Debt Reduction and Savings Bill 2021

Explanatory Notes

Short title

The short title of the Bill is the *Debt Reduction and Savings Bill 2021*.

Policy objectives and the reasons for them

The objectives of the Bill are to:

- support the State's contribution to the Queensland Future (Debt Retirement) Fund (Debt Retirement Fund) established under the *Queensland Future Fund Act 2020* (QFF Act);
- introduce a fee unit model to streamline the annual process of indexing regulatory fees;
- abolish Building Queensland (BQ**)** and the BQ board; and integrate BQ's staff, assets, records, resources and liabilities into the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP);
- change the governance structure of the National Injury Insurance Agency, Queensland (NIISQ Agency);
- repeal the *Public Safety Business Agency Act 2014* so that machinery of government changes may reintegrate the Public Safety Business Agency (PSBA) into public safety entities;
- abolish the Queensland Productivity Commission (QPC) and integrate its functions into Queensland Treasury (Treasury) and the Queensland Competition Authority (QCA);
- mandate that legislation which requires or authorises print advertising or publication by government agencies shall be satisfied by digital/electronic advertising or publication, subject to appropriate exemptions; and
- make technical amendments to the *Medicines and Poisons Act 2019* (Medicines and Poisons Act) to clarify head of power issues and improve the operation of proposed regulations.

Chapter 1[1]: Queensland Future Fund (Titles Registry)

The objectives of chapter 1 of the Bill are to support the State's contribution to the Debt Retirement Fund established under the QFF Act. Chapter 1 of the Bill addresses specific matters linked to the transfer of the operations of the Titles Registry (Registry) to the 'operator' (Queensland Titles Registry Pty Ltd ACN 648 568 101) a newly formed company that will be contributed to a Queensland Investment Corporation (QIC) managed trust within the Debt Retirement Fund structure. In turn, the operator will carry out relevant functions of the Registry via delegations from the registrar of titles and the registrar of water allocations who will both remain as a public service employees.

As part of the 2019–20 Mid-Year Fiscal and Economic Review, the Government announced that to support its economic plan and, importantly, guarantee Queensland's future economic success, it would establish the Queensland Future Fund. The Queensland Future Fund was to

[1] A reference to any chapter is taken to include a reference in that chapter to any schedules.

be seeded with an initial $5 billion investment, $2 billion redirected from the Government's existing debt retirement plan and a further $3 billion invested from the surplus in the defined benefit fund. The defined benefit fund would continue to remain in surplus.[2]

The QFF Act commenced on 20 August 2020. It sets up a framework for creating individual Queensland Future Funds, which the Treasurer is to administer under the *Financial Accountability Act 2009* (FA Act) as special purpose accounts.[3] The QFF Act creates the first future fund—the Debt Retirement Fund—to hold State investments for future growth, which will be used to offset State debt to support Queensland's credit rating.[4] The QFF Act's structure is modelled on the *Generations Funds Act 2018* (NSW) (GF Act) to reduce the possibility of rating agencies not recognising the Debt Retirement Fund when undertaking Queensland's credit rating assessments (rating agencies have already accepted the model established by the GF Act).

On 23 July 2020, the Government announced the Registry will be part of the initial tranche of publicly-owned assets to be contributed to the Queensland Future Fund, with an estimated value of at least $4 billion.[5]

A key aim of the Debt Retirement Fund is to support the State's credit rating by achieving recognition of the value of the fund by rating agencies against the State's debt. The Registry is not currently recognised as an asset on the State's balance sheet. Transfer of the Registry to the operator and its contribution to the Debt Retirement Fund will allow the value of the asset to be recognised.

The Registry forms part of the Department of Resources, which principally manages and maintains:

- the registration of all land related transactions associated with the purchase and sale of freehold land and properties in Queensland under the *Land Title Act 1994* (LT Act);
- the non-freehold land register under the *Land Act 1994* (Land Act); and
- the water allocations register under the *Water Act 2000* (Water Act).

The registrar of titles heads the Registry (section 6 of the LT Act) and also holds the office of the registrar of water allocations under the Water Act.

Chapter 1 of the Bill (and associated regulation amendments) will enable the transfer of the Registry to the operator. Chapter 1 of the Bill will:

- Authorise the delegation of statutory functions of the registrar of titles and registrar of water allocations under various Acts to the operator.
- Authorise the operator to decide (up to a specified cap linked to changes in the consumer price index (CPI)), collect and keep titles registry fees currently prescribed by regulations.
- Transfer to the operator by transfer notice relevant instruments, assets and liabilities associated with the Registry.
- Transfer eligible public service employees of the Registry to the operator. In practical terms, this will constitute a transfer of business under the *Fair Work Act 2009* (Cth) (FW Act). The transfer will be achieved through chapter 1 of the Bill. Under the legislative transfer process, it is proposed that eligible Registry employees would automatically

[2] See https://s3.treasury.qld.gov.au/files/Mid-Year-Fiscal-and-Economic-Review-2019-20.pdf.
[3] Section 5 QFF Act.
[4] Section 9 QFF Act.
[5] See https://statements.qld.gov.au/statements/90253.

transfer to the operator and would have rights to revert to the public service within a specified period.

- Continue unchanged the underlying statutory compensation regime, in that the State will hold the statutory obligation to make compensation payments to persons affected by fraud. The State and the registrar will have the ability to appoint the operator as an agent to manage any claims (subject to conditions).
- Ensure that among other things if employees of the operator are exercising a titles registry function in their capacity as employees of the operator, they will receive protection from civil liability for an act or omission done honestly and without negligence. The statutory protection from civil liability will among other things apply if the operator's employees are exercising a delegated statutory function. To avoid doubt, the general protection afforded to public servants under section 26C of the *Public Service Act 2008* (PS Act) will not apply to the operator's employees.
- The following Acts will apply to the operator to the extent the operator is performing a titles registry function: *Crime and Corruption Act 2001* (CC Act), *Human Rights Act 2019* (HR Act), *Information Privacy Act 2009* (IP Act), *Public Records Act 2002* (PR Act) and *Right to Information Act 2009* (RTI Act).

In effect, the operator will operate and maintain the Registry via delegations from the registrar (and the registrar of water allocations).

To further support the above amendments, chapter 1 of the Bill will also amend various regulations to enable:

- consequential amendments to fee schedules to remove fees that are currently prescribed by the Governor in Council, which chapter 1 of the Bill will specify the operator will be able to decide, collect and keep as titles registry fees;
- consequential amendments to omit provisions relating to forms as chapter 1 of the Bill will enable the operator (through the instruments of delegation) to deal with titles registry forms; and
- other relevant consequential amendments to ensure the ability to effectively delegate the functions necessary to operate the Registry to the operator and its employees.

Chapter 2, part 1: Fee units

Fees and charges in the General Government Sector are primarily administered in accordance with the Principles for Fees and Charges Policy. This outlines the Government's indexation policy that applies to fees set by departments and statutory bodies (agencies), excluding specified exceptions. Government indexation seeks to maintain the value of the fee over time relative to the anticipated increase in associated costs. The regulatory fee unit model will provide for indexation of the fee unit rather than the amendment of hundreds of pages of regulation each year. This will streamline the annual process of indexing regulatory fees and reduce administrative inefficiencies for agencies and the Office of the Queensland Parliamentary Counsel (OQPC).

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

As part of the Government's COVID-19 Fiscal and Economic Review (2020) (CFER) and the implementation of its Savings and Debt Plan, the Government announced that it had identified opportunities for the structural reform of statutory bodies and agencies, where their functions

can be integrated within existing Government departments. Chapter 2, part 2 of the Bill implements the structural and economic reform priorities announced by the Government by integrating the staff, assets, resources and liabilities, and functions of BQ into DSDILGP, which will enhance DSDILGP's infrastructure advice and assurance capability. It will also streamline processes, reduce administrative costs, and provide more coordinated infrastructure advice and assurance to Government.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

The policy objective of chapter 2, part 3 of the Bill is to change the governance structure of the NIISQ Agency to drive greater efficiencies and provide stronger alignment of the governance of motor accident personal injury schemes.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

The objective of chapter 2, part 4 of the Bill is to repeal the *Public Safety Business Agency Act 2014* so that machinery of government changes may reintegrate the PSBA into public safety entities.

The PSBA was established through the *Public Safety Business Agency Act 2014* to provide support services and hold infrastructure fleet and communication technology assets for public safety entities namely the Queensland Police Service (QPS), the Queensland Fire and Emergency Services (QFES) and the Office of the Inspector-General Emergency Management.

The PSBA is governed by a PSBA Board of Management (the PSBA board) comprising the Commissioners of the QPS and QFES and an external third board member. The range of support services provided by the PSBA to public safety entities includes asset management, financial management, human resource management and information and communication technology. The PSBA also provides information and communication technology services to the Queensland Ambulance Service.

Although the PSBA was established to reduce waste and duplication, it has resulted in more complex business and service delivery arrangements leading to inefficiencies and greater risks and costs to the PSBA and the agencies it services.

The reintegration of the PSBA into public safety entities will promote the ability of these agencies to efficiently deliver services to the community. Although this will be achieved mainly through machinery of government changes, legislative amendment is required to allow this reintegration to occur.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

As part of the CFER and the implementation of its Savings and Debt Plan, the Government announced that it had identified opportunities for the structural reform of statutory bodies and agencies, where their functions can be integrated into existing government agencies. The productivity and regulatory review functions of the QPC will be integrated into Treasury through the establishment of the Office of Productivity and Red Tape Reduction. This integration will enhance Treasury's economic policy capability and enable greater integration of the Government's economic strategy. This will drive greater productivity and economic growth to promote economic recovery. Further, the transfer of the competitive neutrality

functions from the QPC to the QCA will be managed by the QCA which has previous experience dealing with this function.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

The purpose of mandating that legislation which requires or authorises print advertising or publication by government agencies be satisfied by digital/electronic advertising or publication is to reduce costs and red tape to further implement the Government's Savings and Debt Plan, and to modernise requirements to publish government information.

Chapter 3: Amendment of Medicines and Poisons Act 2019

The Medicines and Poisons Act was assented to on 26 September 2019. On 13 August 2020, the *Medicines and Poisons (Postponement) Regulation 2020* was made and postponed the automatic commencement of the uncommenced provisions of the Medicines and Poisons Act until the end of 26 September 2021.

Three supporting regulations are currently being drafted for the Medicines and Poisons Act:

- *Medicines and Poisons (Medicines) Regulation*;
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation*; and
- *Medicines and Poisons (Pest Management Activities) Regulation*.

During drafting of the regulations, technical and minor amendments to the Medicines and Poisons Act were identified to enable the regulations to be drafted in a clearer and simpler way. The amendments focus on clarifying head of power issues and improving the operation of the regulations.

Achievement of policy objectives

Chapter 1: Queensland Future Fund (Titles Registry)

Chapter 1 of the Bill will achieve its policy objective by implementing the amendments outlined below.

Recognition of operator and functions of operator

Chapter 1 of the Bill defines the 'operator' as Queensland Titles Registry Pty Ltd ACN 648 568 101 and declares it to be the operator. Chapter 1 of the Bill also defines 'titles registry functions' to mean:

- the functions[6] of the registrar of titles under a titles registry Act that may be delegated to the operator under a titles registry Act;
- the functions of the registrar of water allocations under the Water Act that may be delegated to the operator under that Act.

Chapter 1 of the Bill specifies the functions of the operator as follows:

- to perform the titles registry functions delegated to the operator;
- to decide, collect and keep titles registry amounts;
- to act as agent for the State or an official under an arrangement under clause 46;
- to identify and pursue commercial arrangements that are not inconsistent with a function mentioned above.

[6] Clause 6 provides that a reference to a function includes a power and a reference to performing a function includes exercising a power.

The operator may also perform another function, or carry out an activity, only if the function or activity is not inconsistent with the functions mentioned above.

Chapter 1 of the Bill will provide that the operator's constitution under the *Corporations Act 2001* (Cth) (Corporations Act) must include the functions of the operator mentioned in clause 8. Further, the operator must ensure that its constitution under the Corporations Act is not inconsistent with functions mentioned above.

Transfer of assets of Registry

Chapter 1, part 4 of the Bill provides that the Minister may decide the arrangements that are to apply to the State and the operator to help achieve the main purpose of chapter 1 of the Bill through the performance of the operator's functions mentioned in clause 8(1). To that end, the Minister may decide:

- the most appropriate way for the State to hold an interest in the operator, including, for example, by deciding whether shares in the operator are to be transferred to another entity with or without consideration;
- the assets, liabilities, rights, responsibilities, obligations and operations of the State or an official that are to be transferred to the operator; and
- anything else necessary or incidental to facilitating the operation of the operator in a way that achieves the main purpose of chapter 1 of the Bill.

Chapter 1 of the Bill will also enable the Minister (namely, the Treasurer), by gazette notice (a transfer notice) to do any of the following:

- transfer shares in the operator to a stated entity;
- transfer an asset or liability of the State to the operator;
- make provision about the consideration for shares or an asset or liability transferred under the two dot points above;
- provide whether and, if so, the extent to which the operator is the successor in law of the State;
- make provision for a legal proceeding that is being, or may be, taken by or against the State to be continued or taken by or against the operator;
- make provision for or about the issue, transfer or application of an instrument to the operator, including:
    - whether the operator holds, or is a party to, an instrument; and
    - whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of the operator; and
    - whether a reference to an entity in an instrument is a reference to the operator; and
    - whether, under an instrument, an amount is or may become payable to or by the operator or other property is, or may be, transferred to or by the operator; and
    - whether a right or entitlement under an instrument is held by the operator;
- make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for the purposes of the arrangement.

'Instrument' is defined to include an accreditation, allocation, approval, entitlement, exemption, licence, permit or other authority under an Act; and an application, certificate, manual, notice, plan or other document made, issued or given under an Act; and an agreement including an oral agreement. 'Responsible entity' (for an instrument) is defined to mean the entity required or authorised by law to register or record matters in relation to the instrument.

A transfer notice may include conditions applying to something done or to be done under the notice. If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is:

- signed by the Minister; and
- kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.

The transfer of a liability of the State under a transfer notice discharges the State from the liability, except to the extent stated in the notice.

A transfer notice has effect despite any other law or instrument.

A transfer notice has effect on the day it is published in the gazette or a later day and time stated in it. If a transfer notice makes provision for a matter under clause 20(1)(f) in chapter 1 of the Bill in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including:

- updating a register or other record; and
- amending, cancelling or issuing an instrument.

The Bill will make clear that the Minister may not perform a function under chapter 1, part 4 on or after 1 July 2022.

Chapter 1, part 4 of the Bill makes clear that nothing done under the part:

- makes a relevant entity liable for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty; or
- makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or
- except as expressly provided under a transfer notice, is taken to fulfil a condition that:
    - terminates, or allows a person to terminate, an instrument or obligation; or
    - modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
    - allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
    - requires any money to be paid before its stated maturity; or
- releases a surety or other obligee, wholly or partly, from an obligation.

'Relevant entity' is defined to mean the State or an officer, employee or agent of the State; or the operator or an officer, employee or agent of the operator.

Also, if apart from clause 22(2) in chapter 1 of the Bill, the advice, consent or approval of a person would be necessary to do something under this part, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

If giving notice to a person would be necessary to do something under this part, the notice is taken to have been given.

Transfer of Registry staff

Part 6–3A of the FW Act applies to a 'transfer of business' from a non-national system employer that is a State public sector employer to a national system employer (again, it is assumed that Queensland Titles Registry Pty Ltd ACN 648 568 101 will be a national system employer). The FW Act provides for the transfer of 'copied State instruments' (including copied State awards and copied State employment agreements) and deals with the interaction between a copied State instrument and the NES, modern awards and enterprise agreements.

A copied State instrument is a new, federal instrument that is created if there is a transfer of business from a non-national system employer to a national system employer, and is capable of being enforced under the FW Act.

