

Queensland



**STATUTE LAW
(MISCELLANEOUS
PROVISIONS) ACT 2003**

Act No. 19 of 2003

Queensland



STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 2003

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Queensland



**Statute Law (Miscellaneous Provisions)
Act 2003**

Act No. 19 of 2003

An Act to make various amendments of Queensland statute law

[Assented to 9 May 2003]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 2003*.

2 Commencement

(1) Schedule, amendment of the *Associations Incorporation Act 1981*, amendment 1 is taken to have commenced on 8 September 1995.

(2) Schedule, amendment of the *Associations Incorporation Act 1981*, amendment 3 is taken to have commenced on 22 November 1995.

(3) Schedule, amendment of the *Community Services (Torres Strait) Act 1984*, amendment 1 is taken to have commenced on 17 May 2002.

(4) Schedule, amendment of the *Libraries Act 1988*, amendment 1 is taken to have commenced on 1 July 2002.

(5) Schedule, amendment of the *Racing and Betting Act 1980*, amendment 1 is taken to have commenced on 5 April 2002.

(6) Schedule, amendment of the *WorkCover Queensland Act 1996*, amendment 5 is taken to have commenced on 1 July 2001.

3 Amended Acts—schedule

The schedule amends the Acts mentioned in it.

4 Repeal

(1) The following Acts are repealed—

- Corrective Services (Consequential Amendments) Act 1988 No. 88
- Queensland Cement & Lime Company Limited Agreement Act 1977 No. 53.

(2) The following regulations are repealed—

- Commissions of Inquiry (Forde Inquiry—Quorum) Regulation 1998 SL No. 277
- Commissions of Inquiry (Forde Inquiry—Evidence) Regulation 1998 SL No. 278
- Credit (Suncorp Building Society Limited Exemption) Order 1996 SL No. 243
- Criminal Code Regulation 1996 SL No. 84
- State Development and Public Works Organisation (Vesting and Divesting) Regulation 1993 SL No. 432.

Explanatory note

The legislation has been identified as redundant.

5 Explanatory notes

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

SCHEDULE

AMENDED ACTS

section 3

ACQUISITION OF LAND ACT 1967

- 1 Sections 7(3)(a), (b)(ii), (c), (d), (e)(i) to (iii) and 36(2)(a) and (b), ‘;’—**

omit, insert—

‘; and’.

- 2 Sections 9(4) and 19(1), after ‘accompanied by’—**

insert—

‘each of the following’.

- 3 Section 10(7), ‘, other than section 8(3) and (4),’—**

omit.

- 4 Section 36(1), after ‘behalf may’—**

insert—

‘exercise any of the following powers’.

- 5 Section 37(1), after ‘and may’—**

insert—

‘exercise any of the following powers’.

SCHEDULE (continued)

Explanatory notes

Amendments 1, 2, 4 and 5 update provisions in accordance with current legislative drafting practice.

Amendment 3 omits a redundant reference.

ADOPTION OF CHILDREN ACT 1964**1 Section 26A(3), ‘District Court Act 1967,’ —**

omit, insert—

‘District Court of Queensland Act 1967.’

Explanatory note

The amendment updates a cross-reference.

AMBULANCE SERVICE ACT 1991**1 Section 53A(2), ‘Fire and Rescue Authority Act 1990’ —**

omit, insert—

‘Fire and Rescue Service Act 1990’.

Explanatory note

The amendment updates a cross-reference.

ASSISTED STUDENTS (ENFORCEMENT OF OBLIGATIONS) ACT 1951**1 Section 2, definition “chief executive”, paragraph (b), ‘Management and Employment Act 1988’ —**

omit, insert—

‘Act 1996’.

SCHEDULE (continued)

Explanatory note

The amendment updates a cross-reference.

ASSOCIATIONS INCORPORATION ACT 1981**1 Section 12—**

omit, insert—

‘12 Chief executive to make decision about application

‘After considering the association’s application for incorporation and any objections properly made to the application, the chief executive must—

- (a) grant the application; or
- (b) refuse the application.’.

2 Sections 35(3)(a), 48(2A) and 80(2), ‘1 month’—

omit, insert—

‘3 months’.

3 Section 77, as inserted by the Statute Law (Minor Amendments) Act (No. 2) 1995 No. 51—

omit.

