transitional provisions.

Amendment 2 omits redundant and unnecessary definitions.

Amendment 3 revises a definition in accordance with current drafting practice.

Amendments 4, 5 and 10 provide that the statutory instrument to be used is a regulation in accordance with current drafting practice.

Amendments 6, 7, 11, 12, 14, 15, 19, 22 and 23 update references to other legislation and positions under the legislation.

Amendment 9 omits redundant provisions now dealt with in other legislation, particularly the *Statutory Bodies Financial Arrangements Act 1982*. It also makes it clear that the authority is a statutory body under that Act.

Amendments 13, 16, 17, 18, 20, 21 and 24 to 30 change dollar penalties to penalty units.

Amendment 31 omits a provision made unnecessary by the *Acts Interpretation Act 1954*, section 39.

Amendment 32 updates the regulation making power in accordance with current drafting practice.

Amendment 33 omits obsolete provisions.

## SCHEDULE 1 (continued)

**BILLS OF SALE AND OTHER INSTRUMENTS ACT  
1955****Amendment****1. Section 6(1), definition “chief executive”—**

*omit.*

**2. Section 6(1)—**

*insert—*

‘**“approved form”** see section 46.9’.

**3. Section 12(4), ‘form approved by the registrar’—**

*omit, insert—*

‘approved form’.

**4. Section 46—**

*omit, insert—*

**‘Approval of forms**

‘**46.** The chief executive may approve forms for use under this Act.

**‘Regulation making power**

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

‘**(2)** A regulation may prescribe—

- (a) the matters for which fees, costs and charges are payable;
- (b) the amounts of the fees, costs and charges;

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<sup>9</sup> Section 46 (Approval of forms)

## SCHEDULE 1 (continued)

- (c) the persons liable to pay the fees, costs and charges;
- (d) when the fees, costs and charges are payable;
- (e) how unpaid amounts of fees, costs and charges are to be recovered.’.

**Explanatory note**

Amendment 1 removes an unnecessary definition.

Amendment 2 inserts a new definition about approved forms.

Amendment 3 is consequential on a new provision inserted by amendment 4.

Amendment 4 replaces the regulation making power to bring it into line with current drafting practice. It also inserts a provision allowing the chief executive to approve forms.

**BRANDS ACT 1915****Amendment****1. Section 1—**

*omit, insert—*

**‘Short title**

**‘1.** This Act may be cited as the *Brands Act 1915*.’.

**2. Section 2—**

*omit.*

## SCHEDULE 1 (continued)

**3. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 3—**

*insert—*

**‘“approved form”** see section 33.10’.

**5. Section 4(2), from ‘The’ to ‘council—’—**

*omit, insert—*

**‘A regulation may—’.**

**6. Sections 5, 12, 13, 16(1), (1A) and (3) and 18(1), ‘prescribed form’—**

*omit, insert—*

**‘approved form’.**

**7. Section 6(1A) to (2A)—**

*renumber* as section 6(2) to (4).

**8. Section 6(3) to (3E)—**

*renumber* as section 6A(1) to (6).

**9. Section 6(4) to (4B)—**

*renumber* as section 6B(1) to (3).

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<sup>10</sup> Section 33 (Approval of forms)

## SCHEDULE 1 (continued)

**10. Section 6(5) to (7)—**

*renumber* as section 6C(1) to (10).

**11. Section 9A(4), ‘(the registrar being hereby thereunto empowered)’—**

*omit.*

**12. Section 14(3)—**

*omit.*

**13. Section 14, at the end—**

*insert—*

‘Maximum penalty for subsection (2)—8 penalty units.’.

**14. Section 22(4) and 31(4)(b), ‘of the Department of Primary Industries’—**

*omit.*

**15. Section 24(1), ‘shall be liable to a penalty not exceeding \$400, namely’—**

*omit, insert—*

‘commits an offence’.

**16. Section 24(1)—**

*insert—*

‘Maximum penalty—8 penalty units.’.

## SCHEDULE 1 (continued)

**17. Section 24A(1), penalty—***omit, insert—*

‘Maximum penalty—8 penalty units or imprisonment for 6 months.’.

**18. Section 24B(4), penalty—***omit, insert—*

‘Maximum penalty for subsection (4)—8 penalty units or imprisonment for 6 months.’.

**19. Section 29, heading—***omit, insert—*

‘Regulation making power’.

**20. Section 29(1)—***omit, insert—*

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

**21. Section 29(2), from ‘Without’ to ‘prescribing’—***omit, insert—*

‘A regulation may make provision about’.

**22. Section 29(2)(h) and (j) and (3)—***omit.***23. Section 29, as amended—***renumber* as section 34.

## SCHEDULE 1 (continued)

**24. Section 31(1C), ‘\$200’—**

*omit, insert—*

‘4 penalty units’.

**25. Section 31(1A) to (1C)—**

*renumber* as section 31(2) to (4).

**26. Section 31(2)—**

*renumber* as section 31A.

**27. Section 31(3) and (4)—**

*renumber* as section 31B(1) and (2).

**28. After section 32—**

*insert—*

**‘Approval of forms**

‘**33.** The chief executive may approve forms for use under this Act.’.

**29. After section 34—**

*insert—*

**‘Transitional provision about forms**

‘**35.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the

## SCHEDULE 1 (continued)

prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 omits a redundant commencement provision.

Amendment 2 omits a spent transitional provision.

Amendments 3 and 19 amend headings to accord with current drafting practice.

Amendments 4 and 6 are consequential on amendment 28.

Amendment 5 implements current drafting practice by providing that a regulation is the statutory instrument to be used.

Amendments 7 to 10 and 25 to 27 are renumbering provisions.

Amendment 11 omits redundant words.

Amendments 12, 13, 15 to 18 and 24 change dollar penalties to penalty units.

Amendment 14 omits words made redundant by amendments of the *Acts Interpretation Act 1954*.

Amendments 20 to 22 update the regulation making power in accordance with current drafting practice.

Amendment 23 relocates the regulation making power to the usual position in the Act.

Amendments 28 and 29 allow the chief executive to approve forms for the Act and for existing forms to be used for a limited time.

**BRITISH PROBATES ACT 1898****Amendment****1. Section 2, definition “probate duty”—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 2, definition “British court in a foreign country”, words after ‘dominions’—**

*omit.*

**3. Section 3, heading, ‘order in council’—**

*omit, insert—*

**‘regulation’.**

**4. Section 3, ‘direct by order in council’—**

*omit, insert—*

**‘declare by regulation’.**

**5. Section 3, ‘exceptions and modifications specified in the order’—**

*omit, insert—*

**‘stated changes’.**

**6. Section 3, words after ‘dominions’, last mention—**

*omit.*

**7. Section 4(5)—**

*omit.*

**8. Sections 6 and 7—**

*omit, insert—*

**‘Regulation making power**

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

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 omits a redundant definition.

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

Amendments 3 and 4 implement current drafting practice by providing that the statutory rules used under the Act are regulations.

Amendment 6 omits unnecessary wording.

Amendment 7 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 8 omits redundant sections and inserts a regulation making power.

**BURIALS ASSISTANCE ACT 1965****Amendment****1. Section 2, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 2, definition “child”—**

*omit.*

**3. Sections 5 to 7—**

*omit, insert—*

**‘Regulation making power**

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

**‘(2)** A regulation may be made about the duties of police officers in relation to the Act.’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 replaces a section heading.

Amendment 2 omits the definition of child. The *Status of Children Act 1978* now deals with deciding questions of parentage.

Amendment 3 omits provisions that are exhausted or made redundant by Acts of general application and replaces the regulation making power in accordance with current drafting practice.

**BUSINESS NAMES ACT 1962****Amendment****1. Section 1(2)—**

*omit.*

**2. Section 2—**

*omit.*

**3. Section 3(1), heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 3(1), definitions “Crown Law Officer”, “individual” and “transparency”—**

*omit.*

**5. Section 3(1)—**

*insert—*

## SCHEDULE 1 (continued)

‘**“approved form”**’ see section 31A.<sup>11</sup>

**“transparency”** see *Evidence Act 1977*, part 7.’.

**6. Section 3(1), definition “repealed Act”, ‘, as amended’—**  
*omit.*

**7. Section 3(2), as a heading—**  
*insert—*

**‘Meaning of carrying on business within State’.**

**8. Section 3(2), as amended—**  
*renumber* as section 3A.

**9. Section 3(3), as a heading—**  
*insert—*

**‘When business name taken to be registered in relation to person’.**

**10. Section 3(3), as amended—**  
*renumber* as section 3B.

**11. Section 4B, ‘of the Government in which this Act is administered’—**  
*omit.*

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<sup>11</sup> Section 31A (Approval of forms)

## SCHEDULE 1 (continued)

**12. Section 4C—***omit, insert—***‘Delegation by registrar**

‘4C. The registrar may delegate the registrar’s powers and functions under this Act to any person.’.

**13. Sections 5(1), 12(8), and 13(2), ‘\$200’—***omit, insert—*

‘4 penalty units’.

**14. Section 6(6)—***omit.***15. Sections 7, 11(1) and 12, ‘prescribed form’—***omit, insert—*

‘approved form’.

**16. Sections 9 and 10(3), ‘Crown Law Officer’—***omit, insert—*

‘Minister’.

**17. Section 10(2)—***omit.*

## SCHEDULE 1 (continued)

**18. Section 11, penalty—***omit, insert—*

‘Maximum penalty for subsection (6)— 2 penalty units.’.

**19. Section 17, penalty—***omit, insert—*

‘Maximum penalty— 4 penalty units or 3 months imprisonment.’.

**20. Section 20, ‘\$100’—***omit, insert—*

‘2 penalty units’.

**21. Section 26(1), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**22. Section 27(2) and (3)—***omit.***23. Section 28(1), ‘\$20’—***omit, insert—*

‘1 penalty unit’.

**24. After section 31—***insert—*

## SCHEDULE 1 (continued)

**‘Approval of forms**

**‘31A.** The chief executive may approve forms for use under this Act.’.

**25. Section 32, heading—**

*omit, insert—*

**‘Regulation making power’.**

**26. Section 32(1)—**

*omit, insert—*

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

**27. Section 32(2), words before paragraph (a)—**

*omit, insert—*

**‘(2)** A regulation may—’.

**28. Section 32(2)(c), ‘prescribed’—**

*omit, insert—*

**‘approved’.**

**29. Section 32(2)(h)—**

*omit.*

**30. Section 32(2)(i), ‘\$40’—**

*omit, insert—*

**‘1 penalty unit’.**

## SCHEDULE 1 (continued)

**31. Section 32(2)(i)—**

*renumber* as section 32(2)(h).

**32. Section 33—**

*omit.*

**33. Section 34—**

*omit, insert—*

**‘Transitional provision about forms**

**‘34.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**34. After section 35—**

*insert—*

**‘Transitional provision about directions to the registrar**

**‘36.(1)** A direction by the Crown Law Officer under section 9, in force immediately before the commencement of the *Statute Law Revision Act (No. 2) 1995*, is taken to be a direction by the Minister under section 9.

**‘(2)** The *Acts Interpretation Act 1954*, section 20A<sup>12</sup> applies to this

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<sup>12</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

## SCHEDULE 1 (continued)

section.

‘(3) This section expires on the day it commences.’.

**Explanatory note**

Amendment 1 omits an obsolete commencement provision.

Amendments 2 and 14 omit obsolete transitional provisions.

Amendments 3 and 25 replace provision headings in accordance with current drafting practice.

Amendment 4 omits 2 redundant definitions and another to be replaced in accordance with current drafting practice.

Amendment 5 inserts a definition that is consequential on amendment 26 and another that replaces a definition omitted by amendment 4.

Amendment 6 omits a phrase that is redundant because of the *Acts Interpretation Act 1954*.

Amendments 7 and 9 insert provision headings for sections renumbered from subsections.

Amendments 8 and 10 renumber subsections as sections.

Amendment 11 omits wording that is redundant because of the *Acts Interpretation Act 1954*.

Amendment 12 updates the delegation making power in accordance with current drafting practice.

Amendments 13, 18, 19, 20, 21, 23 and 30 change penalties expressed in dollars.

Amendment 15 is consequential on amendment 24.

Amendment 16 updates a reference in accordance with current drafting practice.

Amendment 17 omits an obsolete provision.

Amendment 22 omits provisions that are redundant because of the *Acts Interpretation Act 1954*.

Amendment 24 inserts a provision allowing the chief executive to approve forms for the Act.

Amendments 26 and 27 update the regulation making power in accordance with current drafting practice.

Amendments 28, 29, 31 and 33 are consequential on amendment 24.

## SCHEDULE 1 (continued)

Amendment 32 omits a provision that is redundant because of the *Statutory Instruments Act 1992*.

Amendment 34 is consequential on amendment 16.

**CASINO CONTROL ACT 1982****Amendment****1. Section 127(2), all words before paragraph (a)—**

*omit, insert—*

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

**Explanatory note**

Amendment 1 updates the regulation making power in accordance with current drafting practice.

**CENTRAL QUEENSLAND UNIVERSITY ACT 1989****Amendment****1. After part 3—**

*insert—*

**‘PART 4—TRANSITIONAL PROVISION****‘University of Central Queensland Act 1989 references**

‘**151.** In an Act or document, a reference to the *University of Central Queensland Act 1989* is a reference to this Act.’.

## SCHEDULE 1 (continued)

**Explanatory note**

The amendment inserts a provision to deal with references to the Act by its earlier short title. The provision will enable the references to be updated in reprints.

**CHICKEN MEAT INDUSTRY COMMITTEE ACT 1976****Amendment****1. Section 4—**

*insert*—

‘**“approved form”** see section 24.<sup>13</sup>’.

**2. Section 24 —**

*omit, insert*—

**‘Approval of forms**

‘**24.** The chief executive may approve forms for use under this Act.

**‘Regulation making power**

‘**25.** The Governor in Council may make regulations under this Act.

**‘Transitional provision about forms**

‘**26.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

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<sup>13</sup> Section 24 (Approval of forms)

## SCHEDULE 1 (continued)

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 inserts a provision allowing the chief executive to approve forms for the Act, updates the regulation making power in accordance with current drafting practice and inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**CHURCHES OF CHRIST, SCIENTIST,  
INCORPORATION ACT 1964****Amendment****1. Section 1A—**

*omit.*

**2. Section 2(4), ‘the provisions of’—**

*omit.*

**3. Section 5(3), ‘Order in Council’—**

*omit, insert—*

‘regulation’.

## SCHEDULE 1 (continued)

**4. Section 6(d), ‘the provisions’ to ‘such church’—**

*omit, insert—*

‘section 3(2) applies as if the church’.

**5. After section 7—**

*insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 omits a definition that is redundant because of the *Acts Interpretation Act 1954*.

Amendments 2 and 4 update the language in accordance with current drafting practice.

Amendment 3 provides that the statutory rules to be used under the Act are regulations in accordance with current drafting practice.

Amendment 5 inserts a regulation making power in accordance with current drafting practice.

**CITY OF BRISBANE ACT 1924****Amendment****1. After section 133—**

*insert—*

**‘References to vice mayor**

‘134. In an Act or document, a reference to the vice mayor of the city, if the context permits, may be taken to be a reference to the deputy mayor of the city.’.

## SCHEDULE 1 (continued)

**Explanatory note**

The *City of Brisbane Act Amendment Act 1986* changed all references in the *City of Brisbane Act 1924* to the vice mayor of the city to the deputy mayor of the city. The 1986 Act contained a provision dealing with other references to the vice mayor. The 1986 Act is repealed by schedule 4 of this Bill. The provision inserted by this amendment replaces the 1986 Act provision and will continue to allow references to be updated in reprints (see *Reprints Act 1992*, section 23A(3)).

**COLLECTIONS ACT 1966****Amendment****1. Sections 10(2)(a), 37(2), 39A(2)(a) and 40(2), ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**2. Sections 10(2)(b) and 39A(2)(b), ‘\$2 000’—**

*omit, insert—*

‘40 penalty units’.

**3. Section 47(3)(zo), ‘\$300’—**

*omit, insert—*

‘6 penalty units’.

**Explanatory note**

The amendments change penalties expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

**COMMERCIAL ARBITRATION ACT 1990****Amendment****1. Section 2—**

*omit.*

**2. Section 3—**

*insert—*

**‘3.(1)** This Act does not apply to domestic building work.<sup>14</sup>’.

**3. Section 3(7), words after ‘1959’—**

*omit.*

**4. Section 4(1)—**

*insert—*

**‘ “domestic building work”** see *Queensland Building Services Authority Act 1991*, section 4.’.

**5. Section 4(2), as heading—**

*insert—*

**‘When references to the court are references to a district court’.**

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<sup>14</sup> This subsection mirrors the effect of the *Queensland Building Services Authority Act 1991*, section 110 (Non application of certain Acts).

## SCHEDULE 1 (continued)

**6. Section 4(3), as heading—***insert—***‘References to arbitrator when there are 2 or more arbitrators’.****7. Section 4(2) and (3)—***renumber* as section 4A and 4B.**8. Section 41(2), ‘by a regulation made by the Governor’—***omit, insert—***‘under a regulation’.****9. Section 41(3), ‘The Governor may by regulation’—***omit, insert—***‘A regulation may’.****10. Section 41(3), ‘the Governor’, 2nd mention—***omit, insert—***‘the Governor in Council’.****11. Sections 57 and 58—***omit, insert—***‘References to Arbitration Act 1973**

**‘57.** In an Act or document (other than in an arbitration agreement), a reference to the *Arbitration Act 1973* may, if the context permits, be taken to be a reference to this Act.’.

## SCHEDULE 1 (continued)

**Commencement**

Amendment 11 commences on the day of commencement of the *Courts Legislation Amendment Act 1995*, section 14.

**Explanatory note**

As the Act has commenced, amendment 1 omits the Act's commencement provision.

Amendment 2 inserts a provision that mirrors the effect of a provision of the *Queensland Building Services Authority Act 1991*. The provision is intended to alert the reader to the Act's effect on this Act.

Amendment 3 omits a redundant reference.

Amendment 4 is consequential on amendment 2.

Amendments 5, 6 and 7 recast subsections of the definition section as separate sections in accordance with current drafting practice.

Amendments 8, 9 and 10 revise provisions to omit redundant and inaccurate wording about regulations.

Amendment 11 omits rule making powers that are redundant because of recent amendments of the *Supreme Court of Queensland Act 1991* and the *District Courts Act 1967*.

The amendment also inserts a new section to deal with references to an earlier repealed Act that provided for substantially the same matters as this Act. The provision will enable references to the repealed Act to be updated in reprints (see *Reprints Act 1992*, section 22(4)). References in arbitration agreements are already covered in section 3(2)(b) of the Act.

**COMMERCIAL CAUSES ACT 1910****Amendment****1. Section 1—**

*omit, insert—*

**'Purposes of part**

**'1.** The purpose of this part is to make better provision for the trial of commercial causes.'

## SCHEDULE 1 (continued)

**2. Section 2, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 2, ‘Act’—**

*omit, insert—*

**‘part’.**

**4. Section 2, definitions “Judge”, “registrar” and “rules of court”—**

*omit.*

**5. Section 3(2), ‘Act’—**

*omit, insert—*

**‘part’.**

**6. Section 4(4) and (5)—**

*renumber* as section 4A(1) and (2).

**7. Sections 6 and 7—**

*omit.*

**8. Sections 1 to 6A, as amended by this Act—**

*relocate* to *Supreme Court Act 1921*, part 18.

**Explanatory note**

Amendment 1 omits a provision dealing with the Act’s citation and inserts a purpose provision taken from the Act’s long title.

## SCHEDULE 1 (continued)

Amendment 2 updates the heading of the definition section in accordance with current drafting practice.

Amendments 3 and 5 are consequential on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 4 omits unnecessary definitions.

Amendment 6 recasts subsections of a section as subsections of a separate section.

Amendment 7 omits provisions about rules of court made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 8 relocates provisions of the Act, as amended by the Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**COMMISSIONS OF INQUIRY ACT 1950****Amendment****1. Section 2—**

*omit.*

**2. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 3, definition “person”—**

*omit.*

**4. Section 4(1A)—**

*omit.*

## SCHEDULE 1 (continued)

**5. Section 5(2A), ‘an order in council’—***omit, insert—*

‘a regulation’.

**6. Section 5(2B), ‘An order in council’—***omit, insert—*

‘A regulation’.

**7. Section 5B(3)—***omit, insert—*

‘(3) In this section—

“**general manager**” see *Corrective Services Act 1988*.“**hospital**” see *Mental Health Act 1974*.“**hospital administrator**” see *Mental Health Act 1974*.“**prisoner**” see *Corrective Services Act 1988*.’.**8. Section 8(2) to (5)—***renumber* as section 9A(1) to (5).**9. Section 9(2), heading—***omit.***10. Section 9(2)(c)(iii) and (v), ‘barrister, solicitor’—***omit, insert—*

‘lawyer’.

## SCHEDULE 1 (continued)

**11. Section 10(2), ‘\$100’—***omit, insert—*

‘2 penalty units’.

**12. Section 13(2), words after paragraph (d)—***omit.***13. Section 14(2) and (2A)—***renumber* as section 14A(1) and (2).**14. Section 14(3) and (4)—***renumber* as section 14B(1) and (2).**15. Section 16(2)—***renumber* as section 16A.**16. Section 20(2), ‘barrister, solicitor’—***omit, insert—*

‘lawyer’.

**17. Section 21, ‘barrister or solicitor’—***omit, insert—*

‘lawyer’.

**18. Section 23, words after ‘before a commission’, last mention—***omit, insert—*

## SCHEDULE 1 (continued)

‘commits an offence.

Maximum penalty—20 penalty units or 1 year’s imprisonment.’.

**19. Section 24(1), words after ‘prescribed’—**

*omit, insert—*

‘under a regulation’.

**20. Section 24(4), words before ‘a scale’—**

*omit, insert—*

‘(4) A regulation may prescribe’.

**21. Section 24(5)—**

*omit.*

**22. Section 25(1)—**

*omit.*

**23. Section 25(2) to (4)—**

*renumber* as section 25(1) to (3).

**24. Section 26—**

*omit.*

**25. Section 30A(1), from ‘by writing’ to ‘chairperson’—**

*omit, insert—*

‘delegate the chairperson’s powers’.

## SCHEDULE 1 (continued)

**26. Section 30A(1A), ‘, duties and functions’—**

*omit.*

**27. Section 30A(2) to (6)—**

*omit.*

**28. After section 32—**

*insert—*

**‘Regulation making power**

**‘33.** The Governor in Council may make regulations under this Act.

**‘References to Official Inquiries Evidence Act 1910**

**‘34.** In an Act or document, a reference to the *Official Inquiries Evidence Act 1910* may, if the context permits, be taken as a reference to this Act.’.

**Explanatory note**

Amendment 1 omits a repealing section.

Amendment 2 revises the heading of the definition section in accordance with current drafting practice.

Amendment 3 omits a definition that defines “person” to include a body corporate. This definition is now in the *Acts Interpretation Act 1954*, section 36. The definition being omitted is therefore redundant.

Amendment 4 omits an obsolete provision.

Amendments 5 and 6 provide that the subordinate legislation to be used under the Act are regulations in accordance with current legislative drafting practice.

Amendment 7 recasts a definition section in accordance with current drafting practice.

Amendment 8 recasts subsections of a section as a separate section.

Amendment 9 omits an unnecessary heading.

## SCHEDULE 1 (continued)

Amendments 10, 16 and 17 replace the words ‘barrister’ and ‘solicitor’ with ‘lawyer’ in reliance on the definition “lawyer” in the *Acts Interpretation Act 1954*, section 36.

Amendment 11 changes a penalty expressed in dollars to penalty units.

Amendment 12 omits unnecessary wording in a provision.

Amendments 13 to 15 recast subsections as separate sections.

Amendment 18 updates the language of an offence provision and changes a penalty in dollars to penalty units.

Amendments 19 and 20 update the language of provisions mentioning regulations.

Amendment 21 omits an unnecessary provision requiring regulations to be published in the gazette. The requirement to notify the making of regulations is now in the *Statutory Instruments Act 1992*, section 47.

Amendment 22 omits an unnecessary provision.

Amendment 23 is consequential on amendment 22.

Amendment 24 omits the regulation making power. The regulation making power is reinserted, in an updated form, by amendment 28.

Amendments 25 to 27 omit delegation provisions made redundant by the *Acts Interpretation Act 1954*, section 27A.

Amendment 28 reinserts the regulation making power in an updated form.

The amendment also inserts a provision to deal with references to an earlier repealed Act that deals with matters dealt with under this Act. The provision will enable references to the repealed Act to be updated in reprints (see *Reprints Act 1992*, section 22(4)).

**COMMON LAW PLEADING ACT 1867****Amendment****1. Heading before section 43—**

*omit, insert—*

## SCHEDULE 1 (continued)

*‘Division 1—Purpose of part***‘Purpose**

**‘42.** The purpose of this part is to consolidate and amend the laws about pleading in actions at law.

*‘Division 2—Payment’.***2. Heading before section 44—**

*omit, insert—*

*‘Division 3—Payment into court’.***3. Heading before section 62 and section 62—**

*omit.*

**4. Heading before section 63 and section 63—**

*omit.*

**5. Sections 42 to 47, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 3.*

**Explanatory note**

Amendments 1 and 2 are consequential on the relocation of provisions of the Act to the *Supreme Court Act 1921*. The amendments update headings and amendment 1 also inserts a purpose provision taken from the Act’s long title.

Amendment 3 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

## SCHEDULE 1 (continued)

Amendment 4 omits a provision providing for the Act's citation and commencement.  
Amendment 5 relocates provisions of the Act, as amended by the Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**COMMON LAW PRACTICE ACT 1867****Amendment****1. Headings before sections 1A and 1, and section 1A—**

*omit, insert—*

***‘Division 1—Purpose of part*****‘Purpose**

**‘1.** The purpose of this part is to consolidate and amend the laws about practice at common law.

***‘Division 2—Interpretation’.*****2. Sections 1 and 2—**

*omit, insert—*

**‘Definitions**

**‘2.** In this part—

**“child”** includes—

- (a) son or daughter; and
- (b) grandson or grand daughter; and
- (c) stepson or stepdaughter; and
- (d) a person for whom someone stands in place of a parent.

**“parent”** includes—

## SCHEDULE 1 (continued)

- (a) father or mother; and
- (b) grandfather or grandmother; and
- (c) stepfather or stepmother; and
- (d) a person standing in place of a parent.

“**prothonotary**” includes the registrar, a master in equity and other proper officer of the Supreme Court.’.

**3. Heading before section 3—**

*omit, insert—*

*‘Division 3—Abolition of wager of law’.*

**4. Heading before section 4—**

*omit, insert—*

*‘Division 4—Assessment of damages’.*

**5. Section 5(1), ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

**6. Heading before section 12—**

*omit, insert—*

*‘Division 5—Actions against and by executors’.*

**7. Section 15C, ‘, whether commenced before or after the commencement of the *Common Law Practice Act Amendment Act 1972*’—**

*omit.*

## SCHEDULE 1 (continued)

**8. Heading before section 16—**

*omit, insert—*

*‘Division 6—Specific delivery of chattels’.*

**9. Section 16, heading—**

*omit, insert—*

**‘Procedure after verdict for recovery of specific goods’.**

**10. Heading before section 19—**

*omit, insert—*

*‘Division 7—Execution on decrees and orders’.*

**11. Heading before section 20—**

*omit, insert—*

*‘Division 8—Execution on foreign judgment’.*

**12. Section 22, ‘of this colony’—**

*omit.*

**13. Heading before section 23—**

*omit, insert—*

*‘Division 9—Description of parties’.*

**14. Section 24, ‘but for this Act’—**

*omit, insert—*

**‘apart from this part’.**

## SCHEDULE 1 (continued)

**15. Heading before section 25—***omit, insert—**‘Division 10—Style of defendant’.***16. Section 25(2), ‘this Act’—***omit, insert—**‘this part’.***17. Heading before section 40—***omit, insert—**‘Division 11—Refusal to make affidavit’.***18. Heading before section 46—***omit, insert—**‘Division 12—No new trial about stamp rulings’.***19. Heading before section 48—***omit, insert—**‘Division 13—Execution’.***20. Section 48, ‘this Act’—***omit, insert—**‘this part’.***21. Heading before section 49—***omit, insert—*

## SCHEDULE 1 (continued)

*'Division 14—Distringas'*.**22. Section 49(1), 'or its dependencies'—***omit.***23. Section 50(1), 'this Act'—***omit, insert—*

'this part'.

**24. Heading before section 59—***omit, insert—**'Division 15—Garnishment'*.**25. Section 59, 'this Act'—***omit, insert—*

'this part'.

**26. Heading before section 62—***omit, insert—**'Division 16—View'*.**27. Heading before section 63—***omit, insert—**'Division 17—Inquiry before prothonotary'*.

## SCHEDULE 1 (continued)

**28. Heading before section 64—***omit, insert—**‘Division 18—Writs of trial and inquiry’.***29. Section 66, ‘this Act’—***omit, insert—**‘this part’.***30. Heading before section 70—***omit, insert—**‘Division 19—Precepts’.***31. Heading before section 72—***omit, insert—**‘Division 20—Practice at the trial’.***32. Section 73(1), ‘from time to time by order in council and until so prescribed at the rate of 8% per annum’—***omit, insert—**‘under a regulation’.***33. Section 75(1A)—***omit.***34. Heading before section 78—***omit, insert—*

## SCHEDULE 1 (continued)

*‘Division 21—Trial without jury’.***35. Section 78(2), from ‘or provided the Judges’ to ‘in such rule or order’—***omit.***36. Section 79, ‘this Act’—***omit, insert—**‘this part’.***37. Heading before section 80—***omit, insert—**‘Division 22—Amendment’.***38. Heading before section 84—***omit, insert—**‘Division 23—Warrants of attorney’.***39. Section 84, words before ‘warrant of attorney’—***omit, insert—**‘No’.***40. Section 86, ‘Her Majesty’s’—***omit, insert—**‘the’.*

## SCHEDULE 1 (continued)

**41. Section 86, ‘said’—**

*omit.*

**42. Heading before section 88—**

*omit, insert—*

*‘Division 24—Cognovit’.*

**43. Section 88, ‘this Act’—**

*omit, insert—*

*‘this part’.*

**44. Heading before section 89—**

*omit, insert—*

*‘Division 25—Warrants and cognovits’.*

**45. Section 90, words after ‘made payable’—**

*omit.*

**46. Sections 91 and 92—**

*omit.*

**47. Heading before section 94 and section 94—**

*omit.*

**48. Heading before section 95—**

*omit, insert—*

## SCHEDULE 1 (continued)

*'Division 26—Transitional'*.**49. Sections 1 to 95, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 4.*

**Explanatory note**

Amendments 1, 3, 4, 6, 8, 10, 11, 13, 15, 17 to 19, 21, 24, 26 to 28, 30, 31, 34, 37, 38, 42, 44 and 48 update headings consequentially on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 1 also omits a section providing for the Act's citation and inserts a purpose clause taken from the Act's long title.

Amendment 2 omits definitions made obsolete by the relocation and recasts definitions in accordance with current drafting practice. The meaning of the definitions is not intended to be changed by the Bill.

Amendments 5 and 32 implement current drafting practice by providing that the statutory rules used under the Act are regulations.

Amendments 7 and 39 omit obsolete wording from a section.

Amendment 9 shortens a section heading.

Amendments 12 and 22 omit redundant and obsolete wording.

Amendments 14, 16, 20, 23, 25, 29, 36 and 43 make other minor amendments consequentially on the relocation.

Amendment 33 omits an obsolete application provision.

Amendment 35 omits redundant wording referring to the Act's rule making power.

Amendments 40 and 41 update the language of a section.

Amendment 45 omits redundant and obsolete wording prescribing a form and dealing with the searching of court records.

Amendment 46 omits redundant and obsolete provisions providing for filing fees and obtaining office copies of certain documents.

Amendment 47 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

## SCHEDULE 1 (continued)

Amendment 49 relocates provisions of the Act, as amended by the Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**COMMON LAW PROCESS ACT 1867****Amendment****1. Heading before section 23—**

*omit, insert—*

*‘Division 1—Purpose of part*

**‘Purpose**

**‘22.** The purpose of this part is to consolidate the laws about mesne process and process of execution and to the remedies of plaintiffs in actions at common law.

*‘Division 2—Execution of writs on Sunday’.*

**2. Heading before section 24—**

*omit, insert—*

*‘Division 3—Affidavits sworn before a consul’.*

**3. Section 24, ‘this Act’—**

*omit, insert—*

*‘this part’.*

## SCHEDULE 1 (continued)

**4. Heading before section 27—**

*omit, insert—*

*‘Division 4—Meaning of absent defendants’.*

**5. Section 27(1), ‘The provisions of sections 28 to 45 shall’—**

*omit, insert—*

‘Divisions 5 to 10’.

**6. Section 27(3), ‘the remaining sections of this Act’—**

*omit, insert—*

‘divisions 5 to 17’.

**7. Section 28, ‘the purposes of sections 29 to 45’—**

*omit, insert—*

‘divisions 5 to 10’.

**8. Heading before section 29—**

*omit, insert—*

*‘Division 5—Proceedings against absent defendants’.*

**9. Section 29(1), ‘which shall hereafter be’—**

*omit.*

**10. Section 30(2), heading—**

*omit.*

## SCHEDULE 1 (continued)

**11. Section 32(2), heading—**

*omit.*

**12. Heading before section 33—**

*omit, insert—*

*‘Division 6—Proceeding in the action’.*

**13. Heading before section 34—**

*omit, insert—*

*‘Division 7—Advertisement’.*

**14. Heading before section 35—**

*omit, insert—*

*‘Division 8—The garnishees’.*

**15. Section 38(2), heading—**

*omit.*

**16. Section 39, ‘this Act’—**

*omit, insert—*

*‘this part’.*

**17. Heading before section 41—**

*omit, insert—*

*‘Division 9—Defendant’s rights’.*

## SCHEDULE 1 (continued)

**18. Heading before section 43—***omit, insert—****‘Division 10—Copartners’.*****19. Section 45, heading, ‘Act’—***omit, insert—****‘Provisions’.*****20. Section 45, ‘Nothing in sections 27 to 44 contained shall’—***omit, insert—****‘Divisions 4 to 10 do not’.*****21. Heading before section 46—***omit, insert—****‘Division 11—Attachment of goods’.*****22. Section 46(1), ‘in the form contained in the said Schedule 6’—***omit.***23. Section 46(1), ‘in the form contained in Schedule 7’—***omit.***24. Section 46(1), ‘with the memorandum also in the said Schedule 6 contained endorsed thereon’—***omit.*

## SCHEDULE 1 (continued)

**25. Heading before section 47—***omit, insert—**‘Division 12—Capias ad respondendum’.***26. Section 48, heading—***omit, insert—***‘When person may be arrested or held to bail’.****27. Section 49, words after ‘costs’—***omit.***28. Heading before section 51—***omit, insert—**‘Division 13—Discharge of prisoner’.***29. Heading before section 52—***omit, insert—**‘Division 14—Capias ad satisfaciendum’.***30. Section 52(2) and (3), headings—***omit.***31. Heading before section 55—***omit, insert—**‘Division 15—Discharge of prisoner’.*

## SCHEDULE 1 (continued)

**32. Heading before section 56—**

*omit, insert—*

*‘Division 16—Fieri-facias’.*

**33. Section 56(1), heading, words after ‘etc.’—**

*omit.*

**34. Section 56(1), ‘after the commencement of this Act’—**

*omit.*

**35. Section 56(2), heading—**

*omit.*

**36. Section 57(2), ‘this Act’—**

*omit, insert—*

‘this part’.

**37. Section 59, ‘such manner as the Judges of the Supreme Court shall from time to time direct’—**

*omit, insert—*

‘accordance with the Rules of the Supreme Court’.

**38. Heading before section 64—**

*omit, insert—*

*‘Division 17—Special commissioners’.*

## SCHEDULE 1 (continued)

**39. Section 64, ‘this Act’—***omit, insert—*

‘this part’.

**40. Section 66, words after ‘bail’, first mention—***omit.***41. Section 67, heading, ‘under the Act’—***omit.***42. Section 69—***omit.***43. Section 72—***omit.***44. Section 74—***omit.***45. Heading before section 75 and section 75—***omit.***46. Heading before section 76 and section 76—***omit.*

## SCHEDULE 1 (continued)

**47. Heading before section 77 and section 77—**

*omit.*

**48. Schedules 6 and 7—**

*omit.*

**49. Sections 22 to 73, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 5.*

**Explanatory note**

Amendments 1, 2, 4, 8, 12 to 14, 17, 18, 21, 25, 28, 29, 31, 32 and 38 update headings consequentially on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 1 also inserts a purpose clause taken from the Act's long title.

Amendments 3, 5 to 7, 16, 19, 20, 36, 39 and 41 make other amendments consequentially on the relocation.

Amendments 9 and 34 omit redundant wording.

Amendments 10, 11, 15, 30 and 35 omit redundant headings.

Amendments 22 to 24 are consequential on amendment 48.

Amendments 26 and 33 shorten section headings.

Amendment 27 omits redundant wording mentioning rules of court.

Amendment 37 updates the language of a provision to refer to the Rules of the Supreme Court.

Amendments 40 and 48 omit forms from the Act.

Amendments 42 and 43 omit obsolete sections about fees.

Amendments 44 to 46 omit provisions about rules made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 47 omits a provision about the Act's citation and commencement.

## SCHEDULE 1 (continued)

Amendment 49 relocates provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**COMPANIES (APPLICATION OF LAWS) ACT 1981****Amendment****1. Section 4(2)—**

*omit.*

**2. Section 14(2)—**

*omit.*

**3. Parts 3 and 4—**

*omit.*

**Explanatory note**

Amendments 1 and 2 omit provisions made obsolete by amendments of the *Acts Interpretation Act 1954*.

Amendment 3 omits obsolete transitional provisions.

**CORONERS ACT 1958****Amendment****1. Heading before section 1—**

*omit, insert—*

**‘PART 1—PRELIMINARY’.**

## SCHEDULE 1 (continued)

**2. Sections 1(2) and 3—**

*omit.*

**3. Section 4(1)(d), (e) and (g)—**

*omit.*

**4. Section 4(1)(a) to (i)—**

*renumber.*

**5. Section 5, heading—**

*omit, insert—*

**‘Definitions’.**

**6. Section 5, definition “prison”—**

*omit.*

**7. Section 5—**

*insert—*

**“approved form”** see section 59B.<sup>15</sup>

**“prison”** see *Corrective Services Act 1988*.’.

**8. Section 6(1), heading—**

*omit, insert—*

**‘Coroners and deputy coroners’.**

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<sup>15</sup> Section 59B (Approval of forms)

## SCHEDULE 1 (continued)

**9. Section 6(2), (3) and (4), headings—**

*omit.*

**10. Heading before section 7—**

*omit, insert—*

**‘PART 2—FUNCTIONS AND POWERS OF  
CORONERS’.**

**11. Section 7(1A) and (2)—**

*renumber* as section 7(2) and (3).

**12. Section 7(3)—**

*renumber* as section 7A.

**13. Section 7(4) to (9)—**

*renumber* as section 7B(1) to (6).

**14. Heading before section 11—**

*omit, insert—*

**‘PART 3—MEDICAL CERTIFICATES’.**

**15. Sections 11(1) and 13(1), penalty, ‘\$400’—**

*omit, insert—*

‘8 penalty units’.

## SCHEDULE 1 (continued)

**16. Heading before section 12—***omit, insert—***‘PART 4—NOTIFICATION OF DEATHS’.****17. Section 12(1A), penalty, ‘\$100’—***omit, insert—*

‘2 penalty units’.

**18. Heading before section 14—***omit, insert—***‘PART 5—DUTY OF CORONER ON  
NOTIFICATION’.****19. Section 14(2)—***renumber* as section 14A.**20. Section 14(3)—***renumber* as section 14B.**21. Heading before section 15—***omit, insert—***‘PART 6—WHERE NO INQUESTS ARE HELD’.**

## SCHEDULE 1 (continued)

**22. Sections 16(2), 16(2A), 23(1) and (2) and 44(1), ‘prescribed form’ to ‘like effect’—***omit, insert—*

‘approved form’.

**23. Heading before section 17—***omit, insert—***‘PART 7—EXHUMATIONS’.****24. Heading before section 18—***omit, insert—***‘PART 8—POST-MORTEM EXAMINATIONS’.****25. Section 18(8), penalty, ‘\$200’—***omit, insert—*

‘4 penalty units’.

**26. Heading before section 19—***omit, insert—***‘PART 9—REMOVAL AND DISPOSAL OF BODIES’.****27. Sections 19(3) and (4), 21(4) and 22(1), penalty—***omit, insert—*

‘Maximum penalty—20 penalty units or 6 months imprisonment.’.

## SCHEDULE 1 (continued)

**28. Section 23(1), heading—***omit, insert—***‘Orders for burial and certificates of cremation’.****29. Section 23(2), heading—***omit.***30. Heading before section 24—***omit, insert—***‘PART 10—INQUESTS’.****31. Section 25(2), heading—***omit, insert—***‘Places where, and days when, inquest may be held’.****32. Section 25(2) to (3)—***renumber* as section 25A(1) to (3).**33. Section 29(4A), heading—***omit.***34. Section 29(4) to (6)—***renumber* as section 29A(1) to (7).**35. Section 30(2A), (3) and (4), headings—***omit.*

## SCHEDULE 1 (continued)

**36. Section 30(2) to (6)—**

*renumber* as section 30A(1) to (7).

**37. Section 33(2), heading—**

*omit.*

**38. Section 35(2)—**

*renumber* as section 35A.

**39. Section 37(2), penalty—**

*omit, insert—*

‘Maximum penalty—8 penalty units or 6 months imprisonment.’.

**40. Sections 38(1) and (2) and 39(1), ‘\$100’—**

*omit, insert—*

‘2 penalty units’.

**41. Section 38(2) to (4)—**

*renumber* as section 38A(1) to (3).

**42. Section 41(3) and (5), headings—**

*omit.*

**43. Heading before section 43—**

*omit, insert—*

**‘PART 11—FINDINGS AND INQUISITIONS’.**

## SCHEDULE 1 (continued)

**44. Heading before section 45—***omit, insert—***‘PART 12—DEPOSITIONS TO BE SENT TO CHIEF EXECUTIVE’.****45. Heading before section 46—***omit, insert—***‘PART 13—VERDICTS FELO-DE-SE’.****46. Heading before section 47—***omit, insert—***‘PART 14—REOPENING OF INQUESTS’.****47. Heading before section 48—***omit, insert—***‘PART 15—GENERAL POWERS OF CORONER’.****48. Heading before section 49—***omit, insert—***‘PART 16—EXHIBITS’.****49. Heading before section 50—***omit, insert—***‘PART 17—MISCELLANEOUS’.**

## SCHEDULE 1 (continued)

**50. Sections 52 and 52A(1) and (2), penalty—***omit, insert—*

‘Maximum penalty—8 penalty units or 1 month’s imprisonment.’.

**51. Section 53(2), ‘\$200’—***omit, insert—*

‘4 penalty units’.

**52. Section 58, ‘in the prescribed form’—***omit.***53. After section 59A—***insert—***‘Approval of forms**‘**59B.** The Minister may approve forms for use under this Act.’.**54. Section 60, heading—***omit, insert—***‘Rule making power’.****55. Section 60(1), words before paragraph (a)—***omit, insert—*‘**60.(1)** The Governor in Council may make rules<sup>16</sup> under this Act.‘**(2)** A rule may make provision—’.

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<sup>16</sup> Rules are subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(a) and 9(1)(a))

## SCHEDULE 1 (continued)

**56. Section 60(1)(d)—**

*omit.*

**57. Section 60(2)—**

*omit.*

**58. Section 61—**

*omit, insert—*

**‘PART 18—TRANSITIONAL****‘References to earlier Acts**

**‘61.** In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act—

- *Coroners Act 1930*
- *Inquests of Death Act 1866*
- *Inquests of Deaths Act 1893*
- *Inquests on Fires Act 1863.*

**‘Transitional provision about forms**

**‘62.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for the matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is

## SCHEDULE 1 (continued)

taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendments 1, 5, 8 to 10, 14, 16, 18, 21, 23, 24, 26, 28 to 31, 33, 35, 37, 42 to 49 and 54 revise headings in accordance with current drafting practice.

Amendment 2 omits a provision providing for the Act’s commencement and provisions dealing with the repeal of earlier Acts.

Amendment 3 omits references to Acts that have been repealed.

Amendment 4 is a consequential renumbering amendment.

Amendment 6 omits a definition that is replaced in an updated form by amendment 7.

Amendment 7 replaces a definition and inserts the definition ‘approved form’ in accordance with current drafting practice.

Amendment 11 provides for the renumbering of provisions.

Amendments 13, 14, 17, 19, 20, 32, 34, 36, 38 and 41 renumber subsections as separate sections.

Amendments 15, 17, 26, 40 and 51 change penalties expressed in dollars to penalty units.

Amendment 22 changes references to prescribed forms to approved forms in accordance with current drafting practice.

Amendments 27, 39 and 50 update the structure of the penalties in accordance with current drafting practice and change penalties expressed in dollars to penalty units.

Amendment 52 removes an unnecessary restriction on how the register may be kept. If appropriate, the register could now be kept in electronic form.

Amendment 53 inserts a provision allowing the chief executive to approve forms for the Act.

Amendments 55 to 57 update the Act’s rule making power in accordance with current drafting practice.

Amendment 58 omits a redundant provision about the making of rules and inserts a provision to deal with references to earlier repealed Acts that provided for substantially the same matters as this Act. The provision will enable references to the repealed Acts to be updated in reprints (see *Reprints Act 1992*, section 22(4)).

## SCHEDULE 1 (continued)

The amendment also inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**CORPORATIONS (QUEENSLAND) ACT 1990****Amendment****1. Section 51—**

*omit, insert—*

**‘Rules of court**

‘**51.(1)** When a lower court of Queensland is exercising jurisdiction with respect to matters arising under the Corporations Law of Queensland, the court must apply the relevant rules of court of the Supreme Court, with all necessary changes.

‘**(2)** When a court of Queensland is exercising jurisdiction with respect to matters arising under the Corporations Law of another State or the Capital Territory, and the jurisdiction is conferred by a law of another State or the Capital Territory corresponding to this division, the court must apply the relevant rules of court of the Supreme Court, with all necessary changes.

‘**(3)** When a court of another State or the Capital Territory is exercising jurisdiction with respect to matters arising under the Corporations Law of Queensland, and the jurisdiction is conferred by this division, the court must apply the relevant rules of court of the Supreme Court of the State or Territory, with all necessary changes.

‘**(4)** In this section—

“**Corporations Law of another State or the Capital Territory**” does not include rules of court.

“**Corporations Law of Queensland**” does not include rules of court.’.

**2. Section 80—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 revises a section to make it clear that the rules of the Supreme Court that apply for the Act are made under the *Supreme Court of Queensland Act 1991*.

Amendment 2 updates the regulation making power in accordance with current drafting practice.

**COSTS ACT 1867****Amendment****1. Heading before section 1—**

*omit, insert—*

***‘Division 1—Purpose of part***

**‘Purpose**

‘1A. The purpose of this part is to consolidate and amend the laws about costs at common law and taxation in general.’.

**2. Heading before section 22—**

*omit, insert—*

***‘Division 1A—Attorney’s bill of costs’.***

**3. Section 23(1), ‘this Act’—**

*omit, insert—*

‘this part’.

## SCHEDULE 1 (continued)

**4. Section 23(2), heading—**

*omit.*

**5. Heading before section 24—**

*omit, insert—*

*‘Division 2—Taxation of costs’.*

**6. Section 25(3), heading—**

*omit.*

**7. Heading before section 26—**

*omit, insert—*

*‘Division 3—Costs of taxation’.*

**8. Section 26(6), heading—**

*omit.*

**9. Heading before section 27—**

*omit, insert—*

*‘Division 4—Mode and consequences of taxation’.*

**10. Section 29(1), heading, ‘taxing’—**

*omit, insert—*

*‘taxing etc.’.*

## SCHEDULE 1 (continued)

**11. Section 29(1), ‘this Act’—***omit, insert—*

‘this part’.

**12. Section 29(2) and (4), headings—***omit.***13. Heading before section 30—***omit, insert—**‘Division 5—Taxation on behalf of third parties’.***14. Section 32, ‘this Act’—***omit, insert—*

‘this part’.

**15. Heading before section 33—***omit, insert—**‘Division 6—Limitation’.***16. Heading before section 34—***omit, insert—**‘Division 7—Retaxation’.***17. Section 34(1), heading—***omit, insert—*

‘Retaxation and review’.

## SCHEDULE 1 (continued)

**18. Section 34(2) and (3), headings—**

*omit.*

**19. Heading before section 36 and section 36—**

*omit.*

**20. Heading before section 37 and section 37—**

*omit.*

**21. Section 1—**

*relocate to Supreme Court Act 1921, part 6.*

**22. Sections 1A and 22 to 34, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Legal Practitioners Act Amendment Act 1968, part 2.*

**Explanatory note**

Amendment 1 inserts a purpose clause from the Act's long title.

Amendments 1, 2, 5, 7, 9, 13, 15 and 16 revise headings consequentially on the relocation of provisions of the Act to the *Legal Practitioners Act Amendment Act 1968* and the *Supreme Court Act 1921*.

Amendments 3, 11 and 14 make other amendments consequentially on the relocation.

Amendments 4, 6, 8, 10, 12, 17 and 18 revise headings in accordance with current drafting practice.

Amendment 19 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 20 omits a provision about the Act's commencement and citation.

Amendment 21 relocates a provision of the Act to the *Supreme Court Act 1921*.

## SCHEDULE 1 (continued)

Amendment 22 relocates provisions of the Act, as amended by this Bill, to the *Legal Practitioners Act Amendment Act 1968*.

These relocations will enable the Act to be repealed.

**COURT FUNDS ACT 1973****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 15(3) and (4)—**

*omit, insert—*

**‘(3) The Auditor-General must audit the accounts kept under this Act at least once every year.’.**

**3. Section 16, heading—**

*omit, insert—*

**‘Regulation making power’.**

**4. Section 16, words before paragraph (a)—**

*omit, insert—*

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

**‘(2) A regulation may be made about—’.**

**5. Section 16(s) to (u)—**

*omit.*

## SCHEDULE 1 (continued)

**6. Section 16(ra)—**

*renumber* as section 16(5).

**7. Section 17—**

*omit.*

**Commencement**

Amendment 7 commences on the day of commencement of the *Courts Legislation Amendment Act 1995*, section 14.

**Explanatory note**

Amendments 1 and 3 revise section headings in accordance with current drafting practice.

Amendment 2 updates a provision about the audit of accounts kept under the Act.

Amendments 4 and 5 update the regulation making power in accordance with current drafting practice.

Amendment 6 provides for the renumbering of a provision.

Amendment 7 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991* and the *District Courts Act 1967*.

**COURTS LEGISLATION AMENDMENT ACT 1995****Amendment****1. Section 11(2)—**

*omit, insert—*

‘(2) Section 4, definitions “Magistrates Court”, “party” and “rules of court”—

*omit.*’.

## SCHEDULE 1 (continued)

**2. Section 11(3), proposed definition “District Courts jurisdiction Act”, paragraph (b)—**

*omit, insert—*

‘(b) the *Evidence Act 1977*; or’.

**3. Section 11(3), proposed definition “party”—**

*omit, insert—*

‘**“party”**—

- (a) in part 6A, means a party to a dispute; and
- (b) elsewhere (other than part 7), includes a person served with notice of or attending a proceeding, although not named in the record as a party to the dispute.’

**4. Schedule 1, amendments 4 to 7, 9, 10, 12 to 17, 19, 20 to 22, 24 to 29, 31 to 33, 35, 36, 38, 39 and 41 to 43—**

*omit.*

**Explanatory note**

Amendment 1 omits a definition consequentially on amendment 3 and also omits a redundant definition.

The *Courts Legislation Amendment Act 1995* will, when it commences fully, amend the *District Courts Act 1967* to replace separate rule making powers in individual Acts under which District Courts exercise jurisdiction with a general rule making power in the District Courts Act for all Acts. Amendment 2 amends a definition related to this general rule making power to omit a reference to an Act repealed by this Bill (the *District Courts (Venue of Appeals) Act 1988*), and ensure that the general rule making power will continue to permit the making of rules for the *Evidence Act 1977* e.g. section 21A (Evidence of special witnesses).

Amendment 3 combines the existing definition “party” in the *District Courts Act 1967*, the definition proposed by the *Courts Legislation Amendment Act 1995* and the definition presently in the *District Courts (Venue of Appeals) Act 1988*.

Amendment 4 omits amendments proposed to be made by the *Courts Legislation*

## SCHEDULE 1 (continued)

*Amendment Act 1995* that either duplicate amendments made by the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1994* or are intended to be replaced by amendments of the *District Courts Act 1967* proposed to be made by this Bill.

**CRIMES (CONFISCATION) ACT 1989****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 4—**

*insert—*

**‘“approved form”** see section 108.<sup>17</sup>

**3. Section 57(4), after ‘issue a search warrant’—**

*insert—*

**‘in the approved form’.**

**4. Section 57(9)—**

*omit.*

**5. Section 59(1), ‘writing’—**

*omit, insert—*

**‘the approved form’.**

---

<sup>17</sup> Section 108 (Approval of forms)

## SCHEDULE 1 (continued)

**6. Section 59(5)(d), after ‘search warrant’—***omit, insert—*

‘in the approved form’.

**7. Section 59(5)(g), ‘writing’—***omit, insert—*

‘the approved form’.

**8. Section 60(1), after ‘record’—***insert—*

‘in the approved form’.

**9. Section 65(1), ‘writing’—***omit, insert—*

‘the approved form’.

**10. Section 87(5), ‘proceeds’—***omit, insert—*

‘benefits’.

**11. Section 108—***omit, insert—***‘Approval of forms****‘108.(1)** The chief executive may approve forms for—

- (a) anything for which this Act requires or permits an approved form to be used; or

## SCHEDULE 1 (continued)

(b) another use under this Act.

‘(2) Subsection (1)(b) does not apply to forms for court proceedings.’

**‘Transitional provision about forms**

‘109.(1) This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.’

‘(3) This section expires 6 months after it commences.’

**‘Regulation making power**

‘110. The Governor in Council may make regulation under this Act.’

**‘References to Crimes (Confiscation of Profits) Act 1989**

‘111. In an Act or document, a reference to the *Crimes (Confiscation of Profits) Act 1989* is a reference to this Act.’.

**Explanatory note**

Amendment 1 changes a section heading in accordance with current drafting practice.

Amendment 2 is consequential on amendment 11.

Amendments 3 and 5 to 9 insert a requirement for the following documents under the Act be in the form approved by the chief executive—

- applications for search warrants
- search warrants

## SCHEDULE 1 (continued)

- complaints verifying facts relied on as grounds for issuing search warrants
- magistrates' records of grounds relied on to issue search warrants
- police officers' reports to magistrates about execution of search warrants.

Amendment 4 is consequential on amendment 3.

Amendment 10 makes a consequential amendment that was overlooked during the drafting of the *Crimes (Confiscation of Profits) Amendment Act 1995*.

Amendment 11 inserts a provision allowing the chief executive to approve forms for the Act, but allowing the regulations to prescribe what is to be contained in the forms. The amendment also omits and replaces the regulation making power and inserts a provision to deal with references to the Act by its previous short title.

**CRIMINAL CODE (1899)****Amendment****1. Section 707—**

*omit, insert—*

**'Forms of criminal proceedings**

**'707.** A form prescribed under a rule of court for a criminal proceeding is taken to be—

- (a) sufficient for the purpose for which it is to be used; and
- (b) if used, a sufficient statement of the relevant offence or matter.'

**Explanatory note**

This amendment revises a provision of the Criminal Code to omit a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

## SCHEDULE 1 (continued)

**CRIMINAL CODE ACT 1899****Amendment****1. Section 10—**

*omit.*

**Explanatory note**

This amendment omits an obsolete transitional provision.

**CRIMINAL CODE (1995)****Amendment****1. Schedule 2, part 1, amendments of Acts Interpretation Act 1954, amendment 11—**

*omit.*

**2. Schedule 2, part 2, amendments of Acts Interpretation Act 1954 amendments 1 and 2—**

*omit.*

**3. Schedule 2, part 2, amendments of Acts Interpretation Act 1954—**

*insert—*

**‘11. Section 46—**

*omit.’.*

## SCHEDULE 1 (continued)

**4. Schedule 3, part 1, division 2, amendment 7, ‘Sections 371’—**

*omit, insert—*

‘Section 371(3)’.

**5. Schedule 3, part 1, division 2, amendment 9, ‘15’—**

*omit, insert—*

‘13’.

**6. Schedule 3, part 1, division 2, amendment 10, ‘372’ and ‘11’—**

*omit, insert—*

‘371’ and ‘10A’, respectively.

**Commencement**

Amendments 1 and 3 to 6 are taken to have commenced on the day of assent of the Criminal Code (1995).

**Explanatory note**

Amendments 1 and 3 correct a clerical error that happened during the drafting of the amendments of made by the Act. The amendment was located in the incorrect part of schedule 2.

Amendment 2 omits amendments of the *Acts Interpretation Act 1954* that are proposed to be made by this Bill

Amendments 4 to 6 correct a clerical error that happened during the drafting of amendments made by the Act. It was intended that only section 371(3) of the existing Code be omitted and that section 371(1) and (2) be relocated. Section 371(3) is covered by the *Parliamentary Papers Act 1992*. However, that Act does not deal with the matters covered by section 371(1) and (2) (but see *Constitution Act 1867*, section 40A and the *Imperial Acts Application Act 1984*, section 5 and schedule 1).

## SCHEDULE 1 (continued)

**CRIMINAL INVESTIGATION  
(EXTRA-TERRITORIAL OFFENCES) ACT 1985****Amendment****1. Section 1, heading, ‘and citation’—**

*omit.*

**2. Section 2—**

*omit.*

**3. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 3(1), definition “corresponding law”, ‘by proclamation’—**

*omit, insert—*

**‘under a regulation’.**

**5. Section 3(1), definition “Stipendiary Magistrate”—**

*omit.*

**6. Section 3(1)—**

*insert—*

**‘“approved form” see section 8.’.**

## SCHEDULE 1 (continued)

**7. Section 3(1), as amended—**

*renumber* as section 2.

**8. Section 3(2), as heading—**

*insert—*

**‘Objects relevant to the investigation of an offence’.**

**9. Section 3(2), as amended—**

*renumber* as section 3.