Relevantly, if there is a transfer of business for the purposes of part 6–3A of the FW Act:

- the Award will be a copied State award that will come into operation immediately after the employees' employment with the Registry is terminated and will operate for a minimum of five years unless a new federal enterprise agreement covering the affected employees is made; and
- the Certified Agreement will be a copied State employment agreement that will come into operation immediately after the affected employees' employment with the Registry is terminated and will continue to operate until it is terminated or replaced by a new federal enterprise agreement.

It is intended that chapter 1 of the Bill will effect the transfer of the employment relationship in such a way as to enliven the operation of the 'transfer of business' provisions of the FW Act.

Chapter 1, part 5 of the Bill will allow for the transfer of eligible employees to the operator. 'Eligible employee' is defined to mean a person:

- who, immediately before the commencement, was a public service employee of the department (land titles)[7]; and
- whose name is stated in a list of employees who are eligible employees for the part, signed by the chief executive of the department (land titles) and available at the head office of the department (land titles) for inspection by employees stated in the list.

As such, on commencement, an eligible employee becomes an employee of the operator and stops being employed as a public service employee. In addition, the records of the Registry, to the extent they relate to the employment of the eligible employee, become records of the operator.

Importantly, the transfer of employees does not:

- materially affect the employee's benefits, entitlement or renumeration;
- prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave;

[7] Department (land titles) means the department in which the LT Act is administered.

- interrupt the employee's continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service;
- constitute a retrenchment, redundancy or termination of the employee's employment by the State;
- entitle the employee to a payment or other benefit because the employee is no longer employed by the State; or
- require the State to make any payment in relation to the employee's accrued rights to recreation, sick, long service or other leave regardless of any arrangement between the State and the employee.

An eligible employee may, within 12 months after the commencement, elect to return to being a public service employee, by giving written notice to the chief executive officer of the operator. If the employee returns, on his or her return to the public service:

- the employee is taken not to have stopped being a public service employee when the employee was transferred;
- the employee's service as a public service employee is taken to have continued while the employee was employed by the operator; and
- the employee's terms of employment are the same terms of employment that applied to the employee before the employee's transfer subject to any changes in relevant laws or industrial instruments applying to the employee's employment.

However, the above does not allow the employee to claim the benefit of a right or entitlement more than once in relation to the same period.

Protection from liability

Chapter 1 of the Bill proposes to give a person employed by the operator protection from civil liability. In particular, a person employed by the operator will not be civilly liable for an act done or omission made honestly and without negligence in performing a function of the operator mentioned under clause 8(1)(a) to (c). Section 26C of the PS Act does not apply to an employee of the operator.

Delegation of titles registry functions

Vesting functions directly in the registrar of titles

To enable the operator to perform titles registry functions, chapter 1 of the Bill will amend the Land Act and the Forestry Act to vest certain functions under those respective Acts, which are currently vested with the chief executive (lands), directly in the registrar. This will enable the registrar to delegate those functions to the operator.

Chapter 1 of the Bill deals with the amendments to the Forestry Act (see clause 71, which allows for delegations) and the Land Act (see clause 89, which allows for delegations).

Likewise, chapter 1 of the Bill will vest certain functions under sections 7(2) to (4), 25(1), 26, 27(1) and (2), 48(1) and (3), and 49(1) and (2) of the *Forest Wind Farm Development Act 2000*, and certain functions under the *Survey and Mapping Infrastructure Act 2003*, on the registrar of titles, which are currently vested on the 'chief executive (lands)' and 'chief executive (land)', respectively.

In addition, chapter 1 of the Bill will vest functions directly in the registrar (instead of the chief executive) under the following provisions of the LT Act:

- section 7—to keep the land registry;
- section 35(4)—to engage an entity for allowing persons to search the land registry or obtain copies of indefeasible titles, registered or other instruments, or information kept in the registry; and
- section 194—to approve forms.

New delegation powers

Chapter 1 of the Bill will amend the following Acts to allow the registrar to delegate the registrar's functions under the respective Acts to the operator:

- the *Foreign Ownership of Land Register Act 1988* (FOLR Act) (part 11, see clause 58);
- the Forestry Act (part 12, clause 71);
- the Land Act (part 13, clause 89);
- the LT Act (part 14, see clause 99); and
- the Water Act (part 17, see clause 128).

The operator in turn will be required to subdelegate those functions to an appropriately qualified employee of the operator. For all these Acts, the operator will be able to impose conditions on a subdelegation that are not inconsistent with any conditions to which the delegation to the operator is subject.

Register of subdelegations

Chapter 1 of the Bill will require the operator to keep a register of subdelegations by the operator of a function delegated to the operator under a titles registry Act. For each subdelegation, the register must include the name of the person, or the title of the office of the person, to whom the function is subdelegated; and a description of the function subdelegated and any conditions to which the subdelegate is subject.

The operator may keep the register in the form the operator considers appropriate, and must make it available for inspection on request by either the registrar of titles or the registrar of water allocations (referred to as an official).

In addition, in the case of the LT Act, if the registrar delegates the registrar's functions of keeping the land registry to the operator, a reference in an Act to an office of the land registry is (if the context permits) taken to be a reference to an office of the operator where a document may be lodged or published on the operator's website.

Forms

Chapter 1 of the Bill will amend the BUGT Act, FOLR Act, Land Act, LT Act, South Bank Corporation Act, and Water Act and associated regulations to remove regulation-making powers in relation to forms and to vest in the registrar the power to approve titles registry forms.

Titles registry amounts

Chapter 1, part 3 of the Bill entitles the operator to collect and keep titles registry fees; and fees and charges applying under an agreement under section 285A of the Land Act and section 198A of the LT Act (each a 'titles registry amount').

A titles registry amount does not form part of the consolidated fund and is a debt owing to the operator.

Titles registry fees

Titles registry fees are those fees listed in schedule 1 of the Bill. For the 2021–22 financial year, the titles registry fee will be the amount set out in schedule 1 of the Bill. For the financial years that follow, the titles registry fees will be the amount decided under clause 13 of chapter 1 of the Bill.

Chapter 1 of the Bill will make clear that it applies in relation to titles registry fees whether or not the titles registry Act expressly provide for chapter 1 of the Bill to make provision in relation to fees payable for a titles registry function performed under the titles registry Act. Importantly, chapter 1 of the Bill will not affect the operation of any provision of a titles registry Act that provides:

- that no titles registry fee, or a reduced titles registry fee, is payable by a stated entity, for a stated matter or in a stated circumstance, including for example by an exemption; or
- that the whole or part of a titles registry fee may be waived for a stated entity, a stated matter or in stated circumstances.

Clause 13 requires the operator to decide the amount of the fee for a matter mentioned in schedule 1 for a financial year, starting on 1 July 2022. For the 2022–23 financial year, the amount for such a fee must not be more than the amount of the fee for the matter specified in schedule 1, CPI indexed for the relevant financial year. For the financial years that follow, the amount for the fee is the amount of the fee for the matter for the previous financial year, CPI indexed for the relevant financial year.

The operator will be required, at least 30 business days before the start of each financial year starting with the financial year on 1 July 2022, to give each official written notice of the amount of each titles registry fee for each financial year, and to publish the amounts on the operator's website. The operator will be able to publish the amounts in a way the operator considers appropriate.

Chapter 1 of the Bill consequentially amends a number of Acts and regulations to omit existing fee provisions and to update references to fees to ensure references are to titles registry fees.

Performance of titles registry functions

Roles

Chapter 1 of the Bill will make clear that for performing the titles registry function, the operator, or a person to whom the operator has subdelegated the titles registry function under the titles registry Act, may act under the title of the official. However, this does not prevent the operator, or a person to whom the operator has subdelegated the titles registry function under the titles registry Act, from acting under the name of the operator.

The official will have the role of monitoring and reviewing the performance of the operator's function in the way and to the extent the official considers appropriate. In turn, the operator will be responsible for ensuring that the titles registry function is properly exercised by the person to whom it is subdelegated under the titles registry Act.

Directions

The official will have the ability to give the operator a direction about the performance of the titles registry function. Such a direction may be given only if the official considers it necessary to give the direction to:

- ensure the proper performance of titles registry functions delegated to the operator;
- ensure the official is able to properly perform the official's titles registry functions;
- ensure the accuracy, availability, integrity or security of a titles register.

Furthermore, chapter 1 of the Bill will allow an official to give an oral direction if immediate action needs to be taken. However, the direction will need to be confirmed in writing as soon as practicable after it is given.

An arrangement entered into between the State and the operator may deal with the consequences of noncompliance with a direction given to the operator.

Administration

Chapter 1 of the Bill will allow the Minister administering the LT Act to appoint an administrator to act in the place of the operator for a period if the Minister believes the appointment is necessary to:

- ensure the proper performance of titles registry functions delegated to the operator;
- ensure an official is able to properly perform titles registry functions not mentioned in the preceding dot point;
- ensure the accuracy, availability, integrity or security of a titles register.

The Minister must publish by gazette notice the name of the administrator and the period for which the administrator is appointed. The Minister must not delegate this function.

If an administrator is appointed, the administrator, amongst other things:

- has all the responsibilities, obligations and functions of the operator during the period;
- despite clause 30, must perform functions under the name 'administrator of (name of operator)';
- may revoke a subdelegation of the titles registry function; and
- may, but is not required to, subdelegate the titles registry function to another appropriately qualified employee of the operator.

If an administrator is appointed, the costs of the administrator performing the administrator's functions are payable by the operator. These costs include the administrator's remuneration at a rate decided by the Minister administering the LT Act and costs reasonably incurred by the administrator in performing the operator's functions. The State may recover the costs mentioned that are unpaid by the operator as a debt.

Titles registry amounts or other amounts received by an administrator in relation to the performance of the operator's functions during the period of the administration are payable to the operator.

An administrator will not be civilly liable for an act done or omission made honestly and without negligence in performing a function of the administrator. The PS Act, section 26C, does not apply to the administrator.

Reports about titles registry functions

Chapter 1 of the Bill will require the chief executive of the department (land titles) to ensure the department's annual report[8] for a financial year includes information about the performance of titles registry functions by the operator in the financial year. This must include information about any appointment of an administrator. The operator must, if requested by the chief executive of the department (lands titles), give information about the performance of titles registry functions by the operator in a financial year.

Limitation of review

Chapter 1 of the Bill proposes that the JR Act, part 4, will not apply to a decision by an official to give a direction to the operator or an employee of the operator who has been subdelegated a function; or a decision of the Minister to appoint an administrator. Such a decision:

- is final and conclusive;
- cannot be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way, under the JR Act or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

The JR Act, part 5 will apply to the decision to the extent it is affected by jurisdictional error.

A decision is defined to include a decision or conduct, leading up to or forming part of the process of making a decision.

Revocation of delegations

Clause 15 in chapter 1 of the Bill provides that the division applies if all delegations of titles registry functions by each official to the operator are revoked and the Minister administering the LT Act declares, by gazette notice, that all delegations of titles registry functions by each official to the operator have been revoked and the division applies. The day on which the gazette notice is published is the 'revocation day'. This clause is intended to be used in the event where the operator's operatorship of the titles registry function has been terminated or comes to an end.

At the end of the revocation day, clause 8(1)(b) and chapter 1, divisions 1 and 2 stop applying.

Furthermore, the matters for which a fee is payable under the titles registry Act in relation to the titles registry function performed after the revocation day are the matters provided for under schedule 1. The amount of a fee for a matter mentioned in schedule 1 for a financial year is:

- the amount prescribed by regulation; or
- if no amount is prescribed—the amount under clause 12(3) for the matter at the start of the revocation day.

Fees payable in relation to a titles registry function performed after the revocation day are to be paid to the State. The clause applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed under the titles registry Act.

[8] Annual report means annual report under the FA Act.

Further, the revocation will not affect the operation of any provision of a titles registry Act that provides :

- that no fee, or a reduced fee, is payable by a stated entity, for a stated matter or in stated circumstances; or
- that the whole or a part of a fee may be waived for a stated entity, a stated matter or in stated circumstances.

Operation of other laws

Application of particular Acts

Chapter 1 of the Bill clarifies in clause 41 that to the extent that the operator is performing a titles registry function, the operator is:

- a unit of public administration as defined under section 20 of the CC Act;
- a public authority as defined under section 21 of the IP Act;
- a public authority as defined under schedule 2 of the PR Act; and
- a public authority as defined under section 16 of the RTI Act.

The operator is also a public entity as defined under section 9 of the HR Act to the extent that the operator is performing a titles function or another function of a public nature under the HR Act, section 10.

Importantly, the operator is an entity mentioned above for the IP Act, PR Act and RTI Act in relation to a document received, created or otherwise in the possession of the operator in performing the titles registry function.

For the IP Act and the RTI Act, a reference in section 126 of the IP Act, and section 113 of the RTI Act, to the responsible Minister is a reference to the Minister administering the LT Act. The clause applies despite a provision of an Act mentioned above.

In the case of the CC Act, chapter 1 of the Bill declares that sections 38, 39, 40(4) and 40A(5) of the CC Act are corporations legislation displacement provisions for section 5G of the Corporations Act, in relation to the application of section 1317AAE of the Corporations Act.

Exchange of information

Clause 43 in chapter 1 of the Bill allows the operator to ask an official for any information relevant to the operator performing a titles registry function mentioned in clause 8(1)(a), (b) or (c).

An official may ask the operator for any information relevant to the operator performing a function of the official. The official or operator is authorised to give the information requested. Also, the official is authorised to give information to the operator in relation to achieving the main purposes of chapter 1 of the Bill as mention in clause 3(2)(b).

To remove any doubt, clause 43 in chapter 1 of the Bill declares that the section authorises the use and disclosure of personal information within the meaning of section 12 of the IP Act.

Clause 44 applies in relation to a matter relating to a titles registry function performed by the operator for an official if the matter is the subject of a proceeding; or the operator believes, or ought to reasonably believe, the matter may become the subject of a proceeding to which the operator is a party. However, the section does not apply in relation to a matter that is the subject of a proceeding to which the operator is a party. The operator has a duty to disclose to the

official all information about the matter in the possession or control of the operator. The duty continues until:

- if the matter is or becomes the subject of a proceeding—the proceeding is finally decided or otherwise ends; or
- otherwise—the matter is no longer in effect or the operator reasonably believes it will otherwise no longer become the subject of a proceeding.

Agency arrangement

Under clause 46 in chapter 1 of the Bill, the State or an official will be authorised to enter into an arrangement with the operator for the operator to act as the agent of the State or official, including, for example, in relation to legal proceedings relating to a titles register, functions of the official under the Electronic Conveyancing National Law (Queensland), and another matter relating to a titles register.

Regulation-making power

Clause 47 in chapter 1 of the Bill allows the Governor in Council to make regulations.

Consequential amendments

The Bill will consequentially amend a number of Acts, which are set out in chapter 1. Consequential amendments are required because chapter 1 of the Bill vests in the operator the power to decide, collect and keep titles registry fees and because the registrar is being given the power to approve forms for certain Acts for the purposes of the titles registry function.

Repeals and transitional provisions

Chapter 1 of the Bill will repeal the LT Regulation and the FOLR Regulation as the matters provided under those regulations will be relocated to chapter 1 of the Bill.

Chapter 1 of the Bill also provides for a number of transitional provisions as a result of certain functions under the Forestry Act, Land Act and LT Act being vested directly in the registrar of titles on commencement, the registrar having the power to approve titles registry forms. Chapter 1 of the Bill also provides transitional provisions for the BUGT Act, FOLR Act, SBC Act and the Water Act, in relation to forms.

For chapter 1 of the Bill, transitional provisions have been included to deal with the application of clause 11, fees or charges payable before commencement and transitional regulation-making power. The latter provides that the transitional regulation can make provision about:

- a matter that: relates to titles registry functions of an official that has been or is to be delegated to the operator; and provides for the transition of a matter to allow or facilitate the performance of the function by the operator under the delegation; and is not sufficiently provided for by chapter 1 of the Bill or a titles registry Act; or
- a matter that: allows or facilitates the doing of anything to achieve the transition from the operation of a former provision of a titles registry Act to the operation of a new provision of a titles registry Act and is not provided, or sufficiently provided for, by chapter 1 of the Bill or a titles registry Act.