Explanatory notes

Section 77, as inserted by the *Statute Law (Minor Amendments) Act (No. 2) 1995*, was intended to insert a new section 12 in the Act to resolve a difficulty that had occurred in relation to the Act’s Royal Assent. Section 77 should have been expressed as expiring on the day it commenced. However because of an error, section 12 instead was expressed as expiring on the day it commenced and section 77 remained in the Act. Amendment 1 re-inserts section 12, effective from the day of its original commencement under the *Associations Incorporation Amendment Act 1995*. Amendment 3 omits section 77, effective from the day it was intended to expire. The effect of amendments 1 and 3 is to achieve what was originally intended by section 77. The retrospective commencement of the amendments does not adversely affect the rights of any person.

Amendment 2 extends time limits, which were considered too short for volunteers of incorporated associations who have work and family commitments.

SCHEDULE (continued)

BRISBANE FOREST PARK ACT 1977**1 Section 35(1)(q), ‘\$1 000’—**

omit, insert—

‘20 penalty units’.

Explanatory note

The amendment converts the penalty into penalty units in accordance with current legislative drafting practice, consistent with the original value of a penalty unit.

**BUILDING AND CONSTRUCTION INDUSTRY
(PORTABLE LONG SERVICE) ACT 1991****1 Section 33(2), ‘sections 71, 78 and 79’ and footnote—**

omit, insert—

‘sections 71 and 79’.

Explanatory note

The amendment omits redundant references.

BUSINESS NAMES ACT 1962**1 Section 3, definitions “christian name” and “principal executive officer”—**

omit.

2 Section 3, definition “initial”, ‘christian’—

omit, insert—

‘given’.

SCHEDULE (continued)

3 Section 4A, heading, ‘Australian Securities and Investments Commission’—*omit, insert—*

‘ASIC’.

4 Sections 4A(1) and (2) and 12(2A), ‘the Australian Securities and Investments Commission’—*omit, insert—*

‘ASIC’.

5 Section 4C—*omit, insert—***‘4C Delegation by administrator**

‘(1) An administrator may delegate the administrator’s powers under this Act to an appropriately qualified officer of the department.

‘(2) In subsection (1)—

“administrator” means—

- (a) the chief executive; or
- (b) the registrar.

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

The level at which a person is employed within the department.’.

6 Section 5(2)(a), ‘surname’—*omit, insert—*

‘family name’.

SCHEDULE (continued)

7 Section 5(2)(a)(i) to (iv), ‘christian’—

omit, insert—

‘given’.

8 Section 7(1)(e), ‘christian names and surname’—

omit, insert—

‘given names and family name’.

9 Section 12(2), ‘christian names or surname’ —

omit, insert—

‘given names or family name’.

10 Section 12(4)(a), ‘christian names and surname’ —

omit, insert—

‘given names and family name’.

11 Section 15(1)(b), ‘principal executive officer or’—

omit.

12 Section 29, ‘principal executive officer,’—

omit.

Explanatory notes

Amendment 1 omits redundant or culturally sensitive definitions.

Amendments 2 and 6 to 10 replace culturally sensitive terms.

Amendments 3 and 4 replace the full name of the commission with the term ‘ASIC’ which is defined in the *Acts Interpretation Act 1954*, section 36.

Amendment 5 replaces the existing provision about the registrar’s power to delegate with a new provision that gives the power of delegation to both the registrar and the chief executive.

Amendments 11 and 12 omit a redundant reference.

SCHEDULE (continued)

COAL MINING SAFETY AND HEALTH ACT 1999

1 Part 20, heading, ‘AND CONSEQUENTIAL AMENDMENTS’—
omit.

2 Schedule 3—

insert—

‘**“document certification requirement”** see section 154(5).

“document production requirement” see section 154(7).

“personal details requirement” see section 152(5).

“place of seizure” see section 144(a).

“review decision” see section 177(1).’.

3 Schedule 3, definition “industrial organisation”—

omit, insert—

‘**“industrial organisation”** means an association of employees registered under the *Industrial Relations Act 1999* as an employee organisation.’.

4 Schedule 3, definition “industry safety and health representative”, ‘109’—

omit, insert—

‘27’.

5 Schedule 3, definition “site safety and health representative”, ‘93’—

omit, insert—

‘28’.

SCHEDULE (continued)

Explanatory notes

Amendment 1 omits a reference in a part heading for consequential amendments that have been omitted under the *Reprints Act 1992*, section 40.

Amendment 2 inserts, in the dictionary of the Act, references to defined terms that are used in more than 1 section of the Act.

