

# STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1997

## EXPLANATORY NOTES

### **Policy objective and reasons for it**

The objective of this Bill is to further the aim of ensuring that the Queensland statute book is of the highest standard. This Bill does so by making amendments that are concise, of a minor nature and non-controversial.

The Bill provides an opportunity to make amendments and a repeal that, taken alone, would be of insufficient importance to justify separate legislation. However, the cumulative effect of the amendments and the repeal has an impact on the overall quality of Queensland law.

### **Way in which policy objective is achieved**

The Bill includes a range of minor amendments. These include the following -

- an amendment to the *Art Unions Act 1992* to provide that a reference to a specified earlier Act, if the context permits, is taken to be a reference to the *Art Union Act 1992*.
- amendments to the *Badge, Arms, Floral and Other Emblems of Queensland Act 1959* to incorporate in the Act, the State Badge, Arms and Emblems presently described under gazette notification, to update to a more appropriate level the penalty for unauthorised use or assumption of the State Badges or Arms and to correct references to the Premier.
- an amendment to the *Constitutional (Office of the Governor) Act 1987* to provide that the person assuming the administration of the Government having taken the oath or affirmation, does not again have to take the oath or affirmation when assuming the administration of the Government.

- amendments to the *Financial Administration and Audit Act 1977* to correct cross references and to allow the Auditor-General to be remunerated, after consultation with the Parliamentary Accounts Committee, at a rate decided by the Governor-in-Council.
- amendments to the *Gaming Machine Act 1991* to correct typographical errors and correct redundant references.
- an amendment to the *Government Owned Corporations Act 1993* to update a reference to an Act.
- an amendment to the *Parliamentary Contributory Superannuation Act 1970* so that a Member's entitlement under the section cannot be decreased after completing 20 years of service as a Member.
- amendments to the *Public Service Act 1996* to correct drafting errors; require the advertisement of an employing authorities intention to second a person; require, unless exempted, selection for secondment to be based solely on merit; omits the power of a chief executive officer to transfer a senior executive; and ensure the amended employment provisions of the *Racing and Betting Act 1980* are retained.
- an amendment to the *Queensland Institute of Medical Research Act 1945* to ensure that a quorum of the Council is constituted by a majority of the Members of the Council.
- an amendment to the *Queensland Tourist and Travel Corporation Act 1979* to remove a redundant provision.
- an amendment to the *Recreation Areas Management Act 1988* to clarify the reporting requirements of the Board.
- amendments to the *Residential Tenancies Act 1994* to correct a minor drafting error and update a reference.
- an amendment to the *Superannuation and Other Legislation Amendment Act 1997* to clarify the commencement of a part heading.
- amendments to the *Superannuation (State Public Sector) Act 1990* to correct a cross reference and clarify various uncertainties.

- an amendment to the *Traffic Act 1949* to ensure the current blood alcohol concentration level for licensed pilot vehicle drivers continues when the licensing scheme is replaced by an accreditation scheme.
- an amendment to the *Transport (Gladstone East End to Harbour Corridor) Act 1996* to extend the length of time during which a regulation can be made so that necessary dealings with property for the corridor can be completed.
- an amendment to the *Transport Operations (Passenger Transport) Act 1994* to correct an incorrect date.
- amendments to the *Wine Industry Act 1994* to clarify the intention of section 18 and 19(1) of the Act and to align a maximum penalty with the penalty provided under the *Liquor Act 1992*.
- amendments to the *WorkCover Queensland Act 1996* to provide that WorkCover can meet certain costs of claims for industrial deafness, to include a cross reference and correct certain typographical errors.
- the repeal of the *Commonwealth and State Housing Agreement Act 1990* which is exhausted.

### **Alternatives to the Bill**

The policy objective can only be achieved by statutory amendments.

### **Administrative cost to government**

There will be no administrative costs to the government arising from the implementation of the Bill.

### **Consistency with fundamental legislative principles**

The Bill is consistent with fundamental legislative principles.

### **Consultation**

The amendments in the Bill are made at the instigation of the administering departments.

**Notes on clauses**

*Clause 1* provides for the Act's citation.

*Clause 2* deals with the Act's commencement. It draws attention to the fact that separate commencement provisions may be provided for some amendments.

*Clause 3* gives effect to the amendments made by the schedule.

*Clause 4* gives effect to the repeal of the *Commonwealth and State Housing Agreement Act 1990*.

*Clause 5* declares that explanatory notes in the Bill do not form part of it. They are, however, available as extrinsic aids to interpretation in the same way as this explanatory notes (*Acts Interpretation Act 1954*, section 14B).

The schedule details the amendments.