The transitional regulation may have retrospective operation to a day not earlier than the day the section commences and expires one year after commencement.

Chapter 2, part 1: Fee units

To achieve its policy objectives, chapter 2, part 1 of the Bill will amend the *Acts Interpretation Act 1954* (AIA):

- to enable regulated fees to be displayed as a number of fee units;
- to insert a new 'part' that includes all provisions relating to the fee unit model, to be administered by the Treasurer. This will ensure administrative responsibility for fees and charges policy continues to sit with the Treasurer; and
- to enable a new regulation, specifically relating to the fee unit model, to be introduced and administered by the Treasurer. The regulation will be used to publish the fee unit value, and will be amended each year in line with the Government Indexation Rate.

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

The objectives will be achieved by repealing the *Building Queensland Act 2015* (BQ Act) and providing transitional arrangements under the *Queensland Industry Participation Policy Act 2011* (QIPP Act) for relevant matters including:

- transfer of BQ assets to the State;
- transfer of BQ liabilities, records and other obligations to the State;
- continuation of agreements made by BQ;
- arrangements regarding staff transition;
- consequential amendments to other legislation in schedule 4.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Chapter 2, part 3 of the Bill will achieve its objective by abolishing the board of the NIISQ Agency and appointing the Insurance Commissioner, who oversees Queensland's Compulsory Third Party (CTP) motor accident injury compensation scheme, as the chief executive officer responsible for the management of the NIISQ Agency under the *National Injury Insurance Scheme (Queensland) Act 2016* (NIISQ Act). Future appointments of the chief executive officer will be by the Governor in Council.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

The objective of chapter 2, part 4 of the Bill is met through repealing the *Public Safety Business Agency Act 2014*.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

To achieve its policy objectives, chapter 2, part 5 of the Bill will:

- repeal the *Queensland Productivity Commission Act 2015* (QPC Act) and *Queensland Productivity Commission Regulation 2015* (QPC Regulation);
- transfer the competitive neutrality functions of the QPC to the QCA by consequential amendments to the *Queensland Competition Authority Act 1997* (QCA Act);

- make amendments to the replicated provisions of part 5 of the QPC Act, as inserted in new part 4 in the QCA Act, to allow the Minister to approve a guideline that sets out the process for dealing with competitive neutrality complaints which must be followed by the QCA;
- transfer the QPC's assets, liabilities and staff to Treasury; and
- make minor consequential amendments to other Acts and Regulations which arise as a result of the repeal of the QPC Act.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

To achieve its policy objectives, chapter 2, part 6 of the Bill will amend the FA Act:

- to mandate that legislation which requires or authorises print advertising or publication by government agencies shall be satisfied by digital/electronic advertising or publication, subject to appropriate exemptions. This requirement will override other provisions in State Acts requiring print advertising or publication; and
- to include a transitional regulation making power to provide for further exemptions in appropriate circumstances.

Chapter 3: Amendment of Medicines and Poisons Act 2019

The amendments to the Medicines and Poisons Act were identified during drafting of the supporting regulations and will enable the regulations to be drafted more clearly and simply. They are intended to make the regulations more user-friendly for stakeholders and the department. The amendments are technical or minor in nature and relocate provisions to the Medicines and Poisons Act instead of the regulations, clarify head of power issues and will improve the operation and readability of the regulations.

The amendments to the Medicines and Poisons Act include an offence requiring a compliant analysis certificate for the supply or use of a tattoo ink (new section 48A). In May 2019, when the *Medicines and Poisons Bill 2019* (Medicines and Poisons Bill) was introduced to Parliament, indicative drafts of the supporting regulations were tabled with the Medicines and Poisons Bill. The indicative draft of the *Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019* (as it was then titled) included equivalent provisions regulating the supply of tattoo inks to the offence in the Bill. During drafting of the supporting regulations, it was decided it would be more appropriate for this provision to be included in the Medicines and Poisons Act rather than the regulations, so it has been re-located to the Medicines and Poisons Act.

Alternative ways of achieving policy objectives

Chapter 1: Queensland Future Fund (Titles Registry)

Legislative amendment is the only way to:

- vest certain functions directly in the registrar and to allow the registrar to delegate titles registry functions to the operator;
- vest power directly in the operator to decide, collect and retain titles registry fees and to collect and retain fees and charges applying under agreements under the Land Act and LT Act;

- vest power directly in the operator to enter into agreements with departments under sections 61TS(6) and (7) of the Forestry Act; 284(6) and (7) of the Land Act; 35(6) and (7) and section 198A of the LT Act; and section 285A of the Land Act;
- enable the operator to act as an agent of the registrar;
- transfer assets, instruments and liabilities of the Registry to the operator within required timeframes;
- transfer employees of the Registry to the operator within required timeframes;
- offer the immunity under the LT Act to an administrator, and to employees of the operator when performing a titles registry function in the person's capacity as an employee or administrator of the operator;
- consequentially amend various related Acts and regulations.

Chapter 2, part 1: Fee units

Legislation is the only mechanism to implement the objectives of chapter 2, part 1 of this Bill. The amendments to the AIA are required to enable agencies to display their fees as a number of fee units, and therefore implement the fee unit model.

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

Legislative repeal of the BQ Act is necessary to abolish BQ and its board. There are no alternative ways of achieving this as BQ was established by legislation.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Legislation is the only way to alter the governance arrangements of the NIISQ Agency to abolish the board of the NIISQ Agency and transfer responsibility for its management to a chief executive officer.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

There is no alternative way to achieve the policy objective.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

Legislation is the only mechanism to implement the objectives of chapter 2, part 5 of this Bill. The repeal of the QPC Act and transfer of the competitive neutrality functions of the QPC to the QCA can only be done by an Act.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

Legislation is the only mechanism to implement the objectives of chapter 2, part 6 this Bill. The amendments to the FA Act are also required to override existing Acts and subordinate legislation that require or authorise print advertising or publication by government agencies.

Chapter 3: Amendment of Medicines and Poisons Act 2019

Legislation is the only mechanism to implement the objectives of chapter 3 of this Bill. The only way to enable the supporting regulations for the Medicines and Poisons Act to be drafted in a clearer and simpler way is to amend the Medicines and Poisons Act to make technical and minor

amendments. Without these changes, the drafting of the supporting regulations would be more complicated and more difficult for stakeholders to understand and comply with.

Estimated cost for government implementation

Chapter 1: Queensland Future Fund (Titles Registry)

The costs to the government associated with retaining financial, commercial, legal and probity advisors as part of the due diligence of the Titles Registry (in anticipation for the transfer of Titles Registry functions to the operator) were funded by QIC as part of the costs of establishing the Queensland Future Fund.

Chapter 2, part 1: Fee units

The AIA amendments to implement a regulatory fee unit model will streamline the annual process of indexing regulatory fees. It will provide for the indexation of the fee unit rather than amendment of hundreds of pages of regulation. The process of updating regulation involves agency staff as well as resources in OQPC. It can take up to three months for some agencies to implement these changes. Ongoing, OQPC alone will realise an annual saving of more than 800 hours of staff time. Across government, administrative efficiencies will be realised with staff able to fully redirect their focus to service delivery.

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

It is expected that some cost savings will be achieved through the consolidation of BQ's functions within DSDILGP including from abolishing the BQ board, reducing administrative overheads, and consolidating accommodation requirements. Transitional implementation during 2020-21, including some one-off implementation costs will result in savings generally being realised from 2021-22. Consolidating and leveraging the skills and experience within both BQ and DSDILGP is also expected to enhance DSDILGP's infrastructure advisory and assurance capability.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

There is no administrative cost to government in implementing the new governance arrangements or any appreciable costs on stakeholders or the community.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

Any costs associated with the implementation of chapter 2, part 4 of the Bill will be met through existing budgets.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

It is expected that some cost savings will be achieved through the consolidation of the QPC's functions within Treasury, including reducing administrative overheads, and consolidating accommodation requirements. Transitional implementation during 2020-21, including some one-off implementation costs, will result in savings generally being realised from 2021-22.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

There are no costs to Government in implementing the measure to mandate that legislation which requires or authorises print advertising or publication by government agencies shall be satisfied by digital/electronic advertising or publication.

Chapter 3: Amendment of Medicines and Poisons Act 2019

There are no additional costs for the amendments to the Medicines and Poisons Act and all costs of implementation will be met from existing departmental resources.

Consistency with fundamental legislative principles

Chapter 1: Queensland Future Fund (Titles Registry)

Chapter 1 of the Bill is generally consistent with fundamental legislative principles, but potential breaches are addressed below.

Legislation makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review—Legislative Standards Act 1992, section 4(3)(a)

Legislation should be consistent with principles of natural justice—Legislative Standards Act 1992, section 4(3)(b)

Certain decisions concerning directions and appointment of administrator not reviewable

Chapter 1 of the Bill proposes to enable an official to give the operator a direction about the performance of the titles registry function. Such directions may be given only if the official considers it necessary to give the direction to:

- ensure the proper performance of titles registry functions delegated to the operator;
- ensure an official is able to properly perform the official's titles registry functions; or
- to ensure the accuracy availability, integrity or security of a titles register.

Chapter 1 of the Bill provides that an arrangement entered into between the State and the operator may deal with the consequences of non-compliance with a direction given to the operator.

Chapter 1 of the Bill will allow the Minister administering the LT Act to appoint an administrator to act in place of the operator for a period, only if the Minister believes the appointment is necessary to:

- ensure the proper performance of titles registry functions delegated to the operator;
- ensure an official is able to properly perform titles registry functions not mentioned in the preceding dot point;
- ensure the accuracy, availability, integrity or security of a titles register.

As soon as practicable after appointing the administrator, the Minister must publish, by gazette notice, the name of the administrator and the period for which the administrator is appointed. The Minister must not delegate the Minister's function of appointing an administrator.

Chapter 1 of the Bill will also provide that part 4 of the JR Act does not apply to a decision of an official to give directions or to the Minister's decision to appoint an administrator (including a decision or conduct leading up to or forming part of the process of making a decision to issue directions or to appoint an administrator). Such a decision:

- is final and conclusive;
- cannot be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way, under the JR Act or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and

- is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

However, part 5 of the JR Act would apply to the decision to the extent the decision is affected by jurisdictional error. Thus, the common law remedies to the extent recognised in part 5 of the JR Act would still apply.

Not providing the operator with a right to appeal under the JR Act may raise concerns with two fundamental legislative principles: whether the amendments are consistent with principles of natural justice, and whether the amendments make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.

However, in this instance, it is considered that the potential breaches are outweighed by the public interest to:

- ensure the proper performance of titles registry functions delegated to the operator and the accuracy, availability, integrity or security of a titles register;
- ensure certainty of the decision of either an official or the Minister; and
- ensure the State's ability to intervene is not unduly delayed by third parties.

Furthermore, it is intended that such step in powers would only be exercised in exceptional circumstances if it is considered essential to safeguard the matters stated above.

Legislation should allow the delegation of administrative powers only in appropriate cases and to appropriate persons—Legislative Standards Act 1992, section 4(3)(c)

Legislation should have sufficient regard to the institution of Parliament—Legislative Standards Act 1992, section 4(4)(a)

Operator to decide, collect and keep titles registry fees

Chapter 1 of the Bill proposes to remove the power of the Governor in Council to prescribe certain fees under various regulations (which chapter 1 of the Bill proposes to define as titles registry fees) and to vest this power directly in the operator. These amendments may be considered to be inconsistent with fundamental legislative principles as chapter 1 of the Bill will give the operator the power to determine fees, rather than the Executive. Parliament will therefore no longer be able to disallow a regulation that prescribes or amends titles registry fees.

Empowering the operator to determine fees is considered essential in the transfer of the titles registry functions to the operator. It is considered that chapter 1 of the Bill strikes a proper balance in delegating the fee setting to the operator by specifying in the principal legislation that:

- the operator may only index titles registry fees annually, starting on 1 July 2022, as the titles registry fees for the 2021–22 financial year will be those stated in schedule 1. The fee amounts for the 2021–22 financial year have been indexed for the financial year, ensuring that the fee amounts are those that the Governor in Council would have prescribed for the year but for chapter 1 of the Bill;
- the amount of a titles registry fee must not be more than:
    - for the financial year starting on 1 July 2022—the amount of the fee stated in schedule 1, CPI indexed for the relevant financial year; or

  - for a relevant financial year starting on 1 July 2023 or later—the amount of the fee for the matter for the previous financial year, CPI indexed for the relevant financial year.

- CPI indexed for a financial year (the relevant financial year) is defined in clause 13 to mean, the addition of any amount that equates to any percentage increase in CPI between the following quarters:
  - the March quarter for the financial year before the previous financial year to the relevant financial year;
  - the March quarter for the previous financial year to the relevant financial year.
- the operator must notify each official and customers at least 30 business days before it determines new fees for a financial year starting on 1 July 2022.

Importantly, the operator will not be able to introduce new titles registry fees unless Parliament amends the enabling legislation.

Chapter 1 of the Bill makes clear that it does not affect the operation of any provision of a titles registry Act that provides:

- that no titles registry fee, or a reduced titles registry fee, is payable by a stated entity, for a stated matter or in stated circumstances, including for example, by an exemption; or
- that the whole or part of a titles registry fee may be waived for a stated entity, a stated matter in stated circumstances.

Finally, certain matters currently provided for under regulations will be relocated into their enabling Acts, thereby providing greater Parliamentary scrutiny; for example:

- section 6(2) to (7) of the LT Regulation in relation to rejected instruments under section 157 of the LT Act;
- section 87(2) to (4) of the Land Regulation; and
- section 22(1) in part 5 of schedule 1 of the *South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014* (South Bank Corporation (MBUGT) Regulation).

Power of Minister to make declaration about the revocation of delegations

Chapter 1 of the Bill permits each official to revoke all delegations of titles registry functions given to the operator. In conjunction with that power, chapter 1 of the Bill gives the Minister administering the LT Act the power to declare by gazette notice that all delegations of titles registry functions given by each official to the operator have been revoked and that the division applies.

This power of the Minister to make this declaration by gazette notice may be considered to be inconsistent with the fundamental legislative principles that delegation of administrative powers only be given in appropriate cases and to appropriate persons and that legislation should have sufficient regard to the institution of Parliament. However, it is considered that the power in this instance is justified as the power is only intended to be used as a one-off where the operator's operatorship of the titles registry function has been terminated or come to end (that is, the term of the arrangement has ended). It is not intended that the operator would be delegated functions again by an official once the operatorship ends and this declaration has been made.

Delegation of administrative powers under the transfer notice to the Minister

Chapter 1 of the Bill (clause 20) authorises the Minister to undertake a range of actions, by gazette notice, for the purpose of an arrangement under clause 19, which provides that the Minister may decide arrangements that are to apply to the State and the operator to help achieve the main purpose of chapter 1 of the Bill. Under the transfer notice, the Minister may, for example, take the following actions:

- transfer shares in the operator to a stated entity;
- transfer an asset or liability of the State to the operator;
- make provisions about the consideration for shares or an asset or liability transferred pursuant to the dot points above; and
- provide whether and, if so, the extent to which the operator is the successor in law of the State.

The transfer notice has effect despite any other laws or instrument.

Clause 20 may be considered to be inconsistent with the fundamental legislative principle that legislation should have sufficient regard to the institution of Parliament. However, in this instance it is considered that any potential breach is outweighed by the fact that the transfer notice provides the State with the simplest and the most effective, efficient and timely means of transferring the assets, liabilities, instruments, rights, responsibilities, obligations and operations of the Registry to the operator, which will be contributed to a QIC managed trust within the Debt Retirement Fund structure. It is also relevant to note that the operator is identified in chapter 1 of the Bill and is an entity in which the State has a financial interest. Chapter 1 of the Bill (clause 22) will also protect the State and the operator from liability for things done under chapter 1, part 4.