**10. Section 3(3)—**

*omit.*

**11. Section 4(1) and (5) ‘Stipendiary’—**

*omit.*

12. Section 4(1), after ‘search warrant’—

*insert—*

**‘in the approved form’.**

**13. Section 4(3) ‘writing’—**

*omit, insert—*

**‘the approved form’.**

**14. Section 5(2) and (6)(b)(ii), ‘Stipendiary’—**

*omit.*

## SCHEDULE 1 (continued)

**15. Section 5(6)(b), ‘prescribed’—**

*omit, insert—*

‘approved’.

**16. Section 6, from ‘punishable’ to ‘Justices Act 1886’—**

*omit.*

**17. Section 6, ‘\$2 000’—**

*omit, insert—*

‘40 penalty units’.

**18. Section 8—**

*omit, insert—*

**‘Approval of forms**

‘8. The chief executive may approve forms for use under this Act.

**‘Offences are summary offences**

‘9. An offence against this Act is a summary offence.

**‘Regulation making power**

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

‘(2) A regulation may prescribe the content of approved forms, including, for example, the information that approved forms of the following types must provide for—

- (a) a complaint verifying the grounds of an application for a search warrant;
- (b) a search warrant;

## SCHEDULE 1 (continued)

- (c) a notice given by a police officer to the occupier of premises after execution of a search warrant for the premises.

**‘Transitional provision about forms**

**‘11.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on its commencement, the chief executive may approve a form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendments 1 and 3 change section headings in accordance with current legislative drafting practice.

Amendment 2 omits the Act’s commencement provisions.

Amendment 4 implements current legislative drafting practice by providing that the statutory instruments to be used under the Act are regulations.

Amendment 5 omits a redundant definition. The *Acts Interpretation Act 1954*, section 36, defines “magistrate” as meaning a stipendiary magistrate.

Amendment 6 inserts a definition of “approved form”.

Amendments 7 to 9 renumber subsections of the definition section as separate sections and insert a section heading.

Amendment 10 omits a provision made redundant by amendment 4.

Amendments 11 and 14 are consequential on amendment 5.

Amendments 12, 13 and 15 provide that the forms to be used under the Act are approved forms in accordance with current legislative drafting practice.

Amendment 16 is consequential on amendment 17 so far as it relates to the provision about summary offences.

## SCHEDULE 1 (continued)

Amendment 17 changes a monetary penalty to penalty units.

Amendment 18 inserts a provision authorising the chief executive to approve forms for the Act and inserts a transitional provision to allow a prescribed form to be taken to be an approved form for a limited time. In accordance with current legislative drafting practice, the amendment also inserts a separate provision providing that offences against the Act are summary offences and remakes the regulation making power.

**CRIMINAL JUSTICE ACT 1989****Amendment****1. Section 2—**

*omit.*

**2. Section 3—**

*renumber* as section 2.

**3. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 4(1)—**

*renumber* as section 3.

**5. Section 4(2), as a heading—**

*insert—*

**‘Holding of appointment in unit of public administration’.**

## SCHEDULE 1 (continued)

**6. Section 4(2), as amended—**

*renumber* as section 4.

**7. Section 131, ‘and is liable to a penalty of 85 penalty units’—**

*omit*.

**8. Section 131—**

*insert—*

‘Maximum penalty—85 penalty units.’

**9. Section 138(4), ‘12 months’—**

*omit, insert—*

‘1 year’.

**10. Section 142(3), ‘12 months’—**

*omit, insert—*

‘1 year’.

**11. Section 148, heading—**

*omit, insert—*

‘Regulation making power’.

**12. Section 148(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 omits a provision providing for the Act's commencement.

Amendments 2, 4 and 6 renumber provisions as a consequence of amendments 1 and 5.

Amendments 3 and 11 revise section headings in accordance with current drafting practice.

Amendment 5 inserts a section heading.

Amendment 6 recasts a subsection of the drafting section as a separate section.

Amendments 7 and 8 update the structure of an offence provision.

Amendments 9 and 10 implement a current legislative drafting practice.

Amendment 12 revises the regulation making power in accordance with current drafting practice.

**CROWN PROCEEDINGS ACT 1980****Amendment****1. Section 7—**

*insert—*

‘**“approved form”** see section 20.<sup>18</sup>’.

**2. Sections 12(1) and (2), 13(2)(a), (3) and (4)(a), 14(2)(a), (3) and (4)(a) and 15(3)(a), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

---

<sup>18</sup> Section 20 (Approval of forms)

## SCHEDULE 1 (continued)

**3. Section 20—**

*omit, insert—*

**‘Approval of forms**

‘**20.(1)** The chief executive may approve forms for—

- (a) anything for which this Act requires or permits an approved form to be used; or
- (b) another use under this Act.

‘**(2)** Subsection (1)(b) does not apply to forms for court proceedings.’

**‘Regulation making power**

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

**4. Section 21—**

*renumber* as section 22.

**5. After section 21—**

*insert—*

**‘Transitional provision about approved forms**

‘**23.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.’

‘**(3)** This section expires 6 months after it commences.’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1 and 2 are consequential on amendment 3.

Amendment 3 inserts a provision allowing the chief executive to approve forms for the Act and updates the regulation making power in accordance with current drafting practice.

Amendment 4 is a consequential renumbering amendment.

Amendment 5 inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**DECENTRALISATION OF MAGISTRATES COURTS  
ACT 1965****Amendment****1. Part 1, heading and sections 1 and 2—**

*omit.*

**2. Section 4, heading—**

*omit, insert—*

**‘Definitions for div 2A’.**

**3. Section 4, ‘In this Act—’—**

*omit, insert—*

**‘In this division—’.**

**4. Section 4, definitions “court”, “district”, “division” and  
“enactment”—**

*omit.*

## SCHEDULE 1 (continued)

**5. After section 4—***insert—***‘Act has effect subject to division****‘4A. This Act has effect subject to this division.’.****6. Parts 2 and 3, headings—***omit.***7. Section 8, ‘of the *Justices Act 1886*’—***omit.***8. Section 9(9), ‘the *Justices Act 1886*’—***omit, insert—***‘this Act apart from this division’.****9. Section 9(10), ‘as amended from time to time’—***omit.***10. Section 10(1), ‘for the purposes of Magistrates Courts appointed under the *Justices Act 1886*’—***omit.***11. Section 10(2), ‘the *Justices Act 1886*’—***omit, insert—***‘this Act apart from this division’.**

## SCHEDULE 1 (continued)

**12. Part 4—**

*omit.*

**13. Sections 4 to 12, as amended by this Act—**

*relocate* to *Justices Act 1886*, part 3, division 2A and *renumber* as sections 23A to 23G.

**Explanatory note**

Amendments 1 to 8 and 10 to 12 are consequential on the relocation of provisions of the Act to the *Justices Act 1886*.

Amendment 9 omits unnecessary words from a reference.

Amendment 13 relocates provisions of the Act, as amended by this Bill, to the *Justices Act 1886*. This will enable the Act to be repealed.

**DEER FARMING ACT 1985****Amendment****1. Section 13(1)—**

*omit, insert—*

‘(1) A person may make the prescribed earmark on deer in the person’s possession to make it farm deer if it is a species of deer prescribed under a regulation.’.

**2. Section 16(3) (second sentence), ‘is deemed’—**

*omit, insert—*

‘are taken’.

## SCHEDULE 1 (continued)

**3. Section 36(5), definition “utter”, ‘, honorary inspector’—**

*omit.*

**4. Section 44(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**Explanatory note**

Amendments 1 replaces a subsection removing provisions made redundant by the repeal of the *Fauna Conservation Act 1974*.

Amendments 2 corrects a minor error.

Amendment 3 omits an unnecessary reference to honorary inspector.

Amendment 4 updates a regulation making power in accordance with current drafting practice.

**DEFAMATION ACT 1889****Amendment****1. Section 5, heading—**

*omit, insert—*

‘**Meaning of “defamation” and “publication”**’.

**2. Sections 5 and 6—**

*renumber* as section 5(1) and (2).

**3. Sections 7 to 10A—**

*renumber* as sections 6 to 10.

## SCHEDULE 1 (continued)

**4. Section 9, penalty—***omit, insert—*

‘Maximum penalty—

- (a) 20 penalty units or 2 years imprisonment, if the person knows the defamatory matter is false; or
- (b) 10 penalty units or 1 year’s imprisonment, in any other case.’.

**5. Section 10, penalty—***omit, insert—*

‘Maximum penalty—20 penalty units or 2 years imprisonment.’.

**6. Section 35, ‘\$100’—***omit, insert—*

‘2 penalty units’.

**Explanatory note**

Amendments 1 and 2 combine 2 sections.

Amendment 3 renumbers sections

Amendments 4 and 5 restructure offence provisions in accordance with current drafting practice.

Amendment 6 changes a penalty expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

**DENTAL ACT 1971****Amendment****1. Section 26(5)(c), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**2. Section 31(1), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**3. Section 32(1), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**Explanatory note**

Amendments 1, 2 and 3 change penalties expressed in dollars.

**DIRECTOR OF PUBLIC PROSECUTIONS ACT 1984****Amendment****1. Section 2—***omit.*

## SCHEDULE 1 (continued)

**2. Section 4, heading—***omit, insert—***‘Definitions’.****3. Section 26—***omit.***4. Section 33—***omit, insert—***‘Regulation making power****‘33. The Governor in Council may make regulations under this Act.’.****5. Section 34, heading—***omit, insert—***‘Director of Prosecutions references etc.’.****6. After section 34—***insert—***‘Director of Prosecutions Act 1984 references****‘35. In an Act or document, a reference to the *Director of Prosecutions Act 1984* is a reference to this Act.’.****Explanatory note**

Amendment 1 omits a provision providing for the Act’s commencement.

Amendment 2 updates a heading in accordance with current drafting practice.

Amendment 3 omits a transitional provision.

Amendment 4 updates the regulation making power in accordance with current

## SCHEDULE 1 (continued)

drafting practice.

Amendment 5 substitutes a more helpful section heading.

Amendment 6 inserts a provision to deal with references to the Act by its previous short title. The provision will enable the references to be updated in reprints.

**DISPOSAL OF UNCOLLECTED GOODS ACT 1967****Amendment****1. Section 3(1), definition “Magistrates Court”—**

*omit.*

**2. Sections 5, 6(1)(a), 6(2)(a), 8(2), 9(6), 10(1), 11(5) and 11(7), ‘the provisions of’—**

*omit.*

**3. Section 8(3)(c), ‘in accordance with the provisions of’—**

*omit, insert—*

‘under’.

**4. Sections 9(1), 15(2), 16, 19(1), (3) and (4), ‘by virtue of the provisions of’—**

*omit, insert—*

‘under’.

**5. Section 17(1), ‘by virtue of’—**

*omit, insert—*

‘under’.

## SCHEDULE 1 (continued)

**6. Section 19(1), ‘pursuant to’—***omit, insert—*

‘under’.

**7. Section 19(4), ‘member of the police force’—***omit, insert—*

‘police officer’.

**8. Section 22(1), ‘\$200’—***omit, insert—*

‘4 penalty units’.

**9. Section 22(1), ‘a term not exceeding’—***omit.***10. Section 23—***omit, insert—***‘Regulation making power****‘23.(1)** The Governor in Council may make regulations under this Act.**‘(2)** A regulation may prescribe a penalty of not more than 2 penalty units for an offence against a regulation.’.**Explanatory note**

Amendment 1 omits a definition that is redundant because of the *Acts Interpretation Act 1954*.

Amendments 2 to 6 update language in accordance with current drafting practice.

Amendment 7 updates a reference.

## SCHEDULE 1 (continued)

Amendment 8 changes a penalty expressed in dollars.

Amendment 9 omits wording that is redundant because of the *Penalties and Sentences Act 1992*.

Amendment 10 updates the regulation making power in accordance with current drafting practice.

**DISPOSAL OF UNEXECUTED WARRANTS ACT 1985****Amendment****1. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 3, definition “clerk of the Court Brisbane”, ‘appointed under the *Decentralisation of Magistrates Courts Act 1965*’—**

*omit.*

**3. Section 3, definition “justice”—**

*omit.*

**4. Section 3—**

*insert—*

**‘“approved form” see section 8.<sup>19</sup>’.**

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<sup>19</sup> Section 8 (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 4(b), ‘by order in council’—***omit, insert—*

‘under a regulation’.

**6. Section 5(1)—***omit, insert—*

‘**5.(1)** If a warrant mentioned in section 4 issued by a justice or justices is not executed within 2 years after its date of issue, the warrant may be forwarded by an authorised police officer to a prescribed place for its cancellation.’.

**7. Section 5(2) and 6(3), ‘Department of Justice’—***omit, insert—*

‘department’.

**8. Section 5(4)(a) and 6(5)(a), ‘prescribed form’—***omit, insert—*

‘approved form’.

**9. Section 6(1) and (2)—***omit, insert—*‘**6.(1)** If—

- (a) a warrant mentioned in section 4 is issued by a judge of District Courts or the Supreme Court; and
- (b) the proceeding in relation to which the warrant is issued is concluded or discontinued;

the warrant is taken to be cancelled.

## SCHEDULE 1 (continued)

‘(2) However, if a warrant mentioned in section 4 issued by a judge of District Courts or the Supreme Court is not executed within 2 years after its date of issue and not cancelled under subsection (1), the warrant may be forwarded by an authorised police officer to a prescribed place for its cancellation.’.

**10. Section 6(6)—**

*omit.*

**11. Section 6(3A) to (5)—**

*renumber.*

**12. Section 6—**

*insert—*

‘(8) In this section—

**“prescribed person”**, for a fresh warrant, means—

- (a) the director of public prosecutions or a deputy director of public prosecutions; or
- (b) the person on whose application the cancelled warrant was issued or someone else acting for the person.’.

**13. Section 8—**

*omit, insert—*

**‘Approval of forms**

**‘8.(1)** The chief executive may approve forms for—

- (a) anything for which this Act requires or permits an approved form to be used; or

## SCHEDULE 1 (continued)

(b) another use under this Act.

‘(2) Subsection (1)(b) does not apply to forms for court proceedings.’

**‘Regulation making power**

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

**‘Transitional provision about forms**

‘10.(1) This section applies if—

(a) immediately before its commencement, there was a prescribed form for a matter; and

(b) on its commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.’

‘(3) This section expires 6 months after it commences.’

**Explanatory note**

Amendment 1 revises a section heading in accordance with current legislative drafting practice.

Amendment 2 corrects a reference.

Amendment 3 omits a definition made redundant by the *Acts Interpretation Act 1954*, section 36.

Amendments 4 and 8 are consequential on amendment 13.

Amendment 5 implements current drafting practice by providing that the statutory instruments to be used under the Act are regulations.

Amendments 6 and 9 revise provisions to omit material of a transitional nature.

Amendment 7 replaces references to a named department with general references.

Amendments 10 to 12 update a definition and restructure the order of subsections.

## SCHEDULE 1 (continued)

Amendment 13 implements current legislative drafting practice by providing for forms to be administratively approved. The amendment also brings the Act's regulation making power into line with current drafting practice and provides for the transition from prescribed forms to approved forms.

**DISTRICT COURTS ACT 1967****Amendment****1. Section 5(1)—**

*omit, insert—*

**'5.(1)** A regulation may declare that courts, to be called District Courts, are to be held at specified places.

**'(2)** A regulation may change the place for holding a District Court, or provide that the holding of a District Court be discontinued.'

**2. Section 5(2), 'The Governor in Council may, by proclamation,'—**

*omit, insert—*

'A regulation may'.

**3. Section 5(3), 'the Governor in Council may direct by the proclamation'—**

*omit, insert—*

'a regulation may direct'.

**4. Section 5(2) and (3), as amended by this Act—**

*renumber* as section 5A(1) and (2).

## SCHEDULE 1 (continued)

**5. Section 17, ‘order in council’—**

*omit, insert—*

‘gazette notice’.

**6. Section 31(2)—**

*renumber* as section 31A.

**7. Section 53, heading, ‘newly proclaimed’—**

*omit, insert—*

‘**new**’.

**8. Section 53(1), ‘When the Governor in Council, by proclamation, orders’—**

*omit, insert—*

‘If a regulation provides that’.

**9. Section 60—**

*omit, insert—*

**‘Withdrawal of criminal jurisdiction**

‘**60.** A regulation may withdraw from a District Court its criminal jurisdiction, either absolutely or for a stated limited time.’.

**10. Section 77(6)—**

*omit.*

## SCHEDULE 1 (continued)

**11. Section 78(6)—**

*omit.*

**12. Section 87, from ‘shall be deemed’ to ‘any other enactment’—**

*omit, insert—*

‘is taken, for the *Limitations of Actions Act 1974* or another Act’.

**13. Before section 92—**

*insert—*

**‘PART 6B—APPEALS TO DISTRICT COURTS’.**

**14. Part 7, heading—**

*omit, insert—*

**‘PART 7—APPEALS FROM DISTRICT COURTS TO  
COURT OF APPEAL’.**

**15. Sections 95 and 96—**

*relocate* to beginning of part 6B.

**16. Section 102(1), ‘The Governor in Council may from time to time  
by order in council determine’—**

*omit, insert—*

‘A regulation may prescribe’.

**17. After section 109—**

*insert—*

## SCHEDULE 1 (continued)

**‘References to District Courts Act 1958**

‘**109A.** In an Act or document, a reference to the *District Courts Act 1958* may, if the context permits, be taken to be a reference to this Act.

**‘References to District Courts (Venue of Appeals) Act 1988**

‘**109B.** In an Act or document, a reference to the *District Courts (Venue of Appeals) Act 1988* may, if the context permits, be taken to be a reference to this Act.’

**Explanatory note**

Amendments 1 to 3, 8, 9 and 16 implement current drafting practice by providing that statutory rules made under the amended provisions are regulations.

Amendments 4 and 6 recast subsections as sections with their own section headings.

Amendment 5 makes it clear that instruments assigning Judges to District Courts are not subordinate legislation.

Amendment 7 is consequential on amendment 8.

Amendment 9 also removes an unnecessary prescription of when a withdrawal of criminal jurisdiction takes effect. This is a matter best left to the regulation withdrawing jurisdiction.

Amendments 10 and 11 omit unnecessary transitional provision.

Amendment 12 updates a reference.

Amendment 13 inserts a part heading consequentially on the relocation made by amendment 15.

Amendment 14 inserts a part heading consequentially on the relocation of provisions from the *District Courts (Venue of Appeals) Act 1988*.

Amendment 15 relocates provisions to a more logical position in the Act.

Amendment 17 inserts provisions to deal with references to an earlier repealed Act and references to an Act whose provisions are being relocated to this Act. The provisions will enable the references to be updated in reprints.

## SCHEDULE 1 (continued)

**DISTRICT COURTS (VENUE OF APPEALS) ACT 1988****Amendment****1. Part 1 and heading to part 2—**

*omit.*

**2. Section 4, heading—**

*omit, insert—*

**‘Definitions for part’.**

**3. Section 4, definitions “central district” and “northern district”—**

*omit.*

**4. Section 4—**

*insert—*

**‘ “central district”** means the central district of the Supreme Court.

**“northern district”** means the northern district of the Supreme Court.’.

**5. Section 5(1), words before ‘appoint’—**

*omit, insert—*

**‘5.(1) A regulation may’.**

**6. Section 5(2)—**

*omit.*

## SCHEDULE 1 (continued)

**7. Section 7(1), ‘by any other Act’—**

*omit, insert—*

‘under a law (other than this part)’.

**8. Part 6—**

*omit.*

**9. Sections 4 to 8, as amended by this Act—**

*relocate to District Courts Act 1967, part 6B, at the end.*

**Explanatory note**

Amendments 1 to 3, 7 and 8 are consequential on the relocation of provisions of the Act to the *District Courts Act 1967*.

Amendment 5 implements current drafting practice by providing that the statutory rules used under the Act are regulations.

Amendment 6 omits a redundant provision.

Amendment 9 relocates provisions of the Act, as amended by the Bill, to the *District Courts Act 1967*. This will enable the Act to be repealed.

**EDUCATION (GENERAL PROVISIONS) ACT 1989****Amendment****1. Section 3(1)—**

*insert—*

‘**“approved form”** see section 77C.<sup>20</sup>’.

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<sup>20</sup> Section 77C (Approval of forms)

## SCHEDULE 1 (continued)

**2. Sections 36(2), 46, 48(2), 61(1), 67(1), 70(4) and 72(3), ‘the provisions of’—**

*omit.*

**3. Section 59, ‘form’ to ‘Minister’—**

*omit, insert—*

‘approved form’.

**4. Section 67(2), ‘The provisions of’—**

*omit.*

**5. Section 68, heading—**

*omit, insert—*

‘Definitions for pt 7’.

**6. After section 77B—**

*insert—*

‘Approval of forms

‘77C. The chief executive may approve forms for use under this Act.’.

**7. Section 78, heading—**

*omit, insert—*

‘Regulation making power’.

## SCHEDULE 1 (continued)

**8. Section 78(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**9. After section 79—**

*insert—*

**‘Transitional provision about forms**

**‘80.(1)** This section applies if—

- (a) immediately before its commencement, there was a form determined by the Minister for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the form determined by the Minister for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendments 1, 3 and 9 are consequential on amendment 6.

Amendments 2, 4 and 5 update the language in accordance with current drafting practice.

Amendment 6 inserts a provision allowing the chief executive to approve forms for use under the Act.

Amendment 7 and 8 update the regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988****Amendment**

- 1. Section 4, definitions “Director-General” and “financial year”—**  
*omit.*
  
- 2. Section 5(1)(b), ‘Director-General’—**  
*omit, insert—*  
‘chief executive of the department’.
  
- 3. Sections 6(1)(g), 22(1) and (2), 27(1)(a), and 39, ‘the provisions of’—**  
*omit.*
  
- 4. Section 18, ‘by reason only of the fact that,’—**  
*omit, insert—*  
‘merely because’.
  
- 5. Section 25, ‘The provisions’ to ‘respect of’—**  
*omit, insert—*  
‘The *Financial Administration and Audit Act 1977* applies to’.
  
- 6. Section 28(1), ‘Subject to the provisions of this section,’—**  
*omit.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 omits definitions that are redundant because of the *Acts Interpretation Act 1954*.

Amendments 2, 3, 4, 5 and 6 update language in accordance with current drafting practice.

**EDUCATION (TEACHER REGISTRATION) ACT 1988****Amendment****1. Section 6(1)(i), ‘pursuant to the provisions of’—**

*omit, insert—*

‘under’.

**2. Sections 18(2A), 20(1), 25(1)(a), 26(1), 32(2), 33(2), 34(3), 39(1C), 39(3A), 39(4), 39(5), 39(6), 44(1), 44(2), 46(6), 52 and 60(1), ‘the provisions of’—**

*omit.*

**3. Section 22—**

*omit, insert—*

**‘Delegation by chairperson of board**

‘**22.** The chairperson may delegate the chairperson’s powers under this Act to any person.’.

**4. Section 23, ‘The provisions’ to ‘respect of’—**

*omit, insert—*

‘The *Financial Administration and Audit Act 1977* applies to’.

## SCHEDULE 1 (continued)

**5. Section 51—**

*omit.*

**6. Section 53—**

*omit, insert—*

**‘Delegation by Minister**

‘**53.** The Minister may delegate the Minister’s powers and functions under this Act to any person.’.

**7. Section 54—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendments 1, 2 and 4 update the language in accordance with current drafting practice.

Amendments 3 and 6 update delegation making powers in accordance with current drafting practice.

Amendments 5 and 7 update the regulation making power in accordance with current drafting practice.

Amendment 7 also omits a provision that is redundant because of the *Statutory Instruments Act 1992*.

## SCHEDULE 1 (continued)

**EDUCATION (TERTIARY ENTRANCE  
PROCEDURES AUTHORITY) ACT 1990****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Sections 6(1)(m), 19(2A), 21, 26(1)(b), 27(1), 30(2)(a) and 43, ‘the provisions of’—**

*omit.*

**3. Section 22(5), ‘The provisions’ to ‘do not’—**

*omit, insert—*

**‘This section does not’.**

**4. Section 23—**

*omit, insert—*

**‘Delegation by chairmember of authority**

**‘23.** The chairmember may delegate the chairmember’s powers under this Act to any person.’.

**5. Section 24, ‘The provisions’ to ‘respect of’—**

*omit, insert—*

**‘The *Financial Administration and Audit Act 1977* applies to’.**

## SCHEDULE 1 (continued)

**6. Section 30(2)(a), ‘apply’—**

*omit, insert—*

‘applies’.

**7. Section 42—**

*omit.*

**8. Section 44—**

*omit, insert—*

**‘Delegation by Minister**

‘44. The Minister may delegate the Minister’s powers under this Act, other than the power under section 8,<sup>21</sup> to any person.’.

**9. Section 45—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendments 1, 2, 3 and 5 update language in accordance with current drafting practice.

Amendments 4 and 8 update delegation making powers in accordance with current drafting practice.

Amendment 6 is consequential on amendment 2.

Amendments 7 and 9 update the regulation making power in accordance with current drafting practice.

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<sup>21</sup> Section 8 (Authority subject to Minister)

## SCHEDULE 1 (continued)

Amendment 9 also omits a provision that is redundant because of the *Statutory Instruments Act 1992*.

**ELECTORAL ACT 1992****Amendment****1. Section 126C, example, ‘\$1 500’—**

*omit, insert—*

‘\$1 000’.

**2. Section 182(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**3. Part 12—**

*omit.*

**Explanatory note**

Amendment 1 corrects a typographical error.

Amendment 2 brings the regulation making power into line with current drafting practice.

Amendment 3 omits a transitional provision.

## SCHEDULE 1 (continued)

**EQUITY ACT 1867****Amendment****1. Section 1 and heading before section 1—**

*omit, insert—*

***‘Division 1—Purpose of part*****‘Purpose**

**‘1.** The purpose of this part is to consolidate and amend the laws about proceedings in equity.

***‘Division 2—Interpretation*****‘Definitions**

**‘2.** In this part—

**“affidavit”** includes affirmation.

**“bill of complaint”** includes information.’.

**2. Heading before section 15—**

*omit, insert—*

***‘Division 3—Substituted service’.*****3. Section 17(2), ‘this Act’—**

*omit, insert—*

**‘this part’.**

## SCHEDULE 1 (continued)

**4. Heading before section 18—**

*omit, insert—*

*‘Division 4—Joinder of parties’.*

**5. Section 20(2), heading—**

*omit.*

**6. Heading before section 48—**

*omit, insert—*

*‘Division 5—Examination of defendants’.*

**7. Section 50, words after ‘for no other purpose’—**

*omit.*

**8. Heading before section 51—**

*omit, insert—*

*‘Division 6—Evidence on motions, petitions etc.’.*

**9. Section 51(2) and (3)—**

*renumber as section 51A(1) and (2).*

**10. Heading before section 53—**

*omit, insert—*

*‘Division 7—Evidence taken out of the jurisdiction’.*

## SCHEDULE 1 (continued)

**11. Heading before section 54—***omit, insert—**‘Division 8—Scientific assistance’.***12. Heading before section 73—***omit, insert—**‘Division 9—Declarations’.***13. Heading before section 75—***omit, insert—**‘Division 10—Directions’.***14. Section 78(3), heading—***omit.***15. Heading before section 120—***omit, insert—**‘Division 11—Contempt’.***16. Section 132, ‘this Act’—***omit, insert—**‘this part’.***17. Section 133, ‘this Act’—***omit, insert—**‘this part’.*

## SCHEDULE 1 (continued)

**18. Heading before section 140—***omit, insert—**‘Division 12—Insolvents’.***19. Heading before section 142—***omit, insert—**‘Division 13—Privilege’.***20. Before section 146—***insert—**‘Division 14—Attestations upon honour’.***21. Heading before section 148—***omit, insert—**‘Division 15—Jurisdiction in infancy’.***22. Sections 149, 150, 152 and 154, ‘this Act’—***omit, insert—**‘this part’.***23. Section 156 and heading before section 156—***omit.***24. Section 157 and heading before section 157—***omit.*

## SCHEDULE 1 (continued)

**25. Sections 1 to 155, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 7.*

**Explanatory note**

Amendments 1, 2, 4, 6, 8, 10 to 13, 15 and 18 to 21 update headings consequentially on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 1 also inserts a purpose clause taken from the Act's long title, remakes definitions in accordance with current drafting practice and omits redundant provisions.

Amendments 3, 16, 17 and 22 make other amendments consequential on the relocation.

Amendment 5 omits a redundant heading.

Amendment 7 omits redundant wording about fees.

Amendment 9 recasts subsections as a separate section with its own heading.

Amendment 23 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 24 omits a section providing for the Act's commencement and citation.

Amendment 25 relocates provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**EVIDENCE ACT 1977****Amendment****1. Section 1(2) and (2A)—**

*omit.*

**2. Section 1(3), as heading—**

*insert—*

**'Act binds Crown'.**

## SCHEDULE 1 (continued)

**3. Section 1(3), as amended by this Act—**

*renumber* as section 2.

**4. Section 5, heading—**

*omit, insert—*

**‘Definitions’.**

**5. Section 5(1), definitions “telegraph” and “telegraph office”—**

*omit.*

**6. Section 5(1)—**

*insert—*

‘**“approved form”** see section 134B<sup>22</sup>.

**“chief executive (surveys)”** means the chief executive of the department in which the *Surveyors Act 1977* is administered.

**“gazette”** includes any gazette, or part of a gazette, published by the government printer.

*Example—*

Queensland Government Industrial Gazette.

**“telegraph”** means a system of telecommunication operated under Commonwealth law.

**“telegraph office”** means an office or place established or used for receiving or transmitting telegraphic messages.’.

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<sup>22</sup> Section 134B (Approval of forms)

## SCHEDULE 1 (continued)

**7. Section 5(2), as heading—***insert—***‘Meaning of “copy” of document etc.’.****8. Section 5(3), as heading—***insert—***‘Meaning of document purporting to be of certain character etc.’.****9. Sections 5(1) to (3)—***renumber as sections 3 to 5.***10. Section 21A(8) and (9)—***omit.***11. Section 22(1), from ‘on application’ to ‘of the Supreme Court’—***omit, insert—***‘on application made under the Rules of the Supreme Court’.****12. Section 25, heading—***omit, insert—***‘Definitions for div 2’.****13. Section 25, definition “corresponding court”, from ‘that is’ to ‘Gazette’—***omit, insert—***‘declared by regulation’.**

## SCHEDULE 1 (continued)

**14. Section 35, heading—***omit, insert—***‘Definitions for div 3’.****15. Section 35(2), as heading—***insert—***‘Application of division to Crown’.****16. Section 35(2), as amended by this Act—***renumber as section 35A.***17. Section 40—***omit.***18. Section 54(1), ‘form set out in Schedule 3 or to the like effect’—***omit, insert—***‘approved form’.****19. Section 56(b), ‘or a Deputy Registrar of Titles’—***omit.***20. Section 57(1), ‘• Land Act 1962;’—***omit, insert—***‘• Land Act 1994’.**

## SCHEDULE 1 (continued)

**21. Section 57(1), ‘• Miners’ Homestead Leases Act 1913;’—**

*omit.*

**22. Section 65(1)(b)—**

*omit, insert—*

‘(b) a certificate purporting to be given by the chief executive (surveys), or the holder of another office that, in the court’s opinion, qualifies the person to express an opinion about the question.’.

**23. Section 66(1), words after ‘certificate’—**

*omit, insert—*

‘about the question given by the chief executive (surveys)’.

**24. Section 67, heading—**

*omit, insert—*

**‘Definitions for div 3’.**

**25. Section 78, heading—**

*omit, insert—*

**‘Definitions for div 5’.**

**26. Section 83, heading—**

*omit, insert—*

**‘Definitions for div 6’.**

## SCHEDULE 1 (continued)

**27. Section 95(5), penalty—***omit, insert—*

‘Maximum penalty—20 penalty units or 1 year’s imprisonment.’.

**28. Section 104, heading—***omit, insert—*

‘Definitions for part’.

**29. Section 105(1), definition “approved person”, paragraph (a)—***omit, insert—*

‘(a) a person declared under regulation to be an approved person; or’.

**30. Section 105(2) and (4)—***omit.***31. Section 105(3) and (5) to (8)—***renumber* as section 105(2) to (7).**32. Section 107(1) and (2)—***omit, insert—*

‘**107.(1)** For this part, a regulation may declare a machine to be an approved machine.’.

**33. Section 107(4)(e), words before ‘and stating’—***omit, insert—*

‘identifying the approved machine’.

## SCHEDULE 1 (continued)

**34. Section 107(1) to (4)—**

*renumber* as section 107(1) to (3).

**35. Section 110(2)(c) and (d), ‘, as subsequently amended,’—**

*omit*.

**36. Section 122, ‘the Minister, by notification published in the Gazette,’—**

*omit, insert—*

‘a regulation’.

**37 Section 128—**

*omit, insert—*

**‘Regulation may exclude application of provisions**

‘**128.** A regulation may declare that this part, or a provision of this part, does not apply to a document.’.

**38. After section 134A—**

*insert—*

**‘Approval of forms**

‘**134B.(1)** The chief executive may approve forms for—

- (a) anything for which this Act requires or permits an approved form to be used; or
- (b) another use under this Act.

‘**(2)** Subsection (1)(b) does not apply to forms for court proceedings.’.

## SCHEDULE 1 (continued)

**39. After section 135—**

*insert—*

**‘Transitional provisions about forms**

**‘136.(1)** Subsection (2) applies if—

- (a) immediately before the commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** Also, the form set out in schedule 3 immediately before the commencement is taken to be the approved form for section 54(1).

**‘(4)** This section expires 6 months after it commences.’.

**40. Schedule 3—**

*omit.*

**Commencement**

Amendment 10 commences on the day of commencement of the *Courts Legislation Amendment Act 1995*, section 14.

**Explanatory note**

Amendment 1 omits provisions dealing with the Act’s commencement.

Amendments 2, 3 and 7 to 9 recast subsections of sections as separate sections with their own headings.

Amendment 4 revises the heading of the Act’s main definition section in accordance with current drafting practice.

Amendment 5 omits definitions that are replaced in an updated form by amendment 4.

## SCHEDULE 1 (continued)

Amendment 6 inserts a standard definition of approved form, a definition chief executive (surveys) to be used to replace Surveyor-General references, a new definition of gazette and updated definitions of telegraph and telegraph office.

The new definition gazette has been inserted to ensure that references in the Act to gazette include, for example, the Queensland Government Industrial Gazette. The definition will enable the *Queensland Government Industrial Gazette Act 1961* and the *Queensland Government Industrial Gazette Act Amendment Act 1987* to be repealed.

Amendment 10 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*, the *District Courts Act 1967* and the *Magistrates Courts Act 1921*.

Amendment 11 ensures that the rules of court mentioned in the section are the rules made under the *Supreme Court of Queensland Act 1991*.

Amendments 12 and 14 update the headings of definition sections in accordance with current drafting practice.

Amendments 13, 29, 32, 36 and 37 implement current drafting practice by providing that the statutory rules used under the Act are regulations.

Amendment 17 omits a separate rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 18 changes a reference to a form set out in the Act to an approved form in accordance with current drafting practice.

Amendment 19 omits a reference to a now abolished statutory office.

Amendment 20 updates a reference.

Amendment 21 omits a reference to a repealed Act.

Amendments 22 and 23 update references to the now abolished office of Surveyor-General.

Amendments 24 to 26 and 28 bring section headings into line with current drafting practice.

Amendment 27 changes a penalty expressed in dollars to penalty units.

Amendment 30 omits redundant provision.

Amendment 31 is a consequential renumbering amendment.

Amendment 33 is consequential on amendment 32.

Amendment 34 is a consequential renumbering amendment.

Amendment 35 omits redundant wording.

## SCHEDULE 1 (continued)

Amendment 38 inserts a provision allowing the chief executive to approve forms for the Act.

Amendment 39 inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

Amendment 40 omits a schedule containing a form.

**EVIDENCE ON COMMISSION ACT 1988****Amendment****1. Section 2—**

*omit.*

**2. Section 3(1), definition “Australia”—**

*omit, insert—*

‘**“Australia”** includes the external Territories.’.

**3. Section 3(2), as heading—**

*insert—*

‘**Meaning of proceeding arising out of another proceeding etc.**’.

**4. Section 3(1) and (2)—**

*renumber* as sections 2 and 3.

**5. Section 10—**

*omit, insert—*

**‘Regulation making power**

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

## SCHEDULE 1 (continued)

‘(2) A regulation may make provision about the practice and procedure of a court in a proceeding for the making of an order under section 4 or 5.’.

**Explanatory note**

Amendment 1 omits an obsolete section.

Amendment 2 updates the language of a definition.

Amendments 3 and 4 recast subsections of a section as subsections of a separate section with its own heading.

Amendment 5 updates the regulation making power in accordance with current drafting practice.

**EXOTIC DISEASES IN ANIMALS ACT 1981****1. Sections 20(1)(k)(i), 20(1)(k)(ii), 20(1)(o), 20(1)(r), 38(a) and schedule 2, item 1, from ‘powers’ to ‘duties’—**

*omit, insert—*

‘powers and functions’.

**2. Section 47(4)—**

*omit.*

**Explanatory note**

Amendment 1 omits references to words and phrases that are redundant because of definitions in the *Acts Interpretation Act 1954*, section 36 (See definitions of “function” and “power”).<sup>23</sup>

Amendment 2 omits an unnecessary provision because of the *Statutory Instruments*

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<sup>23</sup> Section 36 (Meaning of commonly used words and expressions).

## SCHEDULE 1 (continued)

*Act 1992*, sections 24<sup>24</sup> and 25<sup>25</sup>. Regulations under section 47 of the Act are “statutory instruments” under section 7 of the *Statutory Instruments Act 1992*.<sup>26</sup>

**FAIR TRADING ACT 1989****Amendment****1. Section 5—**

*insert—*

“**approved form**” see section 114.<sup>27</sup>”.

**2. Section 61(1)(g), ‘prescribed’—**

*omit, insert—*

‘approved’.

**3. Section 67(1)(a), ‘form prescribed by regulation’—**

*omit, insert—*

‘approved form’.

**4. Part 4, division 3—**

*insert—*

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<sup>24</sup> Section 24 (Statutory instrument may be of general or limited application)

<sup>25</sup> Section 25 (Statutory instruments may make different provision for different categories).

<sup>26</sup> Section 7 (Meaning of “statutory instrument”).

<sup>27</sup> Section 114 (Approval of forms)

## SCHEDULE 1 (continued)

**‘Definitions**

**‘84A.** In this division—

**“regulating instrument”** means—

- (a) an order made under section 85 (including an interim order mentioned in section 85A); or
- (b) a regulation—
  - (i) prohibiting the supply of goods or services; or
  - (ii) authorising the supply of goods or services subject to conditions or restrictions prescribed in the regulation.

**“supply”** includes—

- (a) offer to supply; and
- (b) for goods—expose, exhibit or have in possession for supply.’.

**5. Section 85(5)—**

*omit, insert—*

‘(5) An order made under this section after the commencement of this subsection expires 18 months after the order commences, and may not be renewed.’.

**6. Section 85A(8), ‘43 to 45’—**

*omit, insert—*

‘49 to 51’.

**7. Section 86—**

*omit, insert—*

**‘Offence**

**‘86.** A person must not supply goods or services—

## SCHEDULE 1 (continued)

- (a) if the supply of the goods or services is prohibited under a regulating instrument; or
- (b) if the supply of the goods or services is, under a regulating instrument, authorised subject to conditions or restrictions prescribed in the regulating instrument—other than subject to the conditions or restrictions.

Maximum penalty—400 penalty units.’.

**8. Section 87(1), ‘an order made under section 85’—**

*omit, insert—*

‘section 86’.

**9. Section 87(2), ‘an order under section 85 has been made’—**

*omit, insert—*

‘a regulating instrument is in force’.

**10. Section 87(4)(a), ‘an order has been made under section 85’—**

*omit, insert—*

‘a regulating instrument is in force’.

**11. Section 113(1) and (2)—**

*omit, insert—*

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

‘**(2)** A regulation may be made for or about a matter mentioned in the schedule.’.

## SCHEDULE 1 (continued)

**12. After section 113—**

*insert—*

**‘Approval of forms**

‘**114.** The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘**115.(1)** This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**13. Schedule, section 3—**

*omit, insert—*

**‘Supply of goods and services**

‘**3.** Prohibiting the supply of goods or services mentioned in the regulation, and authorising the supply of goods or services mentioned in the regulation subject to conditions or restrictions prescribed in the regulation.’.

**Explanatory note**

Amendment 1 inserts the definition “approved form” which is consequential on the insertion of the new section 114.

Amendments 2 and 3 change references to prescribed forms to approved forms in accordance with current drafting practice.

Amendments 4, 5, 7 to 10 and 13 (i.e. to the extent that it inserts a new section 3 in

## SCHEDULE 1 (continued)

the schedule) implement current drafting practice by providing that certain statutory instruments under the Act, if required on a long term basis, are to be made as regulations. Amendment 13 also omits a provision made redundant by insertion of the new section 114.

Amendment 6 updates 2 section references.

Amendment 11 updates the regulation making power in accordance with current drafting practice.

Amendment 12 inserts a provision allowing the chief executive to approve forms for the Act. The amendment also inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

## FOREIGN GOVERNMENTS (TITLES TO LAND) ACT 1948

### Amendment

**1. Section 2, ‘(including any estate or interest in any leasehold from the Crown)’—**

*omit, insert—*

‘(including an interest in a lease granted under the *Land Act 1994*)’.

**2. Section 4(1), ‘, in the case of land’ to ‘title to such land,’—**

*omit, insert—*

‘the chief executive’.

**3. Section 4(4), ‘Attorney-General or other Minister of the Crown for the time being administering this Act’—**

*omit, insert—*

‘Minister’.

## SCHEDULE 1 (continued)

**4. Section 4(4), ‘any person or authority’ to ‘from the Crown’—**

*omit, insert—*

‘the chief executive’.

**5. Section 4—**

*insert—*

‘(5) In this section—

‘ **“chief executive”** means the chief executive of the department administering the *Land Act 1994*.’.

**6. Section 5—**

*omit, insert—*

**‘Exemption from land tax and rates**

‘5. Despite any other Act, a regulation may exempt land held under an authorisation mentioned in section 3 from liability to land tax or rates if—

- (a) the Commonwealth, or an accredited agent of the Commonwealth, holds land in a foreign country for a diplomatic, consular or official purpose of the Commonwealth; and
- (b) the land is exempt from all or any of the taxed and rates charged on land under the laws of the country;’.

**7. After section 6—**

*insert—*

**‘Regulation making power**

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

**Explanatory notes**

Amendments 1, 2, 4 and 5 update references in accordance with current drafting

## SCHEDULE 1 (continued)

practice.

Amendment 3 removes words which are made redundant by the definition of “Minister” in the *Acts Interpretation Act 1954*, section 33.

Amendment 6 revises the wording of a section to bring it into line with current drafting practice.

Amendment 7 inserts a regulation making power.

**FUNERAL BENEFIT BUSINESS ACT 1982****Amendment****1. Section 5, definitions “amendment of a rule” and “corporation”—**

*omit.*

**2. Section 5—**

*insert—*

‘**“approved form”** see section 81.

**“corporation”** has the meaning given by the Corporations Law.’.

**3. Sections 19, 26, 42, 59(2), 60(2), 61(4) and 64(1)(a), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**4. Sections 36(1), 51(6) and (8), 52(18), 56(14) and 63(3), ‘in the prescribed form’—**

*omit.*

## SCHEDULE 1 (continued)

**5. Section 73, ‘\$100’—***omit, insert—*

‘2 penalty units’.

**6. Section 73, ‘\$50’—***omit, insert—*

‘1 penalty unit’.

**7. Section 79—***omit, insert—***‘Court may give directions**

‘79. The Court may, in the absence of relevant rules of court, give directions about a matter before the Court under this Act.’.

**8. Section 80(2)(a)—***omit.***9. After section 80—***insert—***‘Approval of forms**

‘81. The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘82.(1) This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the

## SCHEDULE 1 (continued)

matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 omits a redundant definition and, with amendment 2, updates the definition “corporation”.

Amendments 2 (by the insertion of a new definition “approved form”), 3 and 9 replace the current provisions under which forms are prescribed with provisions under which forms are approved by the chief executive, and provide a transitional provision for the new arrangement.

Amendment 4 omits unnecessary references to prescribed forms.

Amendments 5 and 6 amend section 73 to express penalties in penalty units rather than dollars.

Amendment 7 replaces section 79 to omit a redundant provision about a rule making power and to update the provision in line with current drafting practice.

Amendment 8 omits a redundant definition.

**GAMING MACHINE ACT 1991****Amendment****1. Section 3—**

*insert—*

‘**“approved form”** see section 213A.<sup>28</sup>’.

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<sup>28</sup> Section 213A (Approval of forms)

## SCHEDULE 1 (continued)

**2. Section 23(2) and (3)—**

*omit, insert—*

‘(2) A regulation may—

- (a) rescind a decision or determination of the Commission; and
- (b) give the Commission directions about the rescission.

‘(3) A Commission decision or determination that is rescinded is void as from the time stated in the regulation.’.

**3. Section 24(2)(a)—**

*omit, insert—*

‘(a) be made in the approved form; and’.

**4. Section 34(1), words before paragraph (a)—**

*omit, insert—*

‘**34.(1)** A regulation may approve arrangements for—’.

**5. Section 35(6)(a), ‘advise’—**

*omit, insert—*

‘give written notice to’.

**6. Section 36(3)—**

*omit, insert—*

‘(3) An identification card must—

- (a) be in the approved form; and
- (b) contain a photograph and signature of the inspector or other officer, and anything else the approved form requires.’.

## SCHEDULE 1 (continued)

**7. Sections 39(3)(a), 43(2), 51(2)(a), 55(2)(a), 56(2)(a), 59(4), 62(1), 77(1)(a), 81(2), 86(2)(a), 89(4), 91, 92(2), 93(1), 97(3), 111(3)(b), 116(2), 142(1), 149(2)(a), 153(2)(a), 158(1), 159(2)(a), and 214, ‘form determined by the Director’—**

*omit, insert—*

‘approved form’.

**8. Section 43(2)(d)—**

*omit.*

**9. Section 79(3)(c), ‘requested’—**

*omit, insert—*

‘required’.

**10. Section 81(2)(e)—**

*omit.*

**11. Section 86(2)(b), ‘so determined’—**

*omit, insert—*

‘required under the form’.

**12. Section 149(2)(b), ‘as are so determined’—**

*omit, insert—*

‘the form requires’.

**13. After section 213—**

*insert—*

## SCHEDULE 1 (continued)

**‘Approval of forms**

‘**213A.** The chief executive may approve forms for use under this Act.’.

**14. Section 215, heading—**

*omit, insert—*

**‘Regulation making power’.**

**15. Section 215(c)—**

*omit.*

**16. Section 215, words before paragraph (a)—**

*omit, insert—*

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

‘**(2)** A regulation may be made for or about—’.

**17. Section 216, heading, ‘Orders in council and certain’—**

*omit, insert—*

**‘Certain’.**

**18. Section 216(1)—**

*omit.*

**19. After section 216—**

*insert—*

**‘Transitional provision about forms**

‘**217.(1)** This section applies if ——

## SCHEDULE 1 (continued)

- (a) immediately before its commencement, there was a form determined by the director for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the form determined by the director for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’

**Explanatory note**

Amendment 1 inserts the definition “approved form” which is consequential on the insertion of the new section 213A.

Amendments 2 and 4 implement current drafting practice by providing that certain statutory instruments under the Act are regulations.

Amendments 3, 6 and 7 change references to forms determined by the director to approved forms in accordance with current drafting practice.

Amendment 5 makes a minor adjustment to subsection (6)(a) to clarify the reference to a notice in subsection (6)(b).

Amendments 9 and 10 to 12 are consequential on changing references to forms determined by the director to approved forms.

Amendment 9 corrects a minor inconsistency between section 79(3)(c) and 79(4).

Amendment 13 inserts a provision allowing the chief executive to approve forms for the Act.

Amendment 14 changes a section heading in accordance with current drafting practice.

Amendment 15 omits a provision made redundant by insertion of the new section 213A.

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

Amendment 17 is consequential on the omission of section 216(1).

Amendment 18 is consequential on amendments 2 and 4 making certain statutory instruments under the Act regulations.

## SCHEDULE 1 (continued)

Amendment 19 inserts a transitional provision that provides for a form determined by the director to be taken as an approved form for a limited period.

**GLADSTONE AREA WATER BOARD ACT 1984****Amendment****1. Section 2—**

*omit.*

**2. Section 6, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 10, ‘are to first constitute the board under this Act shall be as follows’—**

*omit, insert—*

**‘constitute the board are as follows’.**

**4. Section 10(d)—**

*omit, insert—*

**‘(d) the chief executive of the department within which the *Industrial Development Act 1963* is administered or the chief executive’s nominee;’.**

**5. Section 11—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Councils’ nominees**

‘**11.(1)** The chief executive must, within a reasonable time before the end of the term of appointment of the board members, by signed notice request the Gladstone City Council and the Calliope Shire Council to give the chief executive the names of their nominees for appointment to the board.

‘**(2)** The nominees’ names must be given within the time stated in the notice.’.

**6. Section 12—**

*omit, insert—*

**‘Failure to nominate**

‘**12.(1)** This section applies if—

- (a) a local government mentioned in section 11 does not give the name of a nominee to the chief executive in the time stated in the chief executive’s notice; or
- (b) a person nominated by a local government does not have the prescribed qualifications for membership of the board.

‘**(2)** The minister may nominate a person for the local government and the nomination is taken to be the local government’s nomination.’.

**7. Section 13, ‘Minister’—**

*omit, insert—*

‘chief executive’.

**8. Section 14—**

*omit, insert—*

**‘Appointment of board members**

‘**14.** The members of the board are appointed by the Governor in Council.’.

## SCHEDULE 1 (continued)

**9. Section 15(3), ‘The day’—**

*omit, insert—*

‘(3) However, if the appointed member is the nominee of a local government, the day’.

**10. Section 16(3)(d) and (e)—**

*omit.*

**11. Section 17(3), ‘Minister’—**

*omit, insert—*

‘chief executive’.

**12. Section 19—**

*omit, insert—*

**‘Dissolution of local government**

**‘19.(1)** This section applies if—

- (a) a local government’s nominees under section 10(a) or (b) have been appointed to the board; and
- (b) the local government is dissolved under the *Local Government Act 1993*, section 113.<sup>29</sup>

‘(2) On dissolution of the local government, the members of the board who are the local government’s nominees go out of office as board members.

‘(3) The administrator of the local government and a nominee of the administrator approved by the minister become the local government’s nominees on the board.’.

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<sup>29</sup> Section 113 (Dissolution of local government)

## SCHEDULE 1 (continued)

**13. Section 38—**

*omit, insert—*

**‘Delegation**

‘**38.** The board may delegate its powers to a member of the board or an officer or employee of the board.’.

**Explanatory notes**

Amendment 1 removes a redundant provision.

Amendment 2 replaces a section heading in accordance with current drafting practice.

Amendment 3 removes redundant words.

Amendment 4 removes a reference to a specific office in accordance with current drafting practice.

Amendments 5 to 11 recast the provisions in accordance with current drafting practice to leave internal procedures within government as matters of administrative practice and to devolve administrative matters from the minister to the chief executive where appropriate.

Amendment 12 recasts the provision to reflect changes in the *Local Government Act 1993*.

Amendment 13 replaces a redundant provision now provided for in the *Acts Interpretation Act 1954*, section 27A.<sup>30</sup>

**GRIFFITH UNIVERSITY ACT 1971****Amendment****1. Section 176—**

*omit.*

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<sup>30</sup> Section 27A (Delegation of powers)

## SCHEDULE 1 (continued)

**2. Section 193, heading—***omit, insert—***‘Regulation making power’.****3. Section 193(1), ‘for the purpose of’—***omit, insert—***‘under’.****4. After section 41—***insert—***‘PART 7—TRANSITIONAL REFERENCES****‘Gold Coast College of Advanced Education references**

**‘42.** In an Act, a reference to the Gold Coast College of Advanced Education may, if the context permits, be taken to be a reference to the university, and a reference to the council of the college may, if the context permits, be taken to be a reference to the council of the university.

**‘Queensland Conservatorium of Music references**

**‘43.** In an Act, a reference to the Queensland Conservatorium of Music may, if the context permits, be taken to be a reference to the university, and a reference to the council of the conservatorium may, if the context permits, be taken to be a reference to the council of the university.’.

**Explanatory note**

Amendment 1 omits a provision that is redundant because of the repeal of the *Electoral and Administrative Review Act 1989*.

Amendments 2 and 3 make minor amendments to the regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

Amendment 4 inserts provisions to deal with references to bodies that have amalgamated with the university. The provisions will enable the references to be updated in reprints (see *Reprints Act 1992*, section 23A(3)).

**GUIDE DOGS ACT 1972****Amendment****1. Section 3, definition “approved institution”—**

*omit, insert—*

“**approved institution**” means an institution that—

- (a) trains dogs as guides for blind persons or aids for deaf persons; and
- (b) is declared under a regulation to be an approved institution for this Act.’.

**2. Section 5—**

*omit, insert—*

**‘Blind or deaf persons may be accompanied by guide dogs**

**‘5.(1)** This section applies to—

- (a) places open to or used by the public, whether as of right or on the invitation of the occupier or on payment of a fee; and
- (b) vehicles used to carry passengers for hire or reward.

**‘(2)** However, this section does not apply to places and vehicles excluded from its application under a regulation.

**‘(3)** Despite any Act to the contrary, a blind or deaf person may be accompanied by a guide dog into or on any place or vehicle to which this section applies.

**‘(4)** The person does not commit an offence merely because the person takes the guide dog into or on, or permits the guide dog to enter or be in or

## SCHEDULE 1 (continued)

on, the place or vehicle while the person is using the dog as a guide or an aid.’.

**3. Section 6, ‘\$50’—**

*omit, insert—*

‘1 penalty unit’.

**4. Section 7—**

*omit.*

**5. Section 8(1), ‘and, in the absence of evidence to the contrary, conclusive evidence’—**

*omit.*

**6. Section 8—**

*renumber* as section 7.

**7. After section 7—**

*insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 implements current drafting practice by providing that the statutory instruments used to declare approved institutions are regulations.

Amendment 2 remakes the existing section 5 in accordance with current drafting practice.

Amendment 3 changes the penalty expressed in dollars to a penalty unit.

## SCHEDULE 1 (continued)

Amendment 4 omits a redundant provision consequent on amendments 1 and 8.

Amendment 5 omits words relating to the conclusive evidentiary nature of matters about guide dogs stated in documents.

Amendment 6 renumbers section 8 consequent on amendment 5.

Amendment 7 inserts a new regulation making power in accordance with current drafting practice.

## HOSPITALS FOUNDATIONS ACT 1982

### Amendment

#### 1. Section 69(1), ‘\$500’—

*omit, insert—*

‘10 penalty units’.

#### 2. Section 73(1), words before paragraph (a)—

*omit, insert—*

‘73.(1) A body corporate may make rules under this Act.

‘(1A) A rule may be made for or about the following—’.

#### 3. Section 73(4) and (5)—

*omit, insert—*

‘(4) A rule is subordinate legislation.’.

### Explanatory note

Amendment 1 changes a penalty expressed in dollars.

Amendment 2 revises the rule making power to bring it into line with current drafting practice.

## SCHEDULE 1 (continued)

Amendment 3 replaces redundant provisions with a declaration that rules made under the Act are subordinate legislation.

**INDUSTRIAL RELATIONS ACT 1990****Amendment****1. Section 5, definition “Industrial Commission”—**

*omit.*

**2. Section 537—**

*omit.*

**3. After section 617A—**

*insert—*

**‘References to industrial agreements and awards under repealed Act**

**‘617B.** In an Act or document—

- (a) a reference to an industrial agreement under the *Industrial Conciliation and Arbitration Act 1961* may, if the context permits, be taken to be a reference to an industrial agreement under this Act; and
- (b) a reference to an industrial award under the *Industrial Conciliation and Arbitration Act 1961* may, if the context permits, be taken to be a reference to an award under this Act.’

**4. Sections 618 and 621—**

*omit.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 omits a definition that is unnecessary because it is defined in section 36 of the *Acts Interpretation Act 1954*.

Amendment 2 omits a provision made unnecessary by section 39 of the *Acts Interpretation Act 1954* which deals with service of documents.

Amendment 3 inserts a transitional provision about references to industrial agreements and awards under the repealed *Industrial Conciliation and Arbitration Act 1961*.

Amendment 4 omits transitional provisions. The effect of the provisions is preserved by section 20A of the *Acts Interpretation Act 1954*.

**INTELLECTUALLY DISABLED CITIZENS ACT 1985****Amendment****1. Section 1, heading—**

*omit, insert—*

‘Short title’.

**2. Section 1(2) and (3)—**

*omit.*

**3. Section 4, definition “chief executive”—**

*omit.*

**4. Section 4—**

*insert—*

‘**“approved form”** see section 48A.<sup>31</sup>’.

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<sup>31</sup> Section 48A (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 4, definition “legal friend”, ‘barrister-at-law or solicitor’—***omit, insert—*

‘lawyer’.

**6. Section 13(1), ‘, from time to time,’—***omit.***7. Section 26(1)(b) and 33(1), ‘solicitor’—***omit, insert—*

‘lawyer’.

**8. Section 26(7), ‘barrister or solicitor’—***omit, insert—*

‘lawyer’.

**9. Section 26(11), 31A(4)(b), 31A(5) and 44(1)(b), ‘barrister-at-law or solicitor’—***omit, insert—*

‘lawyer’.

**10. Section 32(1), from ‘shall cause’ to ‘form’—***omit, insert—*

‘must give written notice to the public trustee to that effect in the approved form’.

## SCHEDULE 1 (continued)

**11. Section 32(1A), ‘prescribed form’—***omit, insert—*

‘approved form’.

**12. Section 32(2) and 34(c), ‘notification’—***omit, insert—*

‘notice’.

**13. Section 32(3), ‘shall give notice in writing’—***omit, insert—*

‘must give written notice’.

**14. Section 32(4), from ‘shall cause’ to ‘form’—***omit, insert—*

‘must give written notice to the public trustee in the approved form’.

**15. Section 34(f), ‘notice in writing’—***insert—*

‘written notice’.

**16. Section 34(g), from ‘after’ to ‘notification’—***omit, insert—*

‘14 days after the public trustee received the notice’.

## SCHEDULE 1 (continued)

**17. Section 37(1), ‘furnish’—***omit, insert—*

‘give’.

**18. Section 38(1)(a), ‘writing signed by the person furnished’—***omit, insert—*

‘written notice given’.