Amendment 3 updates the definition “industrial organisation” to ensure consistency with the *Industrial Relations Act 1999*.

Amendments 4 and 5 correct cross-references.

**COMMISSION FOR CHILDREN AND YOUNG PEOPLE
ACT 2000****1 Schedule 4, definition “charge”, paragraph (b), ‘177’—**

omit, insert—

‘214’.

Explanatory note

The amendment updates a cross-reference.

COMMUNITY SERVICES (TORRES STRAIT) ACT 1984**1 Part 10, division 2, heading, ‘(Torres Strait)’—**

omit, insert—

‘Legislation’.

Explanatory note

The amendment corrects a reference, effective from the day section 32 of the *Community Service Legislation Amendment Act 2001* commenced. The retrospective commencement of the amendment does not adversely affect the rights of any person.

SCHEDULE (continued)

CORRECTIVE SERVICES ACT 2000**1 Section 130(2), ‘(c)’, second mention—**

omit, insert—

‘(e)’.

2 Schedule 1, ‘Section 409 (Definition of robbery)’—

omit, insert—

‘Section 409 (Definition of “robbery”)’.

Explanatory notes

Amendment 1 corrects a numbering error.

Amendment 2 corrects a cross-reference.

**DANGEROUS GOODS SAFETY MANAGEMENT ACT
2001****1 Schedule 2, definition “emergency services”, ‘Queensland Fire and Rescue Authority under the *Fire and Rescue Authority Act 1990*’—**

omit, insert—

‘Queensland Fire and Rescue Service under the *Fire and Rescue Service Act 1990*’.

Explanatory note

The amendment updates a reference to the name of the Queensland Fire and Rescue Authority and the short title of the *Fire and Rescue Authority Act 1990*.

SCHEDULE (continued)

DISTRICT COURT OF QUEENSLAND ACT 1967**1 Section 140, as inserted by the Justice and Other Legislation (Miscellaneous Provisions) Act 2002 No. 34—**

relocate and renumber as section 141.

Explanatory note

The amendment corrects a numbering error.

DIVIDING FENCES ACT 1953**1 Section 6(1), definition “owner”, paragraph (c), ‘Land Act 1962,’ and footnote—**

omit, insert—

‘Land Act 1994.’

Explanatory note

The amendment updates a cross-reference.

ELECTORAL ACT 1992**1 Section 83, ‘section 176 and in’—**

omit.

Explanatory note

The amendment omits a redundant cross-reference.

SCHEDULE (continued)

FAIR TRADING ACT 1989**1 Section 88A—***insert—*

‘(2) In this section—

“**consumer**” includes prospective consumer.’.**Explanatory note**

The amendment clarifies the meaning of “consumer”.

FINANCIAL ADMINISTRATION AND AUDIT ACT 1977**1 Section 24(2), ‘accountable officer for’—***omit, insert—*

‘accountable officer of’.

Explanatory note

The amendment ensures the reference to accountable officer is consistent with references elsewhere in the Act.

FINANCIAL INTERMEDIARIES ACT 1996**1 Section 67(1), definition “approved financial contracts”, paragraph (a), ‘or on a futures market of’—***omit, insert—*

‘on a futures market or’.

Explanatory note

The amendment corrects typographical errors.

SCHEDULE (continued)

FIRE AND RESCUE SERVICE ACT 1990**1 Section 20(6), after ‘Financial’—***insert—**‘Administration’.***Explanatory note**

The amendment corrects a cross-reference.

FREEDOM OF INFORMATION ACT 1992**1 Section 7, definition “corporatised corporation”, from ‘chapter’—***omit, insert—**‘chapter 8, part 7.¹’.***2 Section 11B, from ‘section’—***omit, insert—**‘section 1205.²’.***3 Schedule 1, entry for *Child Protection Act 1999*, from ‘sections’—***omit, insert—**‘sections 186 to 188’.*

1 *Local Government Act 1993*, chapter 8 (National competition reform of significant business activities), part 7 (Local government owned corporations)

2 *Local Government Act 1993*, section 1205 (Application of Freedom of Information Act and Judicial Review Act)

SCHEDULE (continued)

4 Schedule 1, entry for *Debits Tax Act 1990*, from ‘section 3.2’ to ‘(to)’—

omit, insert—

‘section 8 (to)’.

Explanatory note

The amendments update cross-references.