Transitional regulation-making power

Chapter 1 of the Bill allows for a transitional regulation-making power. Such a regulation may make provision about:

- a matter that: relates to titles registry functions of an official that has been or is to be delegated to the operator; provides for the transition of a matter to allow or facilitate the performance of the function by the operator under the delegation; and is not sufficiently provided for by chapter 1 of the Bill or a titles registry Act; or
- a matter that: allows or facilitates the doing of anything to achieve the transition from the operation of a former provision of a titles registry Act to the operation of a new provision of a titles registry Act and is not provided, or sufficiently provided for, by chapter 1 of the Bill or a titles registry Act.

This transitional regulation-making power may be considered to contravene the fundamental legislative principle that legislation should have sufficient regard to the institution of Parliament. The inclusion of the clause is considered to be justified in that it has been framed to apply in a narrow manner and is intended to be a temporary measure to address any potential or unforeseen transitional issues. Importantly, any potential contravention of fundamental legislative principles is mitigated by chapter 1 of the Bill providing for the expiry of the power within one year after commencement.

Removing power of governor in council to approve forms

The Bill proposes to omit both the power of the Governor in Council to make regulations in relation to titles registry forms and the relevant regulations made under that head of power in relation to the Land Act, LT Act, BUGT Act, FOLR Act, Water Act and SBC Act. The power to approve forms will instead be vested in the registrar of titles, and in the case of the Water Act, the registrar of water allocations. The removal of the power may be considered inconsistent with the fundamental legislative principle.

However, the registrar's powers (and the operator's powers as the registrar's delegate) will be limited to the titles registry forms. Further, the amendment is considered to be consistent with current drafting practice, which allows for forms to be approved by an officer, such as a chief executive and for forms to be subject to section 48A of the AIA. The ability for the registrar to approve forms will allow the operator greater flexibility to approve forms as a delegate, rather than requiring forms to be approved by regulation.

Legislation should have sufficient regard to the rights and liberties of individuals—Legislative Standards Act 1992, section 4(3)(h)

Deeming of third party's consent and conferring immunity from liability

Clause 22 in chapter 1 of the Bill provides for the effect on legal relationships in relation to the transfer of assets, instruments, liabilities and other matters. In particular, clause 22:

- deems advice of a person to have been obtained, and the consent or approval of a person to have been given unconditionally, if the advice, consent or approval would have been necessary to do something under chapter 1, part 4; and
- provides that nothing in this part:
    - makes a relevant entity liable for a civil wrong or contravention of the law, including for a breach of a contract, confidence or duty; or
    - makes the relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right of liability or the disclosure of information.

The clause may be considered to be inconsistent with the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals. Chapter 1 of the Bill's objective is to support the State's contribution to the Debt Retirement Fund and this is to be achieved in part by providing for the transfer of assets, instruments, liabilities, rights, responsibilities, obligations, operations and employees to the operator. If chapter 1 of the Bill did not override some third parties' rights, it would not be possible to ensure the transfer of the Registry's assets, instruments and liabilities to occur or for the transfer to be completed within the State's proposed timeframe to achieve its financial objective.

It is considered impractical to negotiate commercial arrangements between third parties and the State for all matters within the required timeframes. Furthermore, it is considered that the rights of third parties under commercial arrangements will not be greatly affected. This is a significant transfer of titles registry functions (in addition to the transfer of the rights and liabilities of the Registry), and clause 22 assists in providing certainty to the parties involved in the transfer of those functions.

The protection from liability provided to the State (or an officer, employee or agent of the State) and the operator (or an officer, employee, or agent of the operator) under this clause will also apply to action taken under a transfer notice (clause 20). Any potential breaches of a

fundamental legislative principle are justified on the basis that it will provide parties involved in the transfer with certainty.

Legislation should have sufficient regard to the rights and liberties of individuals

Transfer of employees

Chapter 1, part 5 of the Bill will allow for the transfer of eligible employees of the Registry to the operator. On commencement, eligible employees will become employees of the operator and stop being employed as public service employees. Registry employees ceasing to be employed as public servants may be considered to be inconsistent with the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals. However, any potential breach is balanced by the protections offered to eligible employees who are transferred under chapter 1, part 5. For instance, the transfer of an eligible employee does not materially affect the employee's benefits, entitlements or remuneration; or prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave.

Also, an employee may, within 12 months, after the commencement, elect to return to the public service by giving notice to the chief executive officer of the operator. On return to the public service:

- the employee is taken not to have stopped being a public service employee;
- the employee's service as a public service employee is taken to have continued while the employee was employed by the operator; and
- the employee's terms of employment are the same terms of employment that applied to the employee before the employee's transfer, subject to any changes in relevant laws or industrial instruments applying to the employee's employment.

Legislation does not confer immunity from proceeding or prosecution without adequate justification—Legislative Standards Act 1992, section 4(3)(h)

Chapter 1 of the Bill proposes to include a new provision to specify that a person employed by the operator is not civilly liable for an act done or omission made honestly and without negligence in performing a titles registry function in the person's capacity as an employee of the operator. The immunity is similar to the immunity currently provided in section 193 of the LT Act.

Similarly, the provision specifies that an administrator appointed by the Minister is not civilly liable for an act done or omission made honestly and without negligence in performing a function of the administrator under chapter 1, part 6 of the Bill.

The amendment ensures that both the operator's employees and the administrator are protected from civil liability for acts done or omissions made honestly and without negligence in performing the delegated statutory functions or powers or the administrator's functions under chapter 1, part 6. Further, the immunity to the administrator extends to the functions it performs on behalf of the operator. It is considered that chapter 1 of the Bill balances the conferral of the immunity from civil liability by attaching to the State the liability that would otherwise apply to the operator's employees or the administrator.

Legislation should sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly—Legislative Standards Act 1992, section 4(4)(b)

Delegations and subdelegations of titles registry functions

Chapter 1 of the Bill authorises the registrar to delegate the registrar's functions under the following Acts to the operator (in addition to an appropriately qualified public service employee), and requires the operator to subdelegate those functions and powers to appropriately qualified members of the operator's staff:

- section 15 of the FOLR Act;
- section 96C of the Forestry Act;
- section 393AA of the Land Act;
- section 9 of the Land Title Act; and
- section 169A of the Water Act.

Chapter 1 of the Bill will also require the operator to keep a register of subdelegations by the operator of a function delegated to the operator under a titles registry Act. The register must include the name of the person, or the title of the office of the person, to whom the function is subdelegated and a description of the functions subdelegated and any conditions to which the subdelegation is subject. The operator must make the register available for inspection on request by an official

Generally, section 27A of the AIA will apply to the delegation powers to ensure consistency with the general scheme of legislation and to remove the need for chapter 1 of the Bill to include express powers (for example, to revoke or amend the delegations and to impose conditions on the delegations). Sections 27A(3D) and 27A(7) which provide that 'anything done by or in relation to the delegate in relation to the delegation is taken to have been done by or in relation to the delegator' and 'a delegated function or power that is properly performed or exercised by the delegate is taken to have been performed or exercised by the delegator', will apply. This is because these provisions are important to satisfying requirements of various Acts that provide for a range of matters be done by the registrar of titles.

The delegations are considered essential for transferring (and enabling the operator to carry out) the titles registry functions, and giving effect to the policy intent of delegating most of the statutory functions and powers of the registrar to the operator. It is considered that any potential breach of fundamental legislative principles is justified on the basis that chapter 1 of the Bill will provide the necessary checks and balances on the delegations to ensure the operator exercises its delegated functions and powers appropriately.

For instance, chapter 1 of the Bill will require the operator to subdelegate its delegated titles registry functions to only appropriately qualified employees. Furthermore, the operator may impose conditions on a subdelegation that are not inconsistent with the conditions to which the delegation to the operator is subject. 'Appropriately qualified' will take its meaning from the AIA. That is, for a function or power it will mean having the qualifications, experience or standing appropriate to perform the function or exercise the power. In line with the AIA, the registrar's delegation may also be subject to conditions and may be revoked. Similarly, a delegation may be revoked (wholly or in part) by the delegator.

In addition, chapter 1 of the Bill will make clear that the official is to monitor and review the performance of the titles registry function by the operator in the way and to the extent the official considers appropriate. The operator in turn will be responsible for ensuring that the

titles registry function is properly exercised by the person to whom the registry function has been delegated under the titles registry Act.

Fundamental legislative principles not listed in the Legislative Standards Act 1992—Legislation should have sufficient regard to the rights and liberties of individuals

Exchange of information

Chapter 1 of the Bill authorises reciprocal information sharing between the operator and an official. Thus, the operator will be able to ask an official for any information relevant to the operator performing a function mentioned in section 8(1)(a), (b) or (c). Equally, an official will be able to ask the operator for any information relevant to the operator performing a function of the official. Importantly, the official is authorised to give information to the operator in relation to achieving the main purpose of chapter 1 of the Bill as mentioned in section 3(2)(b); that is, the transfer of the assets, liabilities, rights, responsibilities, obligations, operations and employees to the operator. Chapter 1 of the Bill makes clear that the section authorises the use and disclosure of personal information within the meaning of the IP Act.

Operator's duty to disclose

In addition, chapter 1 of the Bill provides that the operator has a duty to disclose to the official all information in the possession or control of the operator about a matter relating to a titles registry function performed by the operator for an official if:

- the matter is the subject of a proceeding; or
- the operator believes, or ought to reasonably believe, the matter may become the subject of a proceeding.

However, the clause does not apply in relation to a matter that is the subject of a proceeding to which the operator is a party.

The duty to disclose continues until:

- if the matter is or becomes the subject of a proceeding—the proceeding is finally decided or otherwise ends; or
- otherwise—the matter is no longer in effect or the operator reasonably believes it will otherwise no longer become the subject of a proceeding.

The provision authorising the exchange of information between the official and the operator may be considered to be infringing the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals. In this instance, any potential breach is considered to be justified as the transfer of assets, liabilities, rights, responsibilities, obligations, operations and employees to the operator cannot be completed within the required timeframes without authorising the flow of information between the official and the operator in relation to the initial transfer and in the future to enable the operator and the official to properly perform their respective functions. The provision is essential in ensuring a smooth transition of the titles registry functions from the Registry to the operator.

Likewise, the imposition of a duty on the operator to disclose to the official information in the position or control of the operator may be seen to infringe the fundamental legislative principle that legislation should have sufficient regard to an individual's right to privacy and should not unnecessarily collect and use an individual's personal information without sufficient justification. This principle, however, is subject to overriding legislation and the need to balance the protection of an individual's privacy with the interests of entities, such as the State's (through the official) in a matter the subject of a proceeding. In this instance, the information

that would be shared would be information that would assist the official in a matter the subject of a proceeding; or a matter that the operator believes, or ought to reasonably believe, may become the subject of a proceeding.

It is considered that chapter 1 of the Bill provides adequate safeguards to ensure the information requested is only used or disclosed for the purposes of the operator performing a function or an official performing a function of the official under a titles registry Act. Further, the operator will also be subject to the IP Act. Further, chapter 1 of the Bill provides that the IP Act applies to the operator as if the operator were an agency as defined under that Act, to the extent to which the operator is performing a titles registry function. It is also intended that through other arrangements, the operator will comply with the IP Act in carrying out activities beyond the performance of a titles registry function. Application of the IP Act will ensure that the operator complies with the IPP principles and only uses or discloses personal information as authorised under that Act or another Act.

Chapter 2, part 1: Fee units

Chapter 2, part 1 of the Bill is generally consistent with fundamental legislative principles.

Chapter 2, Part 2: Repeal of Building Queensland Act 2015 and related amendments

Chapter 2, part 2 of the Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Legislation to have sufficient regard to the rights and liberties of individuals - *Legislative Standards Act 1992* (LSA), sections 4(2)(a) and 4(3)

New section 27 under clause 157 in chapter 2, part 2 of the Bill proposes to transfer employees from BQ to DSDILGP. These provisions are justified as they are designed to ensure the smooth transition of BQ's employees to DSDILGP and ensure continuity of the provision of services. Employees will retain all their existing entitlements and will not be disadvantaged by the transfer.

To facilitate the transfer of the business of BQ to DSDILGP, new section 23 under clause 157 in chapter 2, part 2 of the Bill proposes that instruments which apply to BQ will instead apply to the State. This provision is justified in order to maintain the status quo for affected third parties. Additionally, such provisions relating to deemed third party consent to the transfer of instruments aim to assist the State in managing ongoing reform as efficiently as possible and provide commercial and operational certainty.

While chapter 2, part 2 of the Bill affects the existing board members and chief executive officer of BQ by terminating their appointments, chapter 2, part 2 of the Bill does not affect their existing rights in relation to termination under the terms of their appointment.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Chapter 2, part 3 of the Bill is consistent with fundamental legislative principles. It is noted that the current chief executive officer and board members will go out of office. Chapter 2, part 3 of the Bill does not affect their entitlements under their terms of appointments.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

The proposed amendments to chapter 2, part 4 of the Bill are consistent with fundamental legislative principles.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

Chapter 2, part 5 of the Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Chapter 2, part 5 of the Bill proposes to transfer employees, other than a person employed as an executive manager or on a casual basis, without their consent, from the QPC to Treasury. These provisions are justified as they are designed to ensure the smooth transition of the QPC's employees to Treasury and ensure continuity of the provision of services. Employees will retain all their existing entitlements and will not be disadvantaged by the transfer to Treasury.

Chapter 2, part 5 of the Bill will provide for the transfer of the QPC's business to Treasury. This will affect third parties dealing with the QPC because chapter 2, part 5 of the Bill will substitute Treasury for the QPC in relation to the QPC's assets and liabilities. For example, Treasury will replace the QPC as a party to various contracts. Third parties will be in the same position other than they will be dealing with Treasury. These provisions implement a seamless transition and maintain the status quo for affected third parties. The effect on third parties is that they will be dealing with Treasury rather than the QPC.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

Chapter 2, part 6 of the Bill is generally consistent with fundamental legislative principles.

Chapter 3: Amendment of Medicines and Poisons Act 2019

The amendments to the Medicines and Poisons Act are generally consistent with fundamental legislative principles. Potential breaches of these principles are outlined below.

Legislation to have sufficient regard to the rights and liberties of individuals - *Legislative Standards Act 1992*, section 4(2)(a) and 4(3)

Delegation of administrative power

Section 4(3)(c) of the Legislative Standards Act states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation allows for the delegation of administrative power only in appropriate cases and to appropriate persons.

Section 238 of the Medicines and Poisons Act provides that the chief executive may delegate their functions and powers under the Medicines and Poisons Act (except for section 127) to an appropriately qualified person who is a health service employee or public service employee. Chapter 3 of the Bill amends section 238 to provide that the chief executive may delegate their functions and powers under chapter 7, part 3, division 1 of the Medicines and Poisons Act, which relate to the monitored medicines database, to any appropriately qualified person. The remaining provisions of section 238 retain the same effect. 'Appropriately qualified' is defined in the AIA as having the qualifications, experience or standing appropriate to perform a function or exercise a power. This amendment has been made to facilitate the future interoperability of the monitored medicines database with equivalent databases operated by other States and Territories. The Australian Government is putting in place administrative arrangements for interoperability of these databases and some responsibilities related to the database may need to be delegated to third party providers to ensure the database operates as

intended. This amendment includes the safeguard that before delegating any functions or powers for the monitored medicines database, the chief executive must be satisfied that the delegate is 'appropriately qualified'. Before delegating these powers, the chief executive will consider all circumstances including the scope of the power to be delegated, the expertise or experience needed to exercise the power and any training and qualifications required, before deciding on the appropriate delegates.

The limitation on the chief executive not being able to delegate their powers under section 127 will be retained as an appropriate safeguard, given section 127 deals with making a statement of warning to the public about contraventions of the Medicines and Poisons Act or potential unlawful conduct.