**19. Section 38(1)(b), ‘notice in writing’—***omit, insert—*

‘written notice’.

**20. Section 46(2) and (3)—***omit.***21. Section 47(1), ‘furnish’—***omit, insert—*

‘give’.

**22. After section 48—***insert—***‘Approval of forms****‘48A.** The chief executive may approve forms for use under this Act.’.

## SCHEDULE 1 (continued)

**23. Section 49(1) and (2), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**24. After section 49—**

*insert—*

**‘Transitional provision about forms**

**‘50.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 replaces a section heading in accordance with current drafting practice.

Amendment 2 omits spent provisions.

Amendment 3 omits a redundant definition—see *Acts Interpretation Act 1954*, section 36.

Amendment 4 inserts a provision consequential on amendment 9.

Amendments 5 and 7 to 9 update provisions—see *Acts Interpretation Act 1954*, section 36.

Amendment 6 omits a redundant provision—see *Acts Interpretation Act 1954*, section 23(1).

Amendments 10, 11, and 14 change references to prescribed form to approved form in accordance with current drafting practice.

## SCHEDULE 1 (continued)

Amendments 12, 13, 15 to 19 and 21 update the provisions in accordance with current drafting practice.

Amendment 20 omits redundant provisions—see *Acts Interpretation Act 1954*, section 42.

Amendment 22 inserts a provision empowering the chief executive to approve forms for use under the Act and is consequential on amendments 10, 11 and 14.

Amendment 23 revises the power to make regulations in accordance with current drafting practice.

Amendment 24 inserts a transitional provision consequential on amendment 22.

**INTERDICT ACT 1867****Amendment****1. Section 1 and heading before section 1—**

*omit, insert—*

*‘Division 1—Purpose of part*

**‘Purpose**

‘**21.** The purpose of this part is to consolidate and amend the law about arbitration, interpleader, mandamus, quo warranto, prohibition and injunction.’.

**2. Heading before section 22—**

*omit, insert—*

*‘Division 1A—Interpleader’.*

**3. Section 22, heading—**

*omit, insert—*

**‘Action that may be taken by the court’.**

## SCHEDULE 1 (continued)

**4. Sections 25 and 27, ‘this Act’—***omit, insert—*

‘this part’.

**5. Section 30, ‘the Common Law Pleading Act 1867’—***omit, insert—*

‘part 3’.

**6. Heading before section 32—***omit, insert—**‘Division 2—Interpleader by sheriff’.***7. Sections 34 and 35, ‘this Act’—***omit, insert—*

‘this part’.

**8. Heading before section 35—***omit, insert—**‘Division 3—Rules, orders etc. in interpleader proceedings’.***9. Heading before section 36—***omit, insert—**‘Division 4—Prerogative writ of mandamus’.*

## SCHEDULE 1 (continued)

**10. Section 37, heading—***omit, insert—***‘Procedure on return of writ’.****11. Sections 38 and 40, ‘this Act’—***omit, insert—***‘this part’.****12. Heading before section 44—***omit, insert—****‘Division 5—Action for mandamus’.*****13. Section 51, ‘this Act’—***omit, insert—***‘this part’.****14. Heading before section 52—***omit, insert—****‘Division 6—Injunction’.*****15. Heading before section 57—***omit, insert—****‘Division 7—Costs of mandamus and injunctions’.***

## SCHEDULE 1 (continued)

**16. Section 57, ‘the provisions of this Act’—***omit, insert—*

‘this part’.

**17. Heading before section 58—***omit, insert—*‘*Division 8—Quo warranto*’.**18. Section 58, ‘From and after the commencement of this Act in’—***omit, insert—*

‘In’.

**19. Section 59(2), heading—***omit.***20. Heading before section 60—***omit, insert—*‘*Division 9—Prohibition*’.**21. Section 60(1), heading—***omit, insert—*‘**Writs of prohibition**’.**22. Section 60(2), (3) and (4), headings—***omit.*

## SCHEDULE 1 (continued)

**23. Heading before section 61—**

*omit, insert—*

***‘Division 10—General provision’.***

**24. Section 61, ‘the Pleading and Common Law Practice and Process Acts 1867 and of this Act’—**

*omit, insert—*

***‘parts 3 to 5 and this part’.***

**25. Sections 62 and 63 and heading before section 62—**

*omit.*

**26. Section 64 and heading before section 64—**

*omit.*

**27. Sections 21 to 61, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 8.*

**Explanatory note**

Amendment 1 omits a redundant interpretation section and heading and inserts a purpose clause taken from the Act’s long title.

Amendments 2, 6, 8, 9, 12, 14, 15, 17, 20 and 23 replace headings before sections with division headings in accordance with current drafting practice and the proposed relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendments 3, 10 and 21 replace lengthy section headings with more succinct section headings in accordance with current drafting practice.

Amendments 4, 5, 7, 11, 13, 16 and 24 are consequential on the relocation of provisions of this Act and other Acts to the *Supreme Court Act 1921*.

## SCHEDULE 1 (continued)

Amendment 18 omits redundant wording.

Amendments 19 and 22 omit redundant headings.

Amendment 25 omits a rule making power and other provisions made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 26 omits a provision and heading dealing with the Act's commencement.

Amendment 27 relocates the provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed by the Bill.

**INVASION OF PRIVACY ACT 1971****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 4—**

*insert—*

**‘“approved form”** see section 51B.<sup>32</sup>’.

**3. Section 10(6), ‘or to the effect of’—**

*omit.*

**4. Section 11(2), ‘made in accordance with’—**

*omit, insert—*

**‘in’.**

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<sup>32</sup> Section 51B (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 15, from ‘, in such form’ to ‘thinks fit,’—**

*omit.*

**6. Section 43(8)—**

*omit, insert—*

‘(8) If an order is made under subsection (7), the person who has possession of the listening device must deliver up the listening device under the order.

Maximum penalty—20 penalty units.

‘(9) If a person contravenes subsection (8), whether or not a proceeding for the offence has started, a police officer may seize the listening device and deliver it up under the order.’

**7. After section 51A—**

*insert—*

**‘Approval of forms**

‘51B. The chief executive may approve forms for use under this Act.’

**8. Section 52, heading—**

*omit, insert—*

**‘Regulation making power’.****9. Section 52(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

## SCHEDULE 1 (continued)

**10. Section 52(2), ‘with respect to’—**

*omit, insert—*

‘about’.

**Explanatory note**

Amendment 1 replaces a provision heading in accordance with current drafting practice.

Amendment 2 inserts a definition about approved forms.

Amendments 3 and 4 are minor amendments about approved forms to reflect current drafting practice.

Amendment 5 removes a provision dealing with the keeping of registers as required by regulation or as the chief executive thinks fit.

Amendment 6 recasts section 43(8) to update the structure and wording of an offence provision. The amendment also includes a new section 43(9) consequential on the recasting of section 43(8).

Amendment 7 inserts a provision allowing the chief executive to approve forms for the Act.

Amendments 8, 9 and 10 update the regulation making power in accordance with current drafting practice.

**JUDICATURE ACT 1876****Amendment****1. Before section 1—**

*insert—*

**‘Purpose**

‘**1A.** The purpose of this part is to provide for the administration of a uniform system of law in all courts of justice and to simplify and amend the practice of the Supreme Court.’.

## SCHEDULE 1 (continued)

**2. Sections 1 (1st mention), 2, 3 (1st and 3rd mentions), 4(7) (1st mention) and (8), 5(2), and 13, ‘Act’—**

*omit, insert—*

‘part’.

**3. Sections 1, definition “existing”, 3 (2nd and 4th mentions), 4(1) and (2), 4(4) to (6) and (7) (2nd mention), 5(1) and 6(1), ‘this Act’—**

*omit, insert—*

‘the *Judicature Act 1876*’.

**4. Section 1, heading—**

*omit, insert—*

‘Definitions for part’.

**5. Section 1, definition “rules of court”—**

*omit.*

**6. Section 4, ‘after the passing of this Act’—**

*omit.*

**7. Section 5, words before heading to subsection (1)—**

*omit.*

**8. Section 5(8), (9), (10) and (11)—**

*renumber* as sections 5A to 5D.

## SCHEDULE 1 (continued)

**9. Section 6(3), heading—**

*omit.*

**10. Sections 24 and 26—**

*omit.*

**11. Sections 1 to 15, as amended—**

*relocate to Supreme Court Act 1921, part 13.*

**Explanatory note**

Amendment 1 inserts a purpose clause taken from the long title.

Amendments 2 to 4 are consequential on the relocation of provisions of this Act to the *Supreme Court Act 1921*.

Amendment 5 omits a redundant definition.

Amendment 6 omits redundant wording.

Amendment 7 omits obsolete wording.

Amendment 8 recasts subsections of a section as separate sections.

Amendment 9 omits a redundant heading.

Amendment 10 omits obsolete provisions dealing with the Act's commencement and short title.

Amendment 11 relocates the provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed by the Bill.

**JUSTICES ACT 1886****Amendment****1. After section 23—**

*insert—*

## SCHEDULE 1 (continued)

*‘Division 2A—Decentralisation of Magistrates Courts’.***2. Section 142(1), ‘made in manner’—***omit, insert—*

‘made in the way’.

**3. Section 267—***omit.***4. Section 268(1)(b), after ‘Sessions’—***insert—*

‘(however constituted)’.

**5. After section 271—***insert—***‘Decentralisation of Magistrates Courts Act 1965 references**

‘**272.** In an Act or document, a reference to the *Decentralization of Magistrates Courts Act 1965*, or the *Decentralisation of Magistrates Courts Act 1965*, may, if the context permits, be taken to be a reference to this Act.’

**Explanatory note**

Amendment 1 is consequential on the relocation of provisions of the *Decentralisation of Magistrates Courts Act 1965* to the *Justices Act 1886*.

Amendment 2 updates language in accordance with current drafting practice.

Amendment 3 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 4 clarifies the operation of a reference provision.

## SCHEDULE 1 (continued)

Amendment 5 inserts a provision to deal with references to an Act whose provisions are relocated to the Justices Act by this Bill. The provision will enable references to the repealed Act to be updated in reprints (see *Reprints Act 1992*, section 22(4)).

**LAND SALES ACT 1984****Amendment****1. Section 6(1)—**

*insert—*

‘**“approved form”** see section 35A.<sup>33</sup>’.

**2. Sections 6(1), definition “relevant freehold land”, 11(5) and 23(5), ‘the provisions of’—**

*omit.*

**3. Section 6(1), definition “land held from the Crown for an estate of leasehold”, paragraph (b)—**

*omit, insert—*

(b) a miners homestead under the *Land Act 1994*, chapter 8, part 7, division 2.’.

**4. Section 7, ‘The provisions of this part apply’—**

*omit, insert—*

‘This part applies’.

<sup>33</sup> Section 35A (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 18(1), ‘the provisions’ to ‘do not’—**

*omit, insert—*

‘this part does not’.

**6. Section 18(1)(a)—**

*omit, insert—*

‘(a) a specified miners homestead under the *Land Act 1994*, chapter 8, part 7, division 2; or’.

**7. Section 19(1), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**8. Section 31B(2), ‘prescribed form and manner’—**

*omit, insert—*

‘approved form’.

**9. Section 20(1), ‘The provisions’ to ‘relation to’—**

*omit, insert—*

‘This part applies to’.

**10. Section 31A—**

*omit.*

**11. After section 35—**

*insert—*

## SCHEDULE 1 (continued)

**‘Approval of forms**

‘**35A.** The chief executive may approve forms for use under this Act.’.

**12. Section 36(2)(a), ‘prescribing’ to ‘Act,’—**

*omit.*

**13. Section 36(2)(a), ‘forms’ (first mention)—**

*omit, insert—*

‘approved forms’.

**14. After section 36—**

*insert—*

**‘Transitional provision about forms**

‘**37.(1)** This section applies if —

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendments 1, 7, 8 and 12 to 14 are consequential on amendment 11.

Amendments 2, 4, 5 and 9 update the language in accordance with current drafting practice.

Amendments 3 and 6 update a reference.

## SCHEDULE 1 (continued)

Amendment 10 omits a provision that is redundant because of the *Acts Interpretation Act 1954*.

Amendment 11 inserts a provision allowing the chief executive to approve forms for use under the Act.

**LAND TAX ACT 1915****Amendment****1. Section 3, heading—**

*omit, insert—*

**‘Definitions’****2. Section 3, definitions “absentee” and “owner”—**

*omit.*

**3. Section 3—**

*insert—*

“**absentee**” see section 3A.

“**approved form**” see section 60.<sup>34</sup>

“**owner**” see section 3B.

“**unimproved value**” see section 3C.

“**value of improvements**” see section 3D.’.

**4. Section 3, definition “commissioner”, ‘and any deputy commissioner’—**

*omit.*

<sup>34</sup> Section 60 (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 3, definition “unimproved value”, as a heading—***insert—***‘Meaning of “unimproved value” ’.****6. Section 3, definition “unimproved value”, first sentence,  
“unimproved value”, in relation to unimproved land,—***omit, insert—***‘In relation to unimproved land, “unimproved value” ’.****7. Section 3, definition “unimproved value”, second sentence,  
“unimproved value”, in relation to improved land,—***omit, insert—***‘In relation to improved land, “unimproved value” ’.****8. Section 3, definition “unimproved value”, third sentence, ‘Provided that’—***omit, insert—***‘However,’.****9. Section 3, definition “unimproved value”, fourth sentence,  
‘Provided further that’—***omit, insert—***‘However,’.****10. Section 3, definition “unimproved value”, first to fourth sentences,  
as amended—***relocate* as section 3C(1) to (4).

## SCHEDULE 1 (continued)

**11. Section 3, definition “value of improvements”, as a heading—***insert—***‘Meaning of “value of improvements” ’.****12. Section 3, definition “value of improvements”, first sentence,  
‘ “value of improvements”, in relation to land,’—***omit, insert—***‘In relation to land, “value of improvements” ’.****13. Section 3, definition “value of improvements”, second sentence,  
‘Provided that’—***omit, insert—***‘However’.****14. Section 3, definition “value of improvements”, first and second  
sentences, as amended—***relocate* as section 3D(1) and (2).**15. Section 3(2), as a heading—***insert—***‘When land is a principal place of residence’.****16. Section 3(2)—***renumber* as section 3E.

## SCHEDULE 1 (continued)

**17. Section 3(3), as a heading—**

*insert—*

**‘Who are the beneficiaries of a trust’.**

**18. Section 3(3) to (5)—**

*renumber* as section 3F(1) to (3).

**19. After section 3—**

*insert—*

**‘Meaning of “absentee”**

**‘3A.(1)** An **“absentee”** is a person who does not ordinarily reside in Australia or an external Territory.

**‘(2)** An **“absentee”** includes a person who—

- (a) cannot satisfy the commissioner that he or she ordinarily resides in Australia or an external Territory; and
- (b) at the date when the ownership of the person’s land is decided for this Act—
  - (i) is absent from Australia and the external Territories; or
  - (ii) has been absent from Australia and the external Territories during more than half of the previous year.

**‘(3)** An **“absentee”** does not include—

- (a) a public officer of the Commonwealth or of a State who is absent in the performance of the public officer’s duty; or
- (b) an individual (the **“employee”**) employed by an employer in Australia or an external Territory for a continuous period of 1 year immediately before the employee’s absence, if the commissioner is satisfied that—
  - (i) the employee is absent in the performance of the employee’s

## SCHEDULE 1 (continued)

duty for his or her employer; and

- (ii) the duration of the employee's absence will not be longer than 5 years.

**'Meaning of "owner"'**

**'3B. (1)** The **"owner"** of land includes every person—

- (a) other than a mortgagee in possession, who is, jointly or severally, entitled to—
  - (i) the land for an estate of freehold in possession; or
  - (ii) receive, or has received, the rents and profits from the land;  
or
- (b) who is taken to be the owner under this Act.

**'(2)** The person who is receiving the rents and profits of the land is taken to be the **"owner"** of the land while that receipt continues even though that person may have made some disposition of the land.

**'(3)** If an agreement has been made for the sale of land, whether or not the agreement has been completed by conveyance—

- (a) the seller is taken to be the **"owner"** of the land until possession of the land is delivered to the buyer; and
- (b) the buyer is taken to be the **"owner"** of the land as soon as the buyer obtains possession of the land.

**'(4)** However, the fact that a person is taken to be the **"owner"** of land under subsection (2) or (3) does not exclude someone else from being the **"owner"**.'.

**20. Section 4—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Commissioner, assistant commissioners, assessors and receivers**

‘4.(1) There is to be a Commissioner of Land Tax and an Assistant Commissioner of Land Tax.

‘(2) The commissioner and assistant commissioner are to be appointed under the *Public Service Management and Employment Act 1988*.

‘(3) Assessors and receivers may be appointed under the *Public Service Management and Employment Act 1988*.

**‘Delegation by commissioner**

‘4AA. The commissioner may delegate the commissioner’s powers under this or another Act to an officer of the public service.’.

**21. Section 9(3), table, ‘.20c’—**

*omit, insert—*

‘.2c’.

**22. Section 9(3), table, ‘.70c’—**

*omit, insert—*

‘.7c’.

**23. Section 10(1)—**

*omit, insert—*

‘10. Land tax may be levied for each financial year.’.

**24. Section 10(2), heading, after ‘payment’—**

*insert—*

‘of land tax’.

## SCHEDULE 1 (continued)

**25. Section 10(2)—**

*renumber* as section 10A.

**26. Section 11C(3)(c), ‘subsection (2)(b)’—**

*omit, insert—*

‘subsection (2)’.

**27. Section 12, from ‘Provided that an owner’ to ‘the only land owned by him.’—**

*omit.*

**28. Section 13(1)(i), ‘or a local or public authority unless the authority’—**

*omit, insert—*

‘or a local government or public authority unless the entity’.

**29. Section 13(2), heading—**

*omit.*

**30. Section 13(5), definitions “associated religious body”, “exempt charitable institution” and “religious institution”—**

*omit.*

**31. Section 13(5), definition “qualifying exempt purpose”, paragraphs (g) to (i)—**

*omit, insert—*

‘(g) the provision of a residence for a minister or members of a religious order who is or are engaged in—

## SCHEDULE 1 (continued)

- (i) activities of a religious or public benevolent nature; or
- (ii) any of the pursuits mentioned in section 13A(1)(e)(i) to (vi);  
or
- (h) for an institution to which section 13A(1)(f) applies—the purpose that was the institution’s principal object when the Minister declared it to be an exempt charitable institution; or
- (i) any 2 or more of the purposes specified; or’.

**32. Section 13(6)—**

*omit.*

**33. After section 13—**

*insert—*

**‘Meaning of “exempt charitable institution”**

**‘13A.(1)** In section 13—

**“exempt charitable institution”** means—

- (a) the University of Queensland, Griffith University, Queensland University of Technology, James Cook University, Bond University Limited or an institution declared under a regulation to be a university; or
- (b) a constituent college of a university mentioned in paragraph (a);  
or
- (c) a tertiary educational institution approved under a regulation; or
- (d) a public benevolent institution; or
- (e) an institution, whose principal object is 1 or more of the following—
  - (i) the education of students in primary or secondary schools;
  - (ii) the conduct of a rural training school;

## SCHEDULE 1 (continued)

- (iii) the conduct of a kindergarten or preschool;
  - (iv) the relief of poverty;
  - (v) the provision of care which relates to and is necessary for persons who are sick, aged, infirm, afflicted or incorrigible;
  - (vi) the provision of full-time care for the wellbeing and protection of children, including the provision of all necessary food, clothing and shelter; or
- (f) an institution declared by the Minister (in the Minister's discretion) to be an exempt charitable institution whose principal object is of a charitable nature, promotes the public good and is not related to—
- (i) a sporting, recreational, leisure or social matter; or
  - (ii) an object declared under a regulation; or
- (g) a religious institution.

‘**(2)** A regulation approving a tertiary educational institution may be made only if the institution—

- (a) is a public institution; or
- (b) has a constitution that provides that—
  - (i) the income and property of the institution are to be used and applied only for the promotion of the objects of the institution and are not to be distributed in any way among its members; and
  - (ii) on dissolution the net assets of the institution after satisfaction of all liabilities must be transferred to an institution with similar objects.

‘**(3)** An institution is an institution within the meaning of subsection (1)(d) or (e) only if the constitution of the institution provides that—

- (a) the income and property of the institution are to be used and applied only for the promotion of the objects of the institution and

## SCHEDULE 1 (continued)

are not to be distributed in any way among its members; and

- (b) on dissolution the net assets of the institution after satisfaction of all liabilities must be transferred to an institution with similar objects.

‘(4) The Minister may have regard to the commercial activities of an institution in exercising the Minister’s discretion under subsection (1)(f).

**‘Meaning of “religious institution”**

‘14.(1) In section 13A, a “**religious institution**” is an institution that the commissioner is satisfied is a religious institution.

‘(2) A “**religious institution**” includes an associated religious body that—

- (a) appertains to or is controlled by a religious institution; and
- (b) has the conduct of activities of a religious nature as its principal object.

‘(3) The commissioner is entitled not to be satisfied that an institution is a religious institution if the members or followers of the institution do not subscribe to common articles of faith or beliefs that are formally documented.

‘(4) The commissioner may, to satisfy himself or herself whether an institution is a religious institution, have regard to—

- (a) whether the institution is formally constituted; and
- (b) the number of members or followers of the institution in the State; and
- (c) the period during which the institution has been established; and
- (d) whether the institution has a ministry that—
  - (i) is devoted to the propagation or practice of the faith or beliefs of the members or followers of the institution; and
  - (ii) regularly conducts religious services for religious worship or meditation for members or followers; and

## SCHEDULE 1 (continued)

- (iii) undergoes a formal training program to qualify for the ministry; and
- (e) whether members or followers of the institution usually meet at a place that is clearly identifiable as a place where the members or followers meet to engage in religious worship or meditation.’.

**34. Section 16(3), heading—**

*omit.*

**35. Section 16(3)—**

*omit, insert—*

‘(3) Every declaration must be verified by a declaration in the approved form.’.

**36. Section 16(4), heading—**

*omit.*

**37. Section 17(2), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**38. Section 17(2), (3) (first sentence) and (3) (second sentence)—**

*renumber* as section 17A(1) to (3).

**39. Section 17(4)—**

*renumber* as section 17B.

## SCHEDULE 1 (continued)

**40. Section 18(3), ‘in writing of the assessment, in the form and containing the particulars prescribed,’—**

*omit, insert—*

‘in the approved form’.

**41. Section 18(3), second sentence, ‘prescribed by this subsection’—**

*omit.*

**42. Section 18(4) and (5)—**

*omit.*

**43. Section 26C(2), ‘recorded in the register maintained by the Registrar of Titles under the *Real Property Act 1861*’—**

*omit, insert—*

‘registered under the *Land Title Act 1994*’.

**44. Section 27(1), ‘or calculated pursuant to the *Land Tax (Adjustment) Act 1984* or the *Land Tax (Adjustment) Act 1989*’—**

*omit.*

**45. Section 27(2), from ‘, and for such purposes’ to ‘shall extend to’—**

*omit, insert—*

‘and the *Land Act 1994*, chapter 7, part 3 applies to’.

**46. Section 30—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Rules of court**

‘30. Rules may be made under the *Land Act 1962* regulating the practice and procedure of the Land Court in relation to appeals against assessments.’.

**47. Section 34(5), heading—**

*omit.*

**48. Section 34(6), heading—**

*omit.*

**49. Section 39(a)—**

*omit, insert—*

‘(a) the company must appoint a public officer within 3 months after it becomes the owner of land in Queensland;’.

**50. Section 39(d)—**

*omit.*

**51. Section 39(g), words from ‘. The absence or non-appointment’—**

*omit.*

**52. After section 39(g)—**

*insert—*

‘(ga) a company is not excused from complying with the provisions of this Act or from any penalty for that failure to comply, because of the absence or non-appointment of a public officer;

(gb) a company may, if there is no currently appointed public officer,

## SCHEDULE 1 (continued)

be treated for this Act (other than the provisions of this subsection) as if there were no requirement to appoint a public officer;’.

**53. Section 39(e) to (j)—**

*renumber* as section 39(d) to (k).

**54. Section 39—**

*insert—*

‘(3) If the company fails to appoint a public officer when and as often as such appointment becomes necessary it commits an offence.

‘Maximum penalty—1 penalty unit for each day the offence continues.’.

**55. Section 47(1), words after ‘gives any false or evasive answer’—**

*omit, insert—*

‘commits an offence.

Maximum penalty—10 penalty units.

‘(1A) A person who in any way fails to comply with a provision of this Act for which no penalty is expressly provided is liable to a maximum penalty of 10 penalty units.’.

**56. Section 47(2), ‘\$25’—**

*omit, insert—*

‘1 penalty unit’.

**57. Section 48, words from ‘shall be liable to’—**

*omit, insert—*

‘commits an offence.

## SCHEDULE 1 (continued)

Maximum penalty—20 penalty units and twice the amount of tax which would have been avoided if the return, information or answer had been accepted as correct.’.

**58. Section 49(1), words after ‘upon the person so offending’—**

*omit, insert—*

‘Maximum penalty—

- (a) for a person who is not liable to pay land tax—1 penalty unit; or
- (b) for a person who is liable to pay land tax—whichever is the greater amount of—
  - (i) 1 penalty unit; or
  - (ii) 20% of the amount of land tax assessable to the person.’.

**59. Section 59(1), ‘Order in Council’—**

*omit, insert—*

‘regulation’.

**60. Section 59(2), ‘such Order’—**

*omit, insert—*

‘the regulation’.

**61. Section 60—**

*omit, insert—*

**‘Approval of forms**

‘**60.** The commissioner may approve forms for use under this Act.

## SCHEDULE 1 (continued)

**61. After section 60—**

*omit, insert—*

**‘Regulation making power**

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

‘**(2)** A regulation may be made about—

- (a) the duties of officers and persons engaged in the administration of this Act and the districts or places within or where they may act; and
- (b) the fees that may be charged for copies of or extracts from any books, registers, notices, certificates or instruments kept mentioned in this Act; and
- (c) when—
  - (i) returns must be sent to the commissioner; and
  - (ii) assessment notices must be given; and
  - (iii) payments of land tax must be made; and
  - (iv) anything else necessary to give effect to this Act must be done; and
- (d) the provision of refunds or allowances by the commissioner, as the commissioner thinks just, to avoid duplicate taxation in any case in the same period; and
- (e) the way of obtaining, adjusting, and settling returns from, by, or with any agent in Queensland of a foreign company or absentee, and prescribing particulars and proof, and for making, completing, and enforcing assessments of the land tax of any foreign company or absentee; and
- (f) prescribing offences for a contravention of a regulation and fixing a maximum penalty of 4 penalty units for an offence.

## SCHEDULE 1 (continued)

**‘Transitional provision about forms**

**‘62.(1)** This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Many of these amendments recast provisions of the *Land Tax Act 1915* to bring them into line with current drafting practice. This will enable the Act to be reprinted in a more modern form.

However, no attempt has been made to make substantive changes to all of the provisions to bring them into line with contemporary values and standards. This will be done when the Act is reviewed in the near future.

The recasting of some provisions includes the omission of superfluous and redundant words and expressions. The recasting is not intended to change the meaning or effect of the amended provisions.

Amendment 1 substitutes a section heading.

Amendments 2, 3, 5 to 14 and 19 replace a number of definitions in accordance with current drafting practice.

Amendment 4 omits part of a definition which is redundant.

Amendments 15 to 18, 24, 25, 38 and 39 insert section headings and renumber existing subsections dealing with different subject matter as sections in accordance with current drafting practice.

Amendment 20 updates provisions dealing with the appointment of, and delegations by, the Commissioner of Land Tax. The amendments also omit unnecessary provisions.

Amendments 21 and 22 remove superfluous figures from a monetary expression.

## SCHEDULE 1 (continued)

Amendment 23 replaces provisions in accordance with current drafting practice and omits obsolete provisions.

Amendment 26 corrects a reference to a subsection.

Amendment 27 omits a part of a provision that is obsolete.

Amendment 28 updates a reference to local governments.

Amendments 29, 34, 36, 47 and 48 omit headings that are redundant.

Amendments 30 to 33 update definitions in accordance with current drafting practice and omit provisions which are redundant.

Amendments 37 and 40 change references to prescribed forms to approved forms.

Amendment 40 makes a change to make it clear that the commissioner is to give the notice of assessment in the approved form.

Amendment 41 is a consequential amendment to amendment 40.

Amendment 42 omits obsolete provisions.

Amendments 43 to 45 update references to other Acts.

Amendment 46 replaces the power of the Land Court to make rules of court to deal with appeals against assessments.

Amendment 49 removes obsolete provisions from section 39(a).

Amendment 50 removes a penalty provision. This provision is recast in accordance with current drafting practice by amendment 54.

Amendments 51 to 53 make changes consistent with current drafting practice.

Amendments 55 and 58 change dollar penalties to penalty units.

Amendment 55 also updates the drafting of a provision.

Amendment 59 and 60 change a references to order in council to regulation in accordance with current drafting practice.

Amendment 61 updates the regulation making power in accordance with current drafting practice.

Amendment 62 inserts a provision which gives the commissioner the power to approve forms for any information required to be provided under this Act. It also inserts a transitional provision for forms to be approved. The previous prescribed forms are retained during the transitional period.

## SCHEDULE 1 (continued)

**LAND TITLE ACT 1994****Amendment****1. Section 202(1), ‘1994’—**

*omit, insert—*

‘1980’.

**Explanatory note**

This amendment changes a reference to the *Building Units and Group Titles Act 1994* to a reference to the *Building Units and Group Titles Act 1980*. The amendment is consequential on the repeal of the 1994 Act by schedule 7 of this Bill.

**LAW COURTS AND STATE BUILDINGS  
PROTECTIVE SECURITY ACT 1983****Amendment****1. Section 4, heading—**

*omit, insert—*

‘Definitions’.

**2. Section 4, definition “building”, ‘order in council’—**

*omit, insert—*

‘regulation’.

## SCHEDULE 1 (continued)

**3. Section 4, definition “firearm”, ‘Firearms and Offensive Weapons Act 1979’—**

*omit, insert—*

‘Weapons Act 1990’.

**4. Section 20, ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**5. Section 21, ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**6. Section 22(2), ‘section 101 of the Firearms and Offensive Weapons Act 1979’—**

*omit, insert—*

‘the Weapons Act 1990, section 6.1’.

**7. Section 29, ‘\$500 or 6 months imprisonment’—**

*omit, insert—*

‘10 penalty units or imprisonment for 6 months’.

**8. Section 32, ‘\$200’—**

*omit, insert—*

‘4 penalty units’.

## SCHEDULE 1 (continued)

**9. Section 33, heading—***omit, insert—***‘Regulation making power’.****10. Section 33, words before paragraph (a)—***omit, insert—***‘33.(1) The Governor in Council may make regulations under this Act.****‘(2) A regulation may be made for or about—’.****11. Section 33(e) and (f)—***omit.***Explanatory note**

Amendments 1 and 9 change section headings in accordance with current drafting practice.

Amendment 2 provides that the statutory rule to be used under the Act is a regulation in accordance with current drafting practice.

Amendments 3 and 6 update a reference.

Amendments 4, 5, 7 and 8 change penalties expressed in dollars.

Amendments 10 and 11 update the regulation making power in accordance with current drafting practice.

**LAW REFORM (ABOLITION OF THE RULE OF  
COMMON EMPLOYMENT) ACT 1951****Amendment****1. Title, after ‘employment’—***insert—*

## SCHEDULE 1 (continued)

‘, to consolidate provisions reforming the law and to make provision for other reforms of the law’.

**2. Section 1—**

*omit, insert—*

**‘PART 1—PRELIMINARY****‘Short title**

‘1. This Act may be cited as the *Law Reform Act 1995*.

**‘Act is a consolidation**

‘1A.(1) This Act is, in part, a consolidation of provisions of the *Law Reform (Abolition of the Rule of Common Employment) Act 1951* (the “existing provisions”) and provisions relocated from the following Acts (the “relocated provisions”)—

- *Law Reform (Husband and Wife) Act 1968*
- *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*
- *Voluntary Aid in Emergency Act 1973*.

‘(2) The Act is also a consolidation of provisions of the law about the age of majority and the legal capacity of spouses.

‘(3) To remove any doubt, it is declared that the relocated provisions were not re-enacted by the *Statute Law Revision Act (No. 2) 1995*, but merely moved (without re-enactment) from the Acts in which they were enacted to this Act.

‘(4) Without limiting subsections (1) and (3) and to further remove any doubt, it is also declared that the relocation to this Act of the relocated provisions did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law and, in particular, did not affect the meaning or

## SCHEDULE 1 (continued)

effect that the existing or relocated provisions, or the provisions of the other law, had because of the respective times when they were enacted.

‘(5) In addition, it is declared that the relocation did not—

- (a) affect any jurisdiction or power of a court or judge; or
- (b) affect any principle or rule of law or equity; or
- (c) affect any right, privilege or liability; or
- (d) revive anything not existing or in force.

**‘PART 2—ABOLITION OF RULE OF COMMON  
EMPLOYMENT’.**

**3. Section 2(2), ‘Act’—**

*omit, insert—*

‘section’.

**4. Section 3, ‘Act shall bind’—**

*omit, insert—*

‘part binds’.

## SCHEDULE 1 (continued)

**5. After section 3—***insert—***‘PART 3—TORTFEASORS CONTRIBUTION AND  
CONTRIBUTORY NEGLIGENCE***‘Division 1—Interpretation**‘Division 2—Proceedings against, and contribution between, tortfeasors**‘Division 3—Contributory negligence***‘PART 4—CIVIL REMEDIES BETWEEN SPOUSES****‘PART 5—VOLUNTARY AID IN EMERGENCY****‘PART 6—AGE OF MAJORITY****‘What is age of majority****‘10.** The age of majority is 18 years.**‘PART 7—LEGAL CAPACITY OF SPOUSES****‘Spousal capacity****‘11.(1)** A married person has a legal personality that is independent, separate and distinct from the legal personality of the person’s spouse.

## SCHEDULE 1 (continued)

‘(2) A married person has the same legal capacity that the person would have if the person were unmarried.’

**‘PART 8—MISCELLANEOUS****‘Regulation making power**

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

**‘References to certain Acts and provisions**

‘13.(1) In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act, and a reference (whether express or implied) to a provision of any of the following Acts that was located to this Act may, if the context permits, be taken to be a reference to the corresponding provision of this Act—

- *Law Reform (Husband and Wife) Act 1968*
- *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*
- *Voluntary Aid in Emergency Act 1973.*

‘(2) In an Act or document, a reference to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951* is a reference to this Act.’

**‘Numbering and renumbering of Act**

‘14. In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’

## SCHEDULE 1 (continued)

**Explanatory note**

This Bill proposes to relocate substantive provisions from 3 other Acts and enact provisions in substitution for the provisions of other Acts.

The Acts from which provisions are to be relocated are mentioned in proposed section 1A. The Acts from which provisions are relocated are then proposed to be repealed.

In addition, this Bill enacts provisions in substitution for the provisions of the *Age of Majority Act 1974*, the *Married Women's Property Act 1890* and the *Married Women (Restraint on Anticipation) Act 1952*. The provisions of these Acts have long since operated to change the law and most of the remaining provisions are transitional provisions whose operation is arguably exhausted. This Bill enacts provisions that are intended to preserve the effect of the Acts. These Acts are also proposed to be repealed.

Except so far as the relocated provisions are expressly amended by this Bill, it is intended that the relocation of the provisions should not change the meaning of the relocated provisions or any other provisions. This intention is made clear by a number of proposed provisions. These provisions are discussed below. However, comments made in the explanatory note to the amendments of the *Supreme Court Act 1921* deal more fully with similar issues and are also relevant to the relocation of provisions to this Act.

Amendment 1 replaces the Act's long title so that the description of the scope of the Act reflects the provisions relocated to, and enacted in, the Act, and the nature of the Act as a consolidating Act.

Amendment 2 omits the section about the Act's short title, and inserts the following provisions—

- proposed part headings for the preliminary and existing provisions of the Act
- a replacement section about the Act's short title (proposed section 1)
- a new section explaining the consolidation and its intended effect (proposed section 1A).

The Act's short title reflects the broad subject matter of the Act.

Proposed section 1A(1) explains that the Act is, in part, a consolidation of provisions of the Act and provisions relocated from the 3 Acts mentioned in the subsection.

Proposed section 1A(2) explains that the Act is also a consolidation of provisions of the law about the age of majority, and the legal capacity of spouses.

Proposed section 1A(3) addresses the legal effect of the relocations. The subsection

## SCHEDULE 1 (continued)

states that the relocation is not a re-enactment of the provisions, but merely the moving of provisions from one part of the statute book to another. The nature of the main amendments as relocations, rather than re-enactments, reinforces the nature of this Bill as a consolidating Act.

The intention of the consolidation effected by the relocations is to reduce the fragmentation that presently exists in relation to statutory provisions of a general law reform nature by creating a compilation of the provisions. There is no intention to change the legal effect of the relocated provisions (or any other provisions) by the consolidation.

Accordingly, proposed section 1A(4) states that the relocation did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law. The subsection also states that the relocation did not affect the meaning or effect that the existing, relocated or other provisions had because of the respective times when they were enacted.

To put the matter further beyond doubt, section 1A(5) expressly provides that the relocation did not have certain consequences stated in the subsection. Thus, for example, the relocation did not affect any principle or rule of law or equity.

Amendments 3 and 4 are consequential on the relocations and re-enactments made by this Bill.

Amendment 5 inserts the following provisions—

- a proposed part (part 6) to restate the current age of majority that was effected by the *Age of Majority Act 1974*
- a proposed part (part 7) to restate the current position of the legal capacity of spouses that was effected by Acts such as the *Married Women's Property Act 1890* and the *Married Women (Restraint on Anticipation) Act 1952*
- a proposed part (part 8) dealing with miscellaneous matters. This part includes a regulation making power, a proposed section to enable references to be updated, and a provision requiring the consolidated Act to be renumbered in the next reprint.

## SCHEDULE 1 (continued)

**LAW REFORM (HUSBAND AND WIFE) ACT 1968****Amendment****1. Section 2(2), words after paragraph (a)—**

*omit.*

**2. Section 2(3)—**

*omit.*

**3. Section 4, ‘Act’—**

*omit, insert—*

‘part’.

**4. Sections 2 to 4, as amended by this Act—**

*relocate to Law Reform (Abolition of the Rule of Common Employment) Act 1951, part 4.*

**Explanatory note**

Amendments 1 and 2 omit redundant provisions.

Amendment 3 is consequential on amendment 4.

Amendment 4 relocates provisions of the Act, as amended by this Bill, to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951*. This will enable the Act to be repealed by this Bill.

## SCHEDULE 1 (continued)

**LAW REFORM (TORTFEASORS CONTRIBUTION,  
CONTRIBUTORY NEGLIGENCE, AND DIVISION OF  
CHATTELS) ACT 1952****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions for part’.**

**2. Section 4, ‘this Act’—**

*omit, insert—*

**‘this part’.**

**3. Section 4, as amended by this Act—**

*relocate to Law Reform (Abolition of the Rule of Common Employment)  
Act 1951, part 3, division 1.*

**4. Section 6, ‘this part’—**

*omit, insert—*

**‘this division’.**

**5. Sections 8 and 9—**

*omit, insert—*

**‘Additional definitions for division**

**‘8. In this division—**

## SCHEDULE 1 (continued)

“**child**” see *Supreme Court Act 1995* (the “**1995 Act**”), part 4.<sup>35</sup>

“**judgment first given**” means—

- (a) for a judgment reversed on appeal—the first judgment given that is not later reversed on appeal; or
- (b) for a judgment varied on appeal—the judgment as varied.

“**parent**” see the 1995 Act, part 4.

“**spouse**” see the 1995 Act, part 4.

**‘Application of division**

**‘9.(1)** This division does not—

- (a) apply to a tort committed before 12 January 1953<sup>36</sup>; or
- (b) affect a criminal prosecution against a person; or
- (c) render enforceable an agreement for indemnity that would not otherwise have been enforceable.

**‘(2)** However, subsection (1)(c) does not apply to a claim for contribution or any liability arising from that claim if—

- (a) the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*, repealed section 7, would have applied to the claim apart from its repeal; and
- (b) the act or omission giving rise to the claim happened before 1 June 1968.<sup>37</sup>

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<sup>35</sup> Part 4 (Provisions from Common Law Practice Act 1867)

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<sup>36</sup> This is the commencement date of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*.

<sup>37</sup> This is the commencement date of the *Law Reform (Husband and Wife) Act 1968*.

## SCHEDULE 1 (continued)

**6. Sections 5 to 9, as amended by this Act—**

*relocate to Law Reform (Abolition of the Rule of Common Employment) Act 1951, part 3, division 2.*

**7. Section 10(3), ‘Part 2’—**

*omit, insert—*

‘Division 2’.

**8. Section 10(5), from ‘Statute of Frauds’ to ‘or any other enactment’—**

*omit, insert—*

‘Limitation of Actions Act 1974 or another Act’.

**9. Section 11—**

*omit.*

**10. Section 12—**

*omit, insert—*

**‘Application of division**

‘**12.** This division does not apply to a case if the acts or omissions giving rise to the claim happened before 12 January 1953.<sup>38</sup>’.

**11. Sections 10 to 12, as amended by this Act—**

*relocate to Law Reform (Abolition of the Rule of Common Employment) Act 1951, part 3, division 3.*

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<sup>38</sup> This is the commencement date of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1, 2, 4, 5, 7 and 10 are consequential on the relocation of provisions of this Act to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951*.

Amendments 3, 6 and 11 relocate the provisions of the Act, as amended by this Bill, to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951*. This will enable the Act to be repealed.

Amendments are also consequential on the relocations of the provisions of the *Common Law Practice Act 1867* to the *Supreme Court Act 1921*. The opportunity has been taken to update the drafting of the provisions in accordance with current drafting practice.

Amendment 8 updates a reference.

Amendment 9 omits a redundant section.

**LEGAL AID ACT 1978****Amendment****1. Section 2—**

*omit.*

**2. Section 6, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 6(1), definitions “bank”, “chief executive” and “commencing day”—**

*omit.*

## SCHEDULE 1 (continued)

**4. Section 6(1)—***insert—***‘“commencing day” means 3 December 1979.’****5. Section 6(2), as heading—***insert—***‘Reference to provision of legal assistance’.****6. Section 6(2), as amended—***renumber as section 6A.***7. Section 6(3), as heading—***insert—***‘Provision requiring moneys to be paid to credit of fund etc.’.****8. Section 6(3), as amended—***renumber as section 6B.***9. Section 10A—***omit, insert—***‘Delegation by commission****‘10A. The commission may delegate its powers under this Act to the director, or a committee of 1 or more commissioners.’.****10. Section 49—***omit.*

## SCHEDULE 1 (continued)

**11. Section 51, ‘on the recommendation of the Minister’—**

*omit.*

**12. Section 55(1)(a)—**

*omit, insert—*

‘(a) during all or any vacancies in the office; or’.

**13. Section 55(1), words after paragraph (b)—**

*omit.*

**14. Section 55(2) to (7)—**

*omit.*

**15. Section 61(1)(a)—**

*omit, insert—*

‘(a) during all or any vacancies in the office; or’.

**16. Section 61(1), words after paragraph (b)—**

*omit.*

**17. Section 61(2) to (7)—**

*omit.*

**18. Section 81(2A)(b)—**

*omit, insert—*

‘(b) the Barristers’ Board; or’.

## SCHEDULE 1 (continued)

**19. Section 81(2A)(f)—***omit, insert—*

‘(f) the Solicitors’ Board; or’.

**20. Sections 86 and 88—***omit, insert—***‘Regulation making power**

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

**21. Part 13, division 2, heading, ‘staff’—***omit, insert—*‘*ALAO staff*’.**22. After section 100—***insert—**‘Division 3—Public Defender’s Office staff***‘Definitions for div 3**

‘101. In this division—

“commencement date” means 28 March 1991.

“repealed Act” means the *Public Defence Act 1974*.’.**Explanatory note**

Amendment 1 omits an obsolete provision dealing with the Act’s commencement.

Amendment 2 revises a section heading in accordance with current drafting practice.

Amendment 3 omits redundant definitions.

Amendment 4 replaces an updated definition.

## SCHEDULE 1 (continued)

Amendments 5 to 8 recast subsections of a section as separate sections with their own headings.

Amendment 9 updates a provision dealing with delegation by the commission in accordance with current drafting practice.

Amendment 10 omits a provision now covered by the *Financial Administration and Audit Act 1977*.

Amendment 11 removes a reference to an act being done on the recommendation of the Minister.

Amendments 12 to 17 updates the wording of acting provisions in accordance with current drafting practice.

Amendments 18 and 19 simplify references to the admission boards.

Amendment 20 updates the regulation making power in accordance with current drafting practice.

Amendment 21 and 22 are consequential on the relocation to this Act of provisions of the *Legal Aid Act Amendment and Public Defence Act Repeal Act 1991*.

## LEGAL AID ACT AMENDMENT AND PUBLIC DEFENCE ACT REPEAL ACT 1991

### Amendment

#### 1. Section 3.4(2)—

*omit.*

#### 2. Section 3.5, ‘of the *Legal Aid Act 1978–1991*’—

*omit.*

#### 3. Sections 3.3 to 3.8, as amended by this Act—

*relocate to Legal Aid Act 1978, as sections 102 to 107.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 omits a redundant provision.

Amendment 2 is consequential on the relocation of the provisions of this Act to the *Legal Aid Act 1978*.

Amendment 3 relocates the remaining provisions of the Act, as amended by this Bill, to the *Legal Aid Act 1978*. This will enable the Act to be repealed by the Bill.

**LEGAL ASSISTANCE ACT 1965****Amendment****1. Section 3—**

*omit, insert—*

***‘Division 1—Purpose of part*****‘Purpose**

‘3. The purpose of this part is to make legal assistance more readily available to persons of limited means.

***‘Division 1A—Interpretation*****‘Definitions for part**

‘3A. In this part—

“**commission**” means the Legal Aid Commission.

“**guarantee fund**” means the Legal Practitioners’ Fidelity Guarantee Fund established under the *Queensland Law Society Act 1952*.

“**legal aid fund**” means the legal aid fund established under the *Legal Aid Act 1978*.

“**society**” means the Queensland Law Society Incorporated.

## SCHEDULE 1 (continued)

**2. Part 2, heading—**

*omit, insert—*

***‘Division 2—Administration and finance’.***

**3. Section 9, ‘Act’—**

*omit, insert—*

***‘part’.***

**4. Section 10(1), definitions “bank” and “Solicitor”—**

*omit.*

**5. Section 10(1)—**

*insert—*

***‘“solicitor” means a solicitor or conveyancer of the Supreme Court and, in relation to any trust bank account, means the solicitor or solicitors, or anyone else who may lawfully operate on that trust bank account.’.***

**6. Section 10(4)(d), ‘the Governor in Council on the recommendation of’—**

*omit.*

**7. Section 10(5)(b)(i), ‘50% thereof’—**

*omit, insert—*

***‘the prescribed percentage of the balance’.***

**8. Section 10(5), 2nd sentence—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘(5A) In subsection (5)—**

**“prescribed amount”** means \$5 000 000.

**“prescribed percentage”** means 50% or, if another percentage is prescribed under a regulation, the prescribed percentage.’.

**9. Section 10(6)—**

*omit.*

**10. Section 10(7), 2nd sentence, ‘a public accountant within the meaning of and registered under the *Public Accountants Registration Act 1946–1975* appointed by the society’—**

*omit, insert—*

‘the Auditor-General’.

**11. Section 31, ‘Act’—**

*omit, insert—*

‘part’.

**12. Section 31(2), as amended by this Act—**

*renumber* as section 31A.

**13. Sections 32 and 33, ‘Act’—**

*omit, insert—*

‘part’.

## SCHEDULE 1 (continued)

**14. Section 33, ‘\$200’—**

*omit, insert—*

‘5 penalty units’.

**15. Sections 34 and 35—**

*omit.*

**16. Sections 3 to 33, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Legal Practitioners Act Amendment Act 1968, part 7.*

**17. Schedule—**

*relocate to Legal Practitioners Act Amendment Act 1968.*

**Explanatory note**

Amendments 1 to 3, 11 and 13 make changes consequential on the relocation of provisions of the Act to the *Legal Practitioners Act Amendment Act 1968*.

Amendment 1 also replaces the definition section and inserts a purpose clause taken from the Act’s long title.

Amendment 4 omits a definition now covered by the *Acts Interpretation Act 1954* and a definition replaced by amendment 5.

Amendment 6 allows the Treasurer rather than the Governor in Council to approve securities in which investments can be made.

Amendments 7 to 9 implement current drafting practice by providing that the statutory instruments to be used under the relevant section are regulations. The opportunity has also been taken to simplify the drafting of provisions.

Amendment 10 omits an obsolete reference and provides that the Auditor-General is to audit the accounts established under the Act. This reflects the present position.

Amendment 12 recasts a subsection as a separate section.

Amendment 14 changes a penalty expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

Amendment 15 omits provisions made redundant by other amendments.

Amendments 16 and 17 relocate provisions of the Act, as amended by this Bill, to the *Legal Practitioners Act Amendment Act 1968*. This will enable the Act to be repealed by this Bill.

## LEGAL PRACTITIONERS ACT AMENDMENT ACT 1938

### Amendment

#### 1. Section 1—

*omit.*

#### 2. Section 2(1), ‘, but subject to as hereinafter provided’—

*omit.*

#### 3. Section 2(1), words after ‘prior to’—

*omit, insert—*

‘that date’.

#### 4. Section 2(2)—

*omit.*

#### 5. Section 3—

*omit.*

#### 6. Section 6—

*omit.*

## SCHEDULE 1 (continued)

**7. Section 10, ‘this Act’—**

*omit, insert—*

*‘the Legal Practitioners Act Amendment Act 1938’.*

**8. Schedule—**

*omit.*

**9. Sections 2 to 10, as amended by this Act—**

*relocate to Legal Practitioners Act Amendment Act 1968, part 6.*

**Explanatory note**

Amendment 1 omits provisions about the Act’s short title and construction.

Amendment 2 is consequential on amendment 4.

Amendment 3 omits redundant wording.

Amendment 4 to 6 and 8 omit redundant provisions.

Amendment 7 is consequential on the relocation of the provisions of this Act to the *Legal Practitioners Act Amendment Act 1968*.

Amendment 9 relocates the provisions of the Act, as amended by this Bill, to the *Legal Practitioners Act Amendment Act 1968*. This will enable the Act to be repealed by this Bill.

**LEGAL PRACTITIONERS ACT AMENDMENT ACT  
1968****Amendment****1. Title—**

*omit, insert—*

**‘An Act to consolidate certain provisions about legal practitioners’.**

## SCHEDULE 1 (continued)

**2. Section 1—***omit, insert—***‘PART 1—PRELIMINARY****‘Short title**

**‘1.** This Act may be cited as the *Legal Practitioners Act 1995*.

**‘Act is a consolidation**

**‘1A.(1)** This Act is a consolidation of provisions of the *Legal Practitioners Act Amendment Act 1968* (the “**existing provisions**”) and provisions relocated from the following Acts (the “**relocated provisions**”)—

- *Costs Act 1867*
- *Legal Assistance Act 1965*
- *Legal Practitioners Act Amendment Act 1938*
- *Solicitors Act 1891*
- *Supreme Court Act 1867*
- *Supreme Court Act 1921*.

**‘(2)** To remove any doubt, it is declared that the relocated provisions were not re-enacted by the *Statute Law Revision Act (No. 2) 1995*, but merely moved (without re-enactment) from the Acts in which they were enacted to this Act.

**‘(3)** Without limiting subsections (1A) and (2) and to further remove any doubt, it is also declared that the relocation to this Act of the relocated provisions did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law and, in particular, did not affect the meaning or effect that the existing or relocated provisions, or the provisions of the other law, had because of the respective times when they were enacted.

## SCHEDULE 1 (continued)

‘(4) In addition, it is declared that the relocation did not—

- (a) affect any jurisdiction or power of a court or judge; or
- (b) affect any principle or rule of law or equity; or
- (c) affect any right, privilege or liability; or
- (d) revive anything not existing or in force.

**‘Definition**

‘1B. In this Act—

“approved form” see section 9.

**‘PART 2—PROVISIONS FROM COSTS ACT 1867****‘PART 3—PROVISIONS FROM SUPREME COURT  
ACT 1867****‘PART 4—PROVISIONS FROM SOLICITORS ACT  
1891****‘PART 5—PROVISIONS FROM SUPREME COURT  
ACT 1921****‘PART 6—PROVISIONS FROM LEGAL  
PRACTITIONERS ACT AMENDMENT ACT 1938****‘PART 7—PROVISIONS FROM LEGAL ASSISTANCE  
ACT 1965**

## SCHEDULE 1 (continued)

**‘PART 8—PROVISIONS FROM LEGAL  
PRACTITIONERS ACT AMENDMENT ACT 1968’.****3. Section 4, heading—***omit, insert—***‘Definitions for pt 8’.****4. Sections 4 and 5, ‘this Act’—***omit, insert—***‘this part’.****5. Section 4, definition “Rules of Court”, words after ‘1968’—***omit.***6. Section 6—***omit.***7. Section 7(1)(e)(i), ‘this Act’—***omit, insert—***‘this part’.****8. Section 7(2)(a)(iva) and (v)—***omit, insert—*

(iva) the chief office of the department in which this Act is administered;

(v) the Office of the Queensland Parliamentary Counsel;’.

## SCHEDULE 1 (continued)

**9. Section 7(2)(b), ‘this Act’—**

*omit, insert—*

‘the *Legal Practitioners Act Amendment Act 1968*’.

**10. Section 8(1)(a)(iv)—**

*omit, insert—*

‘(iv) the office of the Queensland parliamentary counsel;’.

**11. Section 8(1)(a)(ix), ‘of the Attorney-General’—**

*omit.*

**12. Section 8(b)(i) to (ii)—**

*omit, insert—*

(i) chief executive of the department in which this Act is administered; or

(ii) a stipendiary magistrate; or’.

**13. Section 8(3), ‘this Act’—**

*omit, insert—*

‘the *Legal Practitioners Act Amendment Act 1968*’.

## SCHEDULE 1 (continued)

**14. After section 8—**

*insert—*

**‘PART 9—MISCELLANEOUS****‘Approved forms**

**‘9.** The chief executive may approve forms for use under this Act (other than forms for use in or in relation to a court).

**‘Regulation making power**

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

**‘(2)** A regulation may make provision about a matter mentioned in the schedule.

**‘References to certain Acts and provisions**

**‘11.(1)** In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act, and a reference (whether express or implied) to a provision of any of the following Acts that was relocated to this Act may, if the context permits, be taken to be a reference to the corresponding provision of this Act—

- *Legal Assistance Act 1965*
- *Legal Practitioners Act Amendment Act 1938*
- *Solicitors Act 1891.*

**‘(2)** In an Act or document, a reference (whether express or implied) to a provision of the Supreme Court Acts (whether or not the reference includes a year or years) or to any of the following Acts that was relocated to this Act may, if the context permits, be taken to be a reference to this Act or the corresponding provision of this Act, as the case requires—

- *Costs Act 1867*
- *Supreme Court Act 1867*

## SCHEDULE 1 (continued)

- *Supreme Court Act 1921.*

‘(3) In an Act or document, a reference to the *Legal Practitioners Act Amendment Act 1968* is a reference to this Act.

**‘Numbering and renumbering of Act**

‘12. In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**Explanatory note**

This Bill proposes to relocate substantive provisions from 6 other Acts to this Act. The Acts from which provisions are to be relocated are mentioned in proposed section 1A. The Acts from which provisions are relocated are then proposed to be repealed.

Except so far as the relocated provisions are expressly amended by this Bill, it is intended that the relocation of the provisions should not change the meaning of the relocated provisions or any other provisions. This intention is made clear by a number of proposed provisions. These provisions are discussed below. However, comments made in the explanatory note to the amendments of the *Supreme Court Act 1921* deal more fully with similar issues and are also relevant to the relocation of provisions to this Act.

Amendment 1 replaces the Act’s long title so that the description of the scope of the Act reflects the nature of the Act as a consolidating Act.

Amendment 2 omits the section about the Act’s short title, and inserts the following provisions—

- proposed part headings for the preliminary provisions of the Act, the existing provisions of the Act and provisions relocated from other Acts
- a replacement section about the Act’s short title (proposed section 1)
- a new section explaining the consolidation and its intended effect (proposed section 1A)
- a new definition section (proposed section 1B).

The part headings state the Acts from which the provisions have been relocated. This will help the reader of the resulting Act to ascertain readily the historical context of the provisions.

## SCHEDULE 1 (continued)

The Act's short title reflects the subject matter of the Act.

Proposed section 1A(1) explains that the Act is a consolidation of provisions of the Act and provisions relocated from the 6 Acts mentioned in the subsection.

Proposed section 1A(2) addresses the legal effect of the relocations. The subsection states that the relocation is not a re-enactment of the provisions, but merely the moving of provisions from one part of the statute book to another. The nature of the main amendments as relocations, rather than re-enactments, reinforces the nature of the Bill as a consolidating Act.

The intention of the consolidation effected by the relocations is to reduce the fragmentation that presently exists in relation to statutory provisions about the legal profession by creating a compilation of the provisions. There is no intention to change the legal effect of the relocated provisions (or any other provisions) by the consolidation.

Accordingly, proposed section 1A(3) states that the relocation did not impliedly repeal or amend, or otherwise affect the operation of, the relocated provisions or the provisions of any other law. The subsection also states that the relocation did not affect the meaning or effect that the existing, relocated or other provisions had because of the respective times when they were enacted.

To put the matter further beyond doubt, section 1A(4) expressly provides that the relocation did not have certain consequences stated in the subsection. Thus, for example, the relocation did not affect any jurisdiction or power of a court or judge.

Amendment 3 revises a section heading in accordance with current drafting practice.

Amendments 4, 7, 9 and 13 are consequential on the relocation to the Act of provisions of other Acts.

Amendment 5 omits redundant words from a definition (see *Acts Interpretation Act 1954*, section 14H).

Amendments 8, 10 and 12 update references.

Amendment 14 inserts a new part with 4 proposed sections. Proposed section 9 allows the chief executive to approve forms for the Act (other than forms for use in or in relation to a court). Proposed section 10 is a regulation making power for the Act. Proposed section 11 enables references to the relocated provisions, and the Acts from which they were relocated, to be updated in reprints (see *Reprints Act 1992*, section 22(4)). The proposed section also deals with references to the amended Act by its previous short title. Proposed section 12 requires the consolidated Act to be renumbered in the next reprint.