FUNERAL BENEFIT BUSINESS ACT 1982**1 Section 40(7)—**

omit.

2 Section 65(1), definition “the account”, from ‘, and’ to ‘40(1)(b)’—

omit.

3 Section 80(3)—

omit.

Explanatory notes

Amendments 1 and 3 omit redundant provisions.

Amendment 2 omits a redundant part of a definition.

SCHEDULE (continued)

INDUSTRIAL RELATIONS ACT 1999**1 Section 277(11), ‘88 or 89.’ and footnote—***omit, insert—*‘90 or 90A.³’.**2 Section 376, definition “mine”, ‘Mines Regulation Act 1964’—***omit, insert—*‘*Mining and Quarrying Safety and Health Act 1999*’.**3 Schedule 5, definition “doctor’s certificate”—***omit, insert—*

- ‘**“doctor’s certificate”** means a certificate signed by a registrant as defined under the *Medical Practitioners Registration Act 2001* or a law of the Commonwealth or another State that substantially corresponds to that Act.’

Explanatory notes

Amendment 1 updates section references consequential on the enactment of the *Industrial Relations Amendment Act 2001*.

Amendments 2 and 3 update cross-references.

3 Section 73 (When is a dismissal unfair), 83 (What employer must do to dismiss employee), 87 (Orders about severance allowance and other separation benefits), 90 (Employer must give notice of proposed dismissals) and 90A (Employer must consult with employee organisations about dismissals)

SCHEDULE (continued)

INTRODUCTION AGENTS ACT 2001**1 Section 19(2)(b), after ‘names,’—***insert—*

‘business’.

2 Section 25(2)(b), after ‘names’—*insert—*

‘, business addresses’.

Explanatory notes

Amendment 1 clarifies the meaning of “addresses”.

Amendment 2 ensures the provision is consistent with section 19 of the Act.

**LAND PROTECTION (PEST AND STOCK ROUTE
MANAGEMENT) ACT 2002****1 Schedule 2, amendment of *Transport Infrastructure Act 1994*,
amendment 1, ‘Section 22’—***omit, insert—*

‘Schedule 3’.

Explanatory note

The amendment updates a cross-reference.

LIBRARIES ACT 1988**1 Section 89A, from ‘implied’ to ‘repealed’—***omit, insert—*

SCHEDULE (continued)

‘implied) to the *Libraries and Archives Act 1988* or a provision of that Act that was not repealed’.

2 Schedule—

omit.

Explanatory notes

Amendment 1 corrects the provision by including a reference to the previous short title of the Act, effective from the day schedule 1 of the *Public Records Act 2002* commenced. The retrospective commencement of the amendment does not adversely affect the rights of any person.

Amendment 2 omits the schedule. The schedule is no longer relevant as the provisions that referred to it were omitted by the *Public Records Act 2002*.

MINERAL RESOURCES ACT 1989**1 Schedule, definition “eligible person”, paragraph (c), ‘chapter 10’—**

omit, insert—

‘chapter 14’.

Explanatory note

The amendment updates a cross-reference.

**MINING AND QUARRYING SAFETY AND HEALTH
ACT 1999****1 Schedule 2, definition “explosive”—**

omit.

SCHEDULE (continued)

2 Schedule 2—

insert—

‘**“document certification requirement”** see section 151(5).

“document production requirement” see section 151(7).

“personal details requirement” see section 149(5).

“place of seizure” see section 141(a).

“review decision” see section 174(1).’.

3 Schedule 2, definition “industrial organisation”—

omit, insert—

‘**“industrial organisation”** means an association of employees registered under the *Industrial Relations Act 1999* as an employee organisation.’.

Explanatory notes

Amendment 1 omits a redundant definition.

Amendment 2 inserts, in the dictionary of the Act, references to defined terms that are used in more than 1 section.

Amendment 3 updates the definition “industrial organisation” to ensure consistency with the *Industrial Relations Act 1999*.

MOTOR ACCIDENT INSURANCE ACT 1994**1 Section 5(5), ‘actual doing an act’—**

omit, insert—

‘actual doing of an act’.

Explanatory note

The amendment corrects a grammatical error.

SCHEDULE (continued)

OMBUDSMAN ACT 2001**1 Section 7(2), from ‘, an officer’ to ‘crime commission’—***omit, insert—*

‘or an officer of the Crime and Misconduct Commission’.