Offence provisions

The inclusion of new offences in legislation is relevant to whether the legislation has sufficient regard to individuals' rights and liberties. New offences are required to be appropriate and reasonable considering the conduct that constitutes the offence and penalties are required to be proportionate to the offence.

Chapter 3 of the Bill omits and replaces section 41 of the Medicines and Poisons Act, which contains requirements for checking the monitored medicines database. The provision has been re-drafted to provide improved clarity about which practitioners are required to check the monitored medicines database. The regulations will specify the practitioners required to check the database. The maximum penalty for the offence remains the same as for the existing offence at 20 penalty units. The penalty is considered appropriate for the seriousness of the offence and is equivalent to other similar offences in the scheme.

Chapter 3 of the Bill omits and replaces section 42 of the Medicines and Poisons Act and makes it an offence to dispose of waste from a diversion-risk medicine unless the waste is disposed in the authorised way or the person has a reasonable excuse. Section 42 currently only applies to disposal of waste from an S8 medicine, but chapter 3 of the Bill extends this section to apply to all diversion-risk medicines. Diversion-risk medicines will be prescribed by regulation and will include medicines with a higher risk of being diverted for illicit use and will include all S8 medicines, and some S4 medicines (for example, anabolic steroidal agents, growth hormones, codeine and barbiturates). The revised version of section 42 clarifies that the offence does not apply to a person who:

- discards waste by placing it under the control of a person authorised to dispose of waste under the Medicines and Poisons Act, such as returning the waste to a pharmacist for disposal in a 'return unwanted medicines' bin; or
- discards or destroys waste under another law, such as the holder of an environmental authority under the *Environmental Protection Act 1994* destroying waste in accordance with the authority.

As outlined in the explanatory notes for the Medicines and Poisons Bill, the unsafe disposal of waste may pose a risk to public health and safety if, for example, the waste contaminates the environment or, in the case of substances that are valuable on the illicit drug market, the waste comes into the possession of an unauthorised person. Improper disposal may allow a person to collect residual amounts from used containers and use it for unauthorised dealings. The concerns about improper disposal apply to diversion-risk medicines in the same way as for S8 medicines. Ensuring that waste from diversion-risk medicines is disposed of correctly helps to prevent it becoming available for sale illegally and being used inappropriately.

The penalty for the offence in revised section 42 carries the same penalty as that for existing section 42, namely 200 penalty units. The penalty is considered appropriate for all diversion-risk medicines, as all of those substances may be used for illicit purposes. The maximum penalty of 200 penalty units is considered proportionate to the seriousness of the conduct it applies to. As a maximum penalty, the particular circumstances of the offence and the type of medicine involved would be taken into account when deciding the appropriate penalty to apply to a particular case.

New section 48A(1) of the Medicines and Poisons Act makes it an offence for a person to provide a tattoo ink to someone else without ensuring a compliant analysis certificate has been prepared for the tattoo ink. The offence will apply to manufacturers and suppliers of tattoo inks. New section 48A(2) makes it an offence for a person to use a tattoo ink for tattooing unless the person is reasonably satisfied that a compliant analysis certificate has been prepared for the ink.

A compliant analysis certificate will need to state the results of an analysis of the substances contained in the tattoo ink and must comply with a departmental standard made for new section 48A. Ingredients in tattoo inks are often manufactured to industrial quality and not to standards required for therapeutic purposes or for human use. Tattoo inks may also contain high levels of impurities, as they are often designed for applications such as house paints and printing. By requiring a compliant analysis certificate to be in place for all tattoo inks will help to ensure that inks used in Queensland do not contain substances that could be harmful to a person's health.

The offence in new section 48A(1) carries a maximum penalty of 100 penalty units, which is a higher penalty as it will apply to manufacturers and suppliers. The relatively high penalty of 100 penalty units is considered appropriate because a tattoo ink that is supplied without a compliant analysis certificate may contain substances harmful to health if used in tattooing and could cause serious harm or risk of infection. The offence in new section 48A(2) will apply to individual tattooists or businesses, so it carries a lower maximum penalty of 50 penalty units. A penalty of 50 penalty units is considered appropriate to ensure that individual tattooists or businesses have an obligation to make sure the tattoo ink they are using has a compliant analysis certificate before using it, due to the risk of serious harm or infection. These penalties are generally consistent with those in the Medicines and Poisons Act, such as the penalty in section 37 for supplying an animal medicine to humans of 100 penalty units and the penalty in section 48 for giving or keeping false, misleading or incomplete information or records of 50 penalty units.

Whether the legislation has sufficient regard to the institution of Parliament (Legislative Standards Act, s 4(2)(b))

Amendment of an Act only by another Act (Henry VIII clauses)

Section 4(4)(c) of the Legislative Standards Act states that whether legislation has sufficient regard to the institution of Parliament depends on whether the legislation authorises the amendment of an Act only by another Act.

Section 240 of the Medicines and Poisons Act provides a general head of power for regulations to be made under the Medicines and Poisons Act. Chapter 3 of the Bill makes minor clarifying amendments to the regulation-making power in section 240. New section 240(2)(aa) clarifies that regulations may be made about buying and possessing S2 and S3 medicines. New section 240(2)(ab) states that regulations may be made about disposing of waste from medicines to which section 42 does not apply. New section 240(2)(ac) states that regulations may be made dealing with S5 and S6 poisons. These are technical matters that are appropriate to be set out in regulations

and addressing the way these substances are dealt with is consistent with the policy objectives of the Medicines and Poisons Act. New section 240(2)(g) clarifies that regulations may be made about refunds of fees. This is appropriate subject matter to be included in regulations, as matters relating to fees and refunds are generally provided for in regulations.

All regulations will be tabled in the Legislative Assembly and will be subject to Parliamentary scrutiny and disallowance procedures.

A number of other specific amendments in chapter 3 of the Bill also allow matters to be prescribed in regulations or other subordinate instruments, such as extended practice authorities and departmental standards. Each of these is considered in more detail below.

Relevant practitioners required to check the monitored medicines database

Section 41 of the Medicines and Poisons Act currently requires prescribers and dispensers to check the monitored medicines database before prescribing or supplying a monitored medicine. The amendments to section 41 in chapter 3 of the Bill provide improved clarity about which practitioners are required to check the monitored medicines database, by requiring that they be specified in regulations. As the arrangements about which practitioners are authorised to prescribe, dispense or give treatment doses of monitored medicines may change over time, it is appropriate for the regulations to specify the practitioners required to check the database to keep this in line with any changes to the arrangements for prescribing, dispensing or giving treatment doses.

Specifying information to be provided to the chief executive for the monitored medicines database

Section 226 of the Medicines and Poisons Act currently requires information providers to give the chief executive the information specified in section 225 at the time and in the way prescribed by regulation. The amendment to section 226 in chapter 3 of the Bill will require information providers to give the chief executive 'relevant information' for the monitored medicines database at the time and in the way prescribed by regulation. The 'relevant information' to be given to the chief executive will be prescribed in regulations for each information provider, rather than the more general description of information currently in section 225. The regulations will specify the detail of the information that each type of information provider must include in the monitored medicines database. This will provide more certainty to each information provider required to use the monitored medicines database about their obligations and the exact type of information they must provide. Also, as it is possible the database may evolve over time, it is appropriate for this detail to be provided in the regulations.

Extended practice authorities

Section 232 of the Medicines and Poisons Act currently provides that the chief executive may make a document, known as an extended practice authority (EPA), stating the places or circumstances in which an approved person may deal with a regulated substance; imposing conditions on dealing with a regulated substance; or requiring an approved person to hold particular qualifications or training to deal with a regulated substance. In accordance with section 232(3), a regulation is intended to prescribe matters the chief executive must consider before making an EPA.

The amendment to section 232(4) clarifies that each EPA must be approved by regulation and takes effect when approved or on a later day stated in the EPA. The amendment does not fundamentally change how EPAs operate under the Medicines and Poisons Act, but provides greater certainty that each EPA must be approved by regulation before taking effect. The requirement to ensure EPAs are approved by regulation ensures greater transparency of EPAs, as the regulation will need to be tabled and will be subject to disallowance. Queensland Health has committed to table each EPA in the Legislative Assembly so that Parliament may consider

it at the same time as an amending regulation referring to the EPA. This will help to ensure appropriate Parliamentary oversight of EPAs.

The amendment to section 54 of the Medicines and Poisons Act in chapter 3 of the Bill also allows a regulation to set out requirements for authorising regulated activities with regulated substances by reference to an EPA. The ability to prescribe matters in regulations by reference to EPAs is not new, as it is currently referred to in section 91(2)(b) of the Medicines and Poisons Act. However, chapter 3 of the Bill removes the reference to EPAs from section 91(2)(b) and relocates it to section 54(2)(c).

Departmental standards

Section 233 of the Medicines and Poisons Act currently provides that the chief executive may make departmental standards about carrying out a regulated activity with a regulated substance and other matters relating to the purposes and administration of the Medicines and Poisons Act. Chapter 3 of the Bill makes minor clarifying amendments to section 233. Chapter 3 of the Bill simplifies section 233(1) to state the chief executive may make departmental standards in relation to matters regulated under the Medicines and Poisons Act. It also specifies that a departmental standard may be made about matters for which another provision of the Medicines and Poisons Act requires compliance with a departmental standard. For example, a departmental standard may be made about compliant analysis certificates for tattoo inks under new section 48A, such as detailed scientific and technical matters including safe levels of substances contained in tattoo inks. Chapter 3 of the Bill also clarifies that each departmental standard must be approved by regulation and takes effect when approved or on a later day stated in the standard.

These amendments do not fundamentally change how departmental standards operate under the Medicines and Poisons Act, but provide greater certainty that each departmental standard must be approved by regulation before taking effect. The requirement to ensure departmental standards are approved by regulation ensures greater transparency of standards, as the regulation will need to be tabled and will be subject to disallowance. Queensland Health has committed to table each departmental standard in the Legislative Assembly so that Parliament may consider it at the same time as an amending regulation referring to the standard. This will help to ensure appropriate Parliamentary oversight of departmental standards.

Consultation

Chapter 1: Queensland Future Fund (Titles Registry)

Government and community consultation

An exposure draft of chapter 1 of the Bill was released for targeted stakeholder consultation on 26 February 2021. Stakeholders were invited to provide written submissions over a 1 week period. The Department of Resources also briefed key stakeholders to receive verbal feedback and to facilitate more informed written submissions. The Department of Resources also undertook consultation on elements of the reform covered by the regulation amendments. Feedback was considered and incorporated into chapter 1 of the Bill where appropriate. Other relevant departments, including the Department of Justice and the Attorney-General and the Department of the Premier and Cabinet, were consulted.

The Office of Best Practice Regulation was consulted regarding the regulatory impact analysis requirements of the Queensland Government Guide to Better Regulation and advised that no further assessment was required.

Chapter 2, part 1: Fee units

Government consultation

The following departments were consulted in relation to the introduction of the fee unit model:

- Department of Justice and the Attorney-General;
- the former Department of Natural Resources, Mines and Energy;
- Department of Education;
- Queensland Treasury;
- the former Department of State Development, Manufacturing, Infrastructure and Planning;
- the former Department of Housing and Public Works (incl. Queensland Building and Construction Commission);
- Department of Transport and Main Roads;
- Department of Environment and Science;
- Department of Agriculture and Fisheries;
- Inspector-General Emergency Management;
- the former Public Safety Business Agency;
- Queensland Fire and Emergency Services;
- the former Department of Youth Justice;
- the former Department of Child Safety, Youth and Women;
- Queensland Health;
- Queensland Audit Office;
- Department of the Premier and Cabinet;
- the Public Trustee of Queensland; and
- Department of Employment, Small Business and Training.

Given the AIA is administered by the Attorney-General, the Department of Justice and Attorney-General was consulted specifically in relation to the implementation of the fee unit model via amendments to the AIA and creation of a regulation under that Act.

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

Community consultation

No community consultation has been undertaken on the repeal of the BQ Act as the Government's decision to undertake the structural reform of BQ only impacts the internal operations and governance structure of public sector entities and there is no material impact on the community.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Given the nature of chapter 2, part 3 of the Bill, no community or stakeholder consultation was undertaken.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

Due to the nature of this amendment, no consultation has been undertaken.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

Community consultation

No community consultation has been undertaken on chapter 2, part 5 of the Bill as the Government's decision to undertake the structural reform of the QPC concerns the internal operations and governance structure of public sector entities and there is no material impact on the community. The Together Union was consulted in relation to the proposed transition of employees to Treasury.

Government consultation

The following departments and statutory entities have been consulted:

- the former QPC;
- the QCA;
- Department of the Premier and Cabinet;
- Public Service Commission;
- Department of Education;
- Department of State Development, Infrastructure, Local Government and Planning;
- Office of Industrial Relations; and
- QSuper.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

Government consultation

All departments were consulted.

Chapter 3: Amendment of Medicines and Poisons Act 2019

Community consultation

In 2019, Queensland Health consulted the Australian Tattooists Guild and Aesthetics Practitioners Advisory Network about the proposed regulation of tattoo inks, which include representation from tattoo ink suppliers. During the consultation process, industry representatives sought consistency with ink standards used overseas, due to the small size of the Australian market and the high cost of analysis if different standards were adopted in Australia. The proposed departmental standards for tattoo inks are proposed to be based on the European standards, as Europe is the major source of manufacturing or supply of tattoo inks to Australia. The industry was generally supportive of regulation to safeguard clients from adverse health effects by adopting standards to ensure the inks used in Queensland are safe for human use.

In addition, when the Medicines and Poisons Bill was introduced to Parliament, indicative drafts of the supporting regulations were tabled with the Medicines and Poisons Bill. The indicative draft of the *Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019* (as it was then titled) included equivalent provisions regulating the supply of tattoo inks to the offence in the Bill.

No other stakeholder consultation was undertaken on the other amendments to the Medicines and Poisons Act in chapter 3 of the Bill, as they are considered technical and minor amendments. A wide range of stakeholders were consulted during the development of the Medicines and Poisons Act and in the Parliamentary Committee process for the Medicines and Poisons Bill. Consultation with stakeholders on the supporting regulations for the Medicines and Poisons Act is proposed to be undertaken in the second quarter of 2021.

Government consultation

The QPC was consulted and advised that given the consultation undertaken with the tattoo industry, that stakeholder feedback was taken on board and the 12-month transitional period for compliance, it is unlikely that a regulatory impact statement would be of value. For the other amendments to the Medicines and Poisons Act in chapter 3 of the Bill, the QPC advised they were unlikely to have significant adverse impacts and no further regulatory impact analysis is required under the Queensland Government Guide to Better Regulation.

Consistency with legislation of other jurisdictions

Chapter 1: Queensland Future Fund (Titles Registry)

Chapter 1 of the Bill is specific to the State of Queensland, and is not uniform with, or complementary to, legislation of the Commonwealth or another State or Territory.

Since 2016, some other jurisdictions have either privatised or commercialised their titles registries through contractual arrangements or legislative amendments or a combination of both. Chapter 1 of this Bill will not be effecting a privatisation. In each of those jurisdictions, the employment of the registrar (or office of the registrar) has remained with the State.

New South Wales

New South Wales enacted the *Land and Property Information NSW (Authorised Transactions) Act 2016* (Authorised Transactions Act), which authorised and facilitated the grant of a concession to a private sector entity to provide the services provided by the Registrar-General in the exercise of the Registrar-General's titles registry functions.

Among other things, the Authorised Transactions Act:

- authorised the transfer, by the Treasurer to the private sector or any public sector agency, the titles registry assets of a public sector entity. 'Titles registry assets' were defined as the assets, rights and liabilities used, accrued or incurred in the course of or otherwise in connection with the titling registry function (section 3);
- authorised arrangements, established by the portfolio Minister with the approval of the Treasurer, to authorise and otherwise facilitate the provision of 'titles registry services' by a private sector entity to which the titles registry assets are transferred (section 4);
- specified the authorised concession is limited to 35 years (but a further authorised concession with a term of up to 35 years can be entered into if the original authorised concession is terminated before the term expires) (sections 4 and 18);

- provided the Registrar-General retains liability for proceedings for compensation under the *Real Property Act 1900*; and
- permitted a penalty provision in the authorised concession arrangement if the operator does not comply with obligations under those arrangements (with such penalty to be paid into the Rectification Retention Account) (section 16).