## SCHEDULE 1 (continued)

**LOCAL GOVERNMENT (ABORIGINAL LANDS) ACT  
1978****Amendment****1. Section 3 (1), definitions “Aboriginal Council” and “public purposes” —**

*omit.*

**2. Section 3(1)—**

*insert—*

‘ **“Aboriginal council”** means an Aboriginal council established under the *Community Services (Aborigines) Act 1984*, section 15(1) or (2).

**“public purpose”** means—

- (a) a purpose for which land may be taken under the *Acquisition of Land Act 1967*; or
- (b) a community purpose within the meaning of the *Land Act 1994*;  
or
- (c) the purpose of townships.’

**3. Section 6(2)(d), ‘Land Act 1962’—**

*omit, insert—*

‘*Land Act 1994*’.

**4. Section 6(2A)—**

*omit.*

## SCHEDULE 1 (continued)

**5. Section 6(3B), from ‘order in council’ to ‘Crown land’—**

*omit, insert—*

‘regulation and the *Land Act 1994*, chapter 3, part 1 applies to the reservation and setting apart as if the land were unallocated State land’.

**6. Section 6(3C), from ‘Upon’ to ‘order in council’—**

*omit, insert—*

‘On the day the regulation commences’.

**7. Section 6(3C)(a), from ‘order in council’ to ‘*Land Act 1962*’—**

*omit, insert—*

‘regulation and may be dealt with under the *Land Act 1994*, chapter 3, part 1’.

**8. Section 6(3C)(b) and (4), ‘*Land Act 1962*’—**

*omit, insert—*

‘*Land Act 1994*’.

**9. Section 9, from ‘Department’ to ‘area’—**

*omit, insert—*

‘the department’s office at Brisbane as the Shire of Aurukun is declared to be a local government area’.

**10. Section 10, from ‘Department’ to ‘area’—**

*omit, insert—*

‘the department’s office at Brisbane as the Shire of Mornington is declared to be a local government area’.

## SCHEDULE 1 (continued)

**11. Section 14(a), ‘an area’—**

*omit, insert—*

‘local government areas’.

**12. Section 18(1)(b), ‘for Aboriginal and Island Affairs’—**

*omit, insert—*

‘who administers the *Community Services (Aborigines) Act 1984*’.

**13. Section 18(2), ‘by notification published in the Gazette’—**

*omit.*

**14. Section 21(e), ‘for Aboriginal and Island Affairs’—**

*omit, insert—*

‘who administers the *Community Services (Aborigines) Act 1984*’.

**15. Section 22(1), ‘, of the Governor’ to ‘Queensland’—**

*omit, insert—*

‘direct a Minister’.

**16. Section 27(2A), ‘by notification published in the Gazette’—**

*omit.*

**17. Schedule 1, section 3, ‘Department of Mapping and Surveying at Brisbane’—**

*omit, insert—*

‘department in Brisbane’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1 and 2 replace existing definitions with updated references.

Amendments 3 and 8 update references to the *Land Act 1994*.

Amendment 4 omits a redundant transitional subsection.

Amendments 5 and 7 change the type of instrument from an order in council to a regulation and update references to the *Land Act 1994*.

Amendment 6 is consequential on amendment 5.

Amendments 9 and 10 update departmental references. The amendments and amendment 11 change the description of the geographical area to 'local government area' to be consistent with the *Local Government Act 1993*.

Amendments 12 and 14 update Ministerial references.

Amendments 13 and 16 update the provisions to remove the gazettal requirement in accordance with current drafting style.

Amendment 15 omits an administrative matter.

Amendment 17 updates a departmental reference.

**LOCAL GOVERNMENT (CHINATOWN AND THE  
VALLEY MALLS) ACT 1984****Amendment****1. After section 45—**

*insert—*

**'Local Government (Chinatown Mall) Act 1984 references**

'**46.** In an Act or document, a reference to the *Local Government (Chinatown Mall) Act 1984* is a reference to this Act.'

**Explanatory note**

This amendment inserts a provision to deal with references to the Act by its earlier short title. The provision will enable the references to be updated in reprints.

## SCHEDULE 1 (continued)

**MAGISTRATES COURTS ACT 1921****Amendment****1. Section 2—**

*insert—*

‘**“Magistrates Courts jurisdiction Act”** means—

- (a) the *Evidence Act 1977*; or
- (b) a law prescribed under a regulation for this definition.’

**2. Section 14(4)—**

*omit, insert—*

‘**(4)** In this section—

**“jurisdiction law”** means—

- (a) this Act; or
- (b) a Magistrates Courts jurisdiction Act; or
- (c) another law giving jurisdiction to Magistrates Courts.’

**Commencement**

These amendments commence immediately after the commencement of the *Courts Legislation Amendment Act 1995*, section 22.

**Explanatory note**

The *Courts Legislation Amendment Act 1995* will, when it commences fully, amend the *Magistrates Courts Act 1921* to replace separate rule making powers in individual Acts under which the Magistrates Courts have jurisdiction with a general rule making power in the Magistrates Courts Act for all Acts. The amendments of the Act made by this Bill will ensure that this general rule making power will continue to permit the making of rules for the *Evidence Act 1977* e.g. section 21A (Evidence of special witnesses). The amendments bring the rule making provisions of the Magistrates

## SCHEDULE 1 (continued)

Courts Act into line with the relevant rule making provisions of the *District Courts Act 1967*.

**MAINTENANCE ACT AND ANOTHER ACT  
AMENDMENT ACT 1978****Amendment****1. Section 13—**

*relocate* to the *Maintenance Act 1965* as section 138.

**Explanatory note**

This amendment relocates a substantive provision in the Act. The amendment will enable the Act to be repealed by this Bill.

**MARINE PARKS ACT 1982****Amendment****1. Section 15, ‘order’—**

*omit, insert—*

‘regulation’.

**2. Section 30(1), words before paragraph (a)—**

*omit, insert—*

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

‘**(2)** A regulation may be made for or about the following—’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 corrects a cross-reference error consequent on an amendment to section 15 by the *Fisheries Act 1994*.

Amendment 2 revises the regulation making power to bring it into line with current drafting practice.

**MEAKER TRUST (RAINE ISLAND RESEARCH) ACT  
1981****Amendment****1. Section 8(1), ‘, by notification published in the Gazette’—**

*omit.*

**2. Section 8(2) and (3)—**

*omit.*

**3. Section 11(2)—**

*omit.*

**4. Section 20—**

*omit.*

**5. Section 25(1)—**

*omit, insert—*

**‘25.(1)** Before 31 August in each financial year the corporation must, frame, adopt and present to the Minister a budget for its trust fund showing its estimates of its receipts and disbursements for the financial year.

## SCHEDULE 1 (continued)

‘(1A) On application by the corporation, the Minister may extend the time for compliance with subsection (1).’.

**Explanatory note**

Amendment 1 updates a reference in line with current drafting practice.

Amendments 2 to 4 omit redundant provisions.

Amendment 5 omits the redundant part of section 25(1) and recasts the remainder of the provision.

**MEDICAL ACT 1939****Amendment****1. Section 4(1)—**

*insert—*

‘**“approved form”** see section 16A.<sup>39</sup>’.

**2. Before section 7, ‘Rules respecting Tribunal’—**

*omit.*

**3. Section 7—**

*omit.*

**4. Section 8(2), ‘by notification published in the Gazette’—**

*omit.*

<sup>39</sup> Section 16A (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 16(1) to (1B)—**

*omit, insert—*

**‘16.(1)** The board may make by-laws under this Act.

**‘(1A)** A by-law must be approved by the Governor in Council.<sup>40</sup>

**‘(1B)** A by-law may create offences and prescribe penalties of not more than 30 penalty units for each offence.’.

**6. Section 16(1C), words before paragraph (a)—**

*omit, insert—*

**‘(1C)** A by-law may be made for or about any of the following matters—’.

**7. Section 16(3)—**

*omit.*

**8. Part 3, after section 16—**

*insert—*

**‘Approval of forms**

**‘16A.** The board may approve forms for use under this Act.’.

**9. Section 23, ‘a form approved by the Board’—**

*omit, insert—*

**‘the approved form’.**

<sup>40</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

## SCHEDULE 1 (continued)

**10. Section 24A(2), ‘a form approved by the Board and’—**

*omit, insert—*

‘the approved form’.

**11. Section 35A(1)—**

*omit, insert—*

‘**35A.(1)** The board may make rules under this Act governing the professional conduct of medical practitioners.

‘**(1AA)** The rules must be approved by regulation.’.

**12. Section 38(1), ‘from time to time by order in council’—**

*omit, insert—*

‘by regulation’.

**13. Section 38(2), ‘Any such order in council’—**

*omit, insert—*

‘A regulation’.

**14. Section 47A, from ‘if’ to ‘so prescribed’—**

*omit, insert—*

‘if there is an approved form for the authorisation, under an authorisation in the approved form’.

**15. Section 48(7A), ‘the rules prescribe’—**

*omit, insert—*

‘a regulation prescribes’.

## SCHEDULE 1 (continued)

**16. Section 55(2), ‘prescribed form’—***omit, insert—*

‘approved form’.

**17. Section 55(4), ‘prescribed form’—***omit, insert—*

‘approved form’.

**18. Section 86, ‘for the purposes of’—***omit, insert—*

‘under’.

**19. Section 86—***insert—*

‘(2) The Governor in Council may, with the agreement of the judge constituting the tribunal, make regulations for or about any matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act in relation to the tribunal, including, for example, the fees and allowances payable to an assessor.’.

**20. After section 95—***insert—***‘Rules in force under previous s 35A**

‘**96.(1)** A rule in force under section 35A immediately before the commencement of this section is taken to have been approved by regulation.

‘(2) This section expires on the day it commences.’.

## SCHEDULE 1 (continued)

**‘Transitional provision about forms**

**‘97.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendments 1, 8, 9, 10, 14, 16 and 17 replace the current provisions under which forms are prescribed with provisions under which forms are approved by the board.

Amendment 2 omits a heading consequent on amendment 3.

Amendments 3, 4, 12, 13, 15 and 19 rationalise the types of statutory instruments that may be made under the Act.

Amendments 5, 6, 7, 11 and 18 revise powers to make subordinate legislation to bring them into line with current drafting practice and to omit redundant provisions.

Amendment 20 inserts transitional provisions about approved forms and the power to make rules about professional conduct.

## **MEDICAL ACT AND OTHER ACTS (ADMINISTRATION) ACT 1966**

**Amendment****1. Section 4(3)—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 5—**

*omit.*

**3. Section 7—**

*omit.*

**4. Section 15(1), from ‘and is liable’ to ‘\$500’—**

*omit.*

**5. Section 15(1), at the end—**

*insert—*

‘Maximum penalty—

- (a) for a first offence—6 penalty units;
- (b) for a second or later offence—10 penalty units.’.

**Explanatory note**

Amendments 1 to 3 omit redundant provisions.

Amendments 4 and 5 amend section 15 to recast the penalties into current drafting style, to omit a reference to a minimum penalty, and to express the amounts of the penalties in penalty units rather than monetary amounts.

**MINERAL RESOURCES ACT 1989****Amendment****1. Section 19(2), ‘or a reserve’, ‘or reserve’—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 51—***insert—*

‘(3) The owner of the land cannot withdraw his or her consent under subsection (2) once it has been lodged with the mining registrar.’.

**3. Section 184(d), after ‘in any case wholly’—***insert—*

‘or partly’.

**4. Section 186(1)(d), ‘section 183(m)(ii)’—***omit, insert—*

‘section 183(n)(i) and (ii)’.

**5. Section 291—***insert—*

‘(8) The current plan forms part of the conditions of the mining lease.’.

**6. Section 300(5), words from ‘thereof carried out in the prescribed manner’—***omit, insert—*

‘of the lease carried out, in the way approved by the Minister, by a surveyor licensed under the *Surveyors Act 1977*’.

**7. Section 309(2)(b)—***omit.*

## SCHEDULE 1 (continued)

**8. Section 313(2), ‘Minister for’—**

*omit, insert—*

‘mining registrar for the Minister’s’.

**9. Schedule, section 3(10)—**

*omit.*

**Explanatory note**

Amendment 1 omits words which are redundant. The definition of “occupied land” in section 5 of the Act includes a reserve.

Amendment 2 reinstates a provision that was ‘omitted’ when section 51 was replaced.

Amendment 3 amends a section to bring it into line with section 18.

Amendment 4 corrects a reference to another provision of the Act.

Amendment 5 reinserts a provision that was inadvertently omitted when section 291 was replaced.

Amendment 6 recasts section 300(5) to bring it into line with section 407(2) of the Act.

Amendments 7 and 9 omit provisions that are redundant because of the provisions of section 407(2) of the Act.

Amendment 8 amends a provision to bring it into line with section 314(1) of the Act.

**MT. GRAVATT SHOWGROUNDS ACT 1988****Amendment****1. Section 2—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 7(1)—**

*omit, insert—*

**‘7.(1)** The Governor in Council may appoint members of the trust, other than the member *ex officio*.’.

**3. Section 7(2), ‘in the gazette of notification of appointment’—**

*omit, insert—*

‘of a gazette notice’.

**4. Sections 16 and 17—**

*omit.*

**5. Section 19—**

*omit.*

**6. Section 25(1), words from ‘, with the approval of the Governor in Council’ to ‘provide for and regulate’—**

*omit, insert—*

‘make by-laws under this Act.

**(1A)** A by-law may be made about—’.

**7. Section 25(2), ‘referred to in the *Penalty Units Act 1985*’—**

*omit.*

## SCHEDULE 1 (continued)

**8. Section 25(3) to (5)—**

*omit, insert—*

‘(3) A by-law must be approved by the Governor in Council.<sup>41</sup>’.

**9. Section 26(1) and (2)—**

*omit.*

**10. After section 27—**

*insert—*

**‘Regulations**

**28.** The Governor in Council may make regulations under this Act.’.

**Explanatory note**

Amendment 1 omits the commencement provision. The effect of this provision is preserved by the *Acts Interpretation Act 1954*, section 19A.<sup>42</sup>

Amendments 2 and 3 removes the requirement for appointments to be by gazette notification.

Amendment 4 omits sections 16 and 17, and which were declaratory. The effect of these sections will be saved by *Acts Interpretation Act 1954*, sections 20 and 20A.<sup>43</sup>

Amendment 5 omits a section that is obsolete.

Amendments 6 to 8 omit redundant provisions and revise the trust’s by-law making power to bring it into line with current drafting practice.

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<sup>41</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

<sup>42</sup> Section 19A (Commencement not undone if omitted)

<sup>43</sup> Section 20 (Saving of operation of repealed Act etc.)  
Section 20A (Repeal does not end saving, transitional or validating effect etc.)

## SCHEDULE 1 (continued)

Amendment 9 omits provisions that are redundant because of the *Acts Interpretation Act 1954*, sections 44 and 45.<sup>44</sup>

Amendment 10 inserts a regulation making power.

## NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1985

### Amendment

**1. Sections 16(12), 18D(1), 18D(3), 18D(4) and 25, penalty—**

*omit, insert—*

‘Maximum penalty—40 penalty units or 1 year’s imprisonment.’.

**2. Sections 18(3) and 19(13), penalty—**

*omit, insert—*

‘Maximum penalty—20 penalty units or 6 months imprisonment.’.

**3. Section 23(2), ‘\$20 000’—**

*omit, insert—*

‘400 penalty units’.

**4. Section 23(4), ‘\$2 000’—**

*omit, insert—*

‘40 penalty units’.

<sup>44</sup> Section 44 (Summary proceedings)  
Section 45 (Offence punishable only once)

## SCHEDULE 1 (continued)

**5. Section 30(2), penalty—***omit, insert—*

‘Maximum penalty—100 penalty units or 1 year’s imprisonment.’.

**6. Section 33—***omit, insert—***‘Regulation making power**

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

**Explanatory note**

Amendments 1, 2 and 5 update the structure of the penalties in accordance with current drafting practice and change penalties expressed in dollars to penalty units.

Amendments 3 and 4 change penalties expressed in dollars to penalty units.

Amendment 6 updates the regulation making power in accordance with current drafting practice.

**NEWSTEAD HOUSE TRUST ACT 1939****Amendment****1. Section 3(11)—***omit, insert—*

‘**(11)** A member may resign office by written notice of resignation given to the Minister.’.

**2. Section 13, ‘fifty pounds’—***omit, insert—*

‘2 penalty units’.

## SCHEDULE 1 (continued)

**3. Section 14(1), from ‘on the recommendation’ to ‘that is to say’—**

*omit, insert—*

‘make regulations under this Act.

‘(2) A regulation may be made for or about the following’.

**4. Section 14(2)(ix), (x) and (xi) (as renumbered)—**

*omit, insert—*

‘(ix) for prescribing offences for a contravention of a regulation and fixing a maximum penalty of not more than 1 penalty unit.’.

**Explanatory note**

Amendment 1 revises a provision in accordance with current drafting practice.

Amendment 2 replaces an archaic penalty with a provision in accordance with current drafting practice.

Amendment 3 revises the power to make regulations in accordance with current drafting practice.

Amendment 4 omits provisions that are redundant and replaces a provision for offences under regulations in accordance with current drafting practice.

**NURSING ACT 1992****Amendment****1. Section 10(2)(y)—**

*omit, insert—*

‘(y) reporting of contraventions of a code of conduct approved under section 99.’.

## SCHEDULE 1 (continued)

**Explanatory note**

This amendment is made as a consequential amendment to the replacement of section 99 of the Act by the *Statute Law Revision Act 1995*, section 4, schedule 1.

**OATHS ACT 1867****Amendment****1. Section 34—**

*omit.*

**2. Section 43, ‘Oaths Act Amendment Act 1981’—**

*omit, insert—*

*‘Oaths Act Amendment Act 1891’.*

**Explanatory note**

Amendment 1 omits a section made redundant by recent amendments to the *Supreme Court of Queensland Act 1991*.

Amendment 2 corrects a typographical error.

**OFFICIALS IN PARLIAMENT ACT 1896****Amendment****1. After section 8—**

*insert—*

**‘Attorney-General is a Minister**

**8A.** To remove any doubt, it is declared that the Attorney-General is an officer and a Minister within the meaning of this Act.’.

## SCHEDULE 1 (continued)

**Explanatory note**

This amendment inserts a provision to remove any doubt that may arise about whether the provisions of the *Officials in Parliament Act 1896* apply to the Attorney-General.

**PARLIAMENTARY SERVICE ACT 1988****Amendment****1. Section 43(1)(b)(ii), ‘and published in the Government gazette’ —**

*omit.*

**2. Section 43(4), second sentence, ‘published in the Government gazette’ —**

*omit.*

**3. Section 48(1), ‘(otherwise than pursuant to section 46)’ —**

*omit.*

**Explanatory note**

The amendments omit wording made redundant by recent amendments of the Act.

**PAROLE ORDERS (TRANSFER) ACT 1984****Amendment****1. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

## SCHEDULE 1 (continued)

**2. Section 6(1) and (2), ‘instrument in’—**

*omit.*

**3. Section 12—**

*omit, insert—*

**‘Delegation**

‘**12.** The Minister may delegate the Minister’s powers under this Act to an officer or employee of the corrective services commission.’.

**4. Section 14, after ‘regulations’—**

*omit, insert—*

‘under this Act’.

**Explanatory note**

Amendment 1 changes a section heading in accordance with current drafting practice.

Amendment 2 omits redundant words in accordance with current drafting practice.

Amendment 3 updates the delegation power in accordance with current drafting practice.

Amendment 4 amends the regulation making power to accord with current drafting practice.

**PENALTIES AND SENTENCES ACT 1992****Amendment****1. Section 87—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 196, ‘for the purposes of’—**

*omit, insert—*

‘under’.

**3. Section 204A—**

*omit, insert—*

**‘Penalty Units Act 1985 references**

‘**205.** In an Act or document, a reference to the *Penalty Units Act 1985* may, if the context permits, be taken to be a reference to this Act.’.

**Commencement**

Amendment 1 commences on the day of commencement of the *Courts Legislation Amendment Act 1995*, section 14.

**Explanatory note**

Amendment 1 omits provisions made redundant by recent amendments of the *District Courts Act 1967*, *Magistrates Courts Act 1921* and *Supreme Court of Queensland Act 1991*.

Amendment 2 updates a regulation making power in accordance with current drafting practice.

Amendment 3 inserts a provision to deal with references to an earlier repealed Act that provided for some of the matters now dealt with in this Act. The provision will enable references to the repealed Act to be updated in reprints (see *Reprints Act 1992*, section 22(4)).

**PHARMACY ACT 1976****Amendment****1. Section 5, definition “approved form”, ‘section 41A’—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘section 41’.

**2. Section 25(6)(c)—**

*omit, insert—*

‘(c) order that the pharmacist pay to the board a penalty of not more than 20 penalty units;’.

**3. Section 32(3), penalty—**

*omit, insert—*

‘Maximum penalty—20 penalty units and an additional penalty of not more than 2 penalty units for each day the offence continues.’.

**Explanatory note**

Amendment 1 corrects a minor drafting error.

Amendments 2 and 3 restate penalty provisions in accordance with current drafting style including substituting penalty units for dollar penalties.

**PHYSIOTHERAPISTS ACT 1964****Amendment****1. Section 5—**

*omit.*

**2. Section 7(1)(d)—**

*omit, insert—*

‘(d) a lawyer.’.

## SCHEDULE 1 (continued)

**3. Section 16A(1), 16A(2) and 17A(1), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**Explanatory notes**

Amendment 1 omits an administrative matter in accordance with current drafting practice.

Amendment 2 updates a reference—see *Acts Interpretation Act 1954*, section 36.

Amendment 3 changes references from prescribed form to approved form in accordance with current drafting practice.

**PLANT PROTECTION ACT 1989****Amendment****1. Section 3, definitions “Director-General” and “records”—**

*omit.*

**2. Section 3 —**

*insert —*

‘“**approved form**” see section 34.’.

**3. Section 4—**

*omit.*

**4. Section 6A, ‘of the department’—**

*omit.*

## SCHEDULE 1 (continued)

**5. Sections 11(3), 18(1) and 18(6), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**6. Section 20(1), ‘Stipendiary’—**

*omit.*

**7. Section 32, ‘under the *Justices Act 1886* within 12 months’—**

*omit, insert—*

‘within 1 year’.

**8. Section 34—**

*omit, insert—*

**‘Approval of forms**

‘**34.** The chief executive may approve forms for use under this Act.

**‘Regulation making power**

‘**35.** The Governor in Council may make regulations under this Act.

**‘Transitional provision about forms**

‘**36.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is

## SCHEDULE 1 (continued)

taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**9. Schedule 2—**

*omit.*

**Explanatory note**

Amendment 1 omits definitions made redundant by the *Acts Interpretation Act 1954*, section 36.

Amendment 2 is consequential on amendment 7.

Amendment 3 omits an unnecessary administrative provision.

Amendment 4 omits unnecessary words (see the *Acts Interpretation Act 1954*, section 33(5B)).

Amendment 5 is consequential on amendment 8 so far as that amendment relates to approved forms.

Amendment 6 omits the word ‘Stipendiary’ because the *Acts Interpretation Act 1954*, section 36 defines “Magistrate” to mean a Stipendiary Magistrate.

Amendment 7 omits an unnecessary reference.

Amendment 8 inserts a provision allowing the chief executive to approve forms for the Act, updates the regulation making power in accordance with current legislative drafting practice and inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**POLICE SUPERANNUATION ACT 1968****Amendment****1. Section 4(1), definition “member of the Police Force”, ‘order in council’—**

*omit, insert—*

‘regulation’.

## SCHEDULE 1 (continued)

**Explanatory note.**

The amendment provides that the subordinate legislation to be used under the Act are regulations in accordance with current legislative drafting practice.

**POLICE SUPERANNUATION ACT 1974****Amendment****1. Section 4, definitions “commencement of this Act” and “medical practitioner”—**

*omit.*

**2. Section 4, definition “manager”, words after ‘chief executive officer of the board’—**

*omit.*

**3. Section 17(1)—**

*omit, insert—*

‘17.(1) The Governor in Council may appoint officers, including an actuary, under this Act and the 1968 Act.’.

**4. Section 19(1) to (2)—**

*omit, insert—*

‘19(1). The actuary must finish an investigation of the state and sufficiency of the fund at least once every 3 years.’.

**5. Section 19(3) to (5)—**

*renumber* as subsections (2) to (4).

## SCHEDULE 1 (continued)

**6. Section 34(1), definition “Index”, ‘by the Commonwealth Statistician under the authority of’—**

*omit, insert—*

‘under’.

**7. Section 58(3), ‘, and is liable to a penalty of \$20’—**

*omit.*

**8. Section 58(3), as a penalty—**

*insert—*

‘Maximum penalty—1 penalty unit.’.

**9. Section 66(1), penalty ‘\$100’—**

*omit, insert—*

‘2 penalty units’.

**10. Section 66A(2)—**

*omit.*

**Explanatory note**

Amendment 1 omits definitions that are redundant.

Amendment 2 omits part of a definition that is redundant.

Amendment 3 remakes an appointment provision in accordance with current drafting style.

Amendment 4 removes obsolete provisions from section 19 and restates the provision in accordance with current drafting style. The remaining subsections are renumbered by amendment 5.

Amendment 6 removes superfluous words from a definition.

## SCHEDULE 1 (continued)

Amendments 8 and 9 change dollar penalties to penalty units.

Amendment 10 removes an obsolete commencement provision. The effect of this provision is saved by the *Acts Interpretation Act 1954*, section 19A.<sup>45</sup>

## PRIMARY PRODUCERS' COOPERATIVE ASSOCIATIONS ACT 1923

### Amendment

#### 1. Section 3(1), definition “declared law”—

*omit, insert—*

‘ “**declared law**” means a law of another State or a Territory declared under a regulation to be a declared law for this Act.’

#### 2. Section 3(1), definition “deputy registrar”, words from ‘, and includes the officer’—

*omit.*

#### 3. Section 3(1), definition “land”—

*omit.*

#### 4. Section 3(1), definition “primary producer”, paragraph (g)—

*omit, insert—*

‘(g) anyone else (other than a person engaged in primary production as an employee on wages or piecework rates) declared under a regulation to be a primary producer for this Act.’

<sup>45</sup> Section 19A (Commencement not undone if omitted)

## SCHEDULE 1 (continued)

**5. Section 3(1), definition “primary producer”, paragraphs (a) to (g)—**  
*renumber.*

**6. Section 3(1), ‘and “primary produce” and “primary production” have correlative meanings;’—**

*omit.*

**7. Section 3(1), definition “registrar”, words from ‘appointed under this Act,’—**

*omit.*

**8. Section 3(1), definition “rules”—**

*omit.*

**9. Section 3(2)—**

*renumber* as section 3A.

**10. Section 3(3)—**

*omit.*

**11. Section 3(4), as a heading—**

*insert—*

**‘Board under the Primary Producers’ Organisation and Marketing Act 1926’.**

**12. Section 3(4) (as amended by this Act)—**

*renumber* as section 3B.

## SCHEDULE 1 (continued)

**13. Heading before section 4—**

*omit, insert—*

***‘Division 1—The registrar’.***

**14. Section 4—**

*omit, insert—*

**‘Registrar of Primary Producers’ Cooperative Associations**

**‘4.(1)** The Governor in Council may appoint a Registrar of Primary Producers’ Cooperative Associations.

**‘(2)** The registrar must keep a register of associations (including primary producers’ cooperative associations and primary producers’ cooperative federations) and must perform all other functions required under this Act.’.

**15. Section 4A(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**16. Section 4A(2)—**

*omit, insert—*

**‘(2)** The deputy registrar may exercise the functions of the registrar under this Act.’.

**17. Heading before section 5—**

*omit, insert—*

***‘Division 2—Formation of associations’.***

## SCHEDULE 1 (continued)

**18. Heading before section 6—**

*omit, insert—*

*‘Division 3—Objects’.*

**19. Section 6(1)(o)—**

*omit, insert—*

‘(o) to carry out any other objects, whether of the same or of a different kind, approved by regulation;’.

**20. Section 6(2), (3), (4), heading—**

*omit.*

**21. Heading before section 7—**

*omit, insert—*

*‘Division 4—Registration’.*

**22. Section 9(1), 10(1A)(a), schedule part 2 section 45(1), ‘form prescribed’—**

*omit, insert—*

‘approved form’.

**23. Section 9(3), words after ‘against this Act’—**

*omit, insert—*

‘Maximum penalty for subsection (3)—1 penalty unit for each day the offence continues.’.

## SCHEDULE 1 (continued)

**24. Section 19A(2), 19B(3), 20B(1), 25C(7)(a), 25D(6)(a), 28(2), schedule part 2 section 22, ‘prescribed form’—**

*omit, insert—*

‘the approved form’.

**25. Heading before section 13—**

*omit, insert—*

*‘Division 1—Model rules’.*

**26. Section 13—**

*omit, insert—*

**‘Model rules**

**‘13.(1)** The Governor in Council may by regulation make model rules of an association under this Act.

**‘(2)** However, no amendment of the model rules applies to an association which has adopted the model rules prior to the commencement of the amendment unless the amendment is adopted by the association in general meeting by special resolution in accordance with this Act.’.

**27. Heading before section 15—**

*omit, insert—*

*‘Division 2—Rules of associations and amendment of rules’.*

**28. Section 15(1A)(u), ‘from time to time by order in council’—**

*omit, insert—*

‘under a regulation’.

## SCHEDULE 1 (continued)

**29. Section 16(1), ‘from time to time’—**

*omit.*

**30. Section 19A(7A), ‘and shall be liable to a penalty not exceeding 100 penalty units’—**

*omit, insert—*

‘Maximum penalty—100 penalty units.’.

**31. Section 19A(9)—**

*omit, insert—*

‘(9) The Corporations Law applies to a winding up under subsection (8) as if the federation were a company within the meaning of that law and with such modifications as are prescribed under a regulation.’.

**32. Section 20(1)—**

*omit, insert—*

‘**20.(1)** Subject to this Act and any modification of it prescribed under a regulation to meet special circumstances, a provision of this Act applying to a primary producers’ cooperative association also applies to a primary producers cooperative federation, its formation and registration.’.

**33. Section 21—**

*omit, insert—*

***‘Division 1—Rules for associations*****‘Business, proceedings and property of associations**

‘**21.** The Governor in Council may by regulation make rules governing the business, proceedings and property of associations under this Act.’.

## SCHEDULE 1 (continued)

**34. Heading before section 22—**

*omit, insert—*

*‘Division 2—Cooperative companies’.*

**35. Section 22(3), definition “corporation”, paragraph (a)—**

*omit, insert—*

‘(a) a corporation within the meaning of the Corporations Law; or’.

**36. Section 22(4)—**

*omit, insert—*

‘(4) The Governor in Council may, under a regulation, exempt a specified corporation from this section on the conditions, specified in the regulation, the Governor in Council considers appropriate.’.

**37. Section 22(5) and (6), penalty—**

*omit, insert—*

‘Maximum penalty—10 penalty units.’.

**38. Section 23(1)—**

*insert—*

‘Maximum penalty—10 penalty units for each day the offence continues.’.

**39. Section 23(2)—**

*omit, insert—*

‘(2) The manager or principal officer of a body of persons (corporate or unincorporate) which commits an offence against subsection (1) also

## SCHEDULE 1 (continued)

commits an offence.

‘Maximum penalty—10 penalty units for each day the offence continues.’.

**40. Section 24(1)(a) and (b)—**

*omit, insert—*

(a) every corporation registered under the Corporations Law; and

(b) every society registered under the *Cooperative and Other Societies Act 1967*.’.

**41. Section 25—**

*omit, insert—*

**‘Exemption of societies registered under the Cooperative and Other Societies Act 1967**

‘**25.** This Act does not prevent a genuine cooperative trading society registered under the *Cooperative and Other Societies Act 1967* from using the word cooperative as part of its registered name.’.

**42. Sections 25A, 25C, ‘Companies (Queensland) Code’—**

*omit, insert—*

‘Corporations Law’.

**43. Section 25A, ‘that Code’—**

*omit, insert—*

‘that Law’.

**44. Section 25A, 25C, ‘Commissioner for Corporate Affairs’—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘Australian Securities Commission’.

**45. Section 25A(4B)—**

*omit, insert—*

‘(4B) The Governor in Council may grant the application under a regulation or refuse to grant it.’.

**46. Section 25B, ‘from time to time by order in council’—**

*omit, insert—*

‘, under a regulation,’.

**47. Section 25C(6)(a), ‘by order in council published in the Gazette’—**

*omit, insert—*

‘by gazette notice’.

**48. Section 25C(7), ‘Upon publication in the Gazette of an order in council referred to in’—**

*omit, insert—*

‘On gazettal of a notice under’.

**49. Section 25D(5)(a), ‘by order in council published in the Gazette’—**

*omit, insert—*

‘by gazette notice’.

## SCHEDULE 1 (continued)

**50. Section 25D(6), ‘Upon publication in the Gazette of an order in council referred to in’—**

*omit, insert—*

‘On gazettal of a notice under’.

**51. Section 25E(5B), ‘penalty not exceeding \$500’—**

*omit, insert—*

‘maximum penalty of 10 penalty units’.

**52. Section 25E(5C)—**

*omit, insert—*

‘(5C) A penalty imposed under this section may be recovered summarily by complaint under the *Justices Act 1886*.’.

**53. Section 25E(6), ‘and authority’—**

*omit.*

**54. Section 28(4), ‘fee of 50c’—**

*omit, insert—*

‘prescribed fee’.

**55. Section 28(6) and (7), heading—**

*omit.*

**56. Section 30—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Recovery of penalties**

‘30. A penalty imposed under this part may be recovered summarily by complaint under the *Justices Act 1886*.’.

**57. Section 33(2)(d), ‘and duties’—**

*omit.*

**58. Section 33(2)(j)—**

*omit, insert—*

‘(j) prescribing offences for the breach of any regulation and a penalty of not more than 2 penalty units.’.

**59. After section 34—**

*insert—*

**‘Approval of forms**

‘35. The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘36.(1) This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

## SCHEDULE 1 (continued)

**60. After section 36 (as inserted by this Act)—**

*insert—*

**‘Model rules—savings and transitional**

‘**37.(1)** On the commencement of this section the model rules for associations contained in the schedule, part 1 of this Act are taken to be the *Primary Producers’ Cooperative Associations Regulation 1987*, schedule 3.

‘**(2)** The model rules in force immediately before the commencement of this section are taken to be a regulation made under section 13.

‘**(3)** For the purposes of section 13(2) the model rules in force immediately before the commencement of this section are taken to have been made at the time they became part of the schedule, part 1.

‘**(4)** This section expires on the day after it commences.

**‘Rules governing the business, proceedings and property of associations**

‘**38.(1)** On the commencement of this section the rules for governing the business, proceedings and property of associations contained in the schedule, part 2 of this Act are taken to be the *Primary Producers’ Cooperative Associations Regulation 1987*, schedule 4.

‘**(2)** The rules in force immediately before the commencement of this section are taken to be a regulation made under section 21.

‘**(3)** This section expires on the day after it commences.

**‘References to model rules and rules governing the business, proceedings and property**

‘**39.(1)** A reference in an Act or document to the model rules is, subject to section 13(2) and if the context permits, a reference to the model rules contained in the regulations made under this Act.

**(2)** A reference in an Act or document to the rules regulating the

## SCHEDULE 1 (continued)

business, proceedings and property of associations is, if the context permits, a reference to the rules regulating the business, proceedings and property of associations contained in the regulations made under this Act.’

**61. Schedule, part 2, section 5(2), ‘a penalty not exceeding \$100’—**

*omit, insert—*

‘a penalty of not more than 2 penalty units’.

**62. Schedule, part 2, section 6, ‘penalty of \$10 for every day during which the operations are so carried on’—**

*omit, insert—*

‘penalty of not more than 1 penalty unit for each day those operations are continued’.

**63. Schedule, part 2, section 8(4), ‘penalty not exceeding \$100 in respect of each share so’—**

*omit, insert—*

‘penalty of not more than 2 penalty units for each share’.

**64. Schedule, part 2, section 29, ‘penalty not exceeding \$40’—**

*omit, insert—*

‘penalty of not more than 1 penalty unit’.

**65. Schedule, part 2, section 30, ‘penalty not exceeding \$200’—**

*omit, insert—*

‘penalty of not more than 4 penalty units’.

## SCHEDULE 1 (continued)

**66. Schedule, part 2, section 32, ‘this Act’—**

*omit, insert—*

‘this schedule’.

**67. Schedule, part 2, section 32, ‘penalty not exceeding \$50’—**

*omit, insert—*

‘penalty of not more than 1 penalty unit’.

**68. Schedule, part 2, section 34, ‘such form and shall contain such particulars as may be prescribed,’—**

*omit, insert—*

‘the approved form’.

**Commencement**

Amendment 5 commences on the date of assent of this Act or the date of assent of the *Statute Law (Minor Amendments) Act (No. 2) 1995*, whichever is the later.

**Explanatory note**

Amendment 1 replaces a definition in accordance with current drafting practice and allows a law to be made a declared law by regulation rather than order in council.

Amendments 2 and 7 remove words from definitions which are redundant because of the provisions of the *Acts Interpretation Act 1954*, section 24B.

Amendment 3 omits a definition which is redundant because of the definition in the *Acts Interpretation Act 1954*, section 36.

Amendment 4 restates a provision in accordance with current drafting style and changes a reference to order in council to regulation. The latter change was made as part of the rationalisation of subordinate legislation types in use in Queensland.

Amendment 5 renumbers the paragraphs of a definition in accordance with current drafting practice. Amendment 5 commences once both this Bill and the *Statute Law (Minor Amendments) Bill (No. 2) 1995* have commenced to take account of amendments made by both of the Bills to the definition.

## SCHEDULE 1 (continued)

Amendment 6 omits a provision made redundant by the *Acts Interpretation Act 1954*, section 32.

Amendment 8 omits a redundant definition.

Amendments 9 and 12 renumber provisions in accordance with current drafting practice.

Amendment 10 omits a provision which was replaced by amendment 1.

Amendments 11, 13, 17, 18, 21, 25, 27 and 34 replace headings in accordance with current drafting practice.

Amendment 14 replaces an appointment provision in accordance with current drafting practice.

Amendments 15, 29, 53 and 57 omit redundant words from provisions.

Amendment 16 restates a provision in accordance with current drafting style and omits redundant words.

Amendments 19, 28, 31, 32, 36 and 45 to 50 replace references to orders in council. These amendments either change the reference to regulation in accordance with the practice of reducing the number of subordinate legislation types in use in Queensland or, where appropriate, replace the requirement for an order in council with a gazette notice.

Amendments 20 and 55 omit redundant headings.

Amendments 22, 24 and 68 replace prescribed forms with approved forms which may be approved by the chief executive under section 35, inserted by this Bill.

Amendments 23, 30, 37 to 39, 51, 58, 61 to 65 and 67 restate penalty provisions in accordance with current drafting practice and replace dollar penalties with penalty units to allow for automatic updating.

Amendment 26 replaces the provision dealing with model rules for associations under the Act. The amendment removes a Henry VIII provision which allowed the schedule to the Act to be amended by order in council. Under section 37 of this Act, inserted by amendment 60, the model rules in the schedule, part 1 of the Act become schedule 3 of the *Primary Producers' Cooperative Associations Regulation 1987*. Those rules can be amended as a regulation under section 13.

Amendment 33 replaces the provision dealing with rules governing the business, proceedings and property of associations under the Act. The amendment removes a Henry VIII provision which allowed the schedule to the Act to be amended by order in council. Under section 38 of this Act, inserted by amendment 60, the rules in the schedule, part 2 of the Act become schedule 4 of the *Primary Producers' Cooperative Associations Regulation 1987*. Those rules can be amended as a

## SCHEDULE 1 (continued)

regulation under section 21.

Amendments 35, 40 and 42 to 44 update references to other legislation and positions under that legislation.

Amendment 41 updates a reference to other legislation and restates a provision according to current drafting style.

Amendments 52 and 57 restate provisions which previously referred to the schedule, which under the amendments in this Bill has become subordinate legislation.

Amendment 54 replaces a dollar fee with a prescribed amount to allow the amount to be updated by subordinate legislation.

Amendment 59 inserts a provision which allows the chief executive to approve forms for use under the provisions of the Act. The existing forms prescribed by subordinate legislation are preserved until a form is approved for the purpose.

Amendment 60 inserts transitional provisions which make the schedule to the Act subordinate legislation and allow it to be amended as if it were a regulation made under the Act. The amendment also inserts reference provisions so that references to the schedule may be read, if the context permits, as references to the relevant provisions in the regulations.

## PRINTING AND NEWSPAPERS ACT 1981

### Amendment

#### 1. Section 1, heading, ‘and citation’—

*omit.*

#### 2. Section 5, heading—

*omit, insert—*

#### ‘Definitions’.

#### 3. Sections 6(1) and (2), 7(1) and (2), ‘\$600’—

*omit, insert—*

‘10 penalty units’.

## SCHEDULE 1 (continued)

**4. Section 11, ‘\$400’—**

*omit, insert—*

‘7 penalty units’.

**5. Sections 15 and 16—**

*omit, insert—*

**‘Power to exempt**

‘15. A regulation may exempt a document from the application of this Act.

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 omits unnecessary words from a section heading.

Amendment 2 updates a section heading in accordance with current drafting practice.

Amendments 3 and 4 change penalties expressed in dollars to penalty units.

Amendment 5 updates an existing exemption provision and changes the type of statutory instrument used under the provision from order in council to regulation. It also omits a section about tabling of orders in council made redundant by the *Statutory Instruments Act 1992* and inserts a regulation making power.

**PRISONERS (INTERSTATE TRANSFER) ACT 1982****Amendment****1. Section 2—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 4(1), definitions “Attorney-General”, “corresponding court of Queensland”, “interstate law” and “Minister”—**

*omit.*

**4. Section 4(1), as amended by this Act—**

*insert—*

‘ **“Attorney-General”**, for the Northern Territory, means the person holding ministerial office under the *Northern Territory (Self-Government) Act 1978* (Cwlth), section 36 who is designated under that Act as the holder of the office of Attorney-General.

**“corresponding court of Queensland”**, for a court of a participating State, means a Queensland court declared under section 5 to be a court corresponding to the court of the participating State.

**“Governor”**, for the Australian Capital Territory, means the chief minister of the Territory.

**“interstate law”** means a law declared under section 5 to be an interstate law.

**“Minister”** means the Minister administering the *Corrective Services Act 1988*.’.

**5. Section 4(1)—**

*renumber* as section 2.

## SCHEDULE 1 (continued)

**6. Section 4(2), as a heading—***insert—***‘Warrant of commitment issued by justice’.****7. Section 4(2)—***renumber* as section 3.**8. Section 4(3), as a heading—***insert—***‘Sentences of imprisonment imposed by operation of law’.****9. Section 4(3)—***renumber* as section 4.**10. Section 4(4) and (5)—***omit.***11. Section 4(6), as a heading—***insert—***‘Persons completed serving sentence’.****12. Section 4(6) and (7)—***renumber* as section 4A(1) and (2).**13. Section 4(8), as a heading—**

## SCHEDULE 1 (continued)

*insert—*

**‘References to release on parole’.**

**14. Section 4(8)—**

*renumber* as section 4B.

**15. Section 5—**

*omit, insert—*

**‘Corresponding courts and interstate laws**

**‘5.(1)** A regulation may declare—

- (a) a stated Queensland court to be a court corresponding to a stated court of a participating State; or
- (b) a law of another State to be an interstate law.

**‘(2)** However, a regulation may declare a law of another State to be an interstate law only if the Governor in Council is satisfied the law—

- (a) substantially corresponds to this Act; and
- (b) contains provisions that are mentioned in this Act as provisions of an interstate law that correspond to stated provisions of this Act.’.

**16. Section 34—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 omits a provision providing for the Act’s commencement.

## SCHEDULE 1 (continued)

Amendment 2 updates a heading in accordance with current drafting practice.

Amendments 3 and 4 update definitions to remove unnecessary references to acting Ministers, to take advantage of definitions in the *Acts Interpretation Act 1954* and take account of the type of statutory instruments to be used under the amended Act.

Amendments 5 to 9 and 11 to 14 recast subsections of the definition section as separate sections with their own section headings.

Amendment 10 omits provisions made redundant by amendments of the *Acts Interpretation Act 1954*.

Amendment 15 revises a section to change the type of statutory instrument used under it from order in council to regulation. The opportunity has been taken to update the drafting of the section in accordance with current drafting practice.

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

**PROPERTY LAW ACT 1974****Amendment****1. Section 1(2) and (3)—**

*omit.*

**2. Section 1(4), as a heading—**

*insert—*

**‘Act binds Crown’.**

**3. Section 1(4)—**

*renumber* as section 2.

**4. Section 4, heading—**

## SCHEDULE 1 (continued)

*omit, insert—*

**‘Definitions’.**

**5. Section 4(1), definitions “Land Act”, “Miners’ Homestead Leases Act” and “unregistered land”—**

*omit.*

**6. Section 4(1)—**

*insert—*

‘**“Land Act”** means the *Land Act 1994*.

**“unregistered land”** means land that has been granted in fee simple and is not registered land or land granted in trust under the Land Act.’.

**7. Section 4(1), as amended—**

*renumber* as section 3.

**8. Section 4(2), as a heading—**

*insert—*

**‘Act not to be taken to confer right to register restrictive covenant’.**

**9. Section 4(2), as amended—**

*renumber* as section 4.

**10. Section 5(1)(d)(iii)—**

*omit.*

## SCHEDULE 1 (continued)

**11. Section 5(1)(d)(iv)—**

*renumber.*

**12. Section 22(4)—**

*omit, insert—*

‘(4) The registrar is authorised, on a request in the approved form, to make recordings in the register necessary to give effect to this section.’

**13. Section 37(1), heading—**

*omit, insert—*

‘Definitions for div 2’.

**14. Section 37(2), as a heading—**

*insert—*

‘Property held on “statutory trust for sale” ’.

**15. Section 37(2), as amended—**

*renumber* as section 37A.

**16. Section 37(3), as a heading—**

*insert—*

‘Property held on “statutory trust for partition” ’.

**17. Section 37(3), as amended—**

*renumber* as section 37B.

## SCHEDULE 1 (continued)

**18. Section 71, heading—***omit, insert—***‘Application of div 4’.****19. Section 71(1), with section heading—***relocate* as section 71A.**20. Section 71(2), as a heading—***insert—***‘Definitions for div 4’.****21. Section 71(2), as amended—***renumber* as section 71.**22. Section 71(3) to (5)—***renumber* as section 71A(2) to (4).**23. Section 72(1) and (4), ‘Form 2 of Schedule 2’—***omit, insert—***‘the approved form’.****24. Section 72(2), ‘said form of the said Schedule’—***omit, insert—***‘approved form’.**

## SCHEDULE 1 (continued)

**25. Section 77, heading—***omit, insert—***‘Application of pt 7’.****26. Section 77(1)(b)(iii)—***omit.***27. Section 77(1)(b)(iv) to (vi)—***renumber.***28. Section 77A, heading—***omit, insert—***‘Definitions for pt 7’.****29. Section 77A, definition “instrument of mortgage”—***omit, insert—*

**‘ “instrument of mortgage”** includes an instrument or memorandum of mortgage under the Land Act, the *Land Title Act 1994* or the Mineral Resources Act.’.

**30. Sections 77 and 77A, as amended—***renumber and relocate as sections 77A and 77 respectively.***31. Section 79(2), ‘shall be in the form or such one of Forms 3, 4, 5 and 6 of Schedule 2 as is applicable’—***omit, insert—***‘must be in the approved form’.**

## SCHEDULE 1 (continued)

**32. Section 80(2C)(b), ‘, Registrar of Miners’ Homesteads’—**

*omit.*

**33. Section 83(5), words after ‘mortgages of land under’—**

*omit, insert—*

‘the Land Act or the Mineral Resources Act, but subject to and to the extent only that the provisions of this Act are consistent with those provisions.’.

**34. Section 84(2), ‘Form 7 of Schedule 2’—**

*omit, insert—*

‘the approved form’.

**35. Section 84(5), words after ‘on a mortgagee’—**

*omit, insert—*

‘under the Land Act or Mineral Resources Act.’.

**36. Section 85(2), ‘Form 8 of Schedule 2’—**

*omit, insert—*

‘the approved form’.

**37. Section 86(4), words after ‘mortgagee’—**

*omit, insert—*

‘under the Land Act or Mineral Resources Act.’.

## SCHEDULE 1 (continued)

**38. Section 87(2), from ‘conferred’ to ‘Mineral Resources Act;’—**

*omit, insert—*

‘conferred on a mortgagee under the Land Act or Mineral Resources Act.’.

**39. Section 88(2)—**

*omit, insert—*

‘(2) The money that is in fact received by a mortgagee arising from sale in the exercise of the power conferred under the Mineral Resources Act must, subject to subsection (1)(a) and (b), be dealt with as provided under that Act.’.

**40. Section 92(1A), words before ‘a mortgagee’—**

*omit, insert—*

‘(1A) However, for a mortgage registered under the Land Act or the Mineral Resources Act’.

**41. Section 92(9), ‘Form 9 of the Schedule 2’—**

*omit, insert—*

‘the approved form’.

**42. Section 101(4)(d)—**

*omit.*

**43. Section 101(4)(e)—**

*renumber.*

## SCHEDULE 1 (continued)

**44. Section 105(1)(a), and (aa) to ‘the demised premises or’—***omit, insert—*

‘(a) **To pay rent**—that the lessee will pay the rent reserved at the time mentioned in the lease, but, if’.

**45. Section 123, heading—***omit.***46. Section 123(1)—***omit.***47. Section 123(2), words before ‘“lease” includes’—***omit, insert—***‘Definitions for div 3’.**

‘**123.** In this division—’.

**48. After section 123—***insert—***‘Application of div 3**

‘**123A.** This division does not apply to leases from the State of land held from the State under the Coal Mining Act, Land Act, Mineral Resources Act or State Housing Act, but does apply to under-leases from the holder of such land.’.

**49. Section 124(8), ‘Form 10 of Schedule 2’—***omit, insert—*

‘the approved form’.

## SCHEDULE 1 (continued)

**50. Section 131(4)—***omit, insert—*

‘(4) A notice need not be in a particular form, but a notice by a landlord to a tenant, or by a tenant to a landlord, may be in the approved form.’.

**51. Section 140, heading—***omit, insert—*

‘Definitions for div 5’.

**52. Section 143(2)—***omit, insert—*

‘(2) The complaint may be in the approved form.’.

**53. Section 144(1A)—***omit, insert—*

‘(1A) The summons may be in the approved form.’.

**54. Section 144(1A) to (4)—***renumber.***55. Section 146(1), ‘form set out in Form 15 of Schedule 2’—***omit, insert—*

‘approved form’.

**56. Section 153, heading—**

## SCHEDULE 1 (continued)

*omit, insert—*

**‘Application of div 6’.**

**57. Section 153, as amended—**

*relocate* as section 154.

**58. Section 154, heading—**

*omit, insert—*

**‘Definitions for div 6’.**

**59. Section 154, as amended—**

*relocate* as section 153.

**60. Section 168, heading—**

*omit, insert—*

**‘Application of pt 9’.**

**61. Section 168(3), as a heading—**

*insert—*

**‘Meaning of “registered” for pt 9’.**

**62. Section 168(3), as amended—**

*relocate* (in part 9, division 1), as section 167A.

**63. Section 170(1), ‘Form 16 of Schedule 2’—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘the approved form’.

**64. Section 170(2), ‘Form 17 of Schedule 2’—**

*omit, insert—*

‘the approved form’.

**65. Section 175A(a)(i), ‘or to the effect of Form 16A of Schedule 2’—**

*omit, insert—*

‘the approved form’.

**66. Section 182, heading—**

*omit, insert—*

‘Application of div 1’.

**67. Section 182, as amended—**

*relocate* as section 183.

**68. Section 183, heading—**

*omit, insert—*

‘Definitions for div 1’.

**69. Section 183, as amended—**

*relocate* as section 182.

## SCHEDULE 1 (continued)

**70. Section 195, heading—***omit, insert—***‘Application of div 2’.****71. Section 201, heading—***omit, insert—***‘Application of pt 13’.****72. Section 205(3), ‘Form 18 of Schedule 2’—***omit, insert—***‘the approved form’.****73. Section 206, heading—***omit, insert—***‘Definitions for pt 14’.****74. Section 206(2), as a heading—***insert—***‘When disposition in will made’.****75. Section 206(2), as amended—***renumber* as section 206A.**76. Section 206(3), as heading—***insert—***‘When person to be treated as member of class’.**

## SCHEDULE 1 (continued)

**77. Section 206(3), as amended—**

*renumber* as section 206B.

**78. Section 207, heading—**

*omit, insert—*

**‘Application of pt 14’.**

**79. Section 231, heading—**

*omit, insert—*

**‘Definitions for pt 17’.**

**80. Section 234, heading—**

*omit, insert—*

**‘Application of pt 18’.**

**81. Section 234(1) and section heading—**

*relocate* as section 234A.

**82. Section 234(2), as a heading—**

*insert—*

**‘Definition for pt 18’.**

**83. Section 234(2), as amended—**

*renumber* as section 234.

## SCHEDULE 1 (continued)

**84. Section 259(1), ‘a form, or to the like effect of a form, specified in this Act’—**

*omit, insert—*

‘the approved form’.

**85. Section 260—**

*omit, insert—*

**‘Approval of forms**

‘**260.** The chief executive may approve forms for use under this Act.

**‘Regulation making power**

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

‘**(2)** The regulations may be about fees including—

- (a) the persons who are liable to pay fees; and
- (b) when fees are payable; and
- (c) the waiver of fees; and
- (d) the recovery of unpaid amounts of fees.

**‘Transitional provision about forms**

‘**262.(1)** This section applies if ——

- (a) immediately before its commencement, there was a form prescribed by schedule 2 for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is

## SCHEDULE 1 (continued)

taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**86. Schedule 2—**

*omit.*

**87. Schedule 5, part 1, item 16—**

*omit.*

**Explanatory note**

Amendment 1 omits provisions about the Act’s commencement.

Amendments 2 and 3 recast a subsection as a separate section with its own heading.

Amendment 4 revises a heading in accordance with current drafting practice.

Amendments 5 and 6 revise definitions to take account of the replacement of the *Land Act 1962* by the *Land Act 1994* and the repeal of the *Miners’ Homestead Leases Act 1913*.

Amendments 7 to 9 recast subsections as separate sections with their own headings.

Amendments 10, 11, 26, 27, 33, 35, 37 to 40, 42, 43 and 47 are consequential on the repeal of the *Miners’ Homestead Leases Act 1913*.

Amendments 12, 23, 24, 31, 34, 36, 41, 49, 50, 52, 53, 55, 63 to 65, 72, 84, and 86 replace the unproclaimed amendments contained in the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1992*, section 3, schedule 2. That Act is repealed by schedule 3, part 1 of this Bill. The 1992 amendments are no longer in accordance with current drafting practice. The amendments in this Bill remove all references within the Act to the forms listed in schedule 2 of the Act and replace them with references to approved forms.

Amendments 13 to 22, 25, 28 to 30, 45 to 48, 51, 54, 56 to 62, 66 to 71 and 73 to 83 recast subsections as separate sections with their own headings, revise headings and reorder provisions in accordance with current drafting practice.

Amendment 32 omits an obsolete reference.

Amendment 44 clarifies the relationship between 2 paragraphs.

## SCHEDULE 1 (continued)

Amendment 85 inserts a provision allowing the chief executive to approve forms for use under the Act, revises the regulation making power in accordance with current drafting practice and inserts a provision saving the existing forms prescribed by schedule 2 for a limited period.

Amendment 87 is consequential on amendment 85.

**PUBLIC SAFETY PRESERVATION ACT 1986****Amendment****1. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 4, definitions “member of the police force” and “Minister”—**

*omit.*

**3. Section 4—**

*insert—*

**‘ “incident coordinator” see section 5.’.**

**4. Section 5(1), after ‘a commissioned officer’—**

*insert—*

**‘(the “incident coordinator”).’.**

**5. Section 5(4), ‘or the acting incident coordinator referred to in section 7’—**

*omit.*

## SCHEDULE 1 (continued)

**6. Section 6(2), ‘or the acting incident coordinator’—**

*omit.*

**7. Section 7(1)—**

*omit, insert—*

‘7.(1) If during any period the incident coordinator ceases to act as incident coordinator, the incident coordinator may delegate his or her powers under this Act, (including the power to subdelegate the powers), to a police officer for the period.

‘(2) However, the incident coordinator may not delegate the power to issue a certificate or make a note on a certificate under section 5.<sup>46</sup>’.

**8. Section 7(2), ‘or the acting Incident Coordinator’—**

*omit.*

**9. Section 7(2) and (3), as amended—**

*renumber* as section 7(3) and (4).

**10. Section 8, ‘or the acting Incident Coordinator’—**

*omit.*

**11. Section 11(2), words after ‘section 5(4)’—**

*omit.*

**12. Section 11(3), shall consider the matter and’—**

*omit.*

<sup>46</sup> Section 5 (Declaration of emergency situation)

## SCHEDULE 1 (continued)

**13. Section 16(3), ‘\$2 000’—**

*omit, insert—*

‘40 penalty units’.

**14. Section 17, ‘the acting Incident coordinator,’—**

*omit.*

**15. Section 18(a) and (b), ‘, the acting Incident Coordinator’—**

*omit.*

**Explanatory note**

Amendment 1 changes a section heading in accordance with current drafting practice.

Amendment 2 omits obsolete definitions.

Amendments 3 and 4 revise definitions in accordance with current drafting practice.

Amendments 5, 6, 8, 10, 14 and 15 omit redundant references to the acting incident coordinator.

Amendment 7 updates a delegation provision.

Amendment 9 is a consequential renumbering amendments.

Amendments 11 and 12 omit matters of an administrative nature.

Amendment 13 changes a penalty expressed in dollars to penalty units.

**PUBLIC SERVICE SUPERANNUATION ACT 1958****Amendment****1. Section 4(1), definition “Division” and “medical practitioner”—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 47(1)(c)—***omit, insert—*

‘(c) becoming a person excepted from this Act under a regulation; or’.

**3. Section 77A(9), ‘of subsection (3) of section 39 of this Act’—***omit, insert—*

‘section 39’.

**4. Section 77B(1), ‘, except as provided by subsection (6),’—***omit.***Explanatory note**

Amendment 1 omits redundant definitions.

Amendment 2 revises a provision in accordance with current drafting practice to omit an unnecessary cross-reference.

Amendments 3 and 4 omit references to previously omitted provisions.