2 Section 16(2)(c), ‘Criminal Justice Act 1989’—*omit, insert—*‘*Crime and Misconduct Act 2001*’.**3 Section 50(2), note—***omit, insert—*‘*Note—*

It is also the case that the *Crime and Misconduct Act 2001*, section 38 (Duty to notify commission of official misconduct) requires the ombudsman to notify the commission of any matters involving, or possibly involving, official misconduct under that Act.’

4 Schedule 3, definition “complaints entity”, example, second dot point—*omit, insert—*

- the Crime and Misconduct Commission under the *Crime and Misconduct Act 2001*’.

5 Schedule 3, definition “complaints entity”, example, fifth dot point—*omit.*

SCHEDULE (continued)

6 Schedule 3, definition “operational action”, from ‘, a criminal’ to ‘crime commission officer’—*omit, insert—*

‘or an officer of the Crime and Misconduct Commission’.

7 Schedule 3, definition “operational action”, example, ‘criminal justice commission officer’—*omit, insert—*

‘an officer of the Crime and Misconduct Commission’.

Explanatory note

Amendments 1 to 7 update cross-references.

PARLIAMENT OF QUEENSLAND ACT 2001**1 Section 33(3)—***omit, insert—*

‘(3) A person may object to answering the question or producing the document or other thing on 1 or both of the grounds mentioned in section 34.’.

2 Section 70(5), definition “non-aligned corporation”, after ‘shareholders’—*insert—*

‘.’.

3 Section 107(2)(a), after ‘issue’—*insert—*

‘that is’.

SCHEDULE (continued)

Explanatory notes

Under section 33(3) of the *Parliament of Queensland Act 2001*, a person has a limited right to object to producing a document or other thing to an authorised committee if the person has been ordered by the committee to produce the document or thing, but not if the person has been ordered by the Legislative Assembly to produce the document or thing. This is an anomaly. Amendment 1 removes the anomaly.

Amendment 2 corrects a grammatical error.

Amendment 3 inserts additional words to improve readability.

PETROLEUM ACT 1923**1 Sections 78(13) and 86, ‘Water Resources Act 1989’—**

omit, insert—

‘Water Act 2000’.

Explanatory note

The amendment updates a cross-reference.

PETROLEUM (SUBMERGED LANDS) ACT 1982**1 Section 4(1), definition “the adjacent area”, paragraph (a), ‘schedule 3’—**

omit, insert—

‘schedule 2’.

2 Section 153—

omit.

Explanatory notes

Amendment 1 corrects a reference.

Amendment 2 omits a redundant provision.

SCHEDULE (continued)

POLICE POWERS AND RESPONSIBILITIES ACT 2000**1 Section 36, ‘Assemblies’—***omit, insert—**‘Assembly’.***2 Chapter 6, part 1, heading—***omit.***3 Chapter 6, part 1, divisions 1 to 6—***renumber* as chapter 6, parts 1 to 6.**4 Section 213, ‘division’—***omit, insert—**‘part’.***5 Section 219(4), ‘division’—***omit, insert—**‘part’.***6 Section 224(2)(a), ‘division’—***omit, insert—**‘part’.***7 Before section 258—***insert—**‘Division 5—Cautioning and rights of persons’.*

SCHEDULE (continued)

- 8 Chapter 7, part 3, divisions 5 and 6—**
renumber as chapter 7, part 3, divisions 6 and 7.
- 9 Section 285(1), ‘this section’—**
omit, insert—
‘this division’.
- 10 Section 286(1), ‘relevant offence’—**
omit, insert—
‘offence’.
- 11 Section 300(2), ‘office’—**
omit, insert—
‘officer’.
- 12 Section 309(1), ‘DNA a’—**
omit, insert—
‘a DNA’.
- 13 Section 318, ‘DNA a’—**
omit, insert—
‘a DNA’.
- 14 Section 371(3), ‘nuisances’—**
omit, insert—
‘nuisance’.

SCHEDULE (continued)

15 Section 447, ‘Authority’—

omit, insert—

‘Service’.

16 Section 447(2), ‘authority’—

omit, insert—

‘service’.

17 Schedule 1, section reference, ‘section 8’—

omit, insert—

‘section 10’.

18 Schedule 4, definitions “driver” and “Public Records Act”—

omit.

19 Schedule 4—

insert—

‘**“driver”** see the Road Use Management Act, schedule 4.

“driver licence” see the Road Use Management Act, schedule 4.

“Public Records Act” means the *Public Records Act 2002*.