Victoria

Through contractual arrangements, Victoria commercialised part of the Victorian Land Titles and Registry office granting a 40-year concession and outsourcing to First State Superannuation to provide Victorian land registry services. The Registrar and a cohort of public sector staff were retained in the Department to exercise statutory functions, supported by the private 'operator'.

South Australia

On 7 July 2016, the Treasurer of South Australia announced that the State would commercialise a range of transactional land services and functions.[9]

The Land Services Commercialisation Project was established to manage the process, with expressions of interest sought from the private sector to enter into an exclusive 40-year arrangement to:

- deliver certain transaction processing and customer services (previously provided by the Land Titles Office);
- deliver certain valuation services (previously provided by the State Valuation Office); and
- commercialise Land Services' data and to innovate new products and services (subject to Government approval).

Land Services SA was subsequently appointed as the successful Service Provider, commencing delivery of land titles transactions and property valuation services on 13 October 2017.

Under the new arrangement, the Office of the Registrar-General and Office of the Valuer-General remain within the State Government.

The Office of the Registrar-General's existing functions relating to the administration of real property legislation and the relevant policy affecting land transactions continue under the new service delivery arrangements. In addition, the role now also includes regulatory, legal and contract compliance of the Land Services Agreement between the State and Land Services SA.

Chapter 2, part 1: Fee units

Chapter 2, part 1 of the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Chapter 2, part 2: Repeal of Building Queensland Act 2015 and related amendments

The provisions of the Bill related to the repeal of the BQ Act and amendment of the QIPP Act are specific to the State of Queensland and are not uniform or complementary to the legislation of the Commonwealth or another State.

[9] See https://dpti.sa.gov.au/land/office_of_the_registrar_general/safe_title/the_history_of_the_torrens_title_system.

Chapter 2, part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Chapter 2, part 3 of the Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another State or Territory.

Chapter 2, part 4: Amendment of Public Safety Business Agency Act 2014 and related amendments

Chapter 2, part 4 of the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Chapter 2, part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

Chapter 2, part 5 of the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Chapter 2, part 6: Amendment of Financial Accountability Act 2009

Chapter 2, part 6 of the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Chapter 3: Amendment of Medicines and Poisons Act 2019

The Medicines and Poisons Act is largely consistent with similar legislation in all other jurisdictions.

Notes on provisions

Chapter 1: Queensland Future Fund (Titles Registry)

Part 1 Preliminary

Division 1 Introduction

Clause 1 states that this Act may be cited as the *Debt Reduction and Savings Act 2021*.

Clause 2 provides that:

- The following provisions commence on assent—
    - chapter 1, parts 1 and 4;
    - chapter 1, part 18, division 1, heading;
    - sections 141 and 143;
    - chapter 2, parts 2, 3, 5 and 6;
    - chapter 3;
    - schedules 2, 4 and 6.
- Chapter 2, part 4 and schedule 5 commence on 1 July 2021.
- Sections 144 to 147 commence on 1 July 2021, immediately after the commencement of chapter 2, part 4.
- Chapter 2, part 1 commences on 1 January 2022.
- The remaining provisions commence on a day to be fixed by proclamation.

Clause 3 states the main purpose of the Bill is to support the State's contribution to the Queensland Future (Debt Retirement) Fund established under the QFF Act, which is to be primarily achieved by:

- declaring an entity in which the State has a financial interest to be the entity to whom functions relating to the land registry or water allocations register may be delegated under an Act;
- providing for the transfer of assets, liabilities, rights, responsibilities, obligations, operations, and employees to the entity; and
- providing for the entity to collect and keep fees and other amounts relating to the land registry or water allocations register.

Other purposes of the Bill are to ensure the entity properly performs the functions delegated to it under an Act, and to ensure the accuracy, availability, integrity and security of the land registry or water allocations register are not compromised by the delegation of functions to the entity.

Division 2 Interpretation

Clause 4 provides that defined terms are contained in the dictionary in schedule 2.

Clause 5 defines a 'titles registry function' as the functions of the registrar of titles under a titles registry Act, and the functions of the water allocations registrar under the Water Act, that may be delegated to the operator under those respective Acts.

Clause 6 makes clear that a reference to a 'function' includes a power, and a reference to performing a function includes exercising a power.

Part 2 Operator

Clause 7 declares the operator as Queensland Titles Registry Pty Ltd ACN 648 568 101.

Clause 8 sets out the functions of the operator, which are:

- to perform titles registry functions delegated to it, or other functions given to it, under a titles registry Act;
- to decide, collect and keep titles registry amounts;
- to act as the agent for the State or an official under certain arrangements; and
- to identify and pursue commercial arrangements not inconsistent with a delegated function listed above.

The operator may also perform another function or activity, if it is not inconsistent with the operator's functions under clause 8(1).

Clause 9 provides that the operator's constitution under the Corporations Act must include, and not be inconsistent with, the functions of the operator under clause 8(1).

Clause 10 requires the operator to keep a register of subdelegations of a titles registry function. The register must include the name of the person, or the title of the office of the person to whom the titles registry function is subdelegated, and a description of the function subdelegated and any conditions to which the subdelegation is subject to. The operator may keep the register in the form the operator considers appropriate. Further, the operator must make the register available for inspection by an official upon request.

Part 3 Titles registry amounts

Division 1 Entitlement to collect and keep

Clause 11 entitles the operator to collect and keep titles registry fees and fees and charges under section 285A of the Land Act and section 198A of the LT Act, each being a 'titles registry amount'. These amounts do not form part of the consolidated fund and are a debt owing to the operator.

Division 2 Titles registry fees

Clause 12 specifies that titles registry fees in relation to a titles registry function performed under specified titles registry Acts are those fees mentioned in schedule 1. For the financial year starting on 1 July 2021, the amount for a titles registry fee is the amount specified in schedule 1.

For a financial year starting on 1 July 2022 or subsequent financial years the amount for a titles registry fee is the amount decided under clause 13.

The clause also specifies that the section applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to the fees payable for titles registry functions performed under the titles registry Act.

Importantly, the clause does not affect the operation of any provision of a titles registry Act that provides:

- that no titles registry fee, or a reduced titles registry fee, is payable by a stated entity, for a stated matter or in stated circumstances including, for example, by an exemption; or

- that the whole or a part of a titles registry fee may be waived for a stated entity, a stated matter or in stated circumstances.

Clause 13 specifies that for the financial year starting on 1 July 2022, the amount of a titles registry fee must not be more than the amount specified in schedule 1, CPI indexed for the relevant financial year. For subsequent financial years, the amount of a titles registry fee must not be more than the amount of the fee for the matter for the previous financial year, CPI indexed for the relevant financial year.

'CPI' is defined to mean the all groups consumer price index for Brisbane published by the Australian Bureau of Statistics. 'CPI indexed' is defined to mean, for a financial year (the relevant financial year) the addition of any amount that equates to any percentage increase in the CPI between the following quarters:

- the March quarter for the financial year before the previous financial year to the relevant financial year;
- the March quarter for the previous financial year to the relevant financial year.

Clause 14 requires the operator to give notice (at least 30 business days) to the registrar of titles and registrar of water allocations, and to publish the amounts of each titles registry fee for the financial year in the operator's website.

Division 3 Revocation of delegations

Clause 15 specifies that this division applies if all delegations of titles registry functions by each official to the operator are revoked, and the Minister administering the LT Act declares, by gazette notice that all delegations of titles registry functions have been revoked and division 3 applies. The clause defines the day on which the last of the delegations is revoked as the 'revocation day'.

Clause 16 specifies that the provision allowing the operator to decide, collect and keep titles registry amounts ends when the delegations are revoked. Division 1 (entitlement to collect and keep) and division 2 (titles registry fees) also stop applying.

Clause 17 provides that once delegations are revoked, the fees payable under a titles registry function are those provided under schedule 1 and are to be paid to the State. The provision also enlivens the State's ability to prescribe fees by regulation. The clause further provides that it applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed. Relevantly, the clause does not affect the operation of any provision of a titles registry Act that provides:

- that no fee, or a reduced fee, is payable by a stated entity, for a stated matter or in stated circumstances, including for example by an exemption; or
- that the whole or part of a fee may be waived for a stated entity, a stated matter, or in stated circumstances.

Clause 18 makes clear that after the revocation fees and charges applying under an agreement under section 285A of the Land Act or section 198A of the LT Act are to be paid to the State.

Part 4 Transfer of assets and liabilities and other matters

Clause 19 allows the Minister to decide arrangements that are to apply to the State and the operator to help achieve the main purpose of the Bill through the performance of the operator's functions in clause 8(1). The Minister may decide:

- the most appropriate way for the State to hold an interest in the operator, including for example, by deciding whether shares in the operator are to be transferred to another entity with or without consideration;
- the assets, liabilities, rights, responsibilities, obligations, and operations of the State or an official that are to be transferred to the operator; and
- anything else necessary or incidental to facilitate the operation of the operator in a way that achieves the main purpose of the Bill.

Clause 20 authorises the Minister to take a number of actions, by gazette notice, for the purpose of an arrangement mentioned in clause 19. The transfer notice may, among other things:

- transfer shares in the operator to a stated entity;
- transfer an asset or liability of the State to the operator;
- make a provision about the consideration for the two above matters;
- provide whether, and if so, the extent to which the operator is the successor in law of the State;
- make provision for a legal proceeding that is being, or may be, taken by or against the State or official to be continued or taken by or against the operator.

The Minister may also make a provision about an incidental, consequential or supplemental matter for the purposes of the arrangement. The clause makes clear that the transfer of a liability of the State under a transfer notice discharges the State from the liability, except to extent stated in the notice. Importantly, the transfer notice has effect despite any other law or instrument. Finally, the gazette notice has effect on the day it is published or a later day and time stated in the notice.

Clause 21 states the Minister may not perform a function under this part on or after 1 July 2022.

Clause 22 deals with the effect on legal relationships under this part. The clause protects the State or an officer, employee, or agent of the State, and the operator or an officer, employee, or agent of the operator, from liability for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty. It also deems the advice of a person to have been given, and the consent or approval of a person to have been obtained where that advice, consent or approval would be necessary to do something under this part.

Clause 23 provides that no duty under the *Duties Act 2001* is payable in relation to anything done under a transfer notice.

Part 5 Transfer of employees

Clause 24 defines 'eligible employee'.

Clause 25 provides that on commencement, an eligible employee becomes an employee of the operator, ceases to be employed as a public service employee and the records of the land registry (to the extent they relate to the employment of the eligible employee) become records of the operator.

Clause 26 sets out the preserved employment conditions and rights of the eligible employees. This includes how benefits, entitlements, remuneration, existing and accrued leave are treated and that the transfer does not constitute a retrenchment, redundancy, or termination of the employee's employment by the State.

Clause 27 provides that an eligible employee has a right to return to being a public service employee within 12 months after the commencement, by giving a written notice to the chief executive officer of the operator.

Clause 28 provides that if an eligible employee elects to return to being a public service employee:

- the employee is taken not to have stopped being a public service employee when the employee was transferred;
- the employee's service as a public service employee is taken to have continued while the employee was employed by the operator; and
- the employee's terms of employment are the same terms of employment that applied to the employee before the employee's transfer, subject to any changes in relevant laws or industrial instruments applying to the employee's employment.

Part 6 Performance of titles registry functions

Division 1 Preliminary

Clause 29 states that this part applies if an official has delegated a titles registry function of the official to the operator under a titles registry Act.

Clause 30 allows the operator (or a person to whom the operator has subdelegated a title registry function) to act under the title of the official when performing the titles registry function. The clause makes clear that it does not prevent the operator (or a person subdelegated a titles registry function) from acting under the name of the operator.

Division 2 Roles

Clause 31 states the role of the official is to monitor and review the operator's performance of the titles registry function in the way and to the extent the official considers appropriate.

Clause 32 states the role of the operator is to ensure the titles registry function is properly exercised by the person to whom it is subdelegated under the titles registry Act.

Division 3 Directions

Clause 33 states that the official may give the operator a direction about the performance of a titles registry function. An official may only give a direction if the official considers it is necessary to give the direction to ensure:

- the proper performance of titles registry functions delegated to the operator;
- the official is able to properly perform the official's titles registry functions; or
- the accuracy, availability, integrity or security of a titles register.

Such a direction may be given orally if the official considers immediate actions need to be taken for a matter. However, if the direction is given orally, the official must confirm the direction in writing as soon as practicable after giving the direction. An arrangement entered into between the State and the operator may deal with the consequences of noncompliance with a direction.

Division 4 Administration

Clause 34 allows the Minister administering the LT Act to appoint an administrator to act in place of the operator for performing the operator's functions under clause 8(1) for only the following reasons:

- ensure the proper performance of titles registry functions delegated to the operator;
- ensure an official is able to properly perform titles registry functions not mentioned in the preceding dot point;
- ensure the accuracy, availability, integrity or security of a titles register.

The Minister must also publish, by gazette notice, the name of the administrator and the period for which the administrator is appointed. The Minister's function of appointing an administrator cannot be delegated.

Clause 35 sets out the functions of an administrator and states that the Bill and each relevant titles registry Act apply in relation to the administrator as if the administrator was the operator. The administrator has all the responsibilities, obligations, and functions of the operator to the extent they relate to performing the relevant functions during the period. The administrator may revoke an existing subdelegation, and may (but is not required to) subdelegate a titles registry function to another appropriately qualified employee of the operator.

Clause 36 requires the operator to give the administrator reasonable help to perform the administrator's functions.

Clause 37 specifies that the costs of the administrator in performing the administrator's functions are payable by the operator. These costs include the administrator's remuneration at a rate decided by the Minister administering the LT Act, and costs reasonably incurred by the administrator in performing the operator's functions under clause 8(1). Furthermore, the State can recover the costs that are unpaid by the operator as a debt.

Clause 38 provides that titles registry amounts and other amounts received by the administrator in relation to the performance of the operator's functions under clause 8(1) during the period of the administration are payable to the operator.

Division 5 Report about titles registry functions

Clause 39 provides that the chief executive of the department in which the LT Act is administered must include in the department's annual report, details of the performance of titles registry functions by the operator and information about any appointment of an administrator. The operator must, if requested by the chief executive, give the information .

Division 6 Limitation of review

Clause 40 makes clear part 4 of the JR Act does not apply to:

- decisions of an official to give a direction under clause 33; or
- a decision of the Minister to appoint an administrator under clause 34.

Decisions are final and conclusive, cannot be challenged or appealed and are not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground. However, part 5 of the JR Act applies to the extent that the decisions are affected by jurisdictional error.

Part 7 Operation of other laws

Clause 41 provides that to the extent the operator is performing a title registry function, the operator is a unit of public administration under the CC Act, a public authority under the IP Act, a public authority under the PR Act and a public authority under the RTI Act. The operator is also a public entity under the HR Act, to the extent that the operator is performing a titles registry function or another function of a public nature under that Act, section 10.

Importantly, the operator is an entity mentioned for the IP Act, PR Act and RTI Act in relation to a document received, created or otherwise in the possession of the operator in performing the titles registry function.

In relation to the IP Act and the RTI Act, a reference in section 126 of the IP Act and section 113 of the RTI Act to the responsible Minister is a reference to the Minister administering the LT Act. The clause applies despite a provision of an Act mentioned in the clause.