**PYRAMID SELLING SCHEMES (ELIMINATION)  
ACT 1973****Amendment****1. Section 4(2), as a heading—***insert—*

‘Deciding whether premises are place of business etc.’.

**2. Section 4(2), as amended—***renumber* as section 4A.

## SCHEDULE 1 (continued)

**3. Section 16(3) and (4)—**

*omit.*

**4. Section 22(3)—**

*omit, insert—*

‘(3) In this section—

“**officer**” has the same meaning as it has in relation to a body corporate under the Corporations Law.’

**5. Section 29, words before paragraph (a)—**

*omit, insert—*

**‘Regulation making power**

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

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

**6. Section 29(a), ‘, duties’—**

*omit.*

**7. Section 29(d) to (f)—**

*omit, insert—*

‘(d) prescribe offences for a contravention of a regulation and fix a penalty of not more than 20 penalty units for the contravention.’.

**Explanatory note**

Amendments 1 and 2 recast a subsection as a separate section with its own heading.

Amendment 3 omits provisions made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

## SCHEDULE 1 (continued)

Amendment 4 updates a reference.

Amendments 5 to 7 update the regulation making power in line with current drafting practice.

**QUEENSLAND ART GALLERY ACT 1987****Amendment****1. Section 5, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 6(1)—**

*omit, insert—*

**‘6.(1)** The body corporate established under the *Queensland Art Gallery Act 1959* is continued in existence under the name ‘Queensland Art Gallery Board of Trustees.’.

**3. Section 7(1)—**

*omit.*

**4. Section 8(c)—**

*omit, insert—*

**‘(c)** not more than 7 are to be persons appointed by the Governor in Council.’.

**5. Section 9—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Term of appointment of appointed trustees**

‘9. An appointed trustee is to be appointed for a term of not longer than 3 years.’.

**6. Section 10—**

*omit.*

**7. Section 14(1), ‘, on the recommendation of the Minister,’—**

*omit.*

**8. Section 15(1), ‘Subject to subsection (2), a’—**

*omit, insert—*

‘A’.

**9. Section 15(2)—**

*omit.*

**10. Section 15(3)—**

*renumber.*

**11. Section 17, ‘or, subject to section 15,’—**

*omit.*

**12. Section 18—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Director and other officers**

‘**18.(1)** There is to be a director who is to be appointed by the Governor in Council.

‘**(2)** Unless the Governor in Council otherwise decides, the director is to be appointed under the *Public Service Management and Employment Act 1988*.

‘**(3)** Other officers are to be appointed under the *Public Service Management and Employment Act 1988*.

**‘Employees**

‘**18A.(1)** The board may also employ the persons it considers necessary to perform its functions.

‘**(2)** The board may decide its employees’ terms of employment.

‘**(3)** However, subsection (2) has effect subject to any relevant award or industrial agreement.’.

**13. Section 21(1), ‘and duties’—**

*omit.*

**14. Section 21(2)(a), ‘and duties or any of them’—**

*omit.*

**15. Section 25(2)—**

*omit, insert—*

‘**(2)** Subsection (1) is subject to the by-laws.’.

**16. Sections 28(2) and 37(2), ‘powers, authorities, functions and duties’—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘powers and functions’.

**17. Section 31(1), ‘, authority, function or duty’—**

*omit, insert—*

‘or function’.

**18. Section 34—**

*omit, insert—*

**‘Delegation by board**

‘**34.(1)** The board may delegate its powers to a trustee, the director, an officer or employee of the board or any other person.’

‘**(2)** However, the board may not delegate its power to make by-laws.’.

**19. Section 35—**

*omit.*

**20. Sections 40 and 41—**

*omit, insert—*

**‘Application of certain Acts**

‘**40.** The board is a statutory body under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*.’.

**21. Section 42(1)(a), ‘, authorities, duties’—**

*omit.*

## SCHEDULE 1 (continued)

**22. Section 45—**

*omit.*

**23. Section 50, heading—**

*omit, insert—*

**‘By-law making power’.**

**24. Section 50(1), words before paragraph (a)—**

*omit, insert—*

**‘50.(1) The board may make by-laws under this Act.**

**‘(1A) A by-law may be made for or about—’.**

**25. Section 50(1)(h)—**

*omit.*

**26. Section 50(2), ‘(1)(a) or (d)’—**

*omit, insert—*

**‘(1A)(a) or (d)’.**

**27. Section 50(4) and (5)—**

*omit, insert—*

**‘(4) A by-law must be approved by the Governor in Council.<sup>47</sup>’.**

<sup>47</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a))

## SCHEDULE 1 (continued)

**28. Section 50(1) to (4)—**

*renumber.*

**29. After section 50—**

*insert—*

**‘Regulation making power**

‘51. The Governor in council may make regulations under this Act.

**‘References to trustees of Queensland Art Gallery**

‘52. In an Act or document, a reference to the trustees of the Queensland Art Gallery may, if the context permits, be taken to be a reference to the board.

**‘References to Queensland Art Gallery Act 1959**

‘53. In an Act or document, a reference to the *Queensland Art Gallery Act 1959* may, if the context permits, be taken to be a reference to this Act.’.

**Explanatory note**

Amendment 1 updates a section heading in accordance with current drafting practice.

Amendment 2 revises a provision to omit unnecessary transitional material and simplify its drafting.

Amendment 3 omits a provision to be replaced by proposed section 52 and also omits redundant transitional provisions.

Amendment 4 simplifies a provision by omitting unnecessary wording of an administrative nature.

Amendment 5 simplifies the drafting of a provision by omitting material now covered by the *Acts Interpretation Act 1954*, and by allowing appointments to be made for up to 3 years.

Amendment 6 omits a section that is redundant because of amendment 5.

Amendment 7 omits a provision about administrative arrangements.

## SCHEDULE 1 (continued)

Amendment 8 is consequential on amendment 9.

Amendment 9 omits a provision that prevents payment of fees and allowances to a trustee who is an officer of the public service. The payment of fees and allowances is to be decided in accordance with Government policy and not fixed by the Act.

Amendment 10 is a consequential renumbering amendment.

Amendment 11 is consequential on amendment 9.

Amendment 12 updates and simplifies provisions about the appointment of the director and about officers. The amendment also brings the provisions about employees into line with current employment provisions.

Amendments 13, 14, 16, 17 and 21 simplify the wording of provisions by relying on the definitions “function” and “power” in the *Acts Interpretation Act 1954*, section 36.

Amendment 15 is consequential on amendments 23 to 27.

Amendment 18 updates a delegation power in accordance with current drafting practice.

Amendment 19 omits a section now largely covered by the *Acts Interpretation Act 1954* (see sections 23(3) and 26).

Amendment 20 omits an unnecessary section and a section about the application of the *Statutory Bodies Financial Arrangements Act 1982*, and inserts a provision making it clear that the board is a statutory body for the purposes of that Act and the *Financial Administration and Audit Act 1977*.

Amendment 22 omits a provision about annual reports that is now covered by the *Financial Administration and Audit Act 1977*.

Amendments 23 to 27 update a by-law making power in accordance with current drafting practice.

Amendment 28 is consequential on amendments 25 to 29.

Amendment 29 inserts a regulation making power and provisions to enable certain references to be updated in reprints.

## SCHEDULE 1 (continued)

**QUEENSLAND BUILDING SERVICES AUTHORITY  
ACT 1991****Amendment****1. Section 101(4)(a)(i) and (ii)—***omit, insert—*

- ‘(i) for an individual—200 penalty units; or
- (ii) for a body corporate—400 penalty units;’.

**Explanatory note**

Amendment 1 changes penalties expressed in dollars to penalty units.

**QUEENSLAND CULTURAL CENTRE TRUST ACT  
1976****Amendment****1. Section 1, heading, ‘and commencement’—***omit.***2. Section 1(2)—***omit.***3. Section 2, heading—***omit, insert—***‘Definitions’.**

## SCHEDULE 1 (continued)

**4. Section 2, definitions “by-laws”, “financial year”, “Queensland Cultural Centre Trust”, “statutory corporation” and “trust”—**

*omit.*

**5. Section 2—**

*insert—*

‘**“statutory corporation”** means—

- (a) the Library Board of Queensland; or
- (b) the Queensland Art Gallery Board of Trustees; or
- (c) the Queensland Museum Board of Trustees; or
- (d) the Queensland Performing Arts Trust; or
- (e) the Royal Queensland Theatre Company; or
- (f) another entity declared under an Act to be a statutory corporation for this Act.

‘**“trust”** means the Queensland Cultural Centre Trust.’.

**6. Section 5—**

*omit, insert—*

**‘Members and their appointment**

‘**5.(1)** The trust consists of the number of members the Governor in Council appoints.

‘**(2)** A member is to be appointed for a term of not longer than 3 years.’.

**7. Section 6(1), ‘, upon the recommendation of the Minister,’—**

*omit.*

## SCHEDULE 1 (continued)

**8. Section 7(1)(f)—**

*omit.*

**9. Section 9(1), ‘subsections (2) and (3)’—**

*omit, insert—*  
‘subsection (2)’.

**10. Section 9(2)—**

*omit.*

**11. Section 9(3)—**

*renumber* as section 9(2).

**12. Section 10, ‘, subject to section 9(2),’—**

*omit.*

**13. Section 11—**

*omit.*

**14. Section 13(2), ‘powers, authorities, functions and duties’**

*omit, insert—*  
‘functions and powers’.

**15. Section 17—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Delegation by trust**

‘**17.(1)** The trust may delegate its powers to a member, the director or an employee of the trust.

‘**(2)** However, the trust may not delegate its power to make by-laws.’.

**16. Section 19(1A)—**

*omit.*

**17. Section 19A—**

*omit.*

**18. Section 20, ‘powers, authorities, duties and functions’—**

*omit, insert—*

‘functions and powers’.

**19. Sections 23 and 24—**

*omit, insert—*

**‘Director**

‘**23.(1)** The director is to be appointed by the Governor in Council on the recommendation of the members.

‘**(2)** The director is to be appointed for a term of not longer than 7 years.

‘**(3)** The director is to be paid the remuneration decided by the Governor in Council.

‘**(4)** The director holds office on the other terms decided by the Governor in Council.

‘**(5)** The director has the functions and powers given by the trust.

## SCHEDULE 1 (continued)

**‘Employees**

‘**24.(1)** The trust may employ the persons it considers necessary to perform its functions.

‘**(2)** The trust may decide its employees’ terms of employment.

‘**(3)** However, subsection (2) has effect subject to any relevant award or industrial agreement.’.

**20. Section 26—**

*omit, insert—*

**‘Application of certain Acts**

‘**26.** The trust is a statutory body under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982.*’.

**21. Section 27(1)—**

*omit, insert—*

‘**27.(1)** Before the start of each financial year, the trust must adopt and present to the Minister a budget for the financial year.’.

**22. Sections 29 to 31—**

*omit.*

**23. Section 32(3) and (4)—**

*omit.*

**24. Sections 35(1) and 38(1), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

## SCHEDULE 1 (continued)

**25. Section 41—**

*omit.*

**26. Section 42, heading—**

*omit, insert—*

**‘By-law making power’.**

**27. Section 42(1), words before paragraph (a)—**

*omit. insert—*

**‘42.(1) The trust may make by-laws under this Act.**

**‘(1A) A by-law may make provision about—’.**

**28. Section 42(1)(e)—**

*omit.*

**29. Section 42(1A), words before paragraph (a)—**

*omit, insert—*

**‘(1B) A by-law—’.**

**30. Section 42(2), ‘subsection (1)’—**

*omit, insert—*

**‘subsection (1A)’.**

**31. Section 42(3), ‘\$200’—**

*omit, insert—*

**‘4 penalty units’.**

## SCHEDULE 1 (continued)

**32. Section 42(4)—**

*omit, insert—*

‘(4) A by-law must be approved by the Governor in Council.<sup>48</sup>’.

**33. Section 42(1A) to (4)—**

*renumber.*

**34. After section 43—**

*insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 omits a provision about the Act’s commencement.

Amendment 3 revises a section heading in accordance with current drafting practice.

Amendment 4 omits definitions made redundant by amendments of the *Acts Interpretation Act 1954* (see sections 35E and 36, definition “financial year”), an unnecessary definition and definitions replaced by amendment 5.

Amendment 5 replaces 2 definitions omitted by amendment 4. The replacement definition “statutory corporation” includes the Queensland Performing Arts Trust and the Royal Queensland Theatre Company.

Amendment 6 updates the section about the members of the trust and their appointment. The updated section omits unnecessary provisions of an administrative nature and provisions now covered by the *Acts Interpretation Act 1954*. The updated section also removes an age limit that is contrary to the *Anti-Discrimination Act 1991*.

Amendment 7 omits an unnecessary provision of an administrative nature.

Amendment 8 omits an age limit that is contrary to the *Anti-Discrimination Act 1991*.

<sup>48</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a))

## SCHEDULE 1 (continued)

Amendment 9 is consequential on amendment 9.

Amendment 10 omits a provision that prevents allowances being paid to trust members who are officers of the public service. The payment of fees and allowances is to be decided in accordance with Government policy and not fixed by the Act.

Amendment 11 is a consequential renumbering amendment.

Amendment 12 is consequential on amendment 10.

Amendment 13 omits a provision that is redundant because of amendment 6.

Amendments 14 and 18 simplify the wording of provisions by relying on the definitions “function” and “power” in the *Acts Interpretation Act 1954*, section 36.

Amendment 15 updates a delegation power in accordance with current drafting practice.

Amendments 16 and 17 omit provisions made redundant by the *Land Act 1994*.

Amendment 19 updates and simplifies provisions about the director and employees of the trust. The updated provisions omit provisions now covered by the *Acts Interpretation Act 1954* and remove an age limit that is contrary to the *Anti-Discrimination Act 1991*.

Amendment 20 omits a section about audit now covered by the *Financial Administration and Audit Act 1977*, and inserts a provision making it clear that the trust is a statutory body under that Act and the *Statutory Bodies Financial Arrangements Act 1982*.

Amendment 21 omits obsolete wording of a transitional nature.

Amendment 22 omits provisions about borrowing, annual reports and investment now covered by the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*.

Amendment 23 omits provisions now covered by the *Land Act 1994*.

Amendments 24 and 31 change penalties expressed in dollars to penalty units.

Amendment 25 is consequential on the updating and relocation of the regulation making power by amendment 36.

Amendments 26 to 32 update a by-law making power in accordance with current drafting practice.

Amendment 33 is a consequential renumbering amendment.

Amendment 34 relocates and updates the regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**QUEENSLAND LAW SOCIETY ACT 1952****Amendment****1. Section 3(1), heading—***omit, insert—***‘Definitions’.****2. Section 3(1)—***insert—***‘“approved form”** see section 51.<sup>49</sup>’.**3. Section 3(2), as a heading—***insert—***‘References to practitioners in certain provisions’.****4. Section 3(2), as amended—***renumber* as section 3A.**5. Section 5(4), words before ‘the filling’—***omit, insert—***‘A rule may be made by the council about’.****6. Section 5A(1), words before paragraph (a)—***omit, insert—***‘5A.(1) The council may make rules for the following purposes—’.**

<sup>49</sup> Section 51 (Approval of forms)

## SCHEDULE 1 (continued)

**7. Section 5A(2)—**

*omit, insert—*

‘(2) A rule or by-law is subordinate legislation, and must be approved by the Governor in Council.’.

**8. Section 6(3), ‘to be made under the authority of’—**

*omit, insert—*

‘made for’.

**9. Section 6(3A), ‘under the authority of’—**

*omit, insert—*

‘for’.

**10. Section 6(4A)—**

*omit, insert—*

‘(4A) An appeal is to be by way of rehearing, and is to be made and heard in accordance with the rules of court made for this Act.’.

**11. Section 6(5), ‘Department of Justice’—**

*omit, insert—*

‘department’.

**12. Section 6(8) and (9) and heading before section 6(8)—**

*omit.*

## SCHEDULE 1 (continued)

**13. Section 6L(2)—**

*omit, insert—*

‘(2) An appeal is to be by way of rehearing unless both parties accept the facts as found, and is to be made and heard in accordance with the rules of court applying to the statutory committee.’.

**14. Section 6M—**

*omit, insert—*

**‘Tribunal rules**

‘**6M.(1)** A proceeding before the tribunal must be started and conducted under its rules.

‘(2) The tribunal may make rules for regulating its practice and procedure.

‘(3) A rule is subordinate legislation, and must be approved by the Governor in Council.’.

**15. Section 6N(2), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**16. Section 7(1), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**17. Section 10(6), ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

## SCHEDULE 1 (continued)

**18. Section 11A(6D), from ‘and liable’ to ‘6 months’—**

*omit, insert—*

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

**19. Section 11A(7E), ‘a public accountant registered under the *Public Accountants Registration Act 1946*’—**

*omit, insert—*

‘an accountant qualified to conduct the audit of trust accounts under the *Trust Accounts Act 1973*’.

**20. Section 11A(8), ‘\$5 000’—**

*omit, insert—*

‘100 penalty units’.

**21. Section 11A(27), ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**22. Section 15(e), ‘rules made under the authority of this Act’—**

*omit, insert—*

‘rules made by the council’.

**23. Section 19(1), ‘for the purposes of this Act’—**

*omit, insert—*

‘under the rules made by the council’.

## SCHEDULE 1 (continued)

**24. Section 24(1A)(b), ‘by regulation (the making whereof from time to time is hereby thereunto authorised) on the recommendation of the council’—**

*omit, insert—*

‘, from time to time, under a regulation’.

**25. Section 24(1A)(b), words after ‘wholly after such date—’—**

*omit, insert—*

‘the amount prescribed under the regulation’.

**26. Section 24(2), ‘the rules made thereunder’—**

*omit, insert—*

‘rules made by the council’.

**27. Section 31(6), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

**28. Section 32(1), ‘on and after the passing of the *Queensland Law Society Acts Amendment Act 1938*’—**

*omit.*

**29. Section 39(1), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

## SCHEDULE 1 (continued)

**30. Section 40(1), ‘form prescribed’ and ‘prescribed form’—***omit, insert—*

‘approved form’.

**31. Section 42(3), ‘in the prescribed form’—***omit, insert—*

‘complying with the rules of court’.

**32. Section 42(7)—***omit.***33. Section 46(1), words before paragraph (a)—***omit, insert—*

‘**46.(1)** The Governor in Council may make rules under this Act on the recommendation of the council.

‘**(1A)** A rule may make provision for the following purposes—’.

**34. Section 46(1)(i) and (j)—***omit.***35. Section 51—***omit, insert—***‘Approval of forms**

‘**51.** The council may approve forms for use under this Act.

## SCHEDULE 1 (continued)

**‘Regulation making power**

‘52. The Governor in Council may make regulations under this Act on the recommendation of the council.

**‘Transitional provision about forms**

‘53.(1) This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 revises a section heading in accordance with current drafting practice.

Amendment 2 is consequential on the insertion of proposed section 51.

Amendments 3 and 4 recast a subsection of a section as a separate section with its own heading.

Amendments 5 to 7, 22, 23 and 26 update provisions about the making of rules and by-laws by the council of the law society.

Amendments 8 to 10, 13 and 31 are consequential on amendment 12.

Amendment 11 changes a reference to a department by name.

Amendments 12 and 32 omit a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 14 updates a rule making power of the solicitors disciplinary tribunal in accordance with current drafting practice.

Amendments 15 to 18, 20, 21, 27 and 29 change penalties expressed in dollars to penalty units.

## SCHEDULE 1 (continued)

Amendment 19 updates a reference.

Amendment 24 updates a reference to regulations.

Amendment 25 changes a statutory instrument from an order in council to a regulation in accordance with current drafting practice.

Amendment 28 omits redundant words.

Amendment 30 changes a prescribed form to an approved form in accordance with current drafting practice.

Amendments 33 and 34 update provisions about the making of rules under the Act by the Governor in Council.

Amendment 35 inserts a provision allowing the council to approve forms for the Act, a regulation making power and a transitional about forms.

## QUEENSLAND MUSEUM ACT 1970

### Amendment

#### 1. Section 1, heading, ‘and commencement’—

*omit.*

#### 2. Section 1(2)—

*omit.*

#### 3. Section 3, heading—

*omit, insert—*

**‘Definitions’.**

#### 4. Section 4(4A), (5) and (5A)—

*omit, insert—*

**‘(5) The board consists of the following 9 members—**

## SCHEDULE 1 (continued)

- (a) 5 members appointed by the Governor in Council after consultation by the Minister with entities the Minister considers appropriate; and
- (b) 2 members appointed by the Governor in Council on the nomination of the board; and
- (c) the chief executive<sup>50</sup> or the chief executive's nominee; and
- (d) the director of the museum.

‘(6) Of the members mentioned in subsection (5)(a), at least 1 must, in the Minister's opinion, be knowledgeable and experienced in the field of natural science and another in the field of technology.

‘(7) The members mentioned in subsection (5)(c) and (d) are ex officio members.’.

**5. Sections 7, 8 and 9—**

*omit, insert—*

**‘Term of appointment**

‘7. A member, other than an ex officio member, is to be appointed for a term of not longer than 4 years.’.

**6. Section 10(e)—**

*omit.*

**7. Section 12(1)(f), ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

---

<sup>50</sup> The chief executive is the chief executive of the department in which the Act is administered (see *Acts Interpretation Act 1954*, section 36, definition “chief executive”, paragraph (b) and section 33(5B))

## SCHEDULE 1 (continued)

**8. Part 2, division 3—**

*omit.*

**9. Part 2, division 4—**

*renumber.*

**10. Section 21A(1), words after ‘this Act’—**

*omit.*

**11. Section 21B, ‘, or subject to section 21A,’—**

*omit.*

**12. Section 24—**

*omit, insert—*

**‘Director and officers**

‘**23A.(1)** The director of the museum is to be appointed under the *Public Service Management and Employment Act 1988*.

‘**(2)** The director has the functions and powers given by the board.

‘**(3)** Other officers are to be appointed under the *Public Service Management and Employment Act 1988*.

**‘Employees**

‘**24.(1)** The board may also employ the persons it considers necessary to perform its functions.

‘**(2)** The board may decide its employees’ terms of employment.

‘**(3)** However, subsection (2) has effect subject to any relevant award, industrial agreement, certified agreement or enterprise flexibility agreement.’

## SCHEDULE 1 (continued)

**13. Section 26—**

*omit, insert—*

**‘Delegation by board**

‘**26.(1)** The board may delegate its powers to a member, the director, an officer of the public service or an employee of the board.

‘**(2)** However, the board may not delegate its power to make by-laws.’.

**14. Sections 32 and 33—**

*omit, insert—*

**‘Application of certain Acts**

‘**32.** The board is a statutory body under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982.*’.

**15. Section 39(1), words before paragraph (a)—**

*omit, insert—*

‘**39.(1)** The board may make by-laws under this Act.

‘**(1A)** A by-law may be made for or about any of the following matters—’.

**16. Section 39(1)(h) and (i)—**

*omit.*

**17. Section 39(2), ‘subsection (1)(a) or (d)’—**

*omit, insert—*

‘subsection (1A)(a) or (d)’.

## SCHEDULE 1 (continued)

**18. Section 39(2A), words before paragraph (a)—**

*omit, insert—*

‘(2A) A by-law—’.

**19. Section 39(2B), words before ‘may contain’—**

*omit, insert—*

‘(2B) A by-law’.

**20. Section 39(3), ‘\$1000’—**

*omit, insert—*

‘20 penalty units’.

**21. Section 39(3A) to (6)—**

*omit, insert—*

‘(3) A by-law must be approved by the Governor in Council.<sup>51</sup>’.

**22. Section 39—**

*renumber.*

**23. Section 40—**

*omit.*

**24. After section 43—**

*insert—*

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<sup>51</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

## SCHEDULE 1 (continued)

**‘Regulation making power**

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

**Explanatory note**

Amendments 1 and 2 omit redundant provisions about the Act’s commencement.

Amendment 3 updates the heading of the definition section.

Amendments 4, 5 and 6 omit redundant transitional provisions and revise the wording of provisions to bring them more into line with current drafting practice.

Amendment 7 implements current drafting practice by providing that statutory instruments under the Act are regulations.

Amendment 8 omits provisions now covered by the *Land Act 1994*.

Amendments 9 and 22 are consequential renumbering amendments.

Amendment 10 omits a provision preventing board fees being paid to officers of the public service. The payment of fees and allowances is to be decided in accordance with Government policy and not fixed by the Act.

Amendment 11 is consequential on amendment 10.

Amendment 12 updates and simplifies provisions about the director, officers and employees of the museum.

Amendment 13 updates a delegation section.

Amendment 14 omits a section covered by the *Financial Administration and Audit Act 1977*, and inserts a section making it clear that the board is a statutory body for the purposes of that Act and the *Statutory Bodies Financial Arrangements Act 1982*.

Amendments 15 to 19 and 21 update a by-law power in accordance with current drafting practice.

Amendment 20 replaces a dollar penalty amount with penalty units.

Amendments 23 and 24 relocate and update a regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**QUEENSLAND PERFORMING ARTS TRUST ACT  
1977****Amendment****1. Section 1, heading, ‘and commencement’—**

*omit.*

**2. Section 1(2)—**

*omit.*

**3. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 4—**

*omit.*

**5. Section 6(c)—**

*omit, insert—*

‘(c) not more than 7 persons appointed by the Governor in Council.’.

**6. Section 14—**

*omit, insert—*

**‘Allowances**

‘**14.** A member is entitled to be paid the allowances decided by the Governor in Council.’.

## SCHEDULE 1 (continued)

**7. Section 15, ‘, subject to section 14(2),’—**

*omit.*

**8. Section 26—**

*omit, insert—*

**‘Director**

**‘26.(1)** The Governor in Council may appoint a person to be the director of the trust.

**‘(2)** The director is the secretary of the trust.

**‘(3)** The director is to be paid the salary decided by the Governor in Council.

**‘(4)** The director holds office on the other terms decided by the trust.

**‘(5)** The remuneration of the director is payable by the trust from its general fund.

**‘Employees**

**‘26A.(1)** The trust may employ the persons it considers necessary to perform its functions.

**‘(2)** The trust may decide its employees’ terms of employment.

**‘(3)** However, subsection (2) has effect subject to any relevant award or industrial agreement.

**‘(4)** The remuneration of the employees is payable by the trust from its general fund.’.

**9. Section 27—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Delegation by trust**

‘**27.(1)** The trust may delegate its powers under this Act to a member, the director or another employee of the trust.

‘**(2)** However, the trust may not delegate—

- (a) the approval of a proposed disbursement under section 36(5); or
- (b) its power to make by-laws.’.

**10. Section 34—**

*omit, insert—*

**‘Application of Financial Administration and Audit Act 1977**

‘**34.** The trust is a statutory body under the *Financial Administration and Audit Act 1977*.’.

**11. Section 38(3)(b), ‘order in council’—**

*omit, insert—*

‘the Treasurer’.

**12. Section 39(3), words after ‘Governor in Council’—**

*omit.*

**13. Section 39(3A)—**

*omit.*

**14. Section 39(4)—**

*omit, insert—*

‘**(4)** The trust is a statutory authority under the *Statutory Bodies Financial Arrangements Act 1982*.’.

## SCHEDULE 1 (continued)

**15. Section 42(3A), words after ‘that income’—**

*omit.*

**16. Section 44(2)—**

*omit, insert—*

‘(2) The *Credit Act 1987*, section 76<sup>52</sup> does not apply to brokerage that the trust is authorised to pay by this section.’.

**17. Section 50, words before paragraph (a)—**

*omit, insert—*

**‘Regulations about loans**

‘50.(1) A regulation may be made about the raising and repayment of loans under this Act.

‘(2) In particular, a regulation may be made for or about—.’

**18. Section 54(1)—**

*omit, insert—*

‘54.(1) On the discontinuance of the trust, the Governor in Council may decide the way in which property held by the trust is to be disposed of or held.’.

**19. Section 61(1), ‘\$500’—**

*omit, insert—*

‘10 penalty units’.

## SCHEDULE 1 (continued)

**20. Section 63—**

*omit.*

**21. Section 64, heading—**

*omit, insert—*

**‘By-law making power’.**

**22. Section 64(1), words before paragraph (a)—**

*omit, insert—*

**‘64.(1) The trust may make by-laws under this Act.**

**‘(1A) A by-law may be made for or about—’.**

**23. Section 64(1)(h)—**

*omit.*

**24. Section 64(4) and (5)—**

*omit, insert—*

**‘(4) A by-law must be approved by the Governor in Council.<sup>53</sup>’.**

**25. Section 64(1) to (4)—**

*renumber.*

**26. After section 64—**

*insert—*

<sup>53</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a))

## SCHEDULE 1 (continued)

**‘Regulation making power**

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

‘(2) A regulation may create offences and prescribe penalties of not more than 4 penalty units for an offence.’.

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 omits a provision about the Act’s commencement.

Amendment 3 revises a section heading in accordance with current drafting practice.

Amendment 4 omits a section made redundant by the proposed definition “statutory corporation” in the *Queensland Cultural Centre Trust Act 1976*.

Amendment 5 updates a provision about the appointment of members of the trust. The revised provision omits an unnecessary provision of an administrative nature.

Amendment 6 omits a provision that prevents allowances being paid to trust members who are officers of the public service. The payment of allowances is to be decided by Government policy and not fixed by the Act.

Amendment 7 is consequential on amendment 6.

Amendment 8 updates and simplifies provisions about the director and employees of the trust.

Amendment 9 updates a delegation power in accordance with current drafting practice.

Amendment 10 updates a provision making it clear that the trust is a statutory body under the *Financial Administration and Audit Act 1977*.

Amendment 11 allows approved dealers for investment purposes to be approved by the Treasurer rather than the Governor in Council.

Amendments 12 and 13 remove the need for the Governor in Council’s approval of borrowings to be given by order in council.

Amendments 14 and 16 update provisions that refer to now repealed Acts.

Amendment 15 omits wording made redundant by the repeal of the *Public Accountants Registration Act 1946*.

Amendment 17 updates a provision about the making of regulations about loans..

Amendment 18 simplifies a provision and removes the need for decisions of the

## SCHEDULE 1 (continued)

Governor in Council to be made by order in council.

Amendment 19 changes a penalty expressed in dollars to penalty units.

Amendment 20 omits a section that is replaced in an updated form by amendment 21.

Amendments 21 to 24 update the trust's by-law power in accordance with current drafting practice.

Amendment 25 is a consequential renumbering amendment.

Amendment 26 replaces the regulation making power in an updated form.

**QUEENSLAND POLICE WELFARE CLUB ACT 1970****Amendment****1. Sections 4 to 5—**

*omit, insert—*

**‘General committee of club**

‘4. The general committee of the club consists of the office-bearers and the trustees of the club.’.

**2. Section 7—**

*omit.*

**Explanatory note**

These amendments omit exhausted provisions and update the provision in line with current drafting practice.

## SCHEDULE 1 (continued)

**QUEENSLAND TOURIST AND TRAVEL  
CORPORATION ACT 1979****Amendment**

**1. Section 34(1), ‘The Governor in Council may, by regulations made under this Act,’—**

*omit, insert—*

‘A regulation may’.

**2. Section 61—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory note**

Amendments 1 and 2 update regulation making powers in accordance with current drafting practice.

**QUEENSLAND TREASURY CORPORATION ACT  
1988****Amendment**

**1. Sections 4, definition “advisory board”, 5(2), 6(3), 6(5), 6(6), 10(2), 11(2), 12(2), 18(3), 19(3), 19(5), 20(2), 21(3), 23(7) (1st mention), 26(2)(a), 28, 33(7), 34, 35(2), 37(1) and 40(1A)(a), ‘pursuant to’—**

*omit, insert—*

‘under’.

## SCHEDULE 1 (continued)

**2. Sections 13, 18(4), 19(4), 19(5), 20(4), 21(1) and (4), 26(2)(a), 31(3), 32 and 37(2), ‘the provisions of’—**

*omit.*

**3. Section 23(5)(b), ‘holding within the meaning of the *Land Act 1962*’—**

*omit, insert—*

‘lease, licence or permit within the meaning of the *Land Act 1994*’.

**4. Section 23(6), ‘the provisions’ to ‘holding’—**

*omit, insert—*

‘, the *Land Act 1994*, chapter 5, part 3 applies as if the land were a lease, licence or permit’.

**5. Section 23(7), ‘pursuant to the *Land Act 1962*’—**

*omit, insert—*

‘under the *Land Act 1994*’.

**6. Section 39, ‘provisions of the *Money Lenders’ Act 1916* shall’—**

*omit, insert—*

‘*Credit Act 1987* does’.

**7. Section 40(1A)(b), ‘any of the provisions of’—**

*omit.*

**Explanatory note**

Amendments 1, 2 and 7 update language in accordance with current drafting

## SCHEDULE 1 (continued)

practice.

Amendments 3, 4, 5 and 6 update Act references.

**RACING VENUES DEVELOPMENT ACT 1982****Amendment****1. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**2. Section 7(b), words after ‘who has been convicted’—**

*omit, insert—*

**‘of an indictable offence’.**

**3. Section 14(1), ‘from time to time’ to ‘any of the following matters’—**

*omit, insert—*

**‘may make rules under this Act about the following’.**

**4. Section 14(1)(d), ‘, not exceeding \$500,’—**

*omit, insert—*

**‘of not more than 10 penalty units’.**

**5. Section 29(4), ‘constituted under the *Land Act 1976*’—**

*omit.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 replaces a section heading according to current drafting practice.

Amendment 2 omits part of a provision that is redundant because of the definition of “indictable offence” in the *Acts Interpretation Act 1954*, section 36.<sup>54</sup>

Amendment 3 updates the rule making power in line with current drafting practice.

Amendment 4 changes a dollar penalty to penalty units.

Amendment 5 removes a reference to a repealed Act.

**RADIOACTIVE SUBSTANCES ACT 1958****Amendment****1. Section 2—**

*omit.*

**2. Section 4, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 4, definitions “chief health officer” and “medical practitioner”—**

*omit.*

**4. Section 4—**

*insert—*

<sup>54</sup> Section 36 (Meaning of commonly used words and expressions)

## SCHEDULE 1 (continued)

‘**“approved form”**’ see section 32A<sup>55</sup>.

**“chief health officer”** means the chief health officer under the *Health Act 1937*.’.

**5. Section 5—**

*omit.*

**6. Section 6(2E), (3A)(b)(vi) and (5), ‘by notification published in the gazette’—**

*omit.*

**7. Section 6(4), ‘shall upon’ to ‘in the gazette,’—**

*omit, insert—*

‘must appoint’.

**8. Section 6(7A) to (8) and (9F) and (9G)—**

*omit.*

**9. Section 8(2), ‘, by notification published in the gazette,’—**

*omit.*

**10. Section 8(3), from ‘and may cause’—**

*omit.*

<sup>55</sup> Section 32A (Approval of forms)

## SCHEDULE 1 (continued)

**11. Section 8(5), ‘an office under the Crown in right of this State’—***omit, insert—*

‘an office of the public service’.

**12. Section 9—***omit, insert—***‘Delegation by Minister****‘9.** The Minister may delegate the Minister’s powers under this Act to an officer of the public service.’.**13. Section 10(1A), ‘shall be in or to the effect of the prescribed form’—***omit, insert—*

‘must be in the approved form’.

**14. Section 10(3), ‘as aforesaid, from time to time, by notice in writing,’—***omit, insert—*

‘, by written notice,’.

**15. Section 11(6), ‘by notice published in the gazette’—***omit, insert—*

‘by gazette notice’.

**16. Section 12(1)(a), ‘or to the effect of the prescribed form’—***omit, insert—*

‘the approved form’.

## SCHEDULE 1 (continued)

**17. Sections 13(4), 14(1), (2) and (3), 16 and 25(6), ‘\$400’—***omit, insert—*

‘8 penalty units’.

**18. Section 17, ‘\$300’—***omit, insert—*

‘6 penalty units’.

**19. Section 18, ‘\$200’—***omit, insert—*

‘4 penalty units’.

**20. Section 20(4), ‘\$400’—***omit, insert—*

‘8 penalty units’.

**21. Section 20(5A), ‘\$800’—***omit, insert—*

‘16 penalty units’.

**22. Section 22(1), ‘\$400’—***omit, insert—*

‘8 penalty units’.

**23. Section 30(1), ‘\$100’—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘2 penalty units’.

**24. Section 32(1)—**

*omit.*

**25. Section 32(2), from ‘(and in the absence’—**

*omit, insert—*

‘of the matters certified to and that the signature on the certificate is the signature of the person by whom it purports to have been signed.’.

**26. Section 32(3), ‘conclusive’—**

*omit.*

**27. After section 32—**

*insert—*

**‘Approval of forms**

‘**32A.** The chief health officer may approve forms for use under this Act.’.

**28. Section 33(1)—**

*omit, insert—*

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

**29. Section 33(1A), words before paragraph (a)—**

*omit, insert—*

‘A regulation may be made for or about the following’.

## SCHEDULE 1 (continued)

**30. Section 33(1A)(m) and (t)—**

*omit.*

**31. Section 33(1A)(n), ‘returns of any prescribed’ to ‘thereof’—**

*omit, insert—*

‘information, statistics and data to be given to the chief health officer’.

**32. Section 33(2) and (3)—**

*omit.*

**33. Sections 34 and 35—**

*omit, insert—*

**‘Transitional provision about forms**

**‘34.(1)** This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’

**Explanatory note**

Amendment 1 omits a redundant provision—see *Acts Interpretation Act 1954*, sections 7 and 9.

Amendment 2 replaces a section heading in accordance with current drafting practice.

## SCHEDULE 1 (continued)

Amendments 3 and 4 replace the definition “chief health officer” to refer to the Act under which the chief health officer is appointed—the *Health Act 1937*. Amendment 3 also omits a redundant definition—see *Acts Interpretation Act 1954*, section 36. Amendment 4 inserts a definition of approved form as a consequence of amendment 30.

Amendment 5 omits a provision that deals with administrative matters, in accordance with current drafting practice.

Amendments 6, 7, 9 and 10 update provisions to remove the gazettal requirement in accordance with current drafting practice. Amendment 7 also omits an administrative matter, in accordance with current drafting practice.

Amendment 8 omits redundant provisions.

Amendment 11 amends the provision in accordance with current drafting style.

Amendment 12 replaces the Minister’s power to delegate in accordance with current drafting practice—see *Acts Interpretation Act 1954*, section 27A.

Amendments 13 and 16 change references from prescribed form to approved form in accordance with current drafting practice.

Amendments 14 and 15 update the provisions to express the requirement in current drafting practice.

Amendments 17 to 23 change penalty provisions expressed in dollars to penalty units.

Amendment 24 omits a redundant provision—see *Acts Interpretation Act 1954*, section 39.

Amendments 25 and 26 omit provisions about conclusive evidence and, for amendment 27, also omits redundant provisions—see *Acts Interpretation Act 1954*, section 39A.

Amendment 27 inserts a provision empowering the chief health officer to approve forms for use under the Act and is consequential on amendments 13 and 16.

Amendments 28 and 29 revises the power to make regulations in accordance with current drafting style.

Amendments 30 and 31 are consequential on amendments 13 and 16. Amendment 32 also omits a redundant provision.

Amendments 32 and 33 omit provisions that are redundant and insert a transitional provision consequential to amendments 13 and 16.

## SCHEDULE 1 (continued)

**RECREATION AREAS MANAGEMENT ACT 1988****Amendment****1. Section 5, definition “proprietor”, paragraph (b)(ii)(A), ‘Harbours Act 1955-1987’—**

*omit, insert—*

‘*Canals Act 1958*’.

**2. Section 5, definition “weapon”, ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

**3. Section 6(1)(b), ‘from time to time by order in council’—**

*omit, insert—*

‘under a regulation’.

**4. Section 9(2)—**

*omit, insert—*

‘(2) The Governor in Council may, under a regulation, set apart and declare the land and waters to which the proposal relates to be a recreation area.’.

**5. Section 10(1), ‘, in the prescribed form,’—**

*omit.*

**6. Section 10(4), ‘in the prescribed form’—**

*omit.*

## SCHEDULE 1 (continued)

**7. Section 11(1)(a) and (b), ‘order in council’—***omit, insert—*

‘regulation’.

**8. Section 11, from ‘any such order’—***omit, insert—*

‘, by regulation’.

**9. Section 18(2), ‘order in council’—***omit, insert—*

‘gazette notice’.

**10. Section 18(2), ‘that order’—***omit, insert—*

‘that notice’.

**11. Section 19(2) to (5)—***omit.***12. Sections 20(7) and 20A(2), ‘order in council’—***omit, insert—*

‘gazette notice’.

**13. Sections 20(8) and 20A(3), ‘an order in council’—***omit, insert—*

‘a gazette notice’.

## SCHEDULE 1 (continued)

**14. Section 27(5)(a), ‘National Parks and Wildlife Services Act 1975–1989’—**

*omit, insert—*

*‘Nature Conservation Act 1992’.*

**15. Section 28, definition “owner”, from ‘in relation to’ to ‘that State or Territory’—**

*omit, insert—*

*‘, for a vehicle registered in a State under a law of the State’.*

**16. Section 29(3)(a), 30(5) and 31(3), ‘or Territory of the Commonwealth’—**

*omit.*

**17. Section 54(d), from ‘, and in the absence of’—**

*omit.*

**18. Section 54(e), (h), (i) and (j), ‘and, in the absence of evidence to the contrary, conclusive evidence’—**

*omit.*

**19. Section 54(g), from ‘and, in the absence of’—**

*omit.*

**20. Section 54(k), after ‘proved’—**

*omit.*

## SCHEDULE 1 (continued)

**21. Section 55, heading—**

*omit, insert—*

**‘Acknowledgment of service’.**

**22. Section 55(1)—**

*omit.*

**23. Section 56—**

*omit.*

**24. Section 57(1) to (4)—**

*omit, insert—*

**‘57.(1)** The board may make by-laws under this Act.

**‘(2)** A by-law may be made for or about the matters in schedule 3.’.

**25. Section 57(5)—**

*renumber* as subsection (3).

**26. Section 57(6) and (7)—**

*omit, insert—*

**‘(4)** A by-law is subordinate legislation.’.

**27. Sections 58 and 59—**

*omit, insert—*

**‘Regulation making power**

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

## SCHEDULE 1 (continued)

‘(2) A regulation may be made for or about the matters in schedule 1.’.

**28. Part 12, heading—**

*omit.*

**29. Schedule 1, ‘section 59’—**

*omit, insert—*

‘section 58’.

**30. Schedule 1, sections 7, 10 and 11—**

*omit.*

**Commencement**

Amendment 14 is taken to have commenced on 19 December 1994.

**Explanatory note**

Amendment 1 amends the definition “proprietor” by updating a reference.

Amendments 2 to 4, 7 to 10, 12 and 13 implement current drafting practice by providing that the statutory rules under the Act are regulations or gazette notices. Amendment 23 is a consequential amendment.

Amendments 5 and 6 amend the section so that a prescribed form is no longer required.

Amendment 11 omits redundant provisions—see *Acts Interpretation Act 1954*, section 27A.

Amendment 14 corrects a minor drafting error that made an earlier amendment ineffective.

Amendments 15 and 16 omit redundant provisions—see *Acts Interpretation Act 1954*, section 36, definition “State”.

Amendments 17 to 20 omit provisions for evidentiary aids providing for conclusive evidence in accordance with current drafting practice and Government policy.

## SCHEDULE 1 (continued)

Amendment 22 omits a redundant provision—see *Acts Interpretation Act 1954*, section 39. Amendment 21 is consequential on amendment 22.

Amendment 24 updates the by-law making power in accordance with current drafting practice. Amendment 25 is consequential on amendment 24. Amendment 26 makes the by-laws subordinate legislation and amendment 27 is, in part, consequential to this amendment.

Amendment 27 also updates the Act's regulation making power in accordance with current drafting practice.

Amendments 28 and 29 attend to formal drafting changes—the removal of an unnecessary part heading and the updating of a section reference.

Amendment 30 removes unnecessary sections from schedule 1 as a consequence of amendments 5, 6 and 27.

## **REGISTRATION OF PLANS (H.S.P. (NOMINEES) PTY. LIMITED) ENABLING ACT 1980**

### **Amendment**

**1. Section 4(b), definitions “building”, “local authority” and “road”—**  
*omit.*

**2. Section 4(b)—**

*insert—*

‘ **“building”** means the building built on parcel 1, or the building built on parcel 2, of which the plans have been approved by the local government.

**“local government”** means the Council of the City of Gold Coast.

**“road”** means a State-controlled road under the *Transport Infrastructure Act 1994* or a road under the *Local Government Act 1993*.’.

## SCHEDULE 1 (continued)

**3. Section 5(1)(b)—***omit, insert—*

‘(b) for a lower plan—have a sheet attached containing a schedule of the easements mentioned in section 7<sup>56</sup> (including a diagram or diagrams drawn to scale identifying the location and extent of the easements signed by the chief executive officer of the local government and certified by a licensed surveyor under the *Surveyors Act 1977*).’.

**4. Section 5(7)—***omit, insert—*

‘(7) On registration of a lower plan, a part of a lot included in the plan may be leased without the local government’s approval.’.

**5. Section 14—***omit, insert—***‘Regulation making power**

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

**Explanatory note**

Amendments 1 and 2 update 3 definitions.

Amendments 3 and 4 update provisions in accordance with current drafting practice.

Amendment 5 updates the regulation making power in accordance with current drafting practice.

<sup>56</sup> Section 7 (Right of way)

## SCHEDULE 1 (continued)

**REGISTRATION OF PLANS (STAGE 2) (H.S.P.  
(NOMINEES) PTY. LIMITED) ENABLING ACT 1984****Amendment**

**1. Section 3(b), definitions “building”, “local authority” and “road”—**  
*omit.*

**2. Section 3(b)—**

*insert—*

‘ **“building”** means the building built on parcel 1, or the building built on parcel 2, of which the plans have been approved by the local government.

**“local government”** means the Council of the City of Gold Coast.

**“road”** means a State-controlled road under the *Transport Infrastructure Act 1994* or a road under the *Local Government Act 1993*.’.

**3. Section 4(1)(b)—**

*omit, insert—*

‘(b) for a lower plan—have a sheet attached containing a schedule of the easements mentioned in section 6<sup>57</sup> (including a diagram or diagrams drawn to scale identifying the location and extent of the easements signed by the chief executive officer of the local government and certified by a licensed surveyor under the *Surveyors Act 1977*).’.

**4. Section 4(6)—**

*omit, insert—*

<sup>57</sup> Section 6 (Right of way)

## SCHEDULE 1 (continued)

‘(6) On registration of a lower plan, a part of a lot included in the plan may be leased without the local government’s approval.’.

**Explanatory note**

Amendments 1 and 2 update 3 definitions.

Amendments 3 and 4 update provisions in accordance with current drafting practice.

**RETIREMENT VILLAGES ACT 1988****Amendment****1. Section 6(1), definition “registrar”—**

*omit.*

**2. Section 6(1)—**

*insert—*

‘ “**approved form**” see section 61<sup>58</sup>.

“**registrar**” means the registrar of retirement villages.’.

**3. Section 7—**

*omit, insert—*

**‘Registrar**

‘**7.(1)** There is to be a registrar of retirement villages.

‘**(2)** The registrar holds office under the *Public Service Management and Employment Act 1988*.’.

<sup>58</sup> Section 61 (Approval of forms)

## SCHEDULE 1 (continued)

**4. Sections 33(1), 38(4) and 39(4), ‘notification in the prescribed form’—***omit, insert—*

‘written notice’.

**5. Section 42(2), ‘or to the effect of the prescribed form’—***omit, insert—*

‘the approved form’.

**6. Section 48(1), ‘prescribed form’—***omit, insert—*

‘approved form’.

**7. Section 61—***omit, insert—***‘Approval of forms****‘61.** The chief executive may approve forms for use under this Act.’.**Explanatory note**

Amendments 1 and 2 replace a definition in an updated form and includes a new definition about approved forms.

Amendment 3 replaces an unnecessary provision about the Act’s administration with a provision dealing with the registrar.

Amendment 4 removes an unnecessary reference to a prescribed form.

Amendments 5 and 6 are consequential on a new provision inserted by amendment 7.

Amendment 7 omits a spent provision. It also inserts a provision allowing the chief executive to approve forms.

## SCHEDULE 1 (continued)

**REVENUE LAWS (RECIPROCAL POWERS) ACT 1988****Amendment****1. Section 2(2), ‘order in council’—***omit, insert—*

‘regulation’.

**2. Section 2(3), ‘An order in council’—***omit, insert—*

‘A regulation’.

**3. Section 2(4), ‘order in council’—***omit, insert—*

‘regulation’.

**4. Section 2A—***omit.***5. Section 6(4), ‘in the prescribed form’—***omit.***6. Section 24—***omit, insert—***‘Regulation making power****‘24. The Governor in Council may make regulations under this Act.’.**

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1, 2 and 3 implement current drafting practice by providing that the statutory instruments used under the Act are regulations.

Amendment 4 omits an unnecessary provision about the Act's administration.

Amendment 5 omits an unnecessary requirement for a warrant to be in a prescribed form.

Amendment 6 replaces the regulation making power to bring it into line with current drafting practice.

**RIVER IMPROVEMENT TRUST ACT 1940****Amendment****1. Section 2, definition “chief executive”—**

*omit.*

**2. Section 2—**

*insert—*

‘**“approved form”** see section 23.<sup>59</sup>’.

**3. Section 3(2), heading—**

*omit.*

**4. Section 5(2) to (7) and (9) to (11), heading—**

*omit.*

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<sup>59</sup> Section 23 (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 6(4), heading—**

*omit.*

**6. Section 10 (5), heading—**

*omit.*

**7. Section 11(4)(a), ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**8. Section 11(4)(b), ‘\$5 000’—**

*omit, insert—*

‘100 penalty units’.

**9. Section 20(2) and (3), heading—**

*omit.*

**10. Section 20(2), ‘\$2 000’—**

*omit, insert—*

‘40 penalty units’.

**11. Section 22, heading—**

*omit, insert—*

‘Regulation making power’.

## SCHEDULE 1 (continued)

**12. Section 22(1)—***omit, insert—***‘22.(1)** The Governor in Council may make regulations under this Act.’.**13. Section 22, from ‘Without’ to ‘namely—’—***omit, insert—***‘(2)** A regulation may be made for or about—’.**14. Section 22(d)—***omit.***15. Section 22(k), ‘\$1 000’—***omit, insert—***‘20** penalty units’.**16. Section 22A—***omit.***17. After section 22—***insert—***‘Approval of forms****‘23.** The chief executive may approve forms for use under this Act.**‘Transitional provision about forms****‘24.(1)** This section applies if —

(a) immediately before its commencement, there was a prescribed

## SCHEDULE 1 (continued)

form for a matter; and

- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 omits a definition made redundant by amendments to the *Acts Interpretation Act 1954*.

Amendment 2 is consequential on amendment 17.

Amendments 3 to 6 and 9 omit unnecessary headings.

Amendments 7, 8, 10 and 15 change an amount expressed in dollars to penalty units.

Amendments 11 to 13 update the language of the Act’s regulation making power in accordance with current drafting practice.

Amendment 14 revises the regulation making power in accordance with current drafting practice.

Amendment 16 omits a provision made redundant by amendments to the *Acts Interpretation Act 1954*.

Amendment 17 inserts a provision allowing the chief executive to approve forms for the Act. The amendment also inserts a transitional provision that provides for a prescribed form to be taken to be an approved form for a limited period.

**ROYAL QUEENSLAND THEATRE COMPANY ACT  
1970****Amendment****1. Section 1, heading, ‘and commencement’—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 1(2)—**

*omit.*

**3. Section 2, definition “by-laws”—**

*omit.*

**4. Section 7(1)—**

*omit, insert—*

‘**7.(1)** There is to be a board of the theatre company.

‘**(1A)** The board has the functions and powers given under this Act.’.

**5. Section 9—**

*omit, insert—*

**‘Members and their appointment**

‘**9.(1)** The board consists of the number of members, not less than 7 and not more than 10, the Governor in Council appoints.

‘**(2)** A member is to be appointed for a term of not longer than 3 years.’.

**6. Section 13—**

*omit.*

**7. Section 14(3) and 19(1), ‘, authorities, duties’—**

*omit.*

**8. Section 16—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Delegation by board**

‘**16.(1)** The board may delegate its powers to a member or an employee of the board.

‘(2) However, the board may not delegate its power to make by-laws.’.

**9. Section 18—**

*omit, insert—*

**‘Employees**

‘**18.(1)** The board may employ an artistic director, a secretary and the other persons it considers necessary for carrying out the objects of the theatre company.

‘(2) The board may decide the terms of employment of its employees.

‘(3) However, subsection (2) has effect subject to any relevant award, industrial agreement, certified agreement or enterprise flexibility agreement.

‘(4) The artistic director and other employees have the functions and powers prescribed by the by-laws or directed by the board.’.

**10. After section 25—**

*insert—*

**‘Application of Financial Administration and Audit Act 1977**

‘**25A.** The theatre company is a statutory body under the *Financial Administration and Audit Act 1977*.’.

**11. Sections 29 and 30—**

*omit.*

## SCHEDULE 1 (continued)

**12. Section 31(2)—**

*omit.*

**13. Section 32, heading—**

*omit, insert—*

**‘By-law making power’.**

**14. Section 32(1), words before paragraph (a)—**

*omit, insert—*

**‘32.(1) The board may make by-law under this Act.**

**‘(1A) A by-law may make provision for or about the following—’.**

**15. Section 32(1)(h) and (i)—**

*omit.*

**16. Section 32(2), ‘\$50’—**

*omit, insert—*

**‘1 penalty unit’.**

**17. Section 32(2A) to (5)—**

*omit, insert—*

**‘(3) An offence against a by-law is a summary offence.**

**‘(4) A by-law must be approved by the Governor in Council.<sup>60</sup>’.**

---

<sup>60</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

## SCHEDULE 1 (continued)

**18. Section 32(1) to (6)—**

*renumber.*

**19. Section 33—**

*omit, insert—*

**‘Regulation making power**

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

**‘Queensland Theatre Company Act 1970 references**

‘34. In an Act or document, a reference to the *Queensland Theatre Company Act 1970* is a reference to this Act.’.

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 omits a provision about the Act’s commencement.

Amendment 3 omits a definition made redundant by an amendment of the *Acts Interpretation Act 1954* (see section 35E).

Amendments 4 and 7 simplify the wording of provisions by relying on the definitions “function” and “power” in the *Acts Interpretation Act 1954*, section 36.

Amendment 5 updates the section about the members of the board and their appointment. The updated section omits unnecessary provisions of an administrative nature and provisions now covered by the *Acts Interpretation Act 1954*.

Amendment 6 omits a provision that is redundant because of amendment 4.

Amendment 8 updates a delegation power in accordance with current drafting practice.

Amendment 9 updates provisions about employees.

Amendment 10 inserts a provision making it clear that the theatre company is a statutory body under the *Financial Administration and Audit Act 1977*

Amendment 11 omit provisions about keeping of accounts, audit and annual reports now covered by the *Financial Administration and Audit Act 1977*.

## SCHEDULE 1 (continued)

Amendments 13 to 17 update a by-law making power in accordance with current drafting practice.

Amendment 16 also changes a penalty expressed in dollars to penalty units.

Amendment 17 also removes unnecessary references to proceedings under the *Justices Act 1886* because of the *Acts Interpretation Act 1954* (see section 44).

Amendment 18 is a consequential renumbering amendment.

Amendment 19 inserts a regulation making power in accordance with current drafting practice, and a provision to enable certain references to the Act by its previous short title to be updated in reprints.

**RURAL LANDS PROTECTION ACT 1985****Amendment****1. Section 2—**

*omit.*

**2. Section 6, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 6(1), definitions “chief executive (lands)”, “owner”, “private land”, “reserve for travelling stock”, “road”, “stock route” and “vacant Crown land”—**

*omit.*

**4. Section 6(1)—**

*insert—*

## SCHEDULE 1 (continued)

‘**“approved form”**’ see section 247.<sup>61</sup>

**“government entity”** see *Government Owned Corporations Act 1993*.

**“owner”**, of land, has the meaning given by the *Local Government Act 1993*, section 5(1), but does not include the State or a government entity.

**“private land”** means land for which there is an owner, but does not include a protected area.

**“reserve for travelling stock”** means a reserve under the *Land Act 1994* or another Act that may be used for travelling stock.

**“road”** see *Land Act 1994*.

**“stock route”** see *Land Act 1994*.

**“travelling stock rate”** see section 16.

**“unallocated State land”** see *Land Act 1994*’.

**5. Section 6(1), definition “declared animal”, ‘specified in an order in council under that section’—**

*omit, insert—*

‘declared under a regulation’.

**6. Section 6(1), definition “reserve”, ‘reserved or set apart or reserved and set apart’—**

*omit, insert—*

‘declared, reserved or set apart’.

<sup>61</sup> Section 247 (Approval of forms)

## SCHEDULE 1 (continued)

**7. Section 6(1), definition “reserve”, ‘and also includes any part of such land’—**

*omit.*

**8. Section 6(1), definition “stock”, ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

**9. Section 6(2), as heading—**

*insert—*

‘Class of plants or animals of category identified by letter and numeral etc.’.

**10. Section 6(2), as amended by this Act—**

*renumber* as section 6A.

**11. Section 6(3), as heading—**

*insert—*

‘Meaning of plant or animal on land’.

**12. Section 6(3), as amended by this Act—**

*renumber* as section 6B.

## SCHEDULE 1 (continued)

**13. Section 6(4), as heading—***insert—***‘Meaning of fence on boundary of land etc.’.****14. Section 6(4), as amended by this Act—***renumber* as section 6C.**15. Section 6(5), as heading—***insert—***‘Application of declarations to plants or animals on land’.****16. Section 6(5), as amended by this Act—***renumber* as section 6D.**17. Section 9—***omit.***18. Section 10(4), ‘by order in council’—***omit.***19. Section 12(2)—***omit.***20. Section 13(2), ‘Subject to subsection (3), each’—***omit, insert—***‘Each’.**

## SCHEDULE 1 (continued)

**21. Section 13(3)—**

*omit.*

**22. Section 13(4)—**

*renumber* as section 13(3).

**23. Section 16—**

*omit, insert—*

**‘Travelling stock rate**

‘**16.** A regulation may authorise funds to be raised by a rate (a “**travelling stock rate**”) of a prescribed amount on stock travelled on a stock route or part of a stock route.’.

**24. Section 18—**

*omit.*

**25. Section 19(1)—**

*omit, insert—*

‘**19.(1)** The protection board consists of not less than 13 nor more than 14 members.’.

**26. Section 19(2)(j) and (k)—**

*omit, insert—*

- ‘(j) the chief executive of the department or the chief executive’s nominee;
- (k) the chief executive of the department in which the *Primary Industries Corporation Act 1992* is administered or that chief executive’s nominee.’.