“relevant offences”, for chapter 8, part 5, see section 320.’.

20 Schedule 4, definition “hand held scanner”, ‘detects’—

omit, insert—

‘detect’.

SCHEDULE (continued)

21 Schedule 4, definition “prescribed place”, paragraph (b)(xii), ‘40’ and footnote—*omit, insert—*

‘41’.

Explanatory notes

Amendments 1, 17 and 20 correct references.

Amendment 2 omits a redundant part heading.

Amendment 3 standardises the structure of chapter 6 with the remainder of the Act.

Amendments 4 to 6 make changes necessary because of amendment 3.

Amendment 7 inserts a new heading.

Amendment 8 renumbers divisions consequential on amendment 7.

Amendments 9 to 14 and 21 correct minor errors.

Amendments 15 and 16 update references.

Amendment 18 omits definitions replaced by amendment 19.

Amendment 19 inserts 4 definitions. Definitions for “driver” and “driver licence” are inserted to ensure consistency with the *Transport Operations (Road Use Management) Act 1995*. A definition of “relevant offence” is inserted to set parameters for the application of chapter 8, part 5 of the Act. The definition for “Public Records Act” is inserted to replace an incorrect reference.

POLICE SERVICE ADMINISTRATION ACT 1990**1 Section 2.3A(2), definitions “incident” and “fire authority officer”, ‘Rescue Authority’—***omit, insert—*

‘Rescue Service’.

2 Section 2.3A(2), definition “fire authority officer”, ‘authority’—*omit, insert—*

‘service’.

SCHEDULE (continued)

- 3 Section 5.15(b), ‘(or other Act passed in substitution therefor)’—**
omit.
- 4 Section 10.19(a)(i), after ‘place;’—**
insert—
‘or’.
- 5 Section 10.19(b)(i) and (ii), after ‘service;’—**
insert—
‘or’.
- 6 Section 10.19(c), after ‘mislead;’—**
insert—
‘or’.
- 7 Section 10.21C, heading—**
omit, insert—
**‘10.21C Local laws do not apply in relation to police dogs or horses
etc.’.**

Explanatory notes

Amendments 1 and 2 update cross-references.

Amendment 3 omits a redundant expression.

Amendments 4 to 6 correct grammatical errors.

Amendment 7 makes a minor correction.

SCHEDULE (continued)

PUBLIC SAFETY PRESERVATION ACT 1986**1 Section 6, heading—***omit, insert—***‘6 State Counter-Disaster Organisation Act’.****2 Section 6, ‘Organization’—***omit, insert—**‘Organisation’.***Explanatory Note**

The amendments update cross-references.

PUBLIC SERVICE ACT 1996**1 Section 19(2)(a), ‘35A’—***omit, insert—**‘35B’.***2 Schedule 3, definition “corporatised corporation”, ‘chapter 7A, part 6’—***omit, insert—**‘section 592’.***Explanatory note**

The amendments update cross-references.

SCHEDULE (continued)

**QUEENSLAND INVESTMENT CORPORATION ACT
1991****1 Section 3, definition “relevant interest”—***omit, insert—*‘**“relevant interest”** see the Corporations Act, section 9.’.**Explanatory note**

The amendment updates a cross-reference.

QUEENSLAND TREASURY CORPORATION ACT 1988**1 Section 5(2), ‘section 4(1)’—***omit, insert—*

‘section 4’.

**2 Sections 5(2) and 6(1), ‘style the ‘Queensland Government
Development Authority’—***omit, insert—*

‘style ‘The Queensland Government Development Authority’.

3 Section 23(4), ‘Schedule 2’—*omit, insert—*

‘the schedule’.

Explanatory notes

Amendments 1 and 3 update cross-references.

Amendment 2 corrects references to ‘The Queensland Government Development Authority’.

SCHEDULE (continued)

RACING AND BETTING ACT 1980**1 Section 28, ‘Interim’—**

omit.

Explanatory note

The amendment updates references to the Interim Thoroughbred Racing Board, effective from the day schedule 2 of the *Racing and Betting Amendment Act (No. 2) 2001* commenced. The retrospective commencement of the amendment does not adversely affect the rights of any person.

RETAIL SHOP LEASES ACT 1994**1 Section 91(5), ‘District Courts Rules 1968’—**

omit, insert—

‘Uniform Civil Procedure Rules 1999’.