Clause 42 is a displacement provision which declares sections 38, 39, 40(4) and 40A(5) of the CC Act as displacement provisions for section 5G of the Corporations Act in relation to section 1317AAE. This clause is similar to the provision contained in the section 156(8) of the *Government Owned Corporations Act 1993.*

Part 8 Miscellaneous

Clause 43 allows the operator and an official to ask the other for any information relevant to the performance of function. Also, the official is authorised to give information to the operator in relation to achieving the main purposes of the Bill as mentioned in clause 3(2)(b). To remove any doubt the clause declares it authorises the use and disclosure of personal information as defined under section 12 of the IP Act.

Clause 44 imposes a duty on the operator to disclose all information in its possession or control about a matter relating to a titles registry function performed by the operator for an official if the matter is the subject of a proceeding; or the operator believes (or ought reasonably to believe), the matter may become the subject of a proceeding. However, the clause does not apply in relation to a matter that is the subject of a proceeding to which the operator is a party. The duty to disclose continues until the proceeding is finally decided or otherwise ends or the matter is no longer in effect or the operator reasonably believes it will otherwise no longer become the subject of a proceeding.

Clause 45 provides protection to an employee of the operator, and an administrator appointed under clause 34 from civil liability for an act or omission done honestly and without negligence in performing their respective functions. If the clause prevents liability attaching to a person, the liability will instead attach to the State. The clause makes clear that section 26C of the PS Act does not apply to an employee of the operator or an administrator.

Clause 46 provides that the State or an official may enter into arrangements with the operator for the operator to act as the agent of the State or an official in the circumstances listed.

Clause 47 provides that the Governor in Council may make regulations under the Bill and may provide for a maximum 20 penalty units for a contravention of a regulation.

Part 9 Repeal and transitional provisions

Division 1 Repeal

Clause 48 repeals the *Land Title Regulation 2015, SL No. 145* and *Foreign Ownership of Land Register Regulation 2013, SL No. 152* as the matters provided under those regulations are now provided for under the Bill.

Division 2 Transitional provisions

Clause 49 is a transitional provision which makes clear that section 11 applies to a fee or charge that becomes payable under a titles registry Act or an agreement after commencement even if the matter for which the fee or charge became payable happened before commencement or the agreement was entered into before commencement.

Clause 50 is another transitional provision which states that a fee or charge continues to be payable to, and recoverable as a debt by, the State, if the fee or charge became payable under a titles registry Act or agreement before commencement, immediately before commencement the fee had not been paid and but for the clause the fee would be a titles registry amount.

Clause 51 allows a transitional regulation to make provision about:

- a matter that: relates to titles registry functions of an official that has been or is to be delegated to the operator; provides for the transition of a matter to allow or facilitate the performance of the function by the operator under the delegation; and is not sufficiently provided for by the Bill or a titles registry Act; or
- a matter that: allows or facilitates the doing of anything to achieve the transition from the operation of a former provision of a titles registry Act to the operation of a new provision of a titles registry Act; and is not provided, or sufficiently provided, for by the Bill or a titles registry Act.

The transitional regulation may have retrospective operation to a day not earlier than the day the section commences and expires one year later.

Part 10 Amendment of Building Units and Group Titles Act 1980

Clause 52 provides this part amends the *Building Units and Group Titles Act 1980* (BUGT Act).

Clause 53 inserts new definitions in section 7(1) for 'approved form', 'registrar of titles', 'titles registry fee' and 'titles registry function' due to the insertion of new sections 133B and 133C.

Clause 54 inserts new:

- section 133B, which creates a new power for the registrar of titles to approve land registry forms; and
- section 133C, which state that fees payable in relation to a titles registry function performed under the BUGT Act are provided for under the *Queensland Future Fund (Titles Registry) Act 2021*.

Clause 55 amends the regulation-making powers to remove the power to prescribe fees and forms as the operator will have the power to decide, collect and keep titles registry fees and the registrar will have the power to approve forms (in addition to the chief executive, and referee for their respective forms).

Clause 56 inserts new transitional provisions for approved forms. The section applies for forms approved for a purpose under the section 4 of the BUGT Regulation immediately before commencement. From commencement, a form approved for use for sections 41 or 117 will be taken to be a form approved by the referee under section 133B(1); a form approved for titles registry functions will be taken to be a form approved by the registrar of titles under section 133B(2); or otherwise, a form is taken to be a form approved by the chief executive under section 133B(3).

Part 11 Amendment of Foreign Ownership of Land Register Act 1988

Clause 57 provides that this part amends the FOLR Act.

Clause 58 replaces existing section 15 (Delegations) to enable the registrar to delegate the registrar's powers to a qualified public service employee employed in the department, and the registrar's functions to the operator. If a function is delegated to the operator, the operator must subdelegate the operator's function to an appropriately qualified employee of the

operator. The operator may impose conditions on a subdelegation that are not inconsistent with any conditions to which the operator is subject.

Clause 59 inserts a new subsection in section 44(2) to make it clear that the protection from liability does not apply to an employee of the operator in relation to carrying out a titles registry function by the employee under the *Queensland Future Fund (Titles Registry) Act 2021*. This is because protection for the operator's employees will be provided under clause 45 of the Bill.

Clause 60 replaces section 44A to enable the registrar to approve forms under the Bill rather than having a form that is prescribed by regulation.

Clause 61 inserts a new section 44C which flags to readers that the *Queensland Future Fund (Titles Registry) Act 2021* provides for the fees that are payable in relation to a titles registry function performed under the FOLR Act.

Clause 62 amends section 45 by removing the regulation-making power for the Governor in Council to prescribe fees and the purpose for which a fee is payable because the operator will have the power to decide, collect and keep titles registry fees. The clause also removes the power for the registrar to give approvals in relation to styles of forms to assist with computerised printing of information on prescribed forms. These provisions were never used and were considered redundant.

Clause 63 inserts a new transitional provision (section 53) to provide that from commencement, a form approved by the registrar as in force before commencement, is taken to be a form approved by the registrar under section 44A.

Clause 64 amends the definitions in schedule 1 to insert a new definition of approved form and to amend the definition of registrar to include a reference to the LT Act.

Part 12 Amendment of Forestry Act 1959

Clause 65 provides that this part amends the *Forestry Act 1959.*

Clauses 66 and 67 amend sections 61RM and the heading in part 6E, division 11, subdivision 2 to substitute references to 'chief executive (lands)' with 'registrar of titles'. This amendment is required to directly vest titles registry functions from the chief executive (lands) on the registrar of titles. This will in turn enable the registrar to delegate the registrar's titles registry functions to the operator.

Clause 68 amends section 61TL by substituting references to 'chief executive (lands)' with 'registrar of titles' to vest the power directly on the registrar of titles. This will then allow the registrar to delegate the powers in relation to preparing and registering caveats to the operator.

Clause 69 amends section 61TS by substituting references to 'chief executive (lands)' with 'registrar of titles' to vest the power directly on the registrar of titles. This will then allow the registrar to delegate the powers to the operator. The clause also amends section 61TS to make clear that if the registrar of titles delegates the registrar's functions of keeping the register to the operator, then references in subsections 61TS(4), (6) and (7) apply as if each reference to the registrar were a reference to the operator. The clause also inserts a new subsection (9) to define titles registry fee, for a matter mentioned in subsections (1)(a) or (b), to mean the fee payable for the matter under section 61TV.

Clause 70 omits section 61TV, which provides for protection from liability for a person performing the registry functions, because the protection from liability for employees of the operator will be contained within the Bill, and in relation to the registrar of titles and the chief executive in which the Land Act is administered, their protection will be contained under amended section 96E. However, the clause replaces the previous section 61TV with a new

section 61TV to specify that the fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under the Act. As a result, a new definition of 'titles registry fee' has been inserted under subsection (2).

Clause 71 replaces existing section 96C to allow the registrar to delegate the registrar's functions under the Act to an appropriately qualified public service employee or the operator . The operator is then required to subdelegate those functions to an appropriately qualified employee of the operator. The operator may impose conditions on the subdelegation that are not inconsistent with any conditions to which the delegation to the operator is subject.

Clause 72 amends section 96E to highlight that the operator's employees are covered by the immunity under section 45 of the Act. The provision makes other amendments to the definition of 'State official' to extend the protection from liability to the registrar of titles.

Clause 73 inserts the transitional provisions, to provide for the following matters, as a result of the amendments to vest functions under the Act on the registrar of titles (rather than the chief executive (lands)):

- the register of plantation licences kept by the chief executive before commencement continues and must be kept by the registrar of titles under new section 61RM;
- from commencement, engagements and agreements under former section 61TS that have not ended and have not been transferred to the operator under the transfer notice are taken to have been entered into by the registrar of titles under new section 61TS;
- a form approved by the chief executive (lands) under former section 61RU in force before commencement is (from commencement) taken to be a form approved by the registrar of titles;
- from commencement, new section 96E applies in relation to an act or omission done before commencement as if the chief executive (lands) was a State official within the meaning of the section;
- from commencement, anything done by or in relation to the chief executive (lands) under the Bill before the commencement in relation to a titles registry function is, (from the commencement), taken to have been done by or in relation to the registrar of titles;
- if a thing done by the chief executive (lands) before the commencement is or includes a direction or requirement (however called), applying to a person, the person must comply with the direction or requirement in relation to the registrar of titles. If the doing of a thing in relation to the chief executive (lands) required or allowed the chief executive (lands) to take action in relation to a thing that was not done before commencement, the registrar of titles is required to take the action. And, if the Act required the chief executive (lands) to have a particular opinion, belief or state of mind in order to take the action, the registrar of titles must have the opinion, belief or state of mind to take the action.
- from commencement, a reference in a document to the chief executive may, if the reference relates to a registry function, and the context otherwise permits, be taken to be a reference to the registrar of titles.

Clause 74 inserts the definition of titles registry operator in schedule 3 (Dictionary).

Part 13 Amendment of Land Act 1994

Clause 75 provides that this part amends the *Land Act 1994.*

Clause 76 amends section 275 to include a reference in the land register to plantation licences. Schedule 3 of the Bill (in the Land Act amendments) then inserts a new definition of 'plantation licence' in schedule 6 to mean a plantation licence under the Forestry Act.

Clause 77 makes a corresponding amendment to section 276 to:

- provide that the registrar (rather than the chief executive (lands)) must keep registers about land required to be kept or permitted by the chief executive; and
- include a corresponding amendment as a result of the amendment to section 275 to include in the list of registers to be kept by the registrar, the register of plantation licences.

Similarly, schedule 3 of the Bill (in the Land Act amendments) then inserts a new definition of 'register of plantation licences' in schedule 6.

Clause 78 amends section 281 by substituting references to 'chief executive' with 'registrar of titles'. This has the effect of vesting the chief executive's functions directly on the registrar, which in turn will enable the registrar to delegate those functions to the operator;

Clause 79 amends section 284, which allows a person to search the register on the payment of the fee prescribed by regulation, to substitute references to 'chief executive' with 'registrar of titles' and 'fee prescribed under a regulation' with 'titles registry fee'. Section 284 currently allows the chief executive to:

- engage an entity for the purpose of allowing a person to search the land registry or to obtain copies of particulars, documents or other information kept in the registry; and
- enter into an agreement with another department allowing the department to carry out a search or obtain a copy without payment of the fee.

The amendments will have the effect of vesting the chief executive's functions on the registrar of titles so that the registrar may delegate to the operator the registrar's functions to engage an entity and to enter into agreements with departments. To that end, new subsection (8) makes clear if the registrar of titles delegates the registrar's functions of keeping the land registry to the titles registry operator, this function applies as if each reference to the registrar were a reference to the operator.

Clause 80 amends section 285A, which currently allows the chief executive to enter into an agreement to supply statistical data derived from documents or information kept in the land registry. If the chief executive supplies statistical data, the fees and charges applying to the supply of the data are the fees and charges agreed to in the agreement and the agreement may also state how the fees and charges are to be calculated and how the payment of the fee and charges is to be made. The amendments under clause 80 will vest this function on the registrar of titles so that the registrar may delegate the function to the operator as it is intended that these agreements would be transferred to the operator under the transfer notice. Similar to section 284, new section 285A(8) makes clear that if the registrar of titles delegates the registrar's function of keeping the land registry to the operator, the section applies as if each reference to the registrar were a reference to the operator.

Clause 81 substitutes references to 'chief executive' in section 286A with 'registrar of titles' in order to vest the function of keeping the manual of land practice on the registrar of titles. This will then allow the registrar to delegate the function to keep the manual to the operator. The clause also replaces references to 'land registry staff' with a reference to 'persons performing functions in relation to the land registry'. The clause makes minor amendments to merge subsections (2)(a), (b) into one paragraph. The provision also includes a new reference to the *Forestry Act 1959*, section 61RW(1)(b).

Clause 82 amends section 294BA (single area for lots to which building management statement applies) by replacing references to 'chief executive' with 'registrar of titles'. This has the effect of vesting those functions directly on the registrar of titles. This will then enable the registrar to delegate the functions to the operator.

Clause 83 relocates existing sections 87(2) to (4) of the Land Regulation as new section 306A to provide that the titles registry fee paid for lodging a document will be forfeited where the document is rejected.

Clause 84 relocates existing section 87(5) of the Land Regulation as new section 316A, to provide that no titles registry fee is payable for the lodgement and registration of a document that relates to the acquisition by the State of an interest in land, or the release or surrender by the State of an interest in land, other than a fee simple interest.

Clause 85 amends section 339T and omits subsection 339T(5), which states that a decision could not be limited or otherwise affected by a power of the chief executive under division 3.

Clause 86 consequentially amends the heading for chapter 6 to substitute the reference to 'chief executive's caveat' with 'caveats by registrar of titles'.

Clause 87 amends section 389L by omitting 'chief executive' and replacing it with 'registrar of titles'. This will have the effect of vesting the chief executive's function to prepare and register a caveat over a relevant tenure in favour of the State on the registrar of titles, which in turn will enable the registrar to delegate the function to the operator.

Clause 88 amends section 393 by replacing references to an 'officer or employee of' and replacing it with 'an appropriately qualified public service employee' under subsections (1) and (2). The amendment has been made to bring the provision in line with the current drafting approach and for consistency with the new delegation provision for the registrar of titles.

Clause 89 inserts a new section 393AA to authorise the registrar of titles to delegate the registrar's functions to an appropriately qualified public service employee in the department and under the control of the registrar, or to the operator. If the functions and powers are delegated to the operator, the operator must subdelegate the function to an appropriately qualified employee of the operator. The operator may also impose conditions on that subdelegation that are not inconsistent with any conditions to which the delegation of the operator is subject. The new section also states that if the registrar of titles delegates the registrar's function of keeping the land registry to the operator, a refence in an Act to an office is taken to be a reference to an office of the operator where documents may be lodged and that is published on the operator's website.

Clause 90 amends section 438 to exclude from its application titles registry fees, and fees and charges applying under an agreement under section 285A (Supply of statistical data) so that these are not treated as debts owing to the State. A note has been included to direct readers to section 11 of the *Queensland Future Fund (Titles Registry) Act*, which provides for titles registry amounts that the operator is entitled to collect and keep.

Clause 91 replaces existing section 444 to distinguish the chief executive's existing power to approve forms from the proposed new power of the registrar to approve forms for use under the Act in relation to the land registry. The amendment will allow the chief executive to continue to approve forms for use under the Act, other than in relation to the land registry. The registrar would then be able to delegate the registrar's function to approve forms in relation the land registry to the operator.

Clause 92 inserts a new section 445 to highlight that a fee payable in relation to a titles registry function performed under the Land Act is provided for under the *Queensland Future Fund (Titles Registry) Act*.

Clause 93 amends the regulation-making powers in section 448 to remove the regulation-making powers in relation to lodgement and registration of forms and other documents, and to make clear that the Governor in Council can continue to make regulations in relation to :

- fees, other than titles registry fees;
- how fees, other than titles registry fees, are to be paid and may be recovered, including the provision of credit facilities to persons approved by the chief executive;
- transitional arrangements if a new form is approved by the chief executive, other than a titles registry form;
- the execution of non-registry documents (which is defined to mean a document that is prepared other than for depositing or lodging in the land registry); and
- anything else about a form approved by the chief executive or a non-registry document.