## SCHEDULE 1 (continued)

**27. Section 19(3)—**

*omit, insert—*

‘(3) The members of the protection board mentioned in subsection (2)(a) to (h) are to be appointed by the Governor in Council.’.

**28. Section 20(1), ‘, on the recommendation of the Minister, from time to time by notification published in the gazette’—**

*omit.*

**29. Section 20(2)—**

*omit, insert—*

‘(2) Before a person is appointed as the chairperson, the Minister must consult the protection board about the appointment.’.

**30. Section 21—**

*omit, insert—*

**‘Term of appointment**

‘**21.(1)** The chairperson or another member of the protection board is to be appointed for a term of not longer than 3 years.

‘(2) Subsection (1) does not apply to a member mentioned in section 19(2)(i) to (k).<sup>62</sup>’.

**31. Section 23(3)(d)—**

*omit.*

<sup>62</sup> Section 19 (Members of board)

## SCHEDULE 1 (continued)

**32. Section 23(3)(e), ‘in the case of a member appointed pursuant to section 19,’—**

*omit.*

**33. Section 24—**

*omit.*

**34. Section 26(1), ‘The Protection Board’ to ‘thereafter’—**

*omit, insert—*

‘**26.(1)** The protection board’.

**35. Section 28, ‘The governor in Council’ to ‘with this Act’—**

*omit, insert—*

‘A regulation may provide’.

**36. Section 28, ‘such regulations’—**

*omit, insert—*

‘the regulation’.

**37. Sections 29 and 30, ‘notification published in the gazette’—**

*omit, insert—*

‘gazette notice’.

## SCHEDULE 1 (continued)

**38. Section 31(1)(k)—***omit, insert—*‘(k) amounts to be prescribed under section 211(2);<sup>63</sup>’.**39. Section 35(1)—***omit.***40. Section 35(2), ‘On and after 1 July 1988 the’—***omit, insert—*

‘The’.

**41. Section 35(2)(a), ‘Department of Lands’—***omit, insert—*

‘department’.

**42. Section 35(3) and (4), ‘by order in council’—***omit, insert—*

‘under a regulation’.

**43. Section 36(1), ‘on and after 1 July 1988’—***omit.***44. Section 36(1), ‘by notification published in the gazette’—***omit.*

<sup>63</sup> Section 211 (Precept)

## SCHEDULE 1 (continued)

**45. Section 36(2)—**

*omit, insert—*

**‘(2) Appointments under subsection (1)—**

- (a) are triennial appointments; and
- (b) for a year in which the appointments are to be made—must be made before 1 July.’.

**46 Section 38(3)(d)—**

*omit.*

**47. Section 38(3)(e), ‘in the case of’ to ‘section 36,’—**

*omit.*

**48. Section 39(2), all words after ‘question,’—**

*omit, insert—*

‘is qualified under section 37(1)<sup>64</sup>, may be appointed by the Governor in Council as a member to fill the vacancy.’.

**49. Section 39(4)—**

*omit.*

**50. Section 40—**

*omit, insert—*

**‘Chairperson**

**‘40.(1) The chairperson of the rabbit board is the member of the board**

<sup>64</sup> Section 37(Qualification of members)

## SCHEDULE 1 (continued)

chosen at the first meeting held after each triennial appointment of members.

‘(2) If there is a casual vacancy in the office of chairperson, the members present at the first meeting held after the vacancy happens must choose another member to be chairperson.’

**51. Section 45(1), ‘by way of’ to ‘that Act’—**

*omit, insert—*

‘under a lease under the *Land Act 1994*’.

**52. Sections 47 and 48—**

*omit, insert—*

**‘Rabbit control and other officers**

‘**47.(1)** There are to be rabbit control officers.

‘(2) Rabbit control officers and other officers required to assist the board are to be appointed under the *Public Service Management and Employment Act 1988*.

**‘Rabbit board staff**

‘**48.(1)** The rabbit board may engage the employees it considers necessary to perform its functions.

‘(2) The rabbit board may decide its employees’ conditions of employment.

‘(3) However, subsection (2) has effect subject to any relevant award or industrial agreement.

‘(4) The *Public Service Management and Employment Act 1988* does not apply to the rabbit board or its employees under this section.’

## SCHEDULE 1 (continued)

**53. Section 49—**

*omit.*

**54. Section 50—**

*omit.*

**55. Section 53, all words after ‘office and’—**

*omit, insert—*

‘the office of a member or chairperson of the board.’.

**56. Section 54(1)—**

*omit, insert—*

‘**54.(1)** A member of the board is entitled to be paid the fees and allowances decided by the Governor in Council.’.

**57. Section 54(2)—**

*omit.*

**58. Section 54(3)—**

*renumber* as section 54(2).

**59. Section 56—**

*omit.*

**60. Section 58, ‘vacant Crown land’,**

*omit, insert—*

‘unallocated State land’.

## SCHEDULE 1 (continued)

**61. Section 61, ‘of Lands’—**

*omit.*

**62. Section 66(1), ‘the Governor in Council may, by order in council’—**

*omit, insert—*

‘, a regulation may’.

**63. Section 66(1)(a), ‘order in council’—**

*omit, insert—*

‘regulation’.

**64. Section 66(3)—**

*omit.*

**65. Section 66(7), ‘prescribed form or in a form to the like effect’—**

*omit, insert—*

‘approved form’.

**66. Section 69(1), ‘The Governor in Council may, by order in council’—**

*omit, insert—*

‘A regulation may’.

**67. Section 69(1)(a) and (b) and (2)(a) and (b), ‘order in council’—**

*omit, insert—*

‘regulation’.

## SCHEDULE 1 (continued)

**68. Section 69(2), ‘An order in council’—**

*omit, insert—*

‘A regulation’.

**69. Section 70(1), ‘that, in the opinion of the Governor in Council, need’—**

*omit.*

**70. Section 70(1) and (2), ‘by order in council under’—**

*omit, insert—*

‘under a regulation mentioned in’.

**71. Section 70(3)(a), ‘should, in the opinion of the Governor in Council,’—**

*omit, insert—*

‘is to’.

**72. Section 70(3)(b) to (d), ‘should, in the opinion of the Governor in Council,’—**

*omit, insert—*

‘are to’.

**73. Section 70(3)(e), ‘, in the opinion of the Governor in Council,’—**

*omit.*

## SCHEDULE 1 (continued)

**74. Section 70(3)(e), ‘should’—**

*omit, insert—*

‘is to’.

**75. Section 70(4)(a) and (c) to (g), ‘should, in the opinion of the Governor in Council,’—**

*omit, insert—*

‘is to’.

**76. Section 70(4)(b)(ii), ‘should, in the opinion of the Governor in Council,’—**

*omit, insert—*

‘are to’.

**77. Section 70(4)(h)—**

*omit, insert—*

‘(h) category A8 for an area if, in the area, the animals are to be treated on the basis that—

(i) they are pests; and

(ii) a plague of them would quickly inflict severe damage to crops and pastures.’.

**78. Section 71—**

*omit.*

## SCHEDULE 1 (continued)

**79. Section 88(1), ‘The Governor in Council may, by order in council,’—***omit, insert—*

‘A regulation may’.

**80. Section 88(1), ‘in the order in council’—***omit, insert—*

‘in the regulation’.

**81. Section 88(2), ‘an order in council’—***omit, insert—*

‘a regulation’.

**82. Section 104—***omit, insert—***‘Definitions**‘**104.** In this part—‘**“extraordinarily noxious plant”** means each of the following—

- (a) *Mimosa invisa* (giant sensitive plant);
- (b) a plant prescribed under a regulation as an extraordinarily noxious plant.

**‘State bound**‘**104A.** This part binds the State.’.

## SCHEDULE 1 (continued)

**83. Section 148(1), ‘Subject to’ to ‘the Rabbit Board and’—***omit, insert—*

‘The rabbit board and’.

**84. Section 177, definition “vermin”, ‘by order in council’—***omit, insert—*

‘under a regulation’.

**85. Section 178(1), ‘The Governor in Council may by order in council’—***omit, insert—*

‘A regulation may’.

**86. Section 178(2), ‘order in council’—***omit, insert—*

‘regulation’.

**87. Section 202(1), ‘the Governor in Council may by order in council’—***omit, insert—*

‘, a regulation may’.

**88. Section 202(1), ‘the order in council’—***omit, insert—*

‘the regulation’.

## SCHEDULE 1 (continued)

**89. Sections 202(2) and 203(1), ‘An order in council’—***omit, insert—*

‘A regulation’.

**90. Section 203, heading, ‘order in council’—***omit, insert—*

‘regulation’.

**91. Sections 203 to 205, ‘an order in council’—***omit, insert—*

‘a regulation’.

**92. Sections 203(2) and 205, ‘that order in council’—***omit, insert—*

‘the regulation’.

**93. Section 204(1), ‘such order in council’—***omit, insert—*

‘the regulation’.

**94. Section 209(a) and (b)—***omit, insert—*(a) under an occupation licence under the *Land Act 1994*; or(b) under a lease under the *Land Act 1994* with less than 5 years to run when the notice is given.’.

## SCHEDULE 1 (continued)

**95. Section 211, ‘prescribed form or in a form to the like effect’—***omit, insert—*

‘approved form’.

**96. Section 211(2), ‘The Governor in Council’ to ‘order in council’—***omit, insert—*

‘A regulation may’.

**97. Section 211(4), ‘or under an Act’ to ‘partly under an Act repealed by this Act’—***omit.***98. Section 212(a)—***omit.***99. Section 214, ‘which having been paid’ to ‘after such commencement’—***omit, insert—*

‘received by a local government’.

**100. Section 215—***omit.***101. Section 216(1), definition “take”—***omit, insert—*

‘ “take” an animal, means to trap, snare, shoot or catch the animal other than by poisoning it.’.

## SCHEDULE 1 (continued)

**102. Section 228—**

*omit, insert—*

**‘Regulation making power**

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

**103. Sections 229 and 231 to 233(1), ‘Without limiting’ to ‘make regulations—’—**

*omit, insert—*

‘A regulation may be made for or about any of the following—’.

**104. Section 229(b) and (f)—**

*omit.*

**105. Section 234—**

*omit.*

**106. Section 235—**

*omit, insert—*

**‘Offences under regulations**

‘**235.** A regulation may prescribe offences for contraventions of a regulation, and fix a maximum penalty of a fine of not more than 20 penalty units for the contravention.’.

**107. Sections 236(1)(b) and 237(5), ‘Lands Department’—**

*omit, insert—*

‘department’.

## SCHEDULE 1 (continued)

**108. Section 236(3)—***omit, insert—*

‘(3) This section has effect only for an area specified under a regulation.’.

**109. Section 237, ‘The Governor in Council’ to ‘by order in council’—***omit, insert—*

‘A regulation may’.

**110. Section 237, ‘such order in council’—***omit, insert—*

‘the regulation’.

**111. Section 237(2), ‘may be determined by the Minister’—***omit, insert—*

‘stated in the regulation’.

**112. Section 237(5), ‘an order in council referred to’—***omit, insert—*

‘a regulation mentioned’.

**113. Section 237(6)—***omit.***114. Section 239, ‘(in the prescribed form)’—***omit.*

## SCHEDULE 1 (continued)

**115. Part 12, division 5—**

*insert—*

**‘Approval of forms**

‘**247.** The chief executive may approve forms for use under this Act.

**‘Transitionally approved forms**

‘**248.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**116. Part 13—**

*omit.*

**Explanatory note**

Amendments 1, 24, 25, 31, 32, 34, 39, 40, 43, 45 to 50, 97 to 100 and 116 omit obsolete provisions or obsolete parts of provisions.

Amendments 2, 26 to 30, 35 to 37, 44, 52, 55, 56, 58, 69, 71 to 77, 78, 83, 104, 106, 111, 113 and 114 update provisions or parts of provisions, including omitting provisions or parts of provisions, in accordance with current drafting practice.

Amendments 3 to 8 update the definition section of the Act in accordance with current drafting practice, and to take effect of changes in other Acts.

Amendments 9 to 16, in accordance with current drafting practice, separate from the definition section provisions that are not definitions.

Amendments 19, 33, 41, 59, 61, 64, 101, 103, 105 and 107 omit provisions, or parts

## SCHEDULE 1 (continued)

of provisions, that are redundant because of the *Acts Interpretation Act 1954* or the *Statutory Instruments Act 1992*.

Amendments 18, 23, 38, 42, 62, 63, 66 to 68, 70, 79 to 82, 84 to 93, 96, 108, 109, 110 and 112 implement current drafting practice by providing that certain statutory instruments are to be made as regulations.

Amendments 20 to 22 and 57 implement government policy in relation to arrangements for the remuneration of officers of the public service who serve on statutory boards.

Amendments 51, 60 and 94 are inserted to take account of changes in other Acts.

Amendments 53 and 54 omit provisions that are redundant because of the *Financial Administration and Audit Act 1977*.

Amendments 65 and 95 change references to prescribed forms to approved forms in accordance with current drafting practice.

Amendment 102 updates the regulation making power in accordance with current drafting practice.

Amendment 104 omits a provision (section 229(b)) made redundant by insertion of the new section 247.

Amendment 115 inserts a provision allowing the chief executive to approve forms for the Act. The amendment also inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

## **SALVATION ARMY (QUEENSLAND) PROPERTY TRUST ACT 1930**

### **Amendment**

#### **1. Sections 7 and 24, ‘Brisbane Gas Company’—**

*omit, insert—*

‘Gas Corporation of Queensland Limited’.

#### **2. Section 17, ‘Land Administration’ to ‘any other public’ (first mention)—**

## SCHEDULE 1 (continued)

*omit, insert—*

‘chief executive of the department in which the *Land Act 1994* is administered and any’.

**3. Section 17, ‘the Land Administration’ to ‘any other public’ (second mention)—**

*omit, insert—*

‘that chief executive and any’.

**4. Section 23, heading—**

*omit, insert—*

‘Chief executives’ duties’.

**5. Section 23, ‘Secretary for’ to ‘Mines’—**

*omit, insert—*

‘chief executives of the departments in which the *Land Act 1994* and the *Mineral Resources Act 1989* are administered’.

**Explanatory note**

The amendments update references.

## SEWERAGE AND WATER SUPPLY ACT 1949

### Amendments

**1. Section 4, heading—**

*omit, insert—*

‘Definitions’.

## SCHEDULE 1 (continued)

**2. Section 4, definitions “Interim Licence” and “Licence”—**

*omit.*

**3. Section 4—**

*insert—*

‘**“interim licence”** means an interim licence in force under part 3.<sup>65</sup>

**“licence”** means a licence (other than an interim licence) in force under part 3.’.

**4. Section 7(2)—**

*renumber* as section 7AA.

**5. Section 7(3), 2nd sentence—**

*omit.*

**6. Section 7(3)—**

*renumber* as section 7AB.

**7. Section 7(4)—**

*renumber* as section 7AC.

**8. Section 7(5)—**

*renumber* as section 7AD.

<sup>65</sup> Part 3 (Constitution of the plumbers and drainers licensing board)

## SCHEDULE 1 (continued)

**9. Section 7(6)—**

*renumber* as section 7AE.

**10. Section 9(v)—**

*omit, insert—*

‘(v) a ‘restricted plumbers’ or ‘drainers’ licence.’.

**11. Section 11—**

*omit, insert—*

**‘Licences**

‘**11.** A person is entitled to be granted a licence if the person satisfies the board that the person has the prescribed practical experience and qualifications.’.

**12. Section 15(1) to (4), headings (other than heading to section)—**

*omit.*

**13. Section 18—**

*omit.*

**14. Section 19, heading—**

*omit, insert—*

‘**Regulation making power**’.

**15. Section 19(ixa)—**

*omit.*

## SCHEDULE 1 (continued)

**16. Section 19(3)—**

*omit.*

**17 Section 20—**

*relocate* as section 18B.

**Commencement**

Amendment 11 commences on a day to be fixed by proclamation.

**Explanatory note**

Amendments 1 and 14 revise section headings in accordance with current drafting practice.

Amendments 2, 3 and 10 are consequential on the amendment of the Act proposed to be made by the *Statute Law (Minor Amendments) Bill 1995*.

Amendments 4 and 6 to 9 recast subsections as separate sections with their own section headings.

Amendment 5 omits a provision made redundant by amendments of the *Acts Interpretation Act 1954*.

Amendment 11 replaces the amendment in the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1992*, section 3, schedule 1, amendment 12 that has never been proclaimed into force. The *Statute Law (Miscellaneous Provisions) Act (No. 2) 1992* is repealed by schedule 3, part 1 of this Bill.

Amendment 12 omits subsection headings in accordance with current drafting practices.

Amendment 13 and 15 omit provisions now covered by the SETONS provisions of the *Justices Act 1886*.

Amendment 16 omits a redundant provision.

Amendment 17 relocates a provision about the approval of forms in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**SHERIFF'S ACT 1875****Amendment****1. Before section 2—**

*insert—*

**‘Purpose of part**

‘1. The purpose of this part is to provide for the more speedy and effective execution of the process of the Supreme Court.’.

**2. Section 3, ‘Act’—**

*omit, insert—*

‘part’.

**3. Section 7, ‘after the passing of this Act’—**

*omit.*

**4. Section 8, words before paragraph (a)—**

*omit.*

**5. Section 8(a) and (b)—**

*omit, insert—*

‘(1) The sheriff appointed under part 9<sup>66</sup> (the “**sheriff of Queensland**”) has jurisdiction throughout the entire State.

---

<sup>66</sup> Part 9 (Provisions from Supreme Court Act 1867)

## SCHEDULE 1 (continued)

‘(2) The sheriff appointed under part 16<sup>67</sup> (the “**northern sheriff**”) is a deputy of the sheriff of Queensland for the execution of all writs, summonses, rules, orders, warrants, precepts, commands and processes of the court that are to be executed within the district assigned to the northern judge.’.

**6. Section 8(c) to (e)—**

*renumber* as section 8(3) to (5).

**7. Section 10—**

*omit*.

**8. Sections 1 to 9, as amended—**

*relocate* to *Supreme Court Act 1921*, part 12.

**Explanatory note**

Amendment 1 inserts a purpose clause taken from the Act’s long title.

Amendment 2 is consequential on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendments 3 and 4 omit redundant wording.

Amendment 5 is consequential on the relocation of provisions of the Act. The opportunity has been taken to update the wording of the provisions.

Amendment 6 renumbers provisions in accordance with current drafting practice.

Amendment 7 omits a provision providing for the Act’s citation.

Amendment 8 relocates provisions of the Act, as amended by the Bill, to the *Supreme Court Act 1921*.

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<sup>67</sup> Part 16 (Provisions from Supreme Court Act 1895)

## SCHEDULE 1 (continued)

**SOIL CONSERVATION ACT 1986****Amendment****1. Section 3—**

*omit.*

**2. Section 4—**

*omit.*

**3. Section 6, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 6, definitions “area”, “local authority”, “QIDC”, “statutory authority”—**

*omit, insert—*

**‘ “approved form”** see section 40A.<sup>68</sup>

**“statutory authority”** means—

- (a) a local government; or
- (b) the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered; or
- (c) the Primary Industries Corporation; or
- (d) a river improvement trust; or
- (e) another entity that is a corporation under an Act.’.

<sup>68</sup> Section 40A (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 10(6), ‘Department of Primary Industries’ ’—**

*omit, insert—*  
‘department’s’.

**6. Section 13(4), ‘Department of Primary Industries’ ’—**

*omit, insert—*  
‘department’s’.

**7. Section 14(7)(a), ‘Department of Primary Industries’—**

*omit, insert—*  
‘department’s’.

**8. Section 20(3), ‘Department of Primary Industries’ ’—**

*omit, insert—*  
‘department’s’.

**9. Section 25—**

*omit.*

**10. Section 27—**

*omit.*

**11. Section 33, ‘Department of Primary Industries’ ’—**

*omit, insert—*  
‘department’s’.

## SCHEDULE 1 (continued)

**12. Section 36—**

*omit.*

**13. After section 40—**

*insert—*

**‘Approval of forms**

**‘40A.** The chief executive may approve forms for use under this Act.’.

**14. Section 41(1)(c) and (d)—**

*omit.*

**15. Section 41(3)—**

*omit.*

**16. Section 41(2)—**

*renumber* as section 41(3).

**17. Section 41(1), ‘, not inconsistent with this Act, with respect to—’—**

*omit, insert—*

‘under this Act.

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

**18. After section 41—**

*insert—*

## SCHEDULE 1 (continued)

**‘Transitional provision about forms**

**‘41A.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory notes**

Amendments 1, 2, 9, 10 and 12 omit redundant provisions.

Amendment 3 replaces a section heading in accordance with current drafting practice.

Amendment 4 omits redundant definitions and inserts a replacement definition for “statutory authority” and a new definition “approved form” consequent to amendment 13.

Amendments 5 to 8 and 11 omit references to a specific department in accordance with current drafting practice.

Amendment 13 gives effect to current drafting practice by providing for the chief executive to approve forms. It complements the omission of section 41(1)(c) (by amendment 14) under which forms had to be prescribed by regulation.

Amendments 14 to 17 update the regulation making power in accordance with current drafting practice.

## SCHEDULE 1 (continued)

**SOIL SURVEY ACT 1929****Amendment****1. Words from ‘Preamble’ to ‘in relation to such soil survey.’—**

*omit.*

**2. Section 2, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 2, definitions “Land”, “Minister”, “Person”, “Prescribed”, “This Act”—**

*omit.*

**4. Section 3(2), heading—**

*omit.*

**5. Section 3(3), heading—**

*omit.*

**6. Section 3(3), ‘not exceeding £10, and to a daily penalty not exceeding 20/—’—**

*omit, insert—*

**‘of 1 penalty unit’.**

## SCHEDULE 1 (continued)

**7. Section 3(4), heading—**

*omit.*

**8. Section 3(4), ‘not exceeding £10’—**

*omit, insert—*

‘of 1 penalty unit’.

**9. Section 3(5), heading—**

*omit.*

**10. Section 4, heading, ‘When claim lies’—**

*omit.*

**11. Section 5—**

*omit, insert—*

**‘Regulation making power**

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

**Explanatory notes**

Amendment 1 omits a preamble in accordance with current drafting practice.

Amendment 2 replaces a section heading in accordance with current drafting practice.

Amendment 3 omits definitions that are redundant because of the *Acts Interpretation Act 1954*.

Amendments 4, 5, 7, 9 and 10 remove subsection headings in accordance with current drafting practice.

Amendments 6 and 8 replace redundant penalty provisions in accordance with current drafting practice.

## SCHEDULE 1 (continued)

Amendment 11 replaces the regulation making power in accordance with current drafting practice.

**SOLICITORS ACT 1891****Amendment****1. Section 1 and heading before section 1—**

*omit, insert—*

*‘Division 1—Purpose of part*

**‘Purpose**

**‘1.** The purpose of this part is to amend the laws about the remuneration of solicitors.

**2. Before section 2—**

*insert—*

*‘Division 2—Interpretation’.*

**3. Section 2, heading and words before ‘client’—**

*omit, insert—*

**‘Definitions for part**

**‘2.** In this part—’.

**4. Part 1, heading—**

*omit, insert—*

*‘Division 3—Agreements between solicitors and their clients’.*

## SCHEDULE 1 (continued)

**5. Section 3, ‘Part of this Act contained’—***omit, insert—*

‘division’.

**6. Sections 10 and 11, ‘this Act contained’—***omit, insert—*

‘this part’.

**7. Section 12, ‘this Act’—***omit, insert—*

‘this part’.

**8. Section 14, ‘the provisions of this Part of this Act’—***omit, insert—*

‘this division’.

**9. Section 15, ‘Except as in this Part of this Act provided’—***omit, insert—*

‘Subject to this division’.

**10. Section 15, ‘in pursuance of the provisions of this Act’—***omit, insert—*

‘under this part’.

## SCHEDULE 1 (continued)

**11. Part 2, heading—**

*omit, insert—*

*‘Division 4—General’.*

**12. Sections 1 to 19, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Legal Practitioners Acts Amendment Act 1968, part 4.*

**Explanatory note**

Amendment 1 omits a heading and provision about the Act’s short title and inserts a purpose clause taken from the Act’s long title.

Amendments 2 to 11 are consequential on the proposed relocation of the Act to the *Legal Practitioners Act Amendment Act 1968*.

Amendment 12 relocates provisions of the Act, as amended by this Bill, to the *Legal Practitioners Act Amendment Act 1968*. This will enable the Act to be repealed.

## **SPORTING BODIES’ PROPERTY HOLDING ACT 1975**

**Amendment****1. Section 2(1), definitions “Minister”, “property” and “registration authority”—**

*omit.*

**2. Section 2(1)—**

*insert—*

‘**“registration authority”** means—

- (a) the registrar of titles; or

## SCHEDULE 1 (continued)

- (b) the chief executive of the department within which the *Land Act 1994* is administered; or
- (c) another entity with the function of registering title to property.’.

**3. Section 4(2), ‘If the’—**

*omit, insert—*

‘A regulation may extend this Act to the applicant only if the’.

**4. Section 4(2), words after paragraph (c)—**

*omit.*

**5. Section 8(3), ‘form in the schedule’—**

*omit, insert—*

‘form approved by the chief executive’.

**6. Section 13, ‘There may be published in the Gazette notification’—**

*omit, insert—*

‘A notice may be published in the gazette’.

**7. Section 13, words after paragraph (b)—**

*omit, insert—*

‘(2) The gazette notice is evidence of the matters stated in it.’.

**8. After section 13—**

*insert—*

## SCHEDULE 1 (continued)

**‘Transitional provision about form for register of trustees**

**‘14.(1)** Until the chief executive approves a form for a register of trustees under section 8(3), the form that was specified in the schedule immediately before the commencement of this section is taken to be the approved form for the register.

**‘(2)** This section expires 6 months after it commences.’.

**9. Schedule—**

*omit.*

**Explanatory note**

Amendments 1 and 2 omit redundant definitions and update a definition.

Amendments 3 and 4 revise a power to make subordinate legislation to bring it into line with current drafting practice.

Amendments 5 and 9 provide for a form to be approved by the chief executive rather than prescribed under the Act.

Amendments 6 and 7 recast section 13 in line with current drafting practice.

Amendment 8 inserts a transitional provision consequent on amendments 5 and 9.

**STAMP ACT 1894****Amendment**

**1. Sections 26(1), 31C(9) and (10), 31D(3) and (4), 31H(11), 31J(5), 35A(1A), 35C(1A), 35D(1) and (3), ‘\$500’—**

*omit, insert—*

**‘10 penalty units’.**

## SCHEDULE 1 (continued)

**2. Sections 26(6)(a), 31H(9), 35A(1A), 54A(4), 55B(3), 55C(3), 56B(3) and (8), ‘\$5 000’—***omit, insert—*

‘100 penalty units’.

**3. Sections 31E(2) and 68B(3) and (4), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**4. Section 32A(8), 42B(7) and 68(6), ‘\$200’—***omit, insert—*

‘4 penalty units’.

**5. Section 35D(1), ‘\$50’—***omit, insert—*

‘1 penalty unit’.

**6. Section 53(13), ‘\$40’—***omit, insert—*

‘1 penalty unit’.

**7. Section 55A(6), ‘\$300’—***omit, insert—*

‘6 penalty units’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1–7 change penalties expressed in dollars to penalty units.

**STATE TRANSPORT ACT 1938****Amendment****1. Section 1—**

*omit, insert—*

**‘Short title**

**1.** This Act may be cited as the *State Transport Act 1938*.’.

**2. Section 2 and heading before section 2—**

*omit.*

**3. Section 3 and heading before section 3—**

*omit.*

**4. Section 13—**

*omit.*

**5. Section 22, ‘at any time’—**

*omit.*

**6. Section 22, ‘, by proclamation published in the gazette (in this section referred to as a “proclamation of emergency”)’—**

*omit, insert—*

‘by regulation’.

## SCHEDULE 1 (continued)

**7. Section 22, ‘such proclamation’ (1st mention)—***omit, insert—*

‘the regulation’.

**8. Section 22, ‘proclamation of emergency’—***omit, insert—*

‘regulation’.

**9. Section 22, ‘a further proclamation or further proclamations of emergency be extended from time to time’—***omit, insert—*

‘regulation be extended’.

**10. Section 22, words from ‘When any such’ to ‘may by order in council’—***omit, insert—*

‘If a state of emergency has been declared, the Governor in Council may’.

**11. Section 22, ‘to give effect to any such order in council’—***omit, insert—*

‘in the regulation’.

**12. Section 22, words from ‘And every such order and direction’—***omit.*

## SCHEDULE 1 (continued)

**13. Heading before section 23—**

*omit.*

**14. Section 23, ‘penalty not exceeding \$1 000’—**

*omit, insert—*

‘maximum penalty of 20 penalty units’.

**15. Section 23(2)—**

*omit.*

**16. Section 23A—**

*omit.*

**17. Heading before section 24—**

*omit.*

**18. Section 24—**

*omit, insert—*

**‘Regulation making power**

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

‘**(2)** A regulation may prescribe offences for a contravention of a regulation and fix a maximum penalty of not more than 4 penalty units, and, for a continuing offence, a further penalty of not more than 1 penalty unit for each day the offence continued after the conviction of the person for the offence.’.

## SCHEDULE 1 (continued)

**19. After section 24—**

*insert—*

**‘Numbering and renumbering of Act**

‘**25.** In the first reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**20. Section 26—**

*omit.*

**Explanatory note**

Amendment 1 replaces the short title section of the Act. The amendment removes the commencement provision, which is preserved by the *Acts Interpretation Act 1954*, section 19A.<sup>69</sup> The amendment also removes the previous subsection (2) which was a construction provision. This provision is made redundant by the *Acts Interpretation Act 1954*, section 9.<sup>70</sup>

Amendment 2 removes an unnecessary heading and a section that is spent. The section repealed Acts and made provisions for savings and transitional purposes. Those provisions no longer have any operation.

Amendment 3 removes an unnecessary heading and redundant definitions.

Amendments 4 to 12 implement current drafting practice by providing that the statutory instruments used to be used under the amended provisions are regulations.

Amendments 13 and 17 remove unnecessary headings.

Amendment 14 replaces a dollar penalty with penalty units in accordance with current drafting practice.

Amendments 15 and 16 omit provisions that are redundant because of the *Penalties and Sentences Act 1992*.

Amendment 18 replaces the regulation making power under the Act in accordance

<sup>69</sup> Section 19A (Commencement not undone if omitted)

<sup>70</sup> Section 9 (Act to be interpreted not to exceed Parliament’s legislative power)

## SCHEDULE 1 (continued)

with current drafting practice.

Amendment 19 inserts a renumbering provision into the Act to enable the numbering of the Act to be rectified.

Amendment 20 omits a provision that is redundant because of the *Statutory Instruments Act 1992*.

**STATISTICAL RETURNS ACT 1896****Amendment****1. Section 3—**

*omit, insert—*

**‘Definitions**

**‘3.** In this Act—

**“approved form”** see section 12.<sup>71</sup>

**“person”** includes a local government, society, institution, or a body of persons (whether incorporated or unincorporated).’.

**2. Section 4(2), ‘any forms’—**

*omit, insert—*

**‘approved forms’.**

**3. Section 4(3)—**

*omit, insert—*

**‘(3)** An approved form must state the nature of the information the government statistician requires.’.

<sup>71</sup> Section 12 (Approval of forms)

## SCHEDULE 1 (continued)

**4. Section 4(4), ‘a form referred to in this section’—***omit, insert—*

‘an approved form’.

**5. Section 5, ‘\$100’—***omit, insert—*

‘2 penalty units’.

**6. Section 6(1), at the end—***insert—*

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

**7. Section 6(2), at the end—***insert—*

‘Maximum penalty—100 penalty units or 2 years imprisonment.’.

**8. Section 6(3) (including the penalty)—***omit.***9. Section 8(2), all words after ‘District’—***omit.***10. Section 10(b)—***omit.*

## SCHEDULE 1 (continued)

**11. Section 10A—**

*omit.*

**12. Section 11—**

*omit, insert—*

**‘Regulation making power**

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

**‘Approval of forms**

‘12. The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘13.(1) This section applies if ——

- (a) immediately before its commencement, there was a form in use under section 4 for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘(2) Until there is an approved form for the matter, the form that was in use for the matter immediately before the commencement is taken to be the approved form for the matter.

‘(3) This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1—

- places the definition of “**person**” in a form according with current draft practice
- includes a definition of “**approved form**”, consequential on the insertion of a section providing for the approval of forms.

## SCHEDULE 1 (continued)

Amendments 2, 3 and 4 are consequential on the insertion of a section providing for the approval of forms.

Amendment 5 changes a penalty expressed in dollars to penalty units.

Amendments 6, 7 and 8 change a penalty expressed in dollars and update the penalty arrangements under the section in accordance with current drafting practice.

Amendment 9 removes an obsolete reference.

Amendment 10 omits a provision that is redundant as a consequence of the insertion of a section providing for the approval of forms.

Amendment 11 omits an obsolete provision.

Amendment 12—

- updates the regulation making power in accordance with current drafting practice
- in accordance with current drafting practice and Government policy, provides for the approval of forms
- inserts a transitional provision that provides for a form in use under section 4 of the Act immediately before the commencement of the transitional provision to be taken as an approved form for a limited period.

**STATUTE LAW REVISION ACT 1995****Amendment****1. Section 2(2), ‘section 4’—**

omit, insert—

‘section 5’.

**2. Schedule 1, amendments of Apiaries Act 1982, amendment 57, proposed section 49(1)(b), at the end—**

*insert—*

‘or a form may be approved for the matter’.

## SCHEDULE 1 (continued)

**3. Schedule 1, amendments of Auctioneers and Agents Act 1971, amendment 60, proposed section 132(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**4. Schedule 1, amendments of Chiropractors and Osteopaths Act 1979, amendment 28, proposed section 42(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**5. Schedule 1, amendments of Collections Act 1966, amendment 55, proposed section 48(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**6. Schedule 1, amendments of Co-operative and Other Societies Act 1967, amendment 13, proposed section 119B(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**7. Schedule 1, amendments of Deer Farming Act 1985, amendment 14, proposed section 44A(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

## SCHEDULE 1 (continued)

**8. Schedule 1, amendments of Dental Act 1971, amendment 20, proposed section 37(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**9. Schedule 1, amendments of Exotic Diseases in Animals Act 1981, amendment 13, proposed section 48(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**10. Schedule 1, amendments of Explosives Act 1952, amendment 46, proposed section 51(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**11. Schedule 1, amendments of Food Act 1981, amendment 36, proposed section 58(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**12. Schedule 1, amendments of Gas Act 1965, amendment 54, proposed section 65(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

## SCHEDULE 1 (continued)

**13. Schedule 1, amendments of Hawkers Act 1984, amendment 15, proposed section 50(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**14. Schedule 1, amendments of Occupational Therapists Act 1979, amendment 27, proposed section 37C(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**15. Schedule 1, amendments of Optometrists Act 1974, amendment 18, proposed section 41A(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**16. Schedule 1, amendments of Pawnbrokers Act 1984, amendment 23, proposed section 68(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**17. Schedule 1, amendments of Pay-roll Tax Act 1971, amendment 32, proposed section 52(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**18. Schedule 1, amendments of Pharmacy Act 1976—**

At page 227, line 19, ‘omit,’—

*omit.*

## SCHEDULE 1 (continued)

**19. Schedule 1, amendments of Pharmacy Act 1976, amendment 22, proposed section 41B(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**20. Schedule 1, amendments of Physiotherapists Act 1964, amendment 31, proposed section 30B(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**21. Schedule 1, amendments of Podiatrists Act 1969, amendment 21, proposed section 33(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**22. Schedule 1, amendments of Psychologists Act 1977, amendment 29, proposed section 41(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**23. Schedule 1, amendments of Public Trustee Act 1978, amendment 4, ‘Section 142(1A)(e)’—***omit, insert—*

‘Section 142(1A)(l)’.

**24. Schedule 1, amendments of Queensland Heritage Act 1992—***omit.*

## SCHEDULE 1 (continued)

**25. Schedule 1, amendments of Second-hand Dealers and Collectors Act 1984, amendment 27, proposed section 73(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**26. Schedule 1, amendments of Sewerage and Water Supply Act 1949, amendment 9, proposed section 25(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**27. Schedule 1, amendments of Speech Pathologists Act 1979, amendment 27, proposed section 37C(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**28. Schedule 1, amendments of Timber Utilisation and Marketing Act 1987, amendment 10, proposed section 55(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

**29. Schedule 1, amendments of Tow Truck Act 1973, amendment 8, proposed section 45(1)(b), at the end—***insert—*

‘or a form may be approved for the matter’.

## SCHEDULE 1 (continued)

**30. Schedule 1, amendments of Water Resources Act 1989, amendment 6, proposed section 252(1)(b), at the end—**

*insert—*

‘or a form may be approved for the matter’.

**Commencement**

All the amendments are taken to have commenced on the day of assent of the *Statute Law Revision Act 1995*.

**Explanatory note**

Amendments 2 to 22 and 25 to 30 revise transitional provisions about forms, bringing them into line with the equivalent provisions being inserted by this Act, to remove any doubt as to the extent of their application.

Amendment 23 corrects a minor drafting error.

Amendment 24 omits amendments duplicated in the *Environmental Legislation Amendment Bill 1995*.

**STATUTORY INSTRUMENTS ACT 1992****Amendment****1. Schedule 1—**

*insert—*

‘sections 9 and 9A’.

**Explanatory note**

This amendment is consequential on the insertion of proposed section 9A into the *Acts Interpretation Act 1954* by the *Statute Law (Minor Amendments) Bill (No. 2) 1995*.

## SCHEDULE 1 (continued)

**SUBCONTRACTORS' CHARGES ACT 1974****Amendment****1. Section 2**

*omit.*

**2. Section 3, heading—**

*omit, insert—*

**'Definitions'.**

**3. Section 3(1)—**

*insert—*

**'“approved form”** see section 25.<sup>72</sup>'.

**4. Section 3(2), as a heading—**

*insert—*

**'References to amount payable under contract and to completion of work specified in subcontract'.**

**5. Section 3(3), as a heading—**

*insert—*

**'When work specified in contract or subcontract completed'.**

---

<sup>72</sup> Section 25 (Approval of forms)

## SCHEDULE 1 (continued)

**6. Section 3(2) and (3)—**

*renumber* as sections 3A and 3B.

**7. Sections 10(5) and 11(3)(a) and (b) and (8), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**8. Section 10A(1)(c) and (d)—**

*omit, insert—*

‘(c) a person licensed under the *Queensland Building Services Authority Act 1991* to carry out, and supervise, work of the type to which the claim relates; or ’.

**9. Section 10A(1)(e) and (f)—**

*renumber* as (d) and (e).

**10. Sections 16 and 16A—**

*omit.*

**11. Section 25—**

*omit, insert—*

**‘Approval of forms**

‘25. The chief executive may approve forms for use under this Act.

**‘Regulation making power**

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

## SCHEDULE 1 (continued)

**‘Transitional provision about forms**

**‘27.(1)** This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

As the Act has commenced, amendment 1 omits the Act’s commencement section.

Amendment 2 updates the heading to the definition section.

Amendment 3 inserts a definition about approved forms.

Amendments 4 to 6 recast subsections of the definition section as separate sections in accordance with current drafting practice.

Amendment 7 changes prescribed forms to approved forms in accordance with current drafting practice.

Amendment 8 omits an obsolete provision and updates a provision.

Amendment 9 is a consequential renumbering amendment.

Amendment 10 omits service provisions covered by other legislation.

Amendment 11 updates the regulation making power in accordance with current drafting practice. It also inserts a provision allowing the chief executive to approve forms and a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

## SCHEDULE 1 (continued)

**SUCCESSION ACT 1981****Amendment****1. Section 1, heading, ‘and commencement’—**

*omit.*

**2. Section 3—**

*omit.*

**3. Section 5, heading—**

*omit, insert—*

**‘Definitions’.**

**4. Section 5(1), definition “disposition”, ‘; and “dispose of” has a corresponding meaning’—**

*omit.*

**5. Section 5(1), definition “intestate”, ‘; and “intestacy” has a corresponding meaning’—**

*omit.*

**6. Section 5(2), as a heading—**

*insert—*

**‘Reference to child or issue of a person’.**

## SCHEDULE 1 (continued)

**7. Section 5(2), as amended—**

*renumber* as section 5A.

**8. Section 5(3), as a heading—**

*insert—*

**‘Reference to estate of deceased person’.**

**9. Section 5(3), as amended—**

*renumber* as section 5B.

**10. Section 40, heading—**

*omit, insert—*

**‘Definitions for pt 4’.**

**11. Section 43(2), heading—**

*omit.*

**12. Section 45(7), ‘shall affect’ to ‘other Act’—**

*omit, insert—*

**‘affects the operation of an Act’.**

**13. Section 55, heading—**

*omit, insert—*

**‘Definitions for div 2’.**

## SCHEDULE 1 (continued)

**14. Section 71—**

*omit.*

**Explanatory note**

Amendment 1 omits redundant words from a section heading.

Amendment 2 omits a savings provision. The effect of the provision is saved by the *Acts Interpretation Act 1954*, section 20A.

Amendments 3, 10 and 13 revise section headings in accordance with current drafting practice.

Amendments 4 and 5 omit redundant provisions from definitions (see *Acts Interpretation Act 1954*, section 32).

Amendments 6 to 9 recast subsections of a section as separate sections with their own headings.

Amendment 11 omits an unnecessary section heading.

Amendment 12 omits unnecessary references from a provision.

Amendment 14 omits a rule making power made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

**SUPERANNUATION (PUBLIC EMPLOYEES  
PORTABILITY) ACT 1985****Amendment****1. Section 13, ‘for the purposes of’—**

*omit, insert—*

‘under’.

**2. Section 13A—**

*omit.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 updates a regulation making power in line with current drafting practice.

Amendment 2 omits a provision which is declaratory and validating and whose purpose has been served. The effect of the provision will be preserved by the *Acts Interpretation Act 1954*, section 20A.<sup>73</sup>

**SUPREME COURT ACT 1867****Amendment****1. Heading before section 3—**

*omit, insert—*

*‘Division 1—Seals of the court’.*

**2. Heading before section 9—**

*omit, insert—*

*‘Division 2—The Judges of the Supreme Court’.*

**3. Section 9, proviso, ‘both Houses of the Legislature’—**

*omit, insert—*

*‘the Legislative Assembly’.*

**4. Heading before section 15—**

*omit, insert—*

*‘Division 3—Constitution of the court’.*

<sup>73</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

## SCHEDULE 1 (continued)

**5. Heading before section 20—**

*omit, insert—*

*‘Division 4—Common law and general jurisdiction’.*

**6. Section 20, first sentence, words before ‘laws’—**

*omit, insert—*

**‘20.(1) All’.**

**7. Section 20, heading before second sentence—**

*omit.*

**8. Heading before section 22—**

*omit, insert—*

*‘Division 5—Equitable jurisdiction’.*

**9. Section 22, ‘the said colony of Queensland and its dependencies’—**

*omit, insert—*

**‘the State’.**

**10. Heading after section 22—**

*omit.*

**11. Heading before section 24—**

*omit, insert—*

*‘Division 6—Criminal jurisdiction’.*

## SCHEDULE 1 (continued)

**12. Section 25, ‘men’—**

*omit.*

**13. Section 28, ‘in the form in the schedule to this Act annexed’—**

*omit.*

**14. Heading before section 30—**

*omit, insert—*

*‘Division 7—Circuit courts’.*

**15. Section 30, words before ‘every such Circuit Court shall be holden’—**

*omit, insert—*

**‘30.(1)** A regulation may define the districts, and the places within the districts, where circuit courts are to be held.

**‘(1A)** The Governor in Council may, by gazette notice, fix the number of times at which circuit courts are to be held at each place.’.

**16. Section 31, ‘proclaimed’—**

*omit, insert—*

*‘appointed’.*

**17. Section 31, ‘by proclamation’—**

*omit.*

**18. Section 32—**

*omit.*

## SCHEDULE 1 (continued)

**19. Heading before section 33—***omit, insert—**‘Division 8—Special commissions’.***20. Heading before section 34 and sections 34 to 37—***omit.***21. Heading before section 38A—***omit, insert—**‘Division 9—Appearances’.***22. Heading before section 39—***omit, insert—**‘Division 10—Officers of the court’.***23. Heading before section 39A—***omit, insert—**‘Division 11—Masters’.***24. Section 39A(11), after ‘in Rules of Court’—***omit.***25. Heading before section 40—***omit.*

## SCHEDULE 1 (continued)

**26. Heading before section 42—**

*omit.*

**27. Section 42, first heading, ‘Notice.’—**

*omit.*

**28. Section 42, second and third headings—**

*omit.*

**29. Heading before section 43—**

*omit, insert—*

*‘Division 12—The sheriff’.*

**30. Section 43, words before ‘shall execute all writs’—**

*omit, insert—*

**‘Sheriff**

**‘43.** The Governor in Council may appoint a sheriff who’.

**31. Section 44, words before ‘appoint deputies’—**

*omit, insert—*

**‘Deputy sheriffs**

**‘44.** The Governor in Council may’.

**32. Section 45, words before ‘appoint some fit and proper person’—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘District sheriffs**

**‘45. The Governor may’.**

**33. Section 45, second and third headings—**

*omit.*

**34. Heading before section 56—**

*omit, insert—*

***‘Division 13—Costs’.***

**35. Heading before section 59—**

*omit, insert—*

***‘Division 14—Effect of decrees, rules and orders’.***

**36. Heading before section 60—**

*omit, insert—*

***‘Division 15—Change of venue’.***

**37. Heading before section 61—**

*omit, insert—*

***‘Division 16—Questions of fact’.***

**38. Section 64 and heading before section 64—**

*omit.*

## SCHEDULE 1 (continued)

**39. Sections 3 to 39A and 43 to 62, as amended by this Act (with division headings inserted by this Act)—**

*relocate to Supreme Court Act 1921, part 9.*

**40. Sections 40, 41 and 42, as amended by this Act—**

*relocate to Legal Practitioners Acts Amendment Act 1968, part 3.*

**Explanatory note**

Amendments 1, 2, 4, 5, 8, 11, 14, 19, 21, 22, 23, 29 and 34 to 37 replace headings before sections with division headings in accordance with current drafting practice and the proposed relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 3 updates a reference to the legislature.

Amendment 6 omits redundant wording.

Amendments 7, 10, 25, 26, 28 and 33 omit unnecessary headings.

Amendment 9 updates a reference to the State.

Amendment 12 omits a gender specific reference.

Amendment 13 is consequential on the non-relocation, and repeal, of the Act's schedule.

Amendment 15 permits the districts, and the places within the districts, where circuit courts are to be held to be fixed by regulation. The amendment also permits the Governor in Council, by gazette notice, to fix the number of times at which circuit courts are to be held at each place. The amendment is consistent with the amendments made by this Bill to the *Supreme Court Act 1921*, section 6.

Amendments 16 and 17 are consequential on amendment 15.

Amendment 18 omits a redundant declaratory provision.

Amendment 20 omits redundant transitional provisions about the transfer of jurisdiction from the Supreme Court of New South Wales to the Supreme Court of Queensland.

Amendment 24 omits provisions about the making of rules of court made redundant by recent amendments of the *Supreme Court of Queensland Act 1991*.

Amendment 27 is consequential on amendment 26.

Amendments 30, 31 and 32 update the wording of provisions dealing with the

## SCHEDULE 1 (continued)

appointment of the sheriff, deputy sheriffs and district sheriffs.

Amendment 38 omits a redundant provision dealing with the Act's short title and commencement.

Amendment 39 relocates certain provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*.

Amendment 40 relocates other provisions of the Act, as amended, to the *Legal Practitioners Acts Amendment Act 1968*. These relocations will enable the Act to be repealed.

**SUPREME COURT ACT 1874****Amendment****1. Section 24—**

*omit.*

**2. Sections 6 to 13—**

*relocate to Supreme Court Act 1921, part 11.*

**Explanatory note**

Amendment 1 omits a redundant provision dealing with the Act's short title.

Amendment 2 relocates provisions of the Act to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**SUPREME COURT ACT 1892****Amendment****1. Sections 1 and 2—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 15, first heading—**

*omit, insert—*

**‘Hearing of cases in chambers’.**

**3. Section 15, second heading—**

*omit.*

**4. Sections 9 and 15—**

*relocate to Supreme Court Act 1921, part 14.*

**Explanatory note**

Amendment 1 omits redundant provisions dealing with the Act’s citation and interpretation.

Amendment 2 updates a section heading.

Amendment 3 omits a redundant heading.

Amendment 4 relocates provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**SUPREME COURT ACT 1893****Amendment****1. Section 1—**

*omit.*

**2. Section 2, heading—**

*omit, insert—*

**‘Definitions for part’.**

## SCHEDULE 1 (continued)

**3. Section 2, ‘this Act’—**

*omit, insert—*

‘this part.’.

**4. Section 2, definition “cause” and “matter”—**

*omit.*

**5. Section 2—**

*insert—*

‘ “cause” see part 13.

“matter” see part 13.’.

**6. Section 5, second heading—**

*omit.*

**7. Sections 2 to 7, as amended by this Act—**

*relocate to Supreme Court Act 1921, part 15.*

**Explanatory note**

Amendment 1 omits a redundant provision dealing with the Act’s citation.

Amendment 2 updates the heading of a definition section in accordance with current drafting practice.

Amendments 3, 4 and 5 are consequential on the relocation of provisions of this Act and the *Judicature Act 1876* to the *Supreme Court Act 1921*.

Amendment 6 omits an unnecessary heading.

Amendment 7 relocates the provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

## SCHEDULE 1 (continued)

**SUPREME COURT ACT 1895****Amendment****1. Section 1—**

*omit.*

**2. Section 2, heading—**

*omit, insert—*

**‘Definitions for part’.**

**3. Section 2, ‘this Act’—**

*omit, insert—*

**‘this part’.**

**4. Section 2, definitions “existing Northern Judges” and “Principal Acts”—**

*omit.*

**5. Section 2, definitions “The Central Court” and “The Northern Court”, ‘this Act’—**

*omit, insert—*

**‘this part’.**

**6. Section 4, second heading—**

*omit.*

## SCHEDULE 1 (continued)

**7. Section 6, first and second sentences, words after ‘as such in’—**

*omit, insert—*

‘the judge’s commission of appointment as a judge’.

**8. Section 6, third sentence—**

*renumber* as section 6A.

**9. Section 7, second sentence—**

*omit, insert—*

‘(2) The judge appointed from time to time as northern judge is the northern judge.’.

**10. Section 8, ‘this Act’—**

*omit, insert—*

‘this part’.

**11. Section 9, third sentence—**

*omit.*

**12. Section 9, second heading—**

*omit.*

**13. Section 9, fourth sentence, ‘this Act’—**

*omit, insert—*

‘this part’.

## SCHEDULE 1 (continued)

**14. Section 10, from ‘All’ to ‘in the Supreme’—**

*omit, insert—*

‘All matters pending in the Supreme’.

**15. Section 11, first heading and first sentence—**

*omit.*

**16. Section 17, heading—**

*omit, insert—*

**‘Performance of duties of registrar within central and northern districts’.**

**17. Sections 2 to 17, as amended by this Act—**

*relocate to Supreme Court Act 1921, part 16.*

**18. Schedules 1 and 2—**

*relocate to Supreme Court Act 1921, as schedules 1 and 2.*

**Explanatory note**

Amendment 1 omits a redundant section dealing with the Act’s citation.

Amendment 2 updates the heading of a definition section in accordance with current drafting practice.

Amendments 3, 5, 7, 10 and 13 are consequential on relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 4 omits redundant definitions.

Amendments 6 and 12 omit unnecessary provision headings.

Amendment 8 recasts a subsection as a section.

Amendment 9 revises a provision to omit redundant transitional wording.

## SCHEDULE 1 (continued)

Amendments 11 and 15 omit redundant transitional provisions.

Amendment 14 corrects a minor error.

Amendment 16 updates a section heading.

Amendments 17 and 18 relocate provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**SUPREME COURT ACT 1899****Amendment****1. Section 1—**

*omit.*

**2. Section 2—**

*relocate to Supreme Court Act 1921, part 17.*

**3. Section 3—**

*omit.*

**Explanatory note**

Amendment 1 omits a redundant section dealing with the Act's citation.

Amendment 2 relocates a section of the Act to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

Amendment 3 omits an obsolete provision.

## SCHEDULE 1 (continued)

**SUPREME COURT ACT 1921****Amendment****1. Title, at the end—***insert—***‘, and to consolidate certain provisions about the Supreme Court’.****2. Sections 1 and 2—***omit, insert—***‘PART 1—PRELIMINARY****‘Short title****‘1. This Act may be cited as the *Supreme Court Act 1995*.****‘Act is a consolidation****‘1A.(1) This Act is a consolidation of provisions of the *Supreme Court Act 1921* (the “**existing provisions**”) and provisions relocated from the following Acts (the “**relocated provisions**”)—**

- *Commercial Causes Act 1910*
- *Common Law Pleading Act 1867*
- *Common Law Practice Act 1867*
- *Common Law Process Act 1867*
- *Costs Act 1867*
- *Equity Act 1867*
- *Interdict Act 1867*
- *Judicature Act 1876*

## SCHEDULE 1 (continued)

- *Sheriff's Act 1875*
- *Supreme Court Act 1867*
- *Supreme Court Act 1874*
- *Supreme Court Act 1892*
- *Supreme Court Act 1893*
- *Supreme Court Act 1895*
- *Supreme Court Act 1899*
- *Supreme Court Acts Amendment Act (No. 2) 1958*
- *Supreme Court Constitution Amendment Act 1861*
- *Writs of Dedimus Act 1871.*

‘(2) To remove any doubt, it is declared that the relocated provisions were not re-enacted by the *Statute Law Revision Act (No. 2) 1995*, but merely moved (without re-enactment) from the Acts in which they were enacted to this Act.

‘(3) Without limiting subsections (1) and (2) and to further remove any doubt, it is also declared that the relocation to this Act of the relocated provisions did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law and, in particular, did not affect the meaning or effect that the existing or relocated provisions, or the provisions of the other law, had because of the respective times when they were enacted.

‘(4) In addition, it is declared that the relocation did not—

- (a) affect any jurisdiction or power of a court or judge; or
- (b) affect any principle or rule of law or equity; or
- (c) affect any right, privilege or liability; or
- (d) revive anything not existing or in force.

## SCHEDULE 1 (continued)

**‘PART 2—PROVISIONS FROM SUPREME COURT  
CONSTITUTION AMENDMENT ACT 1861****‘PART 3—PROVISIONS FROM COMMON LAW  
PLEADING ACT 1867****‘PART 4—PROVISIONS FROM COMMON LAW  
PRACTICE ACT 1867****‘PART 5—PROVISIONS FROM COMMON LAW  
PROCESS ACT 1867****‘PART 6—PROVISIONS FROM COSTS ACT 1867****‘PART 7—PROVISIONS FROM EQUITY ACT 1867****‘PART 8—PROVISIONS FROM INTERDICT ACT  
1867****‘PART 9—PROVISIONS FROM SUPREME COURT  
ACT 1867****‘PART 10—PROVISIONS FROM WRITS OF  
DEDIMUS ACT 1871**

## SCHEDULE 1 (continued)

**‘PART 11—PROVISIONS FROM SUPREME COURT  
ACT 1874**

**‘PART 12—PROVISIONS FROM SHERIFF’S ACT  
1875**

**‘PART 13—PROVISIONS FROM JUDICATURE ACT  
1876**

**‘PART 14—PROVISIONS FROM SUPREME COURT  
ACT 1892**

**‘PART 15—PROVISIONS FROM SUPREME COURT  
ACT 1893**

**‘PART 16—PROVISIONS FROM SUPREME COURT  
ACT 1895**

**‘PART 17—PROVISIONS FROM SUPREME COURT  
ACT 1899**

**‘PART 18—PROVISIONS FROM COMMERCIAL  
CAUSES ACT 1910**

**‘PART 19—PROVISIONS FROM SUPREME COURT  
ACT 1921’.**

## SCHEDULE 1 (continued)

**3. Heading before section 6—**

*omit, insert—*

*‘Division 1—Districts etc.’.*

**4. Section 6(1), words before paragraph (i)—**

*omit, insert—*

*‘6.(1) A regulation may—’.*

**5. Section 6(1)(i), words after ‘districts,’ (2nd mention)—**

*omit.*

**6. Section 6(1)(ii), ‘at each such place for such district’—**

*omit, insert—*

*‘at each place where sittings of the court are to be held in a district’.*

**7. Section 6(1)(iii)—**

*omit.*

**8. Section 6—**

*insert—*

*‘(1AA) The Governor in Council may, by gazette notice, order that sittings of the Supreme Court presided over by a judge are to be held for the trial of criminal causes, and the trial and hearing of civil causes and matters, at stated times and places within each Supreme Court district.’.*

**9. Section 6(2) and (3), headings—**

*omit.*

## SCHEDULE 1 (continued)

**10. Section 6(2), from ‘, and all’ to ‘those Acts,’ and from ‘and appointed to be’ to ‘respectively’—**

*omit.*

**11. Section 6(2), ‘this Act’—**

*omit, insert—*

‘this part’.

**12. Section 6(2), proviso, and (4)—**

*omit.*

**13. Section 7 (first sentence), ‘this Act’—**

*omit, insert—*

‘this part’.

**14. Section 7 (first sentence), from ‘the provisions of’ to ‘of the’—**

*omit, insert—*

‘sections 30 and 31’.

**15. Heading before section 8—**

*omit, insert—*

*‘Division 2—Civil causes and matters’.*

**16. Section 8(1), ‘Provided that’—**

*omit.*

## SCHEDULE 1 (continued)

**17. Section 8(1), paragraphs (a), (b) and (c)—**

*renumber* as sections 8A, 8B and 8C.

**18. Section 8(2) and heading—**

*omit.*

**19. Section 9, ‘Subject to this Act’—**

*omit.*

**20. Section 9(i), ‘Every’—**

*omit, insert—*

‘Subject to this part, every’.

**21. Section 9(ii), ‘Upon’—**

*omit, insert—*

‘Subject to this part, on’.

**22. Section 9(i) and (ii)—**

*renumber* as sections 9A and 9B.

**23. Heading before section 10—**

*omit.*

**24. Sections 10 and 10A—**

*relocate* to *Legal Practitioners Act Amendment Act 1968*, as part 5.