2 Section 109(1)(c), from ‘of a District Court’ to ‘1967’—

omit, insert—

‘within the meaning of the District Court of Queensland Act 1967, section 68’.

3 Section 121, heading—

omit, insert—

‘121 Regulation-making power’.

Explanatory notes

Amendments 1 and 2 update cross-references.

Amendment 3 updates a section heading in accordance with current legislative drafting practice.

SCHEDULE (continued)

**RETURNED & SERVICES LEAGUE OF AUSTRALIA
(QUEENSLAND BRANCH) ACT 1956****1 Section 6, from ‘of this State’ to ‘1923’—**

omit, insert—

‘of the Commonwealth, this State or a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*, whenever made or given’.

Explanatory note

The amendment updates cross-references.

**SECOND-HAND DEALERS AND COLLECTORS ACT
1984****1 Section 57(4), ‘(3)’—**

omit, insert—

‘(2)’.

Explanatory note

The amendment corrects a reference.

SUGAR INDUSTRY ACT 1999**1 Schedule, definition “material personal interest” —**

omit, insert—

‘**“material personal interest”**, of a director or member of an entity established under this Act about a matter for consideration at a meeting, means an interest relating to the personal affairs of the director or member that may have, or be seen to have, a significant influence on the conduct of the director or member at the meeting.’.

SCHEDULE (continued)

Explanatory note

The amendment replaces a definition containing a paragraph relating to a repealed provision.

TOURISM QUEENSLAND ACT 1979**1 Section 14(4), ‘Land Act 1962’—**

omit, insert—

‘Land Act 1994’.

2 Section 14(4), ‘demise’—

omit, insert—

‘lease’.

3 Section 14(4), ‘Crown’—

omit, insert—

‘unallocated State’.

Explanatory notes

Amendment 1 updates a cross-reference.

Amendments 2 and 3 update terminology for consistency with the *Land Act 1994*.

TOW TRUCK ACT 1973**1 Section 4, definition “seized”, ‘section 104 of that Act’—**

omit, insert—

‘the *Transport Operations (Road Use Management) Act 1995*, section 104’.

SCHEDULE (continued)

Explanatory note

The amendment corrects a cross-reference.

**TRANSPORT OPERATIONS (ROAD USE
MANAGEMENT) ACT 1995****1 Schedule 2, entries for sections 215, 337, 347, 349, 351 and 359A—
omit, insert—**

‘section 215 (Carnal knowledge with or of children under 16)
section 349 (Rape)
section 350 (Attempt to commit rape)
section 351 (Assault with intent to commit rape)
section 352 (Sexual assaults)
section 359E (Punishment of unlawful stalking)’.

Explanatory note

The amendment updates cross-references.

VALUATION OF LAND ACT 1944**1 Section 92, ‘section 80, 83 or 89’—
omit, insert—**

‘section 89(1), 90 or 91’.

**2 Section 99, heading—
omit, insert—**

‘99 Regulation-making power’.

SCHEDULE (continued)

Explanatory notes

Amendment 1 corrects references.

Amendment 2 updates a section heading in accordance with current legislative drafting practice.

WATER ACT 2000**1 Section 193(2)(b), ‘licence’—**

omit, insert—

‘allocation’.

2 Section 230(b), ‘makes’—

omit, insert—

‘prescribes’.

3 Sections 422 and 423(1), ‘supply contract’—

omit, insert—

‘contract for the supply of registered services’.

4 Section 423(2), ‘Parliamentary Commissioner Act 1974’—

omit, insert—

‘Ombudsman Act 2001’.

5 Section 583(2), before ‘customers’—

insert—

‘ratepayers or’.

SCHEDULE (continued)

6 Section 598(1), after ‘section 548’—*insert—*

‘or formed under section 690’.

7 Section 690(2)(b) and (c)—*omit.***8 Section 690(2)(d) and (e)—***renumber* as section 690(2)(b) and (c).**9 Section 691(1)(c), ‘691’—***omit, insert—*

‘700’.

10 Section 814(2)(b)(iv), ‘266’—*omit, insert—*

‘269’.

11 Section 851(5), ‘rate payer’—*omit, insert—*

‘ratepayer’.

12 Section 955(3)—*omit, insert—*

‘(3) The appointment has effect—

- (a) from the day stated in the notice as the day on which the appointment commences, which must not be earlier than the day on which the notice is published; and

SCHEDULE (continued)

- (b) until the day stated in the notice or a further notice as the day on which the appointment is withdrawn.’.