## SCHEDULE 1 (continued)

**25. Heading before section 11—***omit, insert—****‘Division 3—Rules of court’.*****26. Section 11(1), ‘from time to time, by regulation,’—***omit.***27. Section 11(1) and (2)(i), ‘the Principal Act and this Act’—***omit, insert—****‘this part’.*****28. Section 11(2)(i), ‘and the Acts aforesaid’—***omit.***29. Section 11(2)(ii), ‘the Principal Act or this Act’—***omit, insert—****‘this part’.*****30. Section 11(2)(ii), ‘or any of the Acts aforesaid’—***omit.***31. Section 11(3) to (6)—***omit, insert—***‘Expiry of division*****‘11A. This division expires on 1 July 1996.’.***

## SCHEDULE 1 (continued)

**32. Before section 13—***insert—***‘PART 20—PROVISIONS FROM SUPREME COURT  
ACTS AMENDMENT ACT (NO. 2) 1958****PART 21—MISCELLANEOUS’.****33. Section 13, ‘this Act contained’—***omit, insert—*

‘this part’.

**34. After section 13—***insert—***‘References to certain Acts and provisions**

**‘14.(1)** In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act, and a reference (whether express or implied) to a provision of any of the following Acts that was relocated to this Act may, if the context permits, be taken to be a reference to the corresponding provision of this Act—

- *Supreme Court Constitution Amendment Act 1861*
- *Common Law Pleading Act 1867*
- *Common Law Practice Act 1867*
- *Common Law Process Act 1867*
- *Equity Act 1867*
- *Interdict Act 1867*
- *Writs of Dedimus Act 1871*
- *Supreme Court Act 1874*

## SCHEDULE 1 (continued)

- *Sheriff's Act 1875*
- *Judicature Act 1876*
- *Supreme Court Act 1892*
- *Supreme Court Act 1893*
- *Supreme Court Act 1895*
- *Supreme Court Act 1899*
- *Commercial Causes Act 1910*
- *Supreme Court Acts Amendment Act (No. 2) 1958.*

‘(2) In an Act or document, a reference (whether express or implied) to a provision of the Supreme Court Acts (whether or not the reference includes a year or years), or a provision of either of the following Acts, that was relocated to this Act may, if the context permits, be taken to be a reference to this Act or the corresponding provision of this Act, as the case requires—

- *Costs Act 1867*
- *Supreme Court Act 1867.*

‘(3) In an Act or document, a reference to the *Supreme Court Act 1921* is a reference to this Act.

**‘Numbering and renumbering of Act**

‘15. In the first reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**Explanatory note**

This Bill proposes to relocate substantive provisions from some 18 other Acts to this Act. The Acts from which provisions are to be relocated are mentioned in proposed section 1A. The Acts from which provisions are relocated are then proposed to be repealed.

Except so far as the relocated provisions are expressly amended by this Bill, it is intended that the relocation of the provisions should not change the meaning of the

## SCHEDULE 1 (continued)

relocated provisions or any other provisions. This intention is made clear by a number of proposed provisions.

Amendment 1 amends the Act's long title so that the description of the scope of the Act reflects the provisions relocated to the Act, and the nature of the Act as a consolidating Act. The basic rule about the interpretation of a consolidating Act was explained in the following way by Barton J. in *Riddle v. R* (1911) 12 CLR 622, 632—

‘ ... [W]here two constructions are open, under one of which the Act is read to make an amendment of the law, while the other appears to confine the Act to its professed purpose of mere consolidation, then, other things being equal, the court will adopt the construction which confines the Act to its purpose of consolidation.’

It is intended that this rule of construction should be applied fully in the interpretation of this Act (and other Acts with which this Act interacts).

Amendment 2 omits provisions about the Act's short title, construction, commencement and interpretation, and inserts the following provisions—

- proposed part headings for the preliminary provisions of the Act, the existing provisions of the Act and provisions relocated from other Acts
- a replacement section about the Act's short title (proposed section 1)
- a new section explaining the consolidation and its intended effect (proposed section 1A).

The part headings state the Acts from which the provisions have been relocated. This will help the reader of the resulting Act to ascertain readily the historical context of the provisions.

The Act's new short title reflects the broad subject of the Act.

Proposed section 1A(1) explains that the Act is a consolidation of provisions of the *Supreme Court Act 1921* and provisions relocated from the 18 Acts mentioned in the subsection.

Proposed section 1A(2) addresses the legal effect of the relocations. The subsection states that the relocation is not a re-enactment of the provisions, but merely the moving of provisions from one part of the statute book to another. The nature of the main amendments as relocations, rather than re-enactments, reinforces the nature of the Bill as a consolidating Act.

The order in which legislation is enacted can affect its operation; later statutory provisions impliedly repeal or amend, or otherwise affect the operation of, earlier provisions to the extent of any inconsistency. As the relocated provisions were

## SCHEDULE 1 (continued)

enacted over some 130 years of the State's history, it can be expected that inconsistencies of this type exist between relocated provisions (and between relocated provisions and other provisions).

The intention of the consolidation effected by the relocations is to reduce the fragmentation that presently exists in relation to statutory provisions about the Supreme Court by creating a compilation of the provisions. There is no intention to change the legal effect of the relocated provisions (or any other provisions) by the consolidation. Nor is there any intention to update the relocated provisions in anything but a minimal way. Later reform of legislation relating to the Supreme Court will, however, be assisted by bringing the provisions presently scattered over 19 Acts into a single Act.

Accordingly, proposed section 1A(3) states that the relocation did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law. The subsection also states that the relocation did not affect the meaning or effect that the existing, relocated or other provisions had because of the respective times when they were enacted. In other words, the consolidation is intended to increase access to the law about the Supreme Court without making any change to the law (except so far as change is effected by express repeal or amendment of provisions).

To further put this matter beyond doubt, section 1A(4) expressly provides that the relocation did not have certain consequences stated in the subsection. Thus, for example, the relocation did not affect any jurisdiction or power of a court or judge.

Amendments 3, 15 and 25 change existing headings to division headings.

Amendment 4 changes the statutory instrument used under the amended subsection from an order in council to a regulation. The amended subsection will deal solely with the districts and registries of the Supreme Court. The amendment will ensure that the statutory instruments made under the subsection are subject to Parliamentary oversight through tabling and disallowance. Statutory instruments under the subsection are not presently subject to tabling or disallowance.

Amendments 5 and 6 are consequential on amendment 8.

Amendment 7 omits an unnecessary provision about amending regulations fixing districts for the Supreme Court (see *Acts Interpretation Act 1954*, section 24AA).

Amendment 8 inserts a new subsection about the fixing of sittings of the Supreme Court. Sittings are to continue to be fixed by the Governor in Council, but by gazette notice, rather than an order in council, that is not subordinate legislation.

Amendment 9 omits unnecessary subsection headings.

Amendment 10 omits redundant transitional provisions.

## SCHEDULE 1 (continued)

Amendments 11, 13, 14, 20, 21, 27 to 30, 32 and 33 are consequential on the relocation to the Act of provisions from other Acts.

Amendment 12 omits an obsolete transitional provision, and omits a provision about the nature of statutory instruments under the section consequentially on amendments 4 and 8.

Amendment 16 is consequential on amendment 17.

Amendment 17 recasts paragraphs of a section as separate sections.

Amendment 18 omits a redundant transitional provision.

Amendment 19 is consequential on amendment 22.

Amendment 22 recasts paragraphs of a section as separate sections.

Amendment 23 is consequential on amendment 24.

Amendment 24 relocates provisions of the Act about the admission of solicitors as barristers to the *Legal Practitioners Act Amendment Act 1968*.

Amendments 26 and 31 amend the rule making power to bring it more closely into line with current drafting practice.

Amendment 31 also inserts an expiry for the rule making power under the Act. The *Courts Legislation Amendment Act 1995* amended the *Supreme Court of Queensland Act 1991* to replace the separate rule making powers in individual Acts under which the Supreme Court exercises jurisdiction with a general rule making power in the Supreme Court of Queensland Act for all Acts. In the past, many of the rule making powers in individual Acts drew on the rule making power in the *Supreme Court Act 1921*. Accordingly, to enable a complete review to be made of the rule making powers in individual Acts, the rule making power has been retained until 1 July 1996. As the rule making powers in individual Acts are reviewed, any necessary amendments of the *Supreme Court of Queensland Act 1991* are made and the provisions in individual Acts repealed. The review is substantially completed by this Act and any remaining separate rule making powers should be reviewed by early 1996.

Amendment 34 inserts a section to enable references to the relocated provisions, and the Acts from which they were relocated, to be updated in reprints (see *Reprints Act 1992*, section 22(4)). The amendment also inserts a provision dealing with references to the amended Act by its previous short title, and a section requiring the consolidated Act to be renumbered in its first reprint.

## SCHEDULE 1 (continued)

**SUPREME COURT ACTS AMENDMENT ACT (NO. 2)  
1958****Amendment****1. Section 1—**

*omit.*

**2. Section 3, ‘This Act’—**

*omit, insert—*

‘This part’.

**3. Section 6, ‘Act’—**

*omit, insert—*

‘part’.

**4. Sections 3 to 6, as amended by this Act—**

*relocate to Supreme Court Act 1921, part 20.*

**Explanatory note**

Amendment 1 omits a provision about the Act’s citation and construction.

Amendments 2 and 3 are consequential on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 4 relocates provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

## SCHEDULE 1 (continued)

**SUPREME COURT CONSTITUTION AMENDMENT  
ACT 1861****Amendment****1. Before section 32—**

*insert—*

**‘Purpose of part**

**‘31.** The purpose of this part is to amend the constitution of the Supreme Court and provide for the better administration of justice.’.

**2. Section 32, ‘From the passing of this Act all’—**

*omit, insert—*

‘All’.

**3. Section 32, ‘said Supreme Court of Queensland’—**

*omit, insert—*

‘Supreme Court’.

**4. Section 32, ‘this Act’ (2nd mention)—**

*omit, insert—*

‘this part’.

**5. Section 49, ‘this Act’—**

*omit, insert—*

‘the *Supreme Court Constitution Amendment Act 1861*’.

## SCHEDULE 1 (continued)

**6. Sections 31 to 63, as amended by this Act—**

*relocate to Supreme Court Act 1921, part 2.*

**Explanatory note**

Amendment 1 inserts a purpose clause derived from the Act's long title.

Amendment 2 omits unnecessary words.

Amendment 3 simplifies wording.

Amendments 4 and 5 are consequential on the relocation of provisions of the Act to the *Supreme Court Act 1921*.

Amendment 6 relocates provisions of the Act, as amended by this Bill, to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

**SUPREME COURT LIBRARY ACT 1968****Amendment****1. Section 2, heading—**

*omit, insert—*

**'Definitions'**.

**2. Section 14(1)—**

*omit, insert—*

**'14.(1)** The committee may make rules under this Act.

**'(1AA)** A rule must be approved by the Chief Justice.'

**3. Section 14(1A), words before paragraph (a)—**

*omit, insert—*

**'(1A)** A rule may be made about the following—'.

## SCHEDULE 1 (continued)

**4. Section 14(1A)(j) to (l)—**

*omit.*

**5. Section 14—**

*insert—*

‘(3) A rule is not subordinate legislation.’.

**6. Section 14—**

*renumber.*

**7. Section 15—**

*omit.*

**Explanatory note**

Amendment 1 revises a section heading in accordance with current drafting practice.

Amendments 2 to 4 amend the Act’s rule making power in accordance with current drafting practice.

Amendment 5 makes it clear that rules under the Act are not subordinate legislation.

Amendment 6 is a consequential renumbering amendment.

Amendment 7 omits redundant transitional and validating provisions.

**SUPREME COURT OF QUEENSLAND ACT 1991****Amendment****1. Section 2, heading—**

*omit, insert—*

‘Definitions’.

## SCHEDULE 1 (continued)

**2. Section 2(2)—**

*omit.*

**3. After section 2—**

*insert—*

**‘Words and expressions used in Supreme Court (Consolidated Provisions) Act, pt 13**

‘**2A.** Words and expressions used in the *Supreme Court (Consolidated Provisions) Act 1995*, part 13<sup>74</sup> have the same respective meanings as in this Act.’.

**4. Section 30(4), ‘The rules’—**

*omit, insert—*

‘A rule of court made under section 32<sup>75</sup>’.

**5. Section 32(5)—**

*omit, insert—*

‘(5) A rule of court made under this section is subordinate legislation.’.

**6. Section 43(1)(b), ‘the rules’—**

*omit, insert—*

‘a rule of court made under section 32<sup>76</sup>’.

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<sup>74</sup> Part 13 contains provisions relocated from the *Judicature Act 1876*.

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<sup>75</sup> Section 32 (Arrangement of business of Court of Appeal)

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<sup>76</sup> Section 32 (Arrangement of business of Court of Appeal)

## SCHEDULE 1 (continued)

**7. Section 69(2)—***omit, insert—*

‘(2) Subject to any other Act, a rule of court made under section 32<sup>77</sup> may provide that leave to appeal is required in proceedings specified in the rule.’.

**8. Section 117(4)—***omit, insert—*

‘(4) However, a rule of court may not be made under this section about the practices or procedures of the Court of Appeal.<sup>78</sup>’.

**9. Section 118(2)—***omit, insert—*

‘(2) An existing rule is taken to be made under—

- (a) if it makes provision with respect to the practices or procedures of the Court of Appeal—section 32<sup>79</sup>; or
- (b) in any other case—section 117.’.

**10. Section 118(4)—***omit.*

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<sup>77</sup> Section 32 (Arrangement of business of Court of Appeal)

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<sup>78</sup> Under section 32, the president of the Court of Appeal may make rules with respect to the practices and procedures of the Court of Appeal.

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<sup>79</sup> Section 32 (Arrangement of business of Court of Appeal)

## SCHEDULE 1 (continued)

**11. Section 118(5) and (6)—**

*renumber.*

**12. Section 124—**

*omit, insert—*

**‘References to senior puisne judge**

‘**124.** In an Act or document, a reference to the senior puisne judge may, if the context permits, be taken to be a reference to the senior judge administrator.’.

**13. Schedule 1, part 1, item 5(c) and (d)—**

*omit.*

**14. Schedule 1, part 1, item 5(e) and (f)—**

*renumber.*

**15. Schedule 1, part 1—**

*insert—*

**‘Evidence of special witnesses**

‘**24A.(1)** Regulating practice and procedure about the making of determinations or orders under the *Evidence Act 1977*, section 21A.

‘**(2)** Carrying out orders mentioned in subitem (1).

## SCHEDULE 1 (continued)

**‘Obtaining evidence for other jurisdictions**

‘**24B.** The obtaining of evidence under the *Evidence Act 1977*, part 3, division 3.80’.

**16. Schedule 1, part 1—**

*insert—*

**‘Statutory committee of the Queensland Law Society**

‘**28A.** The statutory committee of the Queensland Law Society Incorporated, including, for example, the following—

- (a) the practice and proceedings of the committee, including the awarding of costs by the committee, the taxation of costs by the taxing officer of the Supreme Court, and the recovery of costs by execution or otherwise;
- (b) the conferral of additional powers on the statutory committee.’.

**17. Schedule 1, part 1, item 29, ‘any matter mentioned in items 1 to 28 or 30’—**

*omit, insert—*

‘another matter mentioned in this part’.

**18. Schedule 1, part 1, item 30, ‘any matter mentioned in items 1 to 29’—**

*omit, insert—*

‘another matter mentioned in this part’.

80 Part 3 (Means of obtaining evidence), division 3 (General procedure to obtain evidence for other jurisdictions)

## SCHEDULE 1 (continued)

**19. Schedule 1, part 1, items 24A to 30—**

*renumber.*

**20. Schedule 2, part 1—**

*omit, insert—*

**‘PART 1—SUPREME COURT ACTS**

*Evidence and Discovery Act 1867*

*Legal Practitioners (Consolidated Provisions) Act 1995*

*Queensland Law Society Act 1952*

*Supreme Court (Consolidated Provisions) Act 1995.’.*

**21. Schedule 2, part 2, ‘Common Law Practice Act 1867’—**

*omit.*

**Explanatory note**

Amendment 1 revises the heading of the definition section in accordance with current drafting practice.

Amendments 2 and 3 recast an existing subsection of the definition section as a separate section in accordance with current drafting practice. The replacement section has been revised to take account of the relocation of the provisions of the *Judicature Act 1876* made by this Bill.

Amendments 4, 6 and 7 revise provisions of the Act to make it clear that the rules of court mentioned in them are rules of court made by the president of the Court of Appeal under section 32 of the Act.

Amendment 8 clarifies the relationship between the general rule making power under section 117 and the president’s rule making power under section 32. The general rule making power is not intended to permit the making of rules about the practices or procedures of the Court of Appeal.

Amendment 9 clarifies the application of section 118 of the Act to existing rules of

## SCHEDULE 1 (continued)

court about the practices or procedures of the Court of Appeal. These rules are taken to have been made under section 32. Other rules are taken to have been made under section 117. Existing rules of court about the practices or procedures of the Court of Appeal can thus be amended by the president under section 32. Other rules of court can be amended under the general rule making power.

Amendment 10 omits a provision made redundant by amendment 9.

Amendments 11, 14 and 19 are consequential renumbering amendments.

Amendment 12 omits a redundant transitional provision and inserts a provision that will permit references to the senior puisne judge to be updated in reprints.

Amendment 13 removes a possible inadvertent overlap between the matters that can be dealt with under the general rule making power and the matters that can be dealt with under the president's rule making power.

Amendment 15 inserts a provision to ensure that the general rule making power continues to extend to the making of determinations and orders under the *Evidence Act 1977*, section 21A (see existing section 21A(8) and (9)) and the obtaining of evidence under the *Evidence Act 1977*, part 3, division 3 (see existing section 40).

Amendment 16 inserts a provision to ensure that the general rule making power extends to the statutory committee of the Queensland Law Society Incorporated. The provision replaces existing provisions of the *Queensland Law Society Act 1952* (see section 6(8) and (9)).

Amendments 17 and 18 are consequential on amendments 15 and 16.

Amendment 20 revises the list of Acts that are Supreme Court Acts to take account of the consolidation by this Bill of Acts about the Supreme Court and legal practitioners.

Amendment 21 is also consequential on the consolidation of Supreme Court Acts.

**SURVEY CO-ORDINATION ACT 1952****Amendment****1. Section 1—**

*omit, insert—*

## SCHEDULE 1 (continued)

**‘Short title**

**‘1.** This Act may be cited as the *Survey Coordination Act 1952*.’.

**2. Section 3, heading—**

*omit, insert—*

**‘Definitions’.**

**3. Section 3, definition “chief executive”—**

*omit.*

**4. Section 3, definition “permanent mark”, ‘the provisions of’—**

*omit.*

**5. Section 3(2) and (3)—**

*omit.*

**6. Section 7(1), ‘the provisions of’ (first mention)—**

*omit.*

**7. Section 7(1), ‘in pursuance of the provisions of section 12 of this Act’—**

*omit, insert—*

‘under section 12’.

**8. Section 9, ‘pursuant to’—**

*omit, insert—*

‘under’.

## SCHEDULE 1 (continued)

**9. Section 12(2)(a), ‘the provisions’ to ‘section have’—***omit, insert—*

‘subsection (1) has’.

**10. Section 15(3), ‘in pursuance’ to ‘this Act’—***omit, insert—*

‘under section 12’.

**11. Section 15(4), ‘the provisions of’—***omit.***12. Section 21A(2)—***omit.***13. Section 22(3), ‘any provision of’—***omit.***14. Section 22(3)—***renumber* as section 22A.**15. Section 22(4)—***renumber* as section 22B.**16. Section 23—***omit.*

## SCHEDULE 1 (continued)

**17. After section 24—**

*insert—*

**‘Regulation making power**

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

**‘References to Survey Co-ordination Act**

‘26. In an Act or document, a reference to the Survey Co-ordination Act 1952 is a reference to this Act.’.

**Explanatory note**

Amendments 1 updates the Act’s short title.

Amendments 2, 4, 6 to 11 and 13 update language in accordance with current drafting practice.

Amendment 3 omits a definition that is redundant because of the *Acts Interpretation Act 1954*.

Amendment 5 omits provisions that are redundant because of the *Acts Interpretation Act 1954*.

Amendment 12 omits an obsolete provision.

Amendments 14 and 15 renumber subsections as sections.

Amendments 16 and 17 updates the regulation making power in accordance with current drafting practice.

Amendment 17 also includes a reference provision to allow references to the Act by its previous short title to be updated.

**TIMBER UTILISATION AND MARKETING ACT 1987****Amendment****1. Section 6(1), definition ‘chief executive’—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 53(1A)—***insert—*

‘(b) providing for the approval of the chief executive to be the applicable standard for a matter;’.

**3. Section 53(2)—***omit.***Explanatory note**

Amendment 1 omits a definition made obsolete by recent amendments to the *Acts Interpretation Act 1954*.

Amendments 2 relocates a regulation making power omitted by amendment 3 in accordance with current drafting practice.

Amendment 3 omits a redundant provision. See the *Statutory Instruments Act 1992*, section 23 (Statutory instrument may make provision by applying another document).

**TOBACCO INDUSTRY STABILISATION ACT 1965****Amendment****1. Section 1(2)—***omit.***2. Section 4(a), ‘on the date of the coming into operation of this Act’—***omit.***3. Section 4(b), from ‘in the season’ to ‘subsequent seasons’—***omit.*

## SCHEDULE 1 (continued)

**4. Section 6—**

*omit.*

**5. section 7—**

*insert—*

‘**“approved form”** see section 56.<sup>81</sup>

**6. Section 7, definition “Minister”—**

*omit.*

**7. Section 7, definition “Shortfall” and section 48, ‘calendar’—**

*omit.*

**8. Section 10(1) and section 26(1) ‘, powers, authorities and duties’—**

*omit, insert—*

‘and powers’.

**9. Sections 10(2) and section 26(2), ‘notification published in the gazette’—**

*omit, insert—*

‘gazette notice’.

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<sup>81</sup> Section 57 (Approval of forms).

## SCHEDULE 1 (continued)

**10. Section 11(1)—**

*omit, insert—*

‘**11.(1)** The persons, other than the chairperson, appointed as members of the Tobacco Quota Committee hold office for the period prescribed.’

**11. Heading to section 14 and section 14(1)—**

*omit.*

**12. Section 16(1) and section 33(1), from ‘For the purposes of this subsection’ to ‘sufficient notice in writing.’—**

*omit.*

**13. Section 27—**

*omit, insert—*

‘**27.** Persons appointed as members of the appeals tribunal hold office for the period prescribed.’

**14. Sections 29 to 31—**

*omit.*

**15. Sections 40, 45(1), 46 and 47(2), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**16. Section 43, ‘the State of’—**

*omit.*

## SCHEDULE 1 (continued)

**17. Section 47(2)(b), from ‘a fee’ to ‘; and’—***omit, insert—*

‘a fee of \$20; and’.

**18. Section 51—***omit.***19. Section 52(1), from ‘penalty’, to “forfeiture”—***omit, insert—*

‘maximum penalty of 20 penalty units and to the forfeiture’

**20. Section 52(2), words from ‘a penalty’—***omit, insert—*

‘maximum penalty of 2 penalty units and to an additional penalty not exceeding 1 penalty unit for each day’.

**21. Section 52(4), words from ‘liable to a penalty’—***omit, insert—*

‘liable to a maximum penalty not exceeding 2 penalty units.’.

**22. Sections 55(1)—***omit, insert—*‘**55.(1)** The Governor in Council may make regulations under this Act.’.

## SCHEDULE 1 (continued)

**23. Section 55(2)—**

*omit.*

**24. Section 55(3), from ‘Without’ to ‘and things—’—**

*omit, insert—*

‘A regulation may be made about—’.

**25. Sections 55(3)(i) and 55(3)(m)—**

*omit.*

**26. Section 56—**

*omit, insert—*

**‘Approval of forms**

‘**56.** The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘**57.(1)** This section applies if—

- (a) immediately before its commencement there was a prescribed form for a matter; and
- (b) on the commencement there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.

## SCHEDULE 1 (continued)

**‘Numbering and renumbering of Act**

‘58. In the first reprint of this Act under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’

**Explanatory note**

Amendments 1, 2, 3, 10 and 13 remove spent and obsolete provisions. The commencement provision removed by amendment 1 is preserved by the *Acts Interpretation Act 1954*, section 19A.<sup>82</sup>

Amendment 4 removes a construction provision made redundant by the *Acts Interpretation Act 1954*, section 9.<sup>83</sup>

Amendments 5, 15 and 26 include a new definition about approved forms and change prescribed forms to approved forms in accordance with current drafting practice. Amendment 26 also inserts a provision allowing the chief executive to approve forms and a transitional provision that provides for a prescribed form to be taken to be an approved form for a limited period.

Amendment 6 removes a definition which is redundant because of a definition in the *Acts Interpretation Act 1954*, section 33.<sup>84</sup>

Amendments 7 and 8 remove words and phrases that are redundant because of definitions in the *Acts Interpretation Act 1954*, section 36<sup>85</sup> (See definitions of “function”, “power” and “year”).

Amendment 9 changes references to notifications in the gazette to gazette notices.

Amendments 11, 14, and 18 remove provisions that are redundant because of the

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<sup>82</sup> Section 19A (Commencement not undone if omitted)

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<sup>83</sup> Section 9 (Act to be interpreted not to exceed Parliament’s legislative power)

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<sup>84</sup> Section 33 (References to ministers, departments and chief executives)

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<sup>85</sup> Section 36 (Meaning of commonly used words and expressions)

## SCHEDULE 1 (continued)

*Acts Interpretation Act 1954*, sections 24B<sup>86</sup> and 25.<sup>87</sup>

Amendment 12 omits service provisions covered in the *Acts Interpretation Act 1954*, section 39.<sup>88</sup>

Amendment 16 omits the unnecessary words “the State of” before the word “Queensland.”.

Amendment 17 changes a reference to pounds to dollar currency.

Amendments 19, 20 and 21 replace monetary penalties with penalties expressed in penalty units.

Amendments 22, 23, 24, 25, and 26 update the regulation making provisions in accordance with current drafting practice.

## TOBACCO PRODUCTS (LICENSING) ACT 1988

### Amendment

#### 1. Section 4(1)—

*insert—*

‘**“approved form”** see section 53A.<sup>89</sup>’.

#### 2. Section 7—

*omit.*

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<sup>86</sup> Section 24B (Acting appointments)

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<sup>87</sup> Section 25 (Powers of appointment imply certain incidental powers)

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<sup>88</sup> Section 39 (Service of documents)

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<sup>89</sup> Section 53A (Approval of forms)

## SCHEDULE 1 (continued)

**3. Sections 15(1) and 16(1) and (2), ‘After 31 January, 1989, a’—***omit, insert—*

‘A’.

**4. Sections 20(1), 21(2)(a) and 35(3), ‘prescribed form’—***omit, insert—*

‘approved form’.

**5. Section 21(2)(a), ‘notification thereof’—***omit, insert—*

‘a notice’.

**6. Section 21(2)(b), ‘such notification’—***omit, insert—*

‘the notice’.

**7. Section 24(3)—***omit.***8. Section 47(2), ‘notification’—***omit, insert—*

‘notice’.

**9. After section 53—***insert—*

## SCHEDULE 1 (continued)

**‘Approval of forms**

‘**53A.** The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘**53B.(1)** This section applies if ——

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**10. Section 54, words before paragraph (a)—**

*omit, insert—*

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

‘**(2)** A regulation may be made for or about the following—’.

**11. Section 54(a) and (f)—**

*omit.*

**Explanatory note**

Amendments 1, 4 and 9 replace the current provisions under which forms are prescribed with provisions under which forms are approved by the chief executive, and provide a transitional provision for the new arrangement.

Amendments 2, 3, 7 and 11 omit redundant provisions.

Amendments 5, 6 and 8 update references to ‘notification’ in line with current drafting practice.

## SCHEDULE 1 (continued)

Amendment 10 revises a regulation making power to bring it into line with current drafting practice.

## TOWNSVILLE/THURINGOWA WATER SUPPLY BOARD ACT 1987

### 1. Section 6, heading—

*omit, insert—*

**‘Definitions’.**

### 2. Section 6—

*insert—*

‘**“approved form”** see section 113.<sup>90</sup>

**“insurance”**, in section 85, means the undertaking by a person to—

- (a) indemnify someone else against loss or liability for loss for a certain risk or peril, to which the object of the insurance may be exposed; or
- (b) pay a sum of money or other thing of value on the happening of a certain event.

**“insurer”**, in section 85, means a person who undertakes, agrees to undertake or offers to undertake any of the following—

- (a) a contract of marine insurance;
- (b) a CTP insurance policy under the *Motor Accident Insurance Act 1994*;
- (c) general insurance business.’.

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<sup>90</sup> Section 113 (Approval of forms)

## SCHEDULE 1 (continued)

**3. Section 6, definition “manager”—**

*omit, insert—*

- ‘**“manager”**’ means a person who is appointed by the Board to be the manager of the Board.

**4. Sections 6, definition “Board”, ‘body’ to ‘name’—**

*omit.*

**5. Section 13 and 14(1), ‘constituted under this Act’—**

*omit.*

**6. Section 14(1), ‘notification published in the gazette’—**

*omit, insert—*

‘gazette notice’.

**7. Section 14(2)—**

*omit.*

**8. Section 17—**

*omit.*

**9. Sections 18(4) and 18(5)—**

*omit.*

**10. Section 21(1)(a)(ii) and section 21(1)(b)(ii), ‘as defined in this Act’—**

*omit.*

## SCHEDULE 1 (continued)

**11. Section 31(2), ‘order in council’—**

*omit, insert—*

‘gazette notice’.

**12. Section 38—**

*omit, insert—*

**‘Power of delegation**

**38.** The board may delegate the board’s powers under this Act to a member, officer or employee of the board.’.

**13. Section 40(1), ‘Director’—**

*omit, insert—*

‘chief executive’.

**14. Section 49(2), ‘Clean Waters Act 1971–1982’—**

*omit, insert—*

‘*Environmental Protection Act 1994*’.

**15. Section 85(1)—**

*omit.*

**16. Section 85(8), ‘, function or duty’—**

*omit, insert—*

‘or function’.

## SCHEDULE 1 (continued)

**17. After section 112—**

*insert—*

**‘Approval of forms**

‘**113.** The chief executive may approve forms for use under this Act.

**‘Transitional provision about forms**

‘**114.(1)** This section applies if—

- (a) immediately before the commencement of this section, there was a prescribed form for a matter; and
- (b) on the commencement of this section, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement of this section is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.

**‘Numbering and renumbering of Act**

‘**115.(1)** In the first reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**Explanatory note**

Amendment 1 changes a section heading in accordance with current drafting practice.

Amendments 2 and 17 insert a new definition about approved forms, a provision allowing the chief executive to approve forms and a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

Amendments 2 and 15 relocate and update in section 6<sup>91</sup> definitions previously in

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<sup>91</sup> Section 6 (Definitions)

## SCHEDULE 1 (continued)

section 85(1) and omit section 85(1).<sup>92</sup>

Amendment 3 to 5 and 10 omit unnecessary words in definitions and unnecessary references to definitions in the body of the Act.

Amendment 6 changes a reference to publication of a notice in the gazette to a gazette notice.

Amendment 7 omits a spent provision about the first commencement of the board, which is preserved by the *Acts Interpretation Act 1954*, section 20.<sup>93</sup>

Amendment 8 omits a redundant provision because of the *Acts Interpretation Act 1954*, section 25.<sup>94</sup>

Amendments 9 and 12 omits redundant provisions because of the *Acts Interpretation Act 1954*, section 27A.<sup>95</sup>

Amendment 11 changes a reference to an order in council not of a legislative character to a gazette notice, in accordance with current drafting practice.

Amendment 13 changes a reference to a chief executive of a department to chief executive. As the reference is to “Director” and not “Director-General”, it may not be able to be changed under the *Reprints Act 1992*.

Amendment 14 updates a reference to an Act.

Amendment 16 removes words that are redundant because of definitions in the *Acts Interpretation Act 1954*, section 36<sup>96</sup> (See definitions of “power” and “function”).

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<sup>92</sup> Section 85 (Insurance of members)

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<sup>93</sup> Section 20 (Saving of operation of repealed Act etc.)

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<sup>94</sup> Section 25 (Powers of appointment imply certain incidental powers)

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<sup>95</sup> Section 27A (Delegation of powers)

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<sup>96</sup> Section 36 (Meaning of commonly used words and expressions)

## SCHEDULE 1 (continued)

**TRADE MEASUREMENT ACT 1990****Amendment****1. Section 41, from ‘Except’ to ‘cases’—***omit, insert—*

‘Unless subsection (2) applies’.

**2. Section 41—***insert—*

‘(2) A regulation may declare that a permit that is the equivalent of a permit under this division is not effective in the State.’.

**3. Section 80, heading—***omit, insert—*‘**Regulation making power**’.**4. Section 80(1)—***omit, insert—*‘**80.(1)** The Governor in Council may make regulations under this Act.’.**5. Section 80(2), words before paragraph (a)—***omit, insert—*

‘(2) A regulation may be made for or about—’.

**6. Section 80(4)—***omit.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1 and 2 provide that the statutory rule to be used under the Act is a regulation, in accordance with current drafting practice.

Amendment 3 changes a section heading in accordance with current drafting practice.

Amendments 4 to 6 update the regulation making power in accordance with current drafting practice.

**TRADE MEASUREMENT ADMINISTRATION ACT  
1990****Amendment****1. Section 3—**

*insert—*

‘**“approved form”** see section 23A.<sup>97</sup>’.

**2. Section 8, ‘form determined by the Minister’—**

*omit, insert—*

‘approved form’.

**3. Section 18, ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**4. After section 23—**

*insert—*

<sup>97</sup> Section 23A (Approval of forms)

## SCHEDULE 1 (continued)

**‘Approval of forms**

‘**23A.** The chief executive may approve forms for use under this Act.’.

**5. After section 31—**

*insert—*

**‘Transitional provision about forms**

‘**32.(1)** This section applies if—

- (a) immediately before its commencement, there was a form determined by the Minister or a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the form determined by the Minister or the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**Explanatory note**

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

Amendment 4 inserts a provision allowing the chief executive to approve forms for the Act.

**TRANSPLANTATION AND ANATOMY ACT 1979****Amendment****1. Section 4(1), definitions ‘child’ and ‘Director-General’—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 4(1)—***insert—*

‘**“chief health officer”** means the chief health officer under the *Health Act 1937*.’.

**3. Sections 6, 30 and 36, ‘Director-General’—***omit, insert—*

‘chief health officer’.

**4. Section 52(1), ‘for the purposes of’—***omit, insert—*

‘under’.

**5. Section 52(2), ‘with respect to any of’—**

‘for or about’.

**Explanatory note**

Amendment 1 omits redundant definitions.

Amendment 2 inserts a new definition as a consequence of the omission of a redundant definition by amendment 1.

Amendment 3 makes a consequential change as a consequence of amendments 1 and 2.

Amendments 4 and 5 revise the regulation making power to bring it into line with current drafting practice.

## SCHEDULE 1 (continued)

**TRANSPORT OPERATIONS (MARINE SAFETY) ACT  
1994****1. Section 42(1), definition “certificate of compliance”, ‘or a Territory’—**

*omit.*

**Explanatory note**

Amendment 1 omits words that are redundant because of a definition in the *Acts Interpretation Act 1954*, section 36 (see definition of “State”).<sup>98</sup>

**TRANSPORT OPERATIONS (ROAD USE  
MANAGEMENT) ACT 1995****1. Chapter 7, before section 86—**

*insert—*

**‘Reference provisions operate only after repeal of relevant Act**

**‘85A.** To remove any doubt, it is declared that sections 86 to 91 apply to an Act mentioned in them only after the Act is, or the relevant provisions of the Act are, repealed.

*Example—*

A reference to the *Carriage of Dangerous Goods by Road Act 1984* or a provision of that Act is not taken to be a reference to this Act until the repeal of the *Carriage of Dangerous Goods by Road Act 1984* or the provision of that Act.’.

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<sup>98</sup> Section 36 (Meaning of commonly used words and expressions)

## SCHEDULE 1 (continued)

**2. Sections 86, 88 and 89, ‘is taken’—***omit, insert—*

‘may, if the context permits, be taken’.

**3. Sections 87 and 91, ‘is’—***omit, insert—*

‘may’.

**4. Sections 87 and 91, ‘taken’—***omit, insert—*

‘and the context otherwise permits, be taken’.

**5. Section 90, after ‘1960’—***insert—*

‘may’.

**6. Section 90, ‘, is taken’—***omit, insert—*

‘and if the context otherwise permits, be taken’.

**Explanatory note**

Amendment 1 is made to remove any doubt about the application of the reference provisions in sections 86 to 91 of the Act. The amendment is intended to make it clear to users of the Act that the reference provisions do not take effect until the relevant Act or provision has been repealed.

Amendments 2 to 6 bring the reference provisions more closely into line with current drafting practice.

## SCHEDULE 1 (continued)

**TRAVEL AGENTS ACT 1988****Amendment****1. Section 6—***insert—*

‘**“approved form”** see section 56A.<sup>99</sup>’.

**2. Section 6, definition “exempted person”, ‘an order in council’—***omit, insert—*

‘a regulation’.

**3. Section 10—***omit, insert—***‘Changes to Act’s application**

**‘10.** A regulation may exempt a person or transaction from the application of this Act or a stated provision of this Act.’.

**4. Section 14(1)(b)—***omit, insert—*

‘(b) be in the approved form; and’.

**5. Section 14(3)(a), ‘in the prescribed manner and form’—***omit, insert—*

‘as prescribed under a regulation’.

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<sup>99</sup> Section 56A (Approval of forms)

## SCHEDULE 1 (continued)

**6. Section 19(5), ‘prescribed form’—***omit, insert—*

‘approved form’.

**7. Section 23(2), ‘the prescribed particulars’—***omit, insert—*

‘the particulars prescribed under a regulation’.

**8. Section 26(1), ‘written notice of appeal in or to the effect of the prescribed form’—***omit, insert—*

‘notice of appeal in the approved form’.

**9. Section 36(2), ‘notification published in the Gazette’—***omit, insert—*

‘gazette notice’.

**10. After section 56—***insert—***‘Approval of forms**‘**56A.** The chief executive may approve forms for use under this Act.’.**11. Section 57, heading—***omit, insert—***‘Regulation making power’.**

## SCHEDULE 1 (continued)

**12. Section 57(1)(d) and (j)—**

*omit.*

**13. Section 57(1), words before paragraph (a)—**

*omit, insert—*

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

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

**14. Section 57(2)—**

*omit.*

**15. After section 57—**

*insert—*

**‘Transitional provision about forms**

‘**58.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 inserts a definition about approved forms.

Amendment 2 is consequential on amendment 3.

Amendment 3 implements current drafting practice by providing that the statutory

## SCHEDULE 1 (continued)

rules used under the Act are regulations.

Amendments 4, 6 and 8 change prescribed forms to approved forms in accordance with current drafting practice.

Amendments 5 and 7 clarify provisions by providing that matters are to be prescribed by regulation.

Amendment 9 updates a reference to a gazette notification.

Amendment 10 inserts a provision allowing the chief executive to approve forms for the Act.

Amendments 11, 12, 13 and 14 update the regulation making power in accordance with current drafting practice.

Amendment 15 inserts a transitional provision that provides for a prescribed form to be taken as an approved form for a limited period.

**TRUST ACCOUNTS ACT 1973****Amendment****1. Section 4(1), definitions “bank”, “person” and “Public Trustee”—**

*omit.*

**2. Section 4(1)—**

*insert—*

**“approved form”** see section 37.<sup>100</sup>.

**3. Section 7(4)(a), ‘against’ to ‘\$500’ and 7(4)(b), ‘against’ to ‘1 year’—**

*omit.*

<sup>100</sup> Section 37 (Approval of forms)

## SCHEDULE 1 (continued)

**4. Section 7(4), after paragraph (b)—***insert—*

‘Maximum penalty—

- (a) for paragraph (a)—10 penalty units; and
- (b) for paragraph (b)—20 penalty units or 1 year’s imprisonment.’

**5. Section 9—***omit.***6. Section 15(1)(d)(i) and (2)(d)(i)—***omit, insert—*

- ‘(i) a person registered as an auditor under the Corporations Law; or’.

**7. Section 16(6), words after ‘offence’—***omit, insert—*

‘Maximum penalty—20 penalty units or 1 years imprisonment.’

**8. Sections 20(5) and 26(5), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**9. Section 26A(10), ‘not exceeding \$500 nor less than \$20’—***omit, insert—*

‘of not more than 10 penalty units nor less than 1 penalty unit’.

## SCHEDULE 1 (continued)

**10. Section 26A(10), ‘not exceeding \$1000 nor less than \$50’—***omit, insert—*

‘of not more than 20 penalty units nor less than 2 penalty units’.

**11. Section 26A(10), ‘12 months’—***omit, insert—*

‘1 year’.

**12. Section 26A(11), from ‘, within’—***omit.***13. Section 28(1), ‘\$1 000’—***omit, insert—*

‘20 penalty units’.

**14. Section 33(4), ‘penalty not exceeding \$500’—***omit, insert—*

‘maximum penalty of 10 penalty units’.

**15. Section 34(9), words after ‘offence’—***omit, insert—*

‘Maximum penalty—10 penalty units.’.

**16. After section 36—***insert—*

## SCHEDULE 1 (continued)

**‘Approval of forms**

‘37. The chief executive may approve forms for use under this Act.’

**17. Section 37(1), words before paragraph (a)—**

*omit, insert—*

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

‘(1A) A regulation may be made for or about—’.

**18. Section 37(1)(f)—**

*omit.*

**19. Section 37(1)(k)—**

*omit, insert—*

‘(k) prescribing a maximum penalty of 10 penalty units for an offence against a regulation.’

**20. Section 37(2)—**

*omit.*

**21. Section 37, as amended by this Act—**

*renumber and relocate* as section 41.

**22. Section 38(2), ‘penalty of \$500’—**

*omit, insert—*

‘maximum penalty of 10 penalty units’.

## SCHEDULE 1 (continued)

**23. Section 39(1), ‘\$30’—**

*omit, insert—*

‘1 penalty unit’.

**24. Section 40, ‘is taken’—**

*omit, insert—*

‘may, if the context permits, be taken’.

**25. After section 41—**

*insert—*

**‘Transitional provision about forms**

**‘42.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’.

**Explanatory note**

Amendment 1 omits definitions that are unnecessary because they are defined in section 36 of the *Acts Interpretation Act 1954*.

Amendments 2 to 4, 7 to 11, 13 to 15, 22 and 23 implement current legislative drafting practice and change dollar penalties into penalty units.

Amendment 5 omits an offence that is covered by the new Criminal Code.

Amendment 6 updates a reference to an auditor.

## SCHEDULE 1 (continued)

Amendment 12 omits unnecessary words and relies on the meaning of “service by post” in section 39A of the *Acts Interpretation Act 1954*.

Amendment 16 inserts a provision authorising the chief executive to approve forms for the Act.

Amendment 17 remakes the regulation making power in accordance with current legislative drafting practice.

Amendment 18 is consequential on amendment 16.

Amendment 19 is consequential on amendment 20 and changes a reference to a monetary penalty into a reference to penalty units.

Amendment 20 omits words made unnecessary by section 24 of the *Statutory Instruments Act 1992*.

Amendment 21 implements a current legislative drafting practice about the location of the regulation making power.

Amendment 24 updates a reference provision.

Amendment 25 inserts a transitional provision to allow a prescribed form to be taken to be an approved form for a limited time.

**TRUSTEE COMPANIES ACT 1968****Amendment****1. Section 1, heading, ‘and commencement’—**

*omit.*

**2. Section 1(2)—**

*omit.*

**3. Section 4(1), heading—**

*omit, insert—*

**‘Definitions’.**

## SCHEDULE 1 (continued)

**4. Section 4(1), definition “financial institution”, paragraph (d), ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

**5. Section 4(1), definition “insurance company”, words after ‘(Cwlth)’—**

*omit.*

**6. Section 4(2), as heading—**

*insert—*

‘Powers conferred on trustee companies are additional powers’.

**7. Section 4(2)—**

*renumber* as section 4AA.

**8. Section 56(1A), ‘by order in council’—**

*omit, insert—*

‘under a regulation’.

**9. After section 73—**

*insert—*

‘Regulation making power

‘73A. The Governor in Council may make regulations under this Act.’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 omits a provision providing for the Act's commencement.

Amendment 3 revises a section heading in accordance with current drafting practice.

Amendments 4 and 8 implement current drafting practice by providing that the statutory rules used under the Act are regulations.

Amendment 5 omits words made redundant by amendments of the *Acts Interpretation Act 1954* (see section 14H).

Amendments 6 and 7 recast a subsection as a separate section with its own section heading.

Amendment 9 inserts a regulation making power into the Act.

**TRUSTS ACT 1973****Amendment****1. Section 1, heading, 'and commencement'—**

*omit.*

**2. Section 1(2) and (3)—**

*omit.*

**3. Section 3—**

*omit.*

**4. Section 5, heading—**

*omit, insert—*

**'Definitions'.**

## SCHEDULE 1 (continued)

**5. Section 5(1), definition “public accountant”—**

*omit.*

**6. Section 5(1)—**

*insert—*

‘ “**approved form**” see section 114.<sup>101</sup>

“**public accountant**” means—

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current certificate of practice issued by the institute; or
- (b) a member of the Australian Society of Certified Practising Accountants who holds a current public practice certificate issued by the society; or
- (c) a person registered as an auditor under the Corporations Law.’.

**7. Section 5(1), definition “conveyance”, ‘; and “to convey” has a corresponding meaning’—**

*omit.*

**8. Section 5(1), definition “payment”, ‘; and “to pay” has a corresponding meaning’—**

*omit.*

**9. Section 5(1), definition “sale”, ‘; and “to sell” has a corresponding meaning’—**

*omit.*

<sup>101</sup> Section 114 (Approval of forms)

## SCHEDULE 1 (continued)

**10. Section 5(2), as a heading—***insert—***‘Meaning of investment etc. on the security of property’.****11. Section 5(2)—***renumber* as section 5A.**12. Section 67(2)—***omit, insert—***‘(2) Notice of advertisement is sufficient if given in the approved form.’.****13. After section 113—***insert—***‘Approval of forms****‘114. The chief executive may approve forms for use under this Act.****‘Transitional provision about forms****‘115.(1) This section applies if ——**

- (a) immediately before its commencement, there was a form specified by schedule 2 for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2) Until there is an approved form for the matter, the form that was the specified form for the matter immediately before the commencement is taken to be the approved form for the matter.****‘(3) This section expires 6 months after it commences.’.**

## SCHEDULE 1 (continued)

**14. Schedule 2—**

*omit.*

**Explanatory note**

Amendment 1 is consequential on amendment 2.

Amendment 2 omits provisions about the Act's commencement.

Amendment 3 omits a transitional provision.

Amendment 4 revises a section heading in accordance with current drafting practice.

Amendment 5 omits a definition that is replaced in an updated form by amendment 6.

Amendment 6 includes a standard definition of "approved form" and replaces the definition "public accountant" in an updated form.

Amendments 7 to 9 omit provisions made redundant by an amendment of the *Acts Interpretation Act 1954* (see section 32).

Amendments 10 and 11 recast a subsection as a separate section with its own section heading.

Amendment 12 is consequential on amendment 14.

Amendment 13 is a provision providing for the approval of forms and a transitional provision about forms.

Amendment 14 omits schedule 2, which specifies a form for use under the Act. The form is to be replaced by an approved form.

**UNITED GRAND LODGE OF ANTIENT FREE AND  
ACCEPTED MASONS OF QUEENSLAND TRUSTEES  
ACT 1942**

**Amendment****1. Section 2, definitions "Real Property Acts" and "registrar of titles"—**

*omit.*

## SCHEDULE 1 (continued)

**2. Section 2, definition “register”, ‘pursuant to the Real Property Acts’—**

*omit, insert—*

‘under the *Land Title Act 1994*’.

**3. Sections 2 and 12, ‘powers, authorities, and functions’—**

*omit, insert—*

‘powers and functions’.

**4. Sections 3, 4(1), 6, 8, 10, 11, ‘the provisions of’—**

*omit.*

**5. Sections 3A(2), (3) and (4), 3B, 3C, ‘pursuant to’—**

*omit, insert—*

‘under’.

**6. Section 7, ‘local body’ to ‘1923 to 1936,’—**

*omit, insert—*

‘statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*’.

**7. Sections 6 and 10, ‘Real Property Acts’—**

*omit, insert—*

‘*Land Title Act 1994*’.

## SCHEDULE 1 (continued)

**8. Section 10, ‘the said Real Property Acts’—***omit, insert—**‘the Land Title Act 1994’.***9. Section 10, ‘the said the Real Property Acts’—***omit, insert—**‘the Land Title Act 1994’.***10. Section 10, ‘such Real Property Acts’—***omit, insert—**‘the Land Title Act 1994’.***11. Section 10, ‘such Acts’—***omit, insert—**‘the Act’.***12. Section 12, ‘powers, authorities, and duties’—***omit, insert—**‘powers and duties’.***13. Section 13, ‘(as hereinbefore defined)’—***omit.***14. Section 13, ‘and authority’—***omit.*

## SCHEDULE 1 (continued)

**15. Section 14, ‘pursuant to’—**

*omit, insert—*

‘under’.

**Explanatory note**

Amendment 1 omits a definition that is obsolete and a definition that is unnecessary.

Amendments 2, 6, 7, 8, 9 and 10 update references.

Amendments 3, 12 and 14 omit wording that is redundant because of the *Acts Interpretation Act 1954*.

Amendments 4, 5, 11, 13 and 15 update provisions in accordance with current drafting practice.

**UNIVERSITY OF QUEENSLAND ACT 1965****Amendment****1. After section 36—**

*insert—*

**‘PART 7A—CERTAIN COMPANIES OF THE  
UNIVERSITY’.**

**2. After section 38—**

*insert—*

**‘Queensland Agricultural College references**

**‘38A.** In an Act or document, a reference to the Queensland Agricultural College may, if the context permits, be taken to be a reference to the university, and a reference to the council of the college may, if the context permits, be taken to be a reference to the senate of the university.’.

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 is consequential on the relocation to this Act of provisions of the *University of Queensland (Confirmation of Powers) Act 1985*.

Amendment 2 inserts a provision to deal with references to a body that has amalgamated with the university. The provision will enable the references to be updated in reprints (see *Reprints Act 1992*, section 23A(3)).

**UNIVERSITY OF QUEENSLAND (CONFIRMATION OF POWERS) ACT 1985****Amendment****1. Section 2—**

*omit, insert—*

**‘Meaning of companies**

**‘2. In this part—**

**“companies”** means University of Queensland Foundation Ltd. and Uniquet Limited.’.

**2. Section 2, definitions “the Senate”, “the University” and “the University of Queensland”—**

*omit.*

**3. Sections 2 and 5 to 7, as amended by this Act—**

*relocate to University of Queensland Act 1965, part 7A, as sections 36A to 36D.*

**Explanatory note**

These amendments relocate provisions to enable the amended Act to be repealed.

## SCHEDULE 1 (continued)

**VETERINARY SURGEONS ACT 1936****Amendment****1. Section 1—**

*omit, insert—*

**‘Short title**

‘1. This Act may be cited as the *Veterinary Surgeons Act 1936*.’.

**2. Section 3, heading—**

*omit, insert—*

**‘Definitions’.****3. Section 3—**

*insert—*

‘**“approved form”** see section 36A.<sup>102</sup>’.

**4. Sections 18(1), 18A(2) and (4), 19A(1), 19B(2) and 19C(1),  
‘prescribed form’—**

*omit, insert—*

‘approved form’.

<sup>102</sup> Section 36A (Approval of forms)

## SCHEDULE 1 (continued)

**5. Section 35, heading—**

*omit, insert—*

**‘Penalties’.**

**6. Section 35(2) and (3), headings—**

*omit.*

**7. After section 36—**

*insert—*

**‘Approval of forms**

**‘36A.** The chief executive may approve forms for use under the Act.

**‘Transitional provision about forms**

**‘36B.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

**‘(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

**‘(3)** This section expires 6 months after it commences.’

**Explanatory note**

Amendment 1 removes redundant commencement provisions but retains the same name of the Act.

Amendment 2 changes a heading to accord with current drafting practice.

Amendments 3 is consequential on amendment 7.

## SCHEDULE 1 (continued)

Amendment 4 changes a reference to prescribed form to approved form.

Amendments 5 and 6 implement current drafting practice by providing a single descriptive heading for the section.

Amendment 7 allows the chief executive to approve forms and existing prescribed forms to be used for a limited time.

**VOLUNTARY AID IN EMERGENCY ACT 1973****Amendment****1. Section 2, heading—**

*omit, insert—*

**‘Definitions for part’.**

**2. Section 2, ‘this Act’—**

*omit, insert—*

**‘this part’.**

**3. Section 3, ‘or nurse’—**

*omit, insert—*

**‘,nurse or other person prescribed under a regulation’.**

**4. Section 4—**

*omit.*

**5. Sections 2 and 3, as amended by this Act—**

*relocate to Law Reform (Abolition of the Rule of Common Employment) Act 1951, part 5.*

## SCHEDULE 1 (continued)

**Explanatory note**

Amendments 1 and 2 are consequential on the relocation of provisions to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951*.

Amendments 3 inserts words that make section 4 redundant.

Amendment 4 is consequential on amendment 3.

Amendment 5 relocates provisions of the Act, as amended by this Bill, to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951*. This will enable the Act to be repealed.

**WAREHOUSEMEN'S LIENS ACT 1973****Amendment****1. Section 1—**

*omit, insert—*

**‘Short title**

‘1. This Act may be cited as the *Storage Liens Act 1973*.’

**2. Section 2, definition “goods”, ‘warehouseman’—**

*omit, insert—*

‘storer’.

**3. Section 2, definition “warehouseman”—**

*omit, insert—*

‘“**storer**” means a person lawfully engaged in the business of storing goods as a bailee for reward.’

## SCHEDULE 1 (continued)

**4. Section 2, definitions “Magistrates Court” and “Magistrates Court District”—**

*omit.*

**5. Sections 3, 4(c), 7, 12, 15(1) and 18, ‘the provisions of’—**

*omit.*

**6. Sections 3, 5, 6, 8, 11, 12, 13, 15, 16 and 18, ‘warehouseman’—**

*omit, insert—*

‘storer’.

**7. Sections 3, 4, 6(3)(c) and 13(2), ‘warehouseman’s’—**

*omit, insert—*

‘storer’s’.

**8. Section 9—**

*omit.*

**9. Section 10(2)—**

*omit.*

**10. Section 20—**

*omit, insert—*

**‘Regulation making power**

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

‘**(2)** A regulation may prescribe a penalty of not more than 2 penalty units for an offence against the regulation.’.

## SCHEDULE 1 (continued)

**11. After section 20—**

*insert—*

**‘References to this Act**

‘**21.** In an Act or document, a reference to the *Warehousemen’s Liens Act 1973* is a reference to this Act.’.

**Explanatory note**

Amendment 1 updates the language in the Act’s short title in accordance with current drafting practice.

Amendments 2, 3 and 5 update the language in accordance with current drafting practice.

Amendment 4 omits definitions that are redundant because of the *Acts Interpretation Act 1954*.

Amendments 6 and 7 are consequential on amendment 3.

Amendment 8 omits a redundant provision.

Amendment 9 omits a provision about giving written notice that is redundant because of the *Acts Interpretation Act 1954*.

Amendment 10 updates the regulation making power in accordance with current drafting practice.

Amendment 11 will allow references to be updated in reprints (see *Reprints Act 1992*, section 23A(3))

**WEAPONS ACT 1990****Amendment****1. Section 1.6, heading—**

*omit, insert—*

**‘Definitions’.**

## SCHEDULE 1 (continued)

**2. Section 1.6, definition “approved form”—**

*omit, insert—*

‘**“approved form”** see section 6.14A.<sup>103</sup>’.

**3. Section 3.59(3), ‘prescribed form’—**

*omit, insert—*

‘approved form’.

**4. After section 6.14—**

*insert—*

**‘Approval of forms**

‘**6.14A.** The commissioner may approve forms for use under this Act.’.

**5. After section 6.15—**

*insert—*

**‘Transitional provision about forms**

‘**6.16.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

<sup>103</sup> Section 6.14A (Approval of forms)

## SCHEDULE 1 (continued)

**Explanatory note**

Amendment 1 revises a section heading in accordance with current drafting practice.

Amendments 2 and 3 are consequential on amendment 4.

Amendments 4 allows the commissioner to approve forms for the Act.

Amendment 5 allows an existing prescribed form to be used for a limited time.

**WRITS OF DEDIMUS ACT 1871****Amendment****1. Section 1—**

*relocate to Supreme Court Act 1921, part 10.*

**2. Section 2—**

*omit.*

**Explanatory note**

Amendment 1 relocates a section of the Act to the *Supreme Court Act 1921*. This will enable the Act to be repealed.

Amendment 2 omits a provision providing for the Act's citation.

**SCHEDULE 2****STATUTE LAW REVISION AMENDMENTS OF LESS  
SIGNIFICANCE**

section 4

**CULTURAL RECORD (LANDSCAPES QUEENSLAND  
AND QUEENSLAND ESTATE) ACT 1987****Amendment**

- 1. Section 14(1), ‘local government’, second mention—**  
*omit.*

**Explanatory note**

The amendment corrects a minor error.

**EVIDENCE (ATTESTATION OF DOCUMENTS) ACT  
1937****Amendment**

- 1. Section 2(1), ‘Evidence Act 1898’—**  
*omit, insert—*  
*‘Evidence Act 1977’.*
- 2. Section 3A, ‘proclamation’—**  
*omit, insert—*  
*‘regulation’.*

## SCHEDULE 2 (continued)

**Explanatory note**

Amendment 1 updates a reference.

Amendment 2 implements current drafting practice by providing that the statutory rules used under the Act are regulations.

**FINANCIAL ADMINISTRATION AND AUDIT ACT  
1977****Amendment****1. Section 110(1), ‘for the purposes of’—**

*omit, insert—*

‘under’.

**Explanatory note**

This amendment updates a regulation making power in line with current drafting practice.

**GAS ACT 1965****Amendment****1. Section 29(2) and (3)—**

*renumber* as section 29A.

**2. Section 29(4) and (4A)—**

*renumber* as section 29B.

## SCHEDULE 2 (continued)

**3. Section 29(5)—**

*renumber* as section 29C.

**4. Schedule 2, section 17, heading, after ‘gas’—**

*insert—*

‘etc.’.

**Explanatory note**

Amendments 1, 2 and 3 renumber subsections of a provision as separate sections.

Amendment 4 corrects a minor error.

**HAWKERS ACT 1984****Amendment****1. Section 6, heading—**

*omit, insert—*

‘Definitions’.