13 Schedule 4, definition “annual report”—

omit, insert—

‘“annual report”—

1. “Annual report”, for a service provider, means a report prepared by the service provider under section 430(1).
2. However, for chapter 4, “annual report” means a water authority’s annual report under the *Financial Administration and Audit Act 1977*.’.

14 Schedule 4, definition “authority area”, ‘413(1)’—

omit, insert—

‘548(1)’.

15 Schedule 4, definition “customer”, paragraph 3—

omit, insert—

- ‘3. However, for chapter 4 and section 851, “customer” of a service provider that is a water authority means a person, other than a ratepayer, for whom the authority carries out water activities.’.

Explanatory notes

Amendments 1, 9, 10 and 14 correct references.

Amendment 2 clarifies that seasonal water assignment rules must be prescribed by regulation.

Amendment 3 clarifies that chapter 3, part 3, division 2 applies to a service provider only if the service provider does not have a contract with all of its customers for the supply of registered services.

Amendment 4 updates a cross-reference.

Amendment 5 requires the disclosure of cross subsidies between classes of a water authority’s ratepayers as well as classes of its customers.

SCHEDULE (continued)

Amendment 6 amends section 598 of the Act, which requires the chief executive to publish a gazette notice about the composition of the board of a new water authority. The effect of the amendment is that the requirement also applies if a new authority is formed by amalgamating 2 or more authorities.

Amendments 7 and 8 update the requirement for what must be stated in a regulation amalgamating 2 or more water authorities. The requirement is updated for consistency with section 548 of the Act, which states what must be included in a regulation establishing a new authority.

Amendment 11 corrects spelling.

Amendment 12 allows an appointment to have effect from, or to be withdrawn on, the day stated in a gazette notice rather than the day the notice is published.

Amendment 13 clarifies that “annual report” has different meanings for a water authority in chapters 3 and 4 of the Act.

Amendment 15 clarifies that “customer” has different meanings for a water authority in chapters 3 and 4 of the Act.

WHISTLEBLOWERS PROTECTION ACT 1994

1 Schedule 2, entries for ‘Clean Air Act 1963’, ‘Clean Waters Act 1971’ and ‘Contaminated Land Act 1991’—

omit.

2 Schedule 2, entry for ‘Land Act 1962’—

omit, insert—

‘Land Act 1994

- Section 255 (Tree clearing permit needed)
- Section 404 (No trespassing)’.

3 Schedule 2, entry for ‘Mineral Resources Act 1989’—

omit, insert—

‘Mineral Resources Act 1989

- Section 194 (Conditions of mineral development licence)

SCHEDULE (continued)

- Section 209 (Contravention by holder of mineral development licence)
- Section 276 (Conditions of mining lease)'.

4 Schedule 2, entry for 'Petroleum Act 1923'—*omit, insert—***'Petroleum Act 1923**

- Section 147 (Penalties)'.

5 Schedule 5, section 1(4), 'the schedule'—*omit, insert—*

'schedule'.

Explanatory notes

Amendment 1 omits redundant references.

Amendment 2 updates a cross-reference.

Amendments 3 and 4 update section references.

Amendment 5 corrects a grammatical error.

WORKCOVER QUEENSLAND ACT 1996**1 Section 16(1), 'Authority'—***omit, insert—*

'Service'.

2 Section 273A(2) and (10), '(1)(c)'—*omit, insert—*

'(1)(b)'.

SCHEDULE (continued)

3 Section 273A(5), (6), (8) and (9), ‘(1)(b)’—

omit, insert—

‘(1)(a)’.

4 Section 589(1), ‘45(1), 46 and 47’—

omit, insert—

‘50(1), 51 and 52’.

5 Section 590, ‘amended Act’—

omit, insert—

‘Act as in force immediately before 30 June 2001’.

Explanatory notes

Amendment 1 updates a cross-reference.

Amendments 2 to 4 update section references that changed as a result of amendments to the Bill made during the committee stage of its passage.

Amendment 5 corrects a reference to the Act in transitional provisions, effective from the day section 58 of the *WorkCover Queensland Amendment Act 2001* commenced. The retrospective commencement of amendment 5 does not adversely affect the rights of any person.

WORKPLACE HEALTH AND SAFETY ACT 1995**1 Section 57, ‘(3)’, second mention—**

omit, insert—

‘(4)’.

Explanatory note

This amendment corrects a numbering error.



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