**2. Section 12(1), ‘may—’—**

*omit, insert—*

‘may do 1 or both of the following—’.

**3. Section 26(a), at the end—**

*insert—*

‘and’.

## SCHEDULE 2 (continued)

**4. Section 31(a), at the end—***insert—*

‘or’.

**5. Sections 35 and 39(a), ‘any provision of’—***omit.***6. Section 38(a), at the end—***insert—*

‘and’.

**7. Section 46(a), (b), (c), (d) and (e), at the end—***insert—*

‘or’.

**Explanatory notes**

Amendment 1 replaces a provision heading in accordance with current drafting practice.

Amendment 2 inserts wording to update the section to current drafting practice.

Amendments 3, 4, 6 and 7 insert conjunctions in accordance with current drafting practice.

Amendment 5 omits unnecessary words in accordance with current drafting practice.

## SCHEDULE 2 (continued)

**HEALTH ACT 1937****Amendment****1. Section 76K(3), words after ‘notification’ (second mention)—***omit, insert—*

‘in the approved form’.

**2. Sections 76L(7)(a), ‘Director-General’—***omit, insert—*

‘chief health officer’.

**3. Section 98A(8), ‘Director-General’s’—***omit, insert—*

‘chief health officer’s’.

**Explanatory note**

Amendments 1 to 3 clarify the effect of amendments made by the *Statute Law Revision Act 1995*.

**HEALTH SERVICES ACT 1991****Amendment****1. Section 1.5(1), definition ‘appointed day’—***omit, insert—*

‘“appointed day” means 1 July 1991.’.

## SCHEDULE 2 (continued)

**2. Section 4.1(3), ‘sections 8.4 and 8.10’—**

*omit, insert—*

‘section 8.4’.

**3. Section 6.4—**

*omit.*

**Explanatory note**

Amendment 1 replaces the definition ‘appointed day’ by defining it to refer to the relevant day.

Amendment 2 omits a reference to a previously omitted redundant provision.

Amendment 3 omits a redundant provision.

**IMPERIAL ACTS APPLICATION ACT 1984****Amendment****1. Schedule 3, 1st item (item mentioning Sunday Observance Act (both columns))—**

*omit.*

**2. Schedules 1 to 3—**

*number* items.

**Explanatory note**

Amendment 1 omits an item consequentially on the omission of section 12 of the Act by the *Justice and Attorney-General (Miscellaneous Provisions) Act 1994*.

Amendment 2 numbers items in a schedule in accordance with current drafting practice.

## SCHEDULE 2 (continued)

**JUDGES' (PENSIONS AND LONG LEAVE) ACT 1957****Amendment****1. Section 20, 'for the purposes of'—**

*omit, insert—*

'under'.

**2. After section 20—**

*insert—*

**'Judges' Pensions Act 1957 references**

'21. In an Act or document, a reference to the *Judges' Pensions Act 1957* is a reference to this Act.'

**Explanatory note**

Amendment 1 updates a regulation making power in accordance with current drafting practice.

Amendment 2 inserts a provision to deal with references to the Act by its previous short title. The provision will ensure the references can be updated in reprints.

**JUDGES' (SALARIES AND ALLOWANCES) ACT 1967****Amendment****1. Section 12(5), 'section 43 of'—**

*omit.*

## SCHEDULE 2 (continued)

**2. Section 12(5), after ‘Statutory Instruments Act 1992,’—***insert—*‘section 49,<sup>104</sup>’.**3. After section 16—***insert—***‘PART 6—TRANSITIONAL PROVISION****‘Judges’ Salaries and Pensions Act 1967 references**

‘17. In an Act or document, a reference to the *Judges’ Salaries and Pensions Act 1967* is a reference to this Act.’.

**Explanatory note**

Amendments 1 and 2 are consequential to earlier amendments to the *Statutory Instruments Act 1992*.

Amendment 3 inserts a provision to deal with references to the Act by its previous short title. The provision will ensure the references can be updated in reprints.

**JUSTICE AND ATTORNEY-GENERAL  
(MISCELLANEOUS PROVISIONS) ACT 1995****Amendment****1. Section 41, ‘part 11’—***omit, insert—*

‘part 7’.

<sup>104</sup> Section 49 (Subordinate legislation must be tabled)

## SCHEDULE 2 (continued)

**Commencement**

This amendment is taken to have commenced on the day of assent of the *Justice and Attorney-General (Miscellaneous Provisions) Act 1995*.

**Explanatory note**

This amendment corrects a reference.

**JUSTICES OF THE PEACE AND COMMISSIONERS  
FOR DECLARATIONS ACT 1991****Amendment**

- 1. Sections 8(b) and 17(b), ‘in Queensland’—**  
*omit.*

**Explanatory note**

The amendment omits redundant wording.

**LAND ACT 1994****Amendment**

- 1. Section 291(1)(b), ‘licence’—**  
*omit, insert—*  
‘licence, permit’.

**Explanatory note**

Amendment 1 corrects a minor error.

## SCHEDULE 2 (continued)

**QUEENSLAND SMALL BUSINESS CORPORATION  
ACT 1990****Amendments****1. Section 2.2(1)(a), ‘chief executive’—**

*omit, insert—*

‘chief executive of the department’.

**Explanatory note**

Amendment 1 makes it clear that the chief executive mentioned is the chief executive of the relevant government department.

**QUEENSLAND UNIVERSITY OF TECHNOLOGY  
ACT 1988****Amendment****1. After section 87—**

*insert—*

**‘Brisbane College of Advanced Education references**

‘**87A.** In an Act or document, a reference to the Brisbane College of Advanced Education may, if the context permits, be taken to be a reference to the university, and a reference to the council of the college may, if the context permits, be taken to be a reference to the council of the university.’.

**Explanatory note**

This amendment inserts a provision to deal with references to a body that has amalgamated with the university. The provision will enable the references to be updated in reprints (see *Reprints Act 1992*, section 23A(3)).

## SCHEDULE 2 (continued)

**RESIDENTIAL TENANCIES ACT 1994****Amendment****1. Section 340—**

*omit.*

**Commencement**

This amendment commences on the day after the day of assent.

**Explanatory note**

This amendment omits a section made redundant by the repeal of the *Building Units and Group Titles Act 1994* in schedule 7 of this Bill. The only reference to that Act in the *Residential Tenancies Act 1994* is amended in the *Statute Law (Minor Amendments) Bill (No. 2) 1995*.

## SCHEDULE 3 (continued)

**SCHEDULE 3****REPEAL OF AMENDING ACT WITH  
UNCOMMENCED PROVISIONS**

section 5(1)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68

**Explanatory note**

The repeal made by this schedule has the effect of omitting from the Queensland statute book provisions that have not been commenced. The provisions are replaced by amendments made by this Bill and the amendments and repeals will clarify the status of the provisions of the affected Acts.

The amendments and repeals are part of the Office of the Queensland Parliamentary Counsel's ongoing review of the Queensland statute book.

Once the uncommenced provisions in pre-1 January 1995 Acts are either commenced or repealed, no future difficulty should be experienced because unproclaimed provisions will commence automatically under the *Acts Interpretation Act 1954*, section 15DA.<sup>105</sup>

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<sup>105</sup> Section 15DA (Automatic commencement of postponed law)

**SCHEDULE 4****REPEAL OF AMENDING ACTS WITH  
SUBSTANTIVE PROVISIONS THAT ARE NO  
LONGER NEEDED**

section 5(1)

**Repeals**

Brisbane and Area Water Board Act Amendment Act 1984 No. 44 (s 6)

\*Churches of Christ, Scientist, Incorporation Act Amendment Act 1982 (s 4)

City of Brisbane Act and Another Act Amendment Act 1976 No. 84 (s 9(2))

City of Brisbane Town Planning Act and Another Act Amendment Act 1980 No. 18 (ss 28, 32)

Coal Mining Act Amendment Act 1981 No. 100 (s 13)

Coal Mining Acts Amendment Act 1947 (No. 2) 11 Geo 6 No. 40 (s 3)

Companies Act Amendment Act 1964 No. 10 (s 4(2))

Companies Act Amendment Act 1972 No. 37 (ss 10–22)

Companies Act Amendment Act 1974 No. 36 (ss 37, 3 sch)

Companies Act Amendment Act 1975 No. 71 (ss 193–196)

Constitution Act and Another Act Amendment Act 1977 No. 24 (s 4)

Constitution Acts Amendment Act 1953 2 Eliz 2 No. 3 (s 2)

Constitution Acts Amendment Act 1959 8 Eliz 2 No. 23 (s 3)

Constitution Acts Amendment Act 1965 No. 65 (ss 8–9)

Co-operative and Other Societies Act Amendment Act 1976 No. 52 (s 6)

## SCHEDULE 4 (continued)

Cremation Act Amendment Act 1935 26 Geo 5 No. 28 (s 7)

Director of Prosecutions Act Amendment Act 1986 No. 9 (s 7)

Director of Prosecutions Act Amendment Act 1990 No. 82 (s 9)

Farm Produce Marketing Act Amendment Act 1986 No. 46 (ss 4, 17(2))

Fire Service Act Amendment and Fire Safety Act Repeal Act 1991 No. 51  
(ss 2.2, 4.1–4.6)

Fruit Marketing Organisation Acts Amendment Act 1940 4 Geo 6 No. 12  
(s 2)

Fruit Marketing Organisation Amendment Act 1991 No. 69 (s 16)

Governor's Salary Acts Amendment Act 1957 6 Eliz 2 No. 14 (ss 3–5)

Griffith University Act Amendment Act 1980 No. 48 (s 24)

Income and Land Tax Acts Amendment Act 1933 24 Geo 5 No. 25 (s 13)

James Cook University of North Queensland Act Amendment Act 1973  
No. 52 (s 7)

Land Tax Acts Amendment Act 1943 7 Geo 6 No. 36 (s 2)

Legal Aid Act Amendment and Public Defence Act Repeal Act 1991 No. 3  
(ss 2.5(2)–(3), 3.1–3.13)

Legal Assistance Act Amendment Act 1970 No. 46 (s 3(2)–(3))

Legislative Assembly Act and Another Act Amendment Act 1978 No. 5  
(ss 7–12)

Liens on Crops of Sugar Cane Act Amendment Act 1975 No. 54 (s 4)

Local Authorities Acts and Other Acts Amendment Act 1934 25 Geo 5

## SCHEDULE 4 (continued)

No. 32 (ss **3–8**)

Local Government (Chinatown Mall) Act Amendment Act 1989 No. 22  
(ss **6(2), 11(2)**)

Maintenance Act and Another Act Amendment Act 1978 No. 26 (s **13**)

Mental Health Services Act and Another Act Amendment Act 1989 No. 49  
(s **4(2)**)

Officials in Parliament Acts and the Legislative Assembly Acts  
Amendment Act 1946 10 Geo 6 No. 14 (s **4(2)–(3)**)

Pay-roll Tax Act Amendment Act 1979 No. 54 (s **13**)

Pay-roll Tax Act Amendment Act 1980 (No. 2) No. 54 (s **7**)

Pay-roll Tax Act Amendment Act 1982 No. 64 (s **7**)

Pay-roll Tax Act Amendment Act 1984 No. 4 (s **17**)

Pay-roll Tax Act Amendment Act 1984 (No. 2) No. 107 (s **8**)

Pay-roll Tax Act Amendment Act 1985 No. 100 (s **13**)

Pay-roll Tax Act Amendment Act 1986 No. 50 (s **8**)

Pay-roll Tax Act Amendment Act 1988 No. 99 (s **8**)

Pay-roll Tax Act Amendment Act 1990 No. 22 (s **10**)

Primary Producers' Co-operative Associations Act Amendment Act 1926  
17 Geo 5 No. 4 (s **3**)

Primary Producers' Organisation and Marketing Acts Amendment Act  
1938 2 Geo 6 No. 28 (ss **16–20**)

Printers and Newspapers Act Amendment Act 1971 No. 11 (s **21**)

Queensland Cultural Centre Trust Act Amendment Act 1981 No. 79 (s **10**)

## SCHEDULE 4 (continued)

Queensland Government Industrial Gazette Act Amendment Act 1987  
No. 83 (ss **5–6**)

Queensland Law Society Act Amendment Act 1974 No. 4 (s **18(2)**)

Reciprocal Enforcement of Judgments Act Amendment Act 1981 No. 24  
(s **9**)

Sewerage and Water Supply Act Amendment Act 1981 No. 81 (s **7**)

Small Claims Tribunals Act Amendment Act 1978 No. 22 (s **3**)

State and Regional Planning and Development, Public Works Organization  
and Environmental Control Act Amendment Act 1973 No. 26 (s **4(2)**)

State Housing Act and Another Act Amendment Act 1979 No. 5  
(s **7(2)–(3)**)

State Housing Act and Another Act Amendment Act 1983 No. 9 (ss **7(2),  
14, 15(2), 17(2), 21(2)**)

Stock Act Amendment Act 1987 No. 89 (s **19**)

Subcontractors' Charges Act Amendment Act 1976 No. 38 (s **14**)

Succession and Gift Duties Abolition Act Amendment Act 1977 No. 32  
(s **4**)

Suncorp Insurance and Finance Act Amendment Act 1986 No. 28 (s **8**)

Superannuation Acts Amendment Act 1989 No. 54 (s **12**)

Traffic Act Amendment Act 1975 No. 13 (ss **3(2), 6(2)**)

Traffic Act Amendment Act 1977 No. 35 (s **5**)

Trustee Companies Act and Another Act Amendment Act 1989 No. 77  
(s **27**)

## SCHEDULE 4 (continued)

## Universities and Colleges (Higher Education Administration Charges) Act 1987 No. 2 (ss 14–15)

**Explanatory note**

The Acts repealed by this schedule are amending Acts enacted before 1 July 1994 (“**pre-1 July 1994 Acts**”) that contain substantive provisions, usually of a transitional or savings nature. The substantive provisions are given in brackets at the end of each Act reference. Substantive provisions have not been included in amending Acts since 1 July 1994 and new amending Acts are automatically repealed under the *Acts Interpretation Act 1954*, section 22C<sup>106</sup> when they have completely commenced.

The substantive provisions contained in Acts repealed by this schedule are exhausted. However, in cases of doubt any residual effect of the provisions has been saved by the application of the *Acts Interpretation Act 1954*, section 20A<sup>107</sup> (see section 5(3) and schedule 9).

Further explanation about the repeal of these Acts is given in schedule 5.

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<sup>106</sup> Section 22C (Automatic repeal of amending Act)

<sup>107</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

**SCHEDULE 5****REPEAL OF OTHER AMENDING ACTS**

section 5(1)

**Repeals**

Aborigines and Islanders Acts Amendment Act 1979 No. 3

Adoption of Children (Amendment) Act 1987 No. 6

Agricultural Chemicals Distribution Control Act Amendment Act 1978  
No. 68

Agricultural Chemicals Distribution Control Act Amendment Act 1983  
No. 1

Air Navigation Amendment Act 1991 No. 48

Alfred Grant Pty. Ltd. and Other Companies (Distribution of Trust Monies)  
Act Amendment Act 1981 No. 116

Animals Protection Act Amendment Act 1977 No. 54

Animals Protection Act Amendment Act 1981 No. 117

Animals Protection Act Amendment Act 1991 No. 1

Australian Consular Officers' Notarial Powers and Evidence Acts  
Amendment Act 1953 2 Eliz 2 No. 14

Australian Consular Officers' Notarial Powers and Evidence Acts  
Amendment Act 1963 No. 16

Badge, Arms and Floral Emblem of Queensland Act Amendment Act  
1971 No. 4

Badge, Arms, Floral and other Emblems of Queensland Act Amendment  
Act 1981 No. 27

Beach Protection Act and Another Act Amendment Act 1984 No. 65

Brisbane and Area Water Board Act Amendment Act 1981 No. 9

## SCHEDULE 5 (continued)

Brisbane and Area Water Board Act Amendment Act 1981 (No. 2) No. 97  
Brisbane and Area Water Board Act Amendment Act 1983 No. 28  
Brisbane and Area Water Board Act Amendment Act 1987 No. 68  
Brisbane and Area Water Board Act Amendment Act 1988 No. 90  
Brisbane Forest Park Act Amendment Act 1981 No. 31  
Brisbane Forest Park Act Amendment Act 1988 No. 61  
Building Societies Act Amendment Act 1987 No. 7  
Building Societies Act Amendment Act 1987 (No. 2) No. 74

Canals Act Amendment Act 1979 No. 16  
Canals Act Amendment Act 1987 No. 20  
Central Queensland Coal Associates Agreement and Queensland Coal Trust  
Act Amendment Act 1988 No. 38  
Children's Services Act Amendment Act 1979 No. 75  
City of Brisbane Act Amendment Act 1982 No. 38  
City of Brisbane Act Amendment Act 1982 (No. 2) No. 68  
City of Brisbane Act Amendment Act 1984 No. 33  
City of Brisbane Act Amendment Act 1986 No. 17  
City of Brisbane Market Act Amendment Act 1978 No. 34  
City of Brisbane Market Act and Other Acts Amendment Act 1985 No. 84  
Coal Mining Act Amendment Act 1976 No. 76  
Coal Mining Act Amendment Act 1979 No. 7  
Coal Mining Act Amendment Act 1990 No. 42  
Coal Mining Act and Another Act Amendment Act 1989 No. 36  
Commercial Causes Act Amendment Act 1972 No. 15  
Commonwealth Places (Administration of Laws) Act Amendment Act

## SCHEDULE 5 (continued)

1971 No. 63

Commonwealth Places (Administration of Laws) Act Amendment Act  
1972 No. 10

Commonwealth Places (Administration of Laws) Act Amendment Act  
1974 No. 58

Companies (Administration) Act Amendment Act 1984 No. 72

Constitution Act Amendment Act 1871 34 Vic No. 28

Constitution Act Amendment Act 1908 8 Edw 7 No. 2

Constitution Act Amendment Act 1909 9 Edw 7 No. 18

Constitution Act Amendment Act 1919 (No. 2) 10 Geo 5 No. 3

Constitution Act Amendment Act 1926 17 Geo 5 No. 2

Constitution Act Amendment Act 1929 20 Geo 5 No. 4

Constitution Act Amendment Act 1936 1 Edw 8 No. 34

Constitution Act Amendment Act 1944 8 Geo 6 No. 8

Constitution Act Amendment Act 1976 No. 8

Constitution Act Amendment Act 1977 No. 9

Constitution Act Amendment Act 1978 No. 42

Constitution Act Amendment Act 1984 No. 25

Constitution Act Amendment Act 1989 No. 93

Constitution Acts Amendment Act 1948 13 Geo 6 No. 17

Constitution Acts Amendment Act 1949 13 Geo 6 No. 46

Constitution Acts Amendment Act 1950 14 Geo 6 No. 23

Constitution Acts Amendment Act 1957 6 Eliz 2 No. 16

Constitution Acts Amendment Act 1961 10 Eliz 2 No. 20

Constitution Acts Amendment Act 1964 No. 6

Constitution Acts Amendment Act 1968 No. 24

## SCHEDULE 5 (continued)

Constitution Acts Amendment Act 1982 No. 41

Constitution Amendment Act 1992 No. 6

Consumer Law (Miscellaneous Provisions) Act 1993 No. 82

Co-operative and Other Societies Act and Another Act Amendment Act 1978 No. 1

Courts of Conciliation Act Amendment Act 1931 22 Geo 5 No. 42

Courts of Conciliation Acts Amendment Act 1988 No. 4

Cremation Act Amendment Act 1978 No. 39

Criminal Law (Rehabilitation of Offenders) Act Amendment Act 1986 No. 45

Criminal Law (Rehabilitation of Offenders) Act Amendment Act 1990 No. 52

Deer Farming Act Amendment Act 1989 No. 21

Defamation Law of Queensland Amendment Act 1930 21 Geo 5 No. 10

Disposal of Uncollected Goods Act Amendment Act 1988 No. 6

District Courts' and Magistrates Courts' Jurisdiction Act Amendment Act 1976 No. 53

Educational Institutions (Amendment of Superannuation Provisions) Act 1984 No. 82

Elections Amendment Act 1991 No. 10

Elections Amendment Act (No. 2) 1991 No. 63

Electoral Districts Act and Another Act Amendment Act 1977 No. 6

Evidence (Attestation of Documents) Act Amendment Act 1950 14 Geo 6 No. 5

Exotic Diseases in Animals Act Amendment Act 1982 No. 37

Explosives Act Amendment Act 1975 No. 62

## SCHEDULE 5 (continued)

Explosives Act Amendment Act 1978 No. 53

Explosives Act Amendment Act 1981 No. 70

Explosives Act Amendment Act 1990 No. 44

Farm Produce Agents Act and Another Act Amendment Act 1982 No. 77

Fruit Marketing Organisation Acts Amendment Act 1980 No. 4

Gas Act Amendment Act 1976 No. 35

Gas Act Amendment Act 1981 No. 39

Gas Act Amendment Act 1981 (No. 2) No. 108

Gas Act Amendment Act 1985 No. 75

Gas Act Amendment Act 1988 No. 9

Gas Act Amendment Act 1990 No. 66

Gift Duty Act Amendment Act 1975 No. 63

\*Girl Guides Association Act Amendment Act 1982

Governors' Pensions Act Amendment Act 1985 No. 48

Governors' Pensions Act Amendment Act 1988 No. 70

Governor's Salary Act Amendment Act 1971 (No. 2) No. 34

Governor's Salary Act Amendment Act 1973 No. 43

Governor's Salary Act Amendment Act 1976 No. 1

Governor's Salary Act Amendment Act 1984 No. 61

Grain Research Foundation Act Amendment Act 1990 No. 58

Grain Research Foundation Act Amendment Act 1991 No. 45

Griffith University Act Amendment Act 1973 No. 49

Guide Dogs Act Amendment Act 1984 No. 16

## SCHEDULE 5 (continued)

Heritage Buildings Protection Amendment Act 1992 No. 1

Holidays Act Amendment Act 1985 No. 87

Holidays Act Amendment Act 1988 No. 63

Holidays Act Amendment Act 1989 No. 8

Industrial Development Act Amendment Act 1975 No. 44

Industrial Development Act Amendment Act 1981 No. 99

Industrial Development Act Amendment Act 1987 No. 77

Invasion of Privacy Act Amendment Act 1976 No. 26

Irrigation Act and Another Act Amendment Act 1977 No. 5

Jury Act Amendment Act 1981 (No. 2) No. 80

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40

Land Tax Act Amendment Act 1976 No. 72

Land Tax Act Amendment Act 1978 No. 83

Land Tax Act Amendment Act 1979 No. 53

Land Tax Act Amendment Act 1980 No. 53

Land Tax Act Amendment Act 1981 No. 107

Land Tax Act Amendment Act 1982 No. 63

Land Tax Act Amendment Act 1984 No. 99

Land Tax Act Amendment Act 1985 No. 39

Land Tax Act Amendment Act 1990 No. 21

Land Tax Act Amendment Act 1990 (No. 2) No. 84

Land Tax Act and Another Act Amendment Act 1984 No. 6

## SCHEDULE 5 (continued)

Land Tax (Adjustment) Act and Another Act Amendment Act 1988  
No. 102

Law Reform Commission Act Amendment Act 1972 No. 14

Law Reform Commission Act Amendment Act 1976 No. 55

Law Reform Commission Act Amendment Act 1984 No. 47

Law Reform (Husband and Wife) Act Amendment Act 1989 No. 81

Legal Assistance Act Amendment Act 1971 No. 44

Legal Assistance Act Amendment Act 1975 No. 6

Legal Assistance Act Amendment Act 1981 No. 71

Legislative Assembly Act Amendment Act 1921 Repeal Act 1922 13 Geo  
5 No. 13

Legislative Assembly Act Amendment Act 1922 13 Geo 5 No. 6

Legislative Assembly Act Amendment Act 1971 No. 3

Licensing Fees Legislation (Liquor and Tobacco Products) Amendment Act  
1993 No. 62

Life Assurance Companies Act Amendment Act 1978 No. 17

Limitation of Actions Amendment Act 1993 No. 64

Liquid Fuel Supply Act Amendment Act 1988 No. 13

Liquor Amendment Act 1992 No. 50

Liquor Amendment Act 1993 No. 10

Liquor Amendment Act (No. 2) 1993 No. 57

Liquor Amendment Act 1994 No. 28

Loan Fund Companies Act Amendment Act 1982 No. 36

Local Government (Aboriginal Lands) Act Amendment Act 1981 No. 106

Local Government (Aboriginal Lands) Act Amendment Act 1990 No. 76

Local Government (Chinatown Mall) Act Amendment Act 1987 No. 37

## SCHEDULE 5 (continued)

Local Government (Chinatown Mall) Act Amendment Act 1987 (No. 2)  
No. 79

Local Government (Chinatown Mall) Act and Another Act Amendment  
Act 1990 No. 91

Local Government Legislation Amendment Act 1994 No. 1

Local Government (Planning and Environment) Act Amendment Act 1991  
No. 8

Local Government (Planning and Environment) Amendment Act (No. 2)  
1991 No. 95

Local Government (Planning and Environment) Amendment Act 1992  
No. 37

Local Government (Queen Street Mall) Act Amendment Act 1983 No. 10

Local Government (Queen Street Mall) Act Amendment Act 1987 No. 38

Magistrates Courts Act Amendment Act 1975 No. 23

Magistrates Courts Acts Amendment Act 1954 3 Eliz 2 No. 32

Magistrates Courts Jurisdiction Amendment Act 1993 No. 39

Maintenance Act Amendment Act 1974 No. 27

Maintenance Act Amendment Act 1981 No. 68

Marine Parks Act Amendment Act 1988 No. 14

Marketable Securities Act Amendment Act 1971 No. 12

Marriage Acts and Another Act Amendment Act 1948 12 Geo 6 No. 11

Marriage of Minors Amendment Act 1947 12 Geo 6 No. 2

Medical Act Amendment Act 1976 No. 4

Medical Act Amendment Act 1978 No. 85

Medical Act Amendment Act 1979 No. 34

Medical Act Amendment Act 1980 No. 7

## SCHEDULE 5 (continued)

- Medical Act Amendment Act 1981 No. 37
- Medical Act Amendment Act 1984 No. 20
- Medical Act Amendment Act 1987 No. 24
- Medical Act and Other Acts (Administration) Act Amendment Act 1976 No. 5
- Medical Act and Other Acts (Administration) Act Amendment Act 1976 (No. 2) No. 87
- Medical Act and Other Acts (Administration) Act Amendment Act 1977 No. 25
- Medical Act and Other Acts (Administration) Act Amendment Act 1979 No. 48
- Medical Act and Other Acts (Administration) Act Amendment Act 1980 No. 41
- Mental Health Amendment Act 1991 No. 58
- Mental Health Services Act Amendment Act 1987 No. 11
- Mineral Resources Amendment Act 1994 No. 18
- Mines Regulation Act Amendment Act 1978 No. 54
- Mines Regulation Act Amendment Act 1979 No. 15
- Mines Regulation Act Amendment Act 1983 No. 39
- Mines Regulation Act Amendment Act 1983 (No. 2) No. 50
- Mines Regulation Act Amendment Act 1989 No. 101
- Mortgages (Secondary Market) Act Amendment Act 1984 No. 106
- Mortgages (Secondary Market) Act Amendment Act 1985 No. 46
- Motor Vehicle Driving Instruction School Act Amendment Act 1984 No. 69
- Motor Vehicles Securities Act Amendment Act 1986 No. 38

## SCHEDULE 5 (continued)

National Crime Authority (State Provisions) Act Amendment Act 1987  
No. 25

National Crime Authority (State Provisions) Act Amendment Act 1989  
No. 23

National Crime Authority (State Provisions) Act Amendment Act 1990  
No. 11

National Trust of Queensland Act Amendment Act 1976 No. 63

National Trust of Queensland Act Amendment Act 1981 No. 54

National Trust of Queensland Act Amendment Act 1989 No. 13

New South Wales–Queensland Border Rivers Amendment Act 1993  
No. 31

Oaths Act Amendment Act 1924 15 Geo 5 No. 7

Oaths Act Amendment Act 1974 No. 23

Oaths Act and Another Act Amendment Act 1981 No. 61

Oaths Acts Amendment Act 1959 8 Eliz 2 No. 5

Oaths Acts Amendment Act 1960 9 Eliz 2 No. 16

Oaths Acts Amendment Act 1981 No. 4

Offence Notices Legislation Amendment Act 1994 No. 10

Officials in Parliament Act Amendment Act 1920 11 Geo 5 No. 6

Officials in Parliament Act Amendment Act 1922 13 Geo 5 No. 12

Officials in Parliament Act Amendment Act 1939 3 Geo 6 No. 29

Officials in Parliament Act Amendment Act 1969 No. 2

Officials in Parliament Act Amendment Act 1975 No. 1

Officials in Parliament Acts Amendment Act 1945 9 Geo 6 No. 26

Officials in Parliament Acts Amendment Act 1948 12 Geo 6 No. 32

Officials in Parliament Acts Amendment Act 1949 13 Geo 6 No. 19

## SCHEDULE 5 (continued)

Officials in Parliament Acts Amendment Act 1959 8 Eliz 2 No. 67

Officials in Parliament Acts Amendment Act 1963 No. 6

Optometrists Act Amendment Act 1987 No. 56

Parliamentary Commissioner Act Amendment Act 1976 No. 7

Parliamentary Contributory Superannuation Act Amendment Act 1971  
No. 47

Parliamentary Contributory Superannuation Act Amendment Act 1989  
No. 51

Parliamentary (Judges) Commission of Inquiry Act Amendment Act 1989  
No. 1

Parliamentary Members' Salaries Act Amendment Act 1989 No. 31

Parliamentary Members' Salaries Act Amendment Act 1990 No. 25

Partnership (Limited Liability) Act Amendment Act 1989 No. 100

Pawnbrokers Act Amendment Act 1984 No. 56

Pawnbrokers Act Amendment Act 1985 No. 59

Pay-roll Tax Act Amendment Act 1975 No. 80

Pay-roll Tax Act Amendment Act 1976 No. 77

Pay-roll Tax Act Amendment Act 1977 No. 59

Pay-roll Tax Act Amendment Act 1980 No. 28

Pay-roll Tax Amendment Act 1991 No. 74

Pay-roll Tax Amendment Act 1992 No. 54

Penalties and Sentences Amendment Act 1994 No. 6

Petroleum Act Amendment Act 1976 No. 89

Petroleum Act Amendment Act 1985 No. 101

Petroleum Act Amendment Act 1988 No. 51

Petroleum Act Amendment Act 1990 No. 108

## SCHEDULE 5 (continued)

Petroleum Amendment Act 1991 No. 65

Petroleum Amendment Act 1993 No. 35

Petroleum Products Subsidy Act Amendment Act 1978 No. 8

Petroleum Products Subsidy Act Amendment Act 1985 No. 26

Pharmacy Act Amendment Act 1978 No. 38

Physiotherapists Act Amendment Act 1976 No. 48

Police Complaints Tribunal Act Amendment Act 1985 No. 58

Police (Photographs) Act Amendment Act 1976 No. 56

Police (Photographs) Act Amendment Act 1981 No. 103

Police (Photographs) Act Amendment Act 1985 No. 71

Police Service Administration Amendment Act 1993 No. 77

Police Superannuation Acts Amendment Act 1977 No. 34

Police Superannuation Acts Amendment Act 1979 No. 60

Primary Producers' Co-operative Associations Act Amendment Act 1978  
No. 67

Primary Producers' Co-operative Associations Act Amendment Act 1979  
No. 52

Primary Producers' Co-operative Associations Act Amendment Act 1981  
No. 5

Primary Producers' Co-operative Associations Act Amendment Act 1988  
No. 108

Primary Producers' Organisation and Marketing Act Amendment Act 1979  
No. 6

Primary Producers' Organisation and Marketing Act Amendment Act 1981  
No. 38

Primary Producers' Organisation and Marketing Act Amendment Act 1983  
No. 24

## SCHEDULE 5 (continued)

Primary Producers' Organisation and Marketing Act Amendment Act 1987  
No. 57

Primary Producers' Organisation and Marketing Act and Other Acts  
Amendment Act 1984 No. 62

Prisoners (Interstate Transfer) Act Amendment Act 1987 No. 14

Privacy Committee Act Amendment Act 1990 No. 39

Private Employment Agencies Act Amendment Act 1985 No. 76

Professional Engineers Amendment Act 1992 No. 61

Property Law Act Amendment Act 1975 No. 57

Property Law Act Amendment Act 1981 No. 66

Property Law Act Amendment Act 1985 No. 3

Property Law Act Amendment Act 1990 No. 54

Public Officers' Superannuation Benefits Recovery Amendment Act 1993  
No. 44

Public Trustee Act Amendment Act 1988 No. 73

Queensland Art Gallery Act and Other Acts Amendment Act 1979 No. 29

Queensland Building Services Authority Amendment Act 1994 No. 20

Queensland Film Industry Development Act Amendment Act 1979 No. 24

Queensland Film Industry Development Act Amendment Act 1981 No. 94

Queensland Institute of Medical Research Act Amendment Act 1975  
No. 14

Queensland Institute of Medical Research Act Amendment Act 1980 No. 8

Queensland Institute of Medical Research Act Amendment Act 1981  
No. 36

Queensland Institute of Medical Research Act and Another Act  
Amendment Act 1988 No. 17

## SCHEDULE 5 (continued)

Queensland Law Society Act Amendment Act 1961 10 Eliz 2 No. 24

Queensland Law Society Act Amendment Act 1971 No. 64

Queensland Law Society Act Amendment Act 1978 No. 9

Queensland Law Society Act Amendment Act 1985 No. 109

Queensland Law Society Act and Another Act Amendment Act 1979  
No. 17

Queensland Law Society Act and Another Act Amendment Act 1988  
No. 93

Queensland Law Society Acts Amendment Act 1938 2 Geo 6 No. 6

Queensland Law Society Acts Amendment Act 1939 3 Geo 6 No. 33

Queensland Law Society Acts Amendment Act 1941 5 Geo 6 No. 4

Queensland Law Society Acts Amendment Act 1962 No. 37

Queensland Law Society Acts Amendment Act 1963 No. 5

Queensland Law Society Acts Amendment Act 1967 (No. 2) No. 26

Queensland Museum Act Amendment Act 1974 No. 11

Queensland Performing Arts Trust Act Amendment Act 1988 No. 2

Queensland Theatre Company Act and Another Act Amendment Act 1985  
No. 89

Queensland Tourist and Travel Corporation Act Amendment Act 1981  
No. 17

Queensland Tourist and Travel Corporation Act Amendment Act 1984  
No. 88

Queensland Tourist and Travel Corporation Act Amendment Act 1991  
No. 18

Queensland Tourist and Travel Corporation Amendment Act 1993 No. 49

Racing and Betting Act Amendment Act 1981 (No. 2) No. 75

## SCHEDULE 5 (continued)

- Racing and Betting Act Amendment Act 1982 No. 12
- Racing and Betting Act Amendment Act 1983 No. 11
- Racing and Betting Act Amendment Act 1984 (No. 2) No. 93
- Racing and Betting Act Amendment Act 1985 (No. 2) No. 47
- Racing and Betting Act Amendment Act 1987 No. 26
- Racing and Betting Act Amendment Act 1987 (No. 2) No. 85
- Racing and Betting Act Amendment Act 1988 No. 101
- Racing and Betting Act Amendment Act 1989 No. 24
- Racing and Betting Act Amendment Act 1990 No. 31
- Racing and Betting Act Amendment Act 1991 No. 4
- Racing and Betting Act and Another Act Amendment Act 1981 No. 19
- Racing and Betting Amendment Act 1993 No. 19
- Racing and Betting Amendment Act 1994 No. 17
- Racing Venues Development Act Amendment Act 1988 No. 69
- Radioactive Substances Act Amendment Act 1978 No. 52
- Reciprocal Enforcement of Judgments Act Amendment Act 1986 No. 40
- Recreation Areas Management Act Amendment Act 1990 No. 14
- Referendums and Elections Legislation Amendment Act 1991 No. 82
- Registration of Births, Deaths and Marriages Act Amendment Act 1978 No. 71
- Registration of Births, Deaths and Marriages Act Amendment Act 1979 No. 58
- Registration of Births, Deaths and Marriages Act Amendment Act 1981 No. 52
- Registration of Births, Deaths and Marriages Act Amendment Act 1989 No. 15

## SCHEDULE 5 (continued)

Registration of Births, Deaths and Marriages Act Amendment Act 1991  
No. 5

Revenue Laws Amendment Act 1993 No. 51

River Improvement Trust Act Amendment Act 1981 No. 95

River Improvement Trust Act Amendment Act 1983 No. 42

River Improvement Trust Act Amendment Act 1985 No. 111

River Improvement Trust Act Amendment Act 1991 No. 17

Roads (Contribution to Maintenance) Act Amendment Act 1978 No. 41

Roads (Contribution to Maintenance) Act Amendment Act 1979 No. 31

\*Roman Catholic Church Lands Act Amendment Act 1986

\*Roman Catholic Church (Northern Lands) Vesting Act Amendment Act  
1981

Rural Lands Protection Act Amendment Act 1990 No. 67

Sale of Goods (Vienna Convention) Act Amendment Act 1988 No. 16

\*Sanctuary Cove Resort Act Amendment Act 1986

\*Sanctuary Cove Resort Act Amendment Act 1987

Sanctuary Cove Resort Act Amendment Act 1987 (No. 2) No. 91

Sawmills Licensing Act Amendment Act 1976 No. 65

Sawmills Licensing Act Amendment Act 1979 No. 55

Sawmills Licensing Act Amendment Act 1990 No. 62

Schools of Arts (Winding Up and Transfer) Act Amendment Act 1961  
10 Eliz 2 No. 10

Second-hand Dealers and Collectors Act Amendment Act 1985 No. 57

Securities Industry Act Amendment Act 1978 No. 25

Securities Industry (Application of Laws) Act Amendment Act 1987  
No. 45

## SCHEDULE 5 (continued)

- Senate Elections Act Amendment Act 1984 No. 79
- Sewerage and Water Supply Act Amendment Act 1978 No. 48
- Sewerage and Water Supply Act Amendment Act 1982 No. 75
- Sewerage and Water Supply Act Amendment Act 1985 No. 92
- Small Claims Tribunals Act Amendment Act 1974 No. 30
- Small Claims Tribunals Act Amendment Act 1975 No. 52
- Small Claims Tribunals Act Amendment Act 1984 No. 83
- Small Claims Tribunals Act Amendment Act 1987 No. 46
- South Bank Corporation Amendment Act 1993 No. 71
- Sporting Bodies' Property Holding Act Amendment Act 1976 No. 36
- State and Regional Planning and Development, Public Works Organisation and Environmental Control Act Amendment Act 1974 No. 60
- State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1978 No. 62
- State Counter-Disaster Organisation Act Amendment Act 1978 No. 60
- State Development and Public Works Organisation Act Amendment Act 1981 No. 18
- State Housing Act Amendment Act 1981 No. 64
- State Housing Act Amendment Act 1985 No. 91
- State Housing Act Amendment Act 1990 No. 74
- State Housing Act and Another Act Amendment Act 1984 No. 89
- State Housing (Amendment of Freeholding Provisions) Act 1980 No. 49
- Statistical Returns Act Amendment Act 1986 No. 27
- Statistical Returns Act Amendment Act 1987 No. 58
- Status of Children Act Amendment Act 1988 No. 64
- Statutory Bodies Financial Arrangements Act Amendment Act 1984 No. 92

## SCHEDULE 5 (continued)

Statutory Bodies Financial Arrangements Act Amendment Act 1988  
No. 55

Statutory Bodies Financial Arrangements Act Amendment Act 1989  
No. 53

Stock Act Amendment Act 1976 No. 23

Stock Act Amendment Act 1979 No. 59

Stock Act Amendment Act 1986 No. 4

Stock Act Amendment Act 1989 No. 25

Stock Amendment Act 1993 No. 52

Succession Act Amendment Act 1983 No. 45

Succession Duties Act Amendment Act 1975 No. 67

Sugar Industry Amendment Act 1994 No. 3

Suncorp Insurance and Finance Act Amendment Act 1990 No. 63

Suncorp Insurance and Finance Amendment Act 1993 No. 18

Superannuation Acts Amendment Act 1975 No. 26

Superannuation Acts Amendment Act 1976 No. 82

Superannuation Acts Amendment Act 1978 No. 20

Superannuation Acts Amendment Act 1987 (No. 2) No. 64

Superannuation Legislation Amendment Act 1992 No. 31

Superannuation Legislation Amendment Act 1993 No. 11

Supreme Court Act Amendment Act 1941 5 Geo 6 No. 11

Supreme Court Act Amendment Act 1973 No. 50

Supreme Court Act Amendment Act 1979 No. 18

Supreme Court Acts Amendment Act 1926 17 Geo 5 No. 28

Supreme Court Acts Amendment Act 1963 (No. 2) No. 46

Supreme Court Acts Amendment Act 1980 No. 57

## SCHEDULE 5 (continued)

Supreme Court Acts Amendment Act 1985 No. 51

Supreme Court Acts Amendment Act 1989 No. 57

Supreme Court Acts and Another Act Amendment Act 1955 4 Eliz 2  
No. 34

Supreme Court Funds Act Amendment Act 1958 7 Eliz 2 No. 12

Supreme Court Legislation (Miscellaneous Provisions) Act 1993 No. 20

Supreme Court Library Act Amendment Act 1973 No. 55

Supreme Court Library Act Amendment Act 1976 No. 54

Supreme Court Library Act Amendment Act 1987 No. 28

Tobacco Products (Licensing) Act Amendment Act 1990 No. 102

Tobacco Products (Licensing) Amendment Act 1992 No. 53

Toowong Railway Station Development Project Act Amendment Act 1986  
No. 16

Toowong Railway Station Development Project Act Amendment Act 1989  
No. 58

Totalisator on Licensed Premises Act 1991 No. 66

Trades and Labour Hall Management Act Amendment Act 1954 3 Eliz 2  
No. 49

Trades and Labour Hall Management Act Amendment Act 1957 6 Eliz 2  
No. 3

Trading (Allowable Hours) Amendment Act 1994 No. 23

Traffic Act Amendment Act 1975 (No. 2) No. 69

Traffic Act Amendment Act 1982 No. 15

Traffic Act Amendment Act 1988 No. 94

Traffic Act Amendment Act 1989 No. 76

Traffic Act Amendment Act 1990 No. 19

## SCHEDULE 5 (continued)

Traffic Acts Amendment Act 1982 No. 52

Traffic Acts Amendment Act 1984 No. 102

Traffic Amendment Act 1991 No. 80

Traffic Amendment Act 1992 No. 19

Transplantation and Anatomy Act Amendment Act 1984 No. 21

Transplantation and Anatomy Act Amendment Act 1984 (No. 2) No. 90

Trust Accounts Act Amendment Act 1974 No. 22

Trustee Companies Act Amendment Act 1975 No. 50

\*Trustee Companies Act Amendment Act 1977

Trustee Companies Act Amendment Act 1980 No. 40

Trustee Companies Act Amendment Act 1984 No. 49

Trustee Companies Amendment Act 1993 No. 38

Trusts Act Amendment Act 1979 No. 28

Trusts Act Amendment Act 1981 No. 72

Trusts Act and Another Act Amendment Act 1990 No. 78

\*United Grand Lodge of Antient Free and Accepted Masons of Queensland  
Trustees Act Amendment Act 1976

Universities Acts Amendment Act 1977 No. 4

Universities Acts Amendment Act 1983 No. 20

Universities and Colleges of Advanced Education Act 1989 No. 62

Universities of Central and Southern Queensland Amendment Act 1991  
No. 60

University of Queensland Act Amendment Act 1973 No. 74

University of Queensland Act Amendment Act 1981 No. 30

University of Queensland Act Amendment Act 1989 No. 102

## SCHEDULE 5 (continued)

Vagrants, Gaming, and Other Offences Act Amendment Act 1987 No. 17

Vagrants, Gaming, and Other Offences Act Amendment Act 1989 No. 83

Veterinary Surgeons Act Amendment Act 1986 No. 6

Veterinary Surgeons Act Amendment Act 1990 No. 65

Vocational Education, Training and Employment Amendment Act 1993  
No. 81

Wages Attachment Act Amendment Act 1940 4 Geo 6 No. 17

Wages Attachment Act Amendment Act 1973 No. 5

Water Resources Amendment Act 1993 No. 7

Wheat Marketing Act Amendment Act 1984 No. 85

Workers' Accommodation Act Amendment Act 1980 No. 39

Workers' Compensation Amendment Act 1993 No. 48

Young Offenders (Interstate Transfer) Act Amendment Act 1990 No. 27

**Explanatory note**

The Acts repealed by this schedule are amending Acts enacted before 1 July 1994 (“**pre-1 July 1994 Acts**”) that do not include substantive provisions. The purpose of these Acts ended when the last of the amending provisions commenced. The effect of repealed amending Acts are preserved by the *Acts Interpretation Act 1954*, section 19.<sup>108</sup>

Unlike amending Acts enacted after 1 July 1994, they are not automatically repealed by the *Acts Interpretation Act 1954*, section 22C.<sup>109</sup>

Pre-1 July 1994 Acts are being repealed as part of the Office of Queensland Parliamentary Counsel's continuing review of the Queensland statute book.

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<sup>108</sup> Section 19 (Repeal Acts etc. not revived)

<sup>109</sup> Section 22C (Automatic repeal of amending Act)

**SCHEDULE 5 (continued)**

It is proposed to finish the repeal of all commenced amending Acts as soon as possible.

The repeal will make it easier for users of legislation to be completely certain all provisions have become part of the amended Act. At the present time, substantive provisions can still be found in some pre-1 July 1994 Acts. As part of the review, substantive provisions will, if necessary, be relocated into the amended Acts.

**SCHEDULE 6****REPEAL OF NON-AMENDING EXHAUSTED ACTS  
AND LAWS**

section 5(1)

**Repeals**

Age of Majority Act 1974 No. 57

Appropriation Act 1991-1992 (No. 1) No. 39

Appropriation Act (No. 2) 1991 No. 72

Appropriation Act (No. 2) 1993 No. 60

Appropriation Act 1994 No. 25

Appropriation (Parliament) Act 1994 No. 26

Appropriation Act (No. 2) 1994 No. 52

Brisbane Roman Catholic Cathedral Land Act 1981 No. 62

British Subject (Interpretation) Act 1970 No. 10

Central and Northern Districts Boundaries Act 1900 64 Vic No. 2

Commercial Causes Act 1910 1 Geo 5 No. 23

Commission of Inquiry Continuation Act 1989 No. 67

Common Law Pleading Act 1867 31 Vic No. 5

Common Law Practice Act 1867 31 Vic No. 17

Common Law Process Act 1867 31 Vic No. 4

Companies Act 1961 No. 55

Companies (Administration) Act 1981 No. 112

Company Take-overs Act 1979 No. 77

## SCHEDULE 6 (continued)

Constitution (Legislative Assembly) Act 1933 24 Geo 5 No. 1

Costs Act 1867 31 Vic No. 20

Decentralisation of Magistrates Courts Act 1965 No. 43

Department of Justice Act 1957 6 Eliz 2 No. 17

Description of Women (Reference to Condition in Life) Act 1975 No. 5

District Courts (Venue of Appeals) Act 1988 No. 7

Equity Act 1867 31 Vic No. 18

Equity Procedure Act 1873 37 Vic No. 3

Griffith University and Brisbane College of Advanced Education (Mount Gravatt Campus) Amalgamation Act 1989 No. 105

Griffith University and Gold Coast College of Advanced Education Amalgamation Act 1990 No. 3

Griffith University and Queensland Conservatorium of Music Amalgamation and Miscellaneous Amendments Act 1991 No. 23

Groyne Construction (Palm Beach) Act 1980 No. 56

Interdict Act 1867 31 Vic No. 11

James Cook University of North Queensland and Townsville College of Advanced Education Amalgamation Act 1981 No. 92

John Darnell Estate and Queensland National Art Gallery Act 1936 1 Edw 8 No. 29

Judicature Act 1876 40 Vic No. 6

Law Reform (Husband and Wife) Act 1968 No. 15

## SCHEDULE 6 (continued)

Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952 1 Eliz 2 No. 42

Legal Assistance Act 1965 No. 67

Legal Practitioners Act Amendment Act 1938 2 Geo. 6 No. 20

Liquefied Petroleum Gas Subsidy Act 1980 No. 52

Local Works Loans Acts Amendment Act 1898 62 Vic No. 9

Marketable Securities Act 1970 No. 6

Marginal Dairy Farms Reconstruction Scheme Agreement Act 1970 No. 25

Married Women (Restraint Upon Anticipation) Act 1952 1 Eliz 2 No. 36

Married Women's Property Act 1890 54 Vic No. 9

Metric Conversion Act 1972 No. 31

Metropolitan Water and Sewerage Act Amendment Act 1912 3 Geo 5 No. 10

Nerang River Entrance Development Act 1984 No. 8

Police Complaints Tribunal Acts Repeal Act 1990 No. 12

Queensland Government Industrial Gazette Act 1961 10 Eliz 2 No. 14

Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985 No. 65

Queensland Phosphate Limited Guarantee Act 1975 No. 60

Queensland University of Technology and Brisbane College of Advanced Education Amalgamation Act 1990 No. 2

## SCHEDULE 6 (continued)

Reciprocal Enforcement of Judgments Act 1959 8 Eliz 2 No. 37

Regulation to be observed on the appointment of Queen's Counsel

\*Roman Catholic Holy Name Cathedral Site Act 1969

Securities Industry Act 1975 No. 78

Securities Industry (Release of Sureties) Act 1981 No. 6

Sheriff's Act 1875 39 Vic No. 3

Solicitors Act 1891 55 Vic No. 22

Special Prosecutor Act 1988 No. 82

\*St Andrew's Presbyterian Church of Rockhampton Act 1891 55 Vic

Supreme Court Act 1867 31 Vic No. 23

Supreme Court Act 1874 38 Vic No. 3

Supreme Court Act 1892 55 Vic No. 37

Supreme Court Act 1893 57 Vic No. 17

Supreme Court Act 1895 59 Vic No. 21

Supreme Court Act 1899 63 Vic No. 5

Supreme Court Acts Amendment Act 1958 (No. 2) 7 Eliz 2 No. 13

Supreme Court Constitution Amendment Act 1861 25 Vic No. 13

Trades and Labour Hall Management Act 1934 25 Geo 5 No. 22

University of Queensland and Queensland Agricultural College  
Amalgamation Act 1989 No. 104

University of Queensland (Confirmation of Powers) Act 1985 No. 28

Voluntary Aid in Emergency Act 1973 No. 56

## SCHEDULE 6 (continued)

Voting Rights (Public Companies) Regulation Act 1975 No. 72

\*Wesleyan Methodist Church Property Trust Act 1893 57 Vic

Writs of Dedimus Act 1871 34 Vic No. 25

**Explanatory note**

These Acts have been identified as Acts whose operation is exhausted.

Acts marked with an asterisk are private Acts.

**SCHEDULE 7****REPEAL OF OTHER NON-AMENDING ACTS**

section 5(1)

**Repeals**

Building Units and Group Titles Act 1994 No. 69

\*Colonel Daniel Edward Evans (William Parry Memorial Bursary) Act  
1960 9 Eliz 2\*Colonel Daniel Edward Evans (William Parry Memorial Bursary) Act  
1975

Courts of Conciliation Act 1892 56 Vic No. 12

Educational Memorial Funds Disposal Act 1973 No. 75

Fruit and Vegetables Act 1947 11 Geo 6 No. 29

Legal Process Restriction Act 1904 4 Edw 7 No. 15

Unauthorised Documents Act 1953 2 Eliz 2 No. 6

Wages Attachment Act 1936 1 Edw 8 No. 22

**Explanatory note**

These Acts have been identified as obsolete or no longer required.

Acts marked with an asterisk are private Acts.

**SCHEDULE 8****REPEAL OF IMPERIAL ACTS**

section 5(2)

**Repeals**

Australian Colonies Act 1861 24 &amp; 25 Vic c 44

Australian Courts Act 1828 9 Geo 4 c 83

Colonial Acts Confirmation Act 1894 56 &amp; 57 Vic c 72

Colonial Laws Validity Act 1865 28 &amp; 29 Vic c 63

Colonial Probates Act 1892 55 Vic c 6

Official Secrets Act 1911 1 &amp; 2 Geo 5 c 28

**Explanatory note**

These Imperial Acts that may still apply in Queensland have been identified as obsolete.

**SCHEDULE 9****DECLARED LAWS WHOSE REPEAL DOES NOT END  
THEIR EFFECT**

section 5(3)

Age of Majority Act 1974

\*Colonel Daniel Edward Evans (William Parry Memorial Bursary) Act  
1960\*Colonel Daniel Edward Evans (William Parry Memorial Bursary) Act  
1975

Colonial Acts Confirmation Act 1894 (Imp)

Commission of Inquiry Continuation Act 1989

Companies Act 1961

Companies (Administration) Act 1981

Company Take-overs Act 1979

Director of Prosecutions Act Amendment Act 1986

Director of Prosecutions Act Amendment Act 1990, section 9

Educational Memorial Funds Disposal Act 1973

Electoral Act 1992, part 12

Fire Service Act Amendment and Fire Safety Act Repeal Act 1991 No. 51,  
sections 4.1 to 4.4

Griffith University Act Amendment Act 1980, section 24

## SCHEDULE 9 (continued)

Griffith University and Brisbane College of Advanced Education (Mount Gravatt Campus) Amalgamation Act 1989

Griffith University and Gold Coast College of Advanced Education Amalgamation Act 1990

Griffith University and Queensland Conservatorium of Music Amalgamation and Miscellaneous Amendments Act 1991

James Cook University of North Queensland Act Amendment Act 1973, section 7

James Cook University of North Queensland and Townsville College of Advanced Education Amalgamation Act 1981

John Darnell Estate and Queensland National Art Gallery Act 1936

Justice Legislation (Miscellaneous Provisions) Act 1995, schedule 6

Local Government (Chinatown Mall) Act and Another Act Amendment Act 1990 No. 91, section 20(2)

Marginal Dairy Farms Reconstruction Scheme Agreement Act 1970

Marketable Securities Act 1970

Officials in Parliament Acts and the Legislative Assembly Acts Amendment Act 1946, section 4(2) and (3)

Police Complaints Tribunal Acts Repeal Act 1990

Primary Producers' Co-operative Associations Act Amendment Act 1926, section 3

Queensland Phosphate Limited Guarantee Act 1975

Queensland University of Technology and Brisbane College of Advanced

## SCHEDULE 9 (continued)

Education Amalgamation Act 1990

Reciprocal Enforcement of Judgments Act 1959

Roman Catholic Holy Name Cathedral Site Act 1969

Securities Industry Act 1975

Securities Industry (Release of Sureties) Act 1981

Special Prosecutor Act 1988

State Housing Act and Another Act Amendment Act 1983, section 17(2)

Succession Act 1981, section 3

Superannuation Acts Amendment Act 1989, section 12

University of Queensland and Queensland Agricultural College  
Amalgamation Act 1989

University of Queensland (Confirmation of Powers) Act 1985

Voting Rights (Public Companies) Regulation Act 1975

\*Wesleyan Methodist Church Property Trust Act 1893 57 Vic

**Explanatory note**

These are laws to which the *Acts Interpretation Act 1954*, section 20A applies. Accordingly, the effect of these laws does not end merely because of their repeal.

Acts marked with an asterisk are private Acts.

**SCHEDULE 10****ADDITIONAL TRANSITIONAL PROVISIONS  
CONNECTED WITH REPEAL OF CERTAIN ACTS**

section 5(4)

**Repeal of Commission of Inquiry Continuation Act 1989**

**1.(1)** For the *Commission of Inquiry Act 1989*, the date of commencement of this section is taken to be the date appointed by proclamation for that Act.

**(2)** The *Commission of Inquiry Continuation Act 1989*, sections 7 and 9<sup>110</sup> continue to apply to acts and omissions that happened before the commencement of this section.

**(3)** Subsection (2) has effect despite the repeal of that Act and the expiry of this schedule.

**(4)** This section is in addition to, and does not limit, the *Acts Interpretation Act 1954*.

**(5)** This section is a law to which the *Acts Interpretation Act 1954*, section 20A<sup>111</sup> applies.

**(6)** Subsections (2) to (4) are to remove any doubt.

**Repeal of John Darnell Estate and Queensland National Art Gallery Act 1936**

**2.(1)** The *John Darnell Estate and Queensland National Art Gallery Act 1936*, section 8(2)<sup>112</sup> continues to have effect.

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<sup>110</sup> Section 7 (Commission's report attracts Parliamentary privilege)  
Section 9 (Protection against legal liability)

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<sup>111</sup> Section 20A (Repeal does not end saving, transitional or validating effect etc.)

<sup>112</sup> section 8 (Commercial Travellers' Association and Fund)

## SCHEDULE 10 (continued)

(2) Subsection (1) has effect despite the repeal of that Act and the expiry of this schedule.

(3) This section is in addition to, and does not limit, the *Acts Interpretation Act 1954*.

(4) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(5) This section is enacted to remove any doubt.

**Repeal of Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985**

**3.(1)** The *Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985*, section 11<sup>113</sup> continues to have effect.

(2) Subsection (1) has effect despite the repeal of that Act and the expiry of this schedule.

(3) This section is in addition to, and does not limit, the *Acts Interpretation Act 1954*.

(4) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(5) This section is enacted to remove any doubt.

**Repeal of Roman Catholic Holy Name Cathedral Site Act 1969**

**4.(1)** The *Roman Catholic Holy Name Cathedral Site Act 1969* continues to apply to amounts realised from the sale of the land mentioned in section 4 of the Act and to property mentioned in section 5 or 6 of the Act.

(2) This section has effect despite the repeal of that Act and the expiry of this schedule.

(3) This section is in addition to, and does not limit, the *Acts Interpretation Act 1954*.

<sup>113</sup> Section 11 (Governor in Council may make provision)

## SCHEDULE 10 (continued)

(4) This section is a law to which the *Acts Interpretation Act 1954*, section 20A, applies.

(5) This section is enacted to remove any doubt.

**Repeal of Special Prosecutor Act 1988**

5.(1) The *Special Prosecutor Act 1988*, section 15<sup>114</sup> continues to apply to acts and omissions that happened before the commencement of this section.

(2) Subsection (1) has effect despite the repeal of that Act and the expiry of this schedule.

(3) This section is in addition to, and does not limit, the *Acts Interpretation Act 1954*.

(4) This section is enacted to remove any doubt.

**Expiry of schedule**

6. This schedule expires on the day of its commencement.

<sup>114</sup> Section 15 (Protection of persons executing Act)