Clause 94 inserts transitional provisions as a result of the amendments proposed by the Bill. The new sections provide that:

- each register kept by the chief executive before commencement continues and must be kept by the registrar of titles;
- the manual of land practice kept by the chief executive under the former section 286A before commencement continues and must be kept by the registrar of titles;
- from the commencement, engagements and agreements under former sections 284 or 285A that have not ended or have not been transferred to the operator under the transfer notice are taken to have been entered into by the registrar of titles under new sections 284 and 285A respectively;
- forms approved by the chief executive under former section 444 before commencement are, from the commencement, taken to be:
    - if the form is approved for use other than in relation to the land registry—a form approved by the chief executive under new section 444(1); or
    - if the form was approved for use in relation to the land registry—a form approved by the registrar of titles under new section 444.
- from the commencement, the approval of a form or of a document by the chief executive under the Electronic Conveyancing National Law (Queensland) is taken to be an approval by the registrar of titles;
- anything done by or in relation to the chief executive (lands) under the Act before the commencement is, from the commencement, taken to have been done by or in relation to the registrar of titles;
- from commencement, if a thing done by the chief executive (lands) before the commencement is or includes a direction or requirement (however called), applying to a person, the person must comply with the direction or requirement in relation to the registrar of titles. If the doing of a thing in relation to the chief executive (lands) required or allowed the chief executive (lands) to take action in relation to a thing that was not done before commencement, the registrar of titles is required to take the action. And, if the Act required

the chief executive (lands) to have a particular opinion, belief or state of mind in order to take the action, the registrar of titles must have the opinion, belief or state of mind to take the action.

- from commencement, a reference in a document to the chief executive may, if the reference relates to a registry function, and the context otherwise permits, be taken to be a reference to the registrar of titles.

Clause 95 amends existing definitions in schedule 6 (namely, 'approved form', 'registrar', 'appropriate form' and 'dedication notice') as a result of the amendments to the Land Act and inserts new definitions of 'titles registry fee' and 'titles registry operator'.

Part 14 Amendment of Land Title Act 1994

Clause 96 provides that this part amends the *Land Title Act 1994.*

Clause 97 inserts a new subdivision 1 in division 1 of part 2: 'Registrar and land registry'.

Clause 98 amends section 7 by substituting references to 'chief executive' with 'registrar'. The amendment has the effect of vesting directly on the registrar, the keeping of the land registry. This will enable the registrar to delegate the function of keeping the land registry to the operator. The clause further amends the items included in the land registry by removing 'registers about land required or permitted by an Act to be kept by the registrar' and inserting new references to the power of attorney register and the Foreign Ownership of Land Register, along with associated definitions.

Clause 99 replaces existing section 9 with a new delegation provision similar to the delegations for the FOLR Act (section 15), Forestry Act (section 96C) and the Land Act (section 393AA), and inserts new section 9AA (Use of registrar's title).

Under new section 9, the registrar may delegate the registrar's functions to an appropriately qualified public service employee or the operator. If a function is delegated to the operator, the operator must subdelegate the function to an appropriately qualified employee of the operator. The operator's subdelegation can be subject to conditions that are not inconsistent with any conditions to which the delegation to the operator is subject.

New section 9AA replicates existing section 393(6) of the Land Act to provide that a public service employee delegated a function of the registrar under the LT Act or another Act may when performing the function, act under the title of 'registrar of titles'.

Clause 100 amends section 9A (which provides that the registrar may keep the land title practice manual) to expand its purpose. That is, the manual is currently kept for the information and guidance of land registry staff; the amendment will ensure the manual is kept for the information and guidance of persons performing functions in relation to the land registry to ensure it captures the operator's staff. The amendments also updates the drafting style by merging the directions powers under existing paragraphs (2)(a), (b) and (ba) into one paragraph (2)(a).

Clause 101 amends section 23, which currently provides that a person required to appear as a witness before an inquiry is entitled to the witness fees prescribed by regulation, or if no fees are prescribed, the reasonable witness fees decided by the registrar. To date, no fees have been prescribed and as a result the registrar has the discretion to decide reasonable witness fees. The amendments will omit the power to prescribe fees and continue the current practice for the registrar to decide reasonable witness fees.

Clause 102 amends section 35(1), which currently allows a person, on payment of the fee prescribed under a regulation, to:

- search and obtain a copy of the indefeasible title of a lot, a registered instrument, an instrument that has been lodged but is not registered or information kept under the Act; or
- obtain a copy of the indefeasible title of a lot, or a registered instrument certified by the registrar to be an accurate copy.

Subsection 35(4) allows the chief executive to engage an entity for allowing persons to search the land registry or obtain copies of indefeasible titles, registered or other instruments, or information kept in the registry. The amendment in subclause (3) will vest on the registrar (rather than the chief executive) the power to engage the entity. This in turn, will enable the registrar to delegate the power to the operator.

In addition section 35 currently allows the registrar to enter into an arrangement with another department allowing the department to carry out a search or obtain a copy under the section without payment of the fee mentioned in section 35(1). Under the amended delegation power in section 9A, the registrar will be able to delegate this function to the operator. Accordingly, new subsection (8) provides that if the registrar of titles delegates the registrar's functions of the keeping of the land registry to the titles registry operator, subsections 35(4), (6) and (7) apply as if a reference to the registrar were a reference to the operator.

Clause 103 inserts a new section 157A to replicate existing sections 6(2) to (5) of the LT Regulation, which will be repealed under chapter 1, part 9.

Clause 104 inserts a new section 167A to replicate existing sections 6(6) and (7) of the LT Regulation, which will be repealed under chapter 1, part 9.

Clauses 105 and 106 make corresponding amendments to sections 188 and 188A, which provide for compensation for misfeasance for deprivation of an interest in a lot, and for loss or damage respectively to replace the existing reference to the 'registrar or a member of the staff of the land registry' with:

- the registrar or a public service employee of the department performing a function or carrying out a duty under the Act; or
- the titles registry operator or an employee of the operator in relation to the performance of a titles registry function under the *Queensland Future Fund (Titles Registry Act) 2021*.

The amendments ensure that both sections 188 and 188A apply to the operator and its staff.

Clause 107 amends section 193, which provides for protection from liability, to replace the reference to 'land registry staff' with the words 'public service employees of the department performing a function or carrying out a duty under this Act'. The amendment is required because on commencement, 'titles registry staff' will be the staff of the operator. The amendment is also required because the operator's employees will be protected from civil liability under clause 45 of the Bill, not section 193.

Clause 108 replaces existing section 194 to shift the power to approve forms from the chief executive to the registrar of titles. This will enable the registrar to delegate this function to the operator.

Clause 109 amends section 196A, which deals with the publication of particular public notices on the department's website. The amendment omits the definition of 'official' as the provision will now only apply to the registrar of titles. The clause also replaces existing subsection (3) to provide that the registrar must ensure the notice is published on the relevant websites for a total of at least 10 business days. 'Relevant website' is defined to mean the department's

website; and for a public notice relating to a titles registry function that has been delegated to the operator under the Act, the operator's website.

Clause 110 amends section 198A (Supply of statistical data) to make clear that if the registrar delegates the registrar's functions of keeping the land registry to the titles registry operator, then the section applies as if references to the registrar were references to the operator. This amendment is similar to the amendment made by clause 80 above to section 285A of the Land Act.

Clause 111 inserts a new section 198B to highlight that fees payable for a titles registry function performed under the Act are provided under the *Queensland Future Fund (Titles Registry) Act 2021*.

Clause 112 amends section 199 to remove the regulation-making powers under subsection (2). However, the clause does not affect the existing power of the Governor in Council to make a regulation under subsection 199(3).

Section 113 provides for transitional provisions as a result of the amendments in the Bill. The new sections provide that:

- the land registry kept by the chief executive before commencement continues and must be kept by the registrar of titles;
- on commencement, engagements and agreements under former section 35(4) that have not ended or have not been transferred to the operator under the transfer notice are taken to have been entered into by the registrar of titles under new section 35(4);
- forms approved by the chief executive under former section 194 before commencement are, from commencement, taken to be approved by the registrar.
- if before the commencement, the chief executive had published a notice on the department's website under the former section 196A, and before commencement the notice had not been published for a total of at least 10 business day, the registrar must ensure the notice is published on the department's website so that the total number of business days the notice is published (whether before or after the commencement and whether or not consecutive) is at least 10 business days.

Clause 114 amends schedule 2 (Dictionary).

Part 15 Amendment of Property Law Act 1974

Clause 115 provides that this part amends the *Property Law Act 1974.*

Clause 116 inserts a new section 350A to highlight to the reader that a fee payable in relation to a titles registry function performed under the Act will be provided under the *Queensland Future Fund (Titles Registry) Act 2021*.

Clause 117 amends section 351 to make clear that the Governor in Council can continue to make regulations about fees under the Act, other than titles registry fees as those fees will be determined, collected and kept by the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

Clause 118 inserts a new definition of 'titles registry fee' in the schedule 6 dictionary.

Part 16 Amendment of South Bank Corporation Act 1989

Clause 119 provides that this part amends the *South Bank Corporations Act 1989.*

Clause 120 amends the section 3 dictionary to replace the definition of 'approved form' and to insert a new definition of 'registrar of titles' to clarify that it is the registrar of titles under the *Land Title Act 1994*.

Clause 121 inserts the following new sections:

- section 114A—allows the registrar of titles to approve forms for use in relation to the land registry and the corporation manager to approve forms other than those approved by the council or registrar. This section does not apply to a form for use under schedule 4 as those forms are dealt with under section 133A of schedule 4; and
- section 114B—provides that fees payable in relation to a titles registry function performed under the Act will be provided for under the *Queensland Future Fund (Titles Registry) Act 2021*. The section does not apply in relation to a titles registry function performed under schedule 4 as fees are dealt with under section 133B of schedule 4

Clause 122 inserts transitional provisions to provide for forms. New section 142 provides that forms approved by the council before commencement are taken to be approved by the council under new section 114A. Similarly, forms approved under the *South Bank Corporation Regulation 2014*, section 28 before commencement are taken to be:

- if the form was approved by the chief executive of the department in which the LT Act is administered—a form approved by the registrar of titles under new section 114A(2); or
- otherwise—a form approved by the corporation manager under new section 114A(3).

For forms approved before commencement under the *South Bank Corporation (Modified Building Units and Group Title) Regulation 2014*, the forms are taken to be:

- if the form was approved by the corporation manager—a form approved by the referee under schedule 4, section 133A(1); or
- if the form was approved by the chief executive of the department in which the LT Act is administered—a form approved by the registrar of titles under schedule 4, new section 133A(2); or
- otherwise—a form approved by the corporation manager under schedule 4, new section 133A(3).

Clause 123 inserts new definitions into section 7 of schedule 4 for 'approved form', 'corporation manager', 'registrar of titles', and 'titles registry fee'.

Clause 124 inserts new sections 133A and 133B to provide that:

- the referee, registrar of titles or corporation manager may approve forms for use under the Act for the specified matters; and
- the fees payable in relation to a titles registry function under the Act are provided for under the *Queensland Future Fund (Titles Registry) Act 2021*.

The fee payable for a lodgement or registration or dealing executed by a body corporate under sections 21, 22 or 23 is the fee that would be payable under the *Queensland Future Fund (Titles Registry) Act 2021*.

Part 17 Amendment of the Water Act 2000

Clause 125 provides that this part amends the *Water Act 2000.*

Clause 126 amends section 151 by substitution of the reference to 'chief executive' with 'registrar'. The effect of the amendment is that the registrar will have the ability to require:

- an applicant to give additional information about a correction when making necessary corrections to the name of the holder of the existing water entitlement when recording the granting or amending of the water allocation; or
- any information about the correction, or any additional information required under the above dot point, to be verified by statutory declaration.

Clause 127 amends section 168 by removing the regulation-making power for the water allocations register, as these matters can be provided for under the land title practice manual.

Clause 128 inserts new sections 169A and 169B which deal with delegation and use of the registrar's title respectively. Under new section 169A, the registrar may delegate the registrar's functions under the Act to an appropriately qualified public service employee or the operator. If the functions and powers are delegated to the operator, the operator must subdelegate the function to an appropriately qualified employee of the operator. The operator may impose conditions on that subdelegation provided they are not inconsistent with the conditions to which the delegation to the operator is subject. New clause 169B provides that a public service employee delegated this function may act under the title of 'registrar of water allocations' when performing the function. This provision is similar to section 393(6) of the Land Act and new section 9AA of the LT Act.

Clause 129 amends section 172 to insert a reference to a titles registry fee to ensure that no fee under the Act (including a titles registry fee) or duty under the *Duties Act 2001* is payable for recording a priority notice given under the Act.

Clause 130 amends section 173 by inserting further provisions of the LT Act that will not apply to matters under this part. The amendment is needed to correct a missed consequential amendment. The amendment includes references to the following parts of the LT Act:

- part 6A, community titles scheme;
- part 6, division 4, easements;
- part 6, division 4AA, high-density development easements;
- part 6, division 4A, covenants;
- part 6, division 4B, profits a prendre; and
- part 6, division 4C, carbon abatement interests.

Clause 131 amends section 175 by replacing the reference to fees prescribed by regulation with relevant titles registry fee.

Clause 132 inserts a note in section 1010 to highlight to readers that the indemnity provision for employees of the operator is contained in section 45 of the *Queensland Future Fund (Titles Registry) Act 2021*.

Clause 133 replaces section 1013 to allow the registrar of titles to approve forms for use under the Act in relation to the water allocations register and makes clear that the chief executive can approve forms for use under the Act, other than in relation to the water allocations register.

Clause 134 amends section 1013B to make clear that the fees or charge payable under this section are fees that have been made under a regulation under the Act.

Clause 135 amends section 1013C by clarifying that payment methods prescribed under this section do not include titles registry fees.

Clause 136 amends section 1013CA by clarifying that the section does not apply in relation to titles registry fees.

Clause 137 inserts new sections 1013CB, 1013CC and 1013CD to:

- highlight that fees payable in relation to a titles registry function performed under the Act are provided for under the *Queensland Future Fund (Titles Registry) Act 2021*;
- provide for the matters currently contained in section 130(2) of the Water Regulation (forfeiture of fee on rejecting instrument), which will be repealed;
- provide for the matters currently contained in section 130(4) of the Water Regulation, which will be repealed. However, the clause does not replicate section 130(4)(b) (deposit or removal of an administrative advice by the State) as this matter is provided at schedule 1, part 3, division 2, item 4.

Clause 138 amends the regulation-making powers in section 1014 to clarify that the Governor in Council may make regulations to fix fees and charges, other than titles registry fees, because the power to decide, collect and keep titles registry fees will be vested directly with the operator.

Clause 139 inserts a new transitional provision for forms approved by the chief executive under section 1013 before commencement which will be taken to be approved under either new section 1013(1) or (2).

Clause 140 amends the schedule 4 (Dictionary) by inserting new definitions of 'registrar of titles', 'titles registry fee' and 'titles registry operator'.

Part 18 Other amendments

Division 1 Amendment of this Act

Clause 141 provides that this division amends this Act.

Clause 142 amends the long title of the Act.

Clause 143 amends the short title of the Act.

Clause 144 replaces the commencement clause.

Clause 145 omits section 4(2) of the Act.

Clause 146 relocates and renumbers chapter 2, part 1 to chapter 1, part 19.

Clause 147 omits the heading to chapter 1.

Division 2 Other amendments

Clause 148 states that schedule 3 amends the legislation it mentions.

Chapter 2: Other Debt Reduction and Savings Measures

Part 1: Fee units

Division 1 Amendment of Acts Interpretation Act 1954

Clause 149 provides that this division amends the AIA.

Clause 150 inserts a new part 12B in the AIA and a new section 48B and 48C.

New section 48B provides for the value of a fee unit for different Acts. It also establishes a regulation making power specifically for this Treasurer administered part of the Act.

New section 48C provides for how the amount of a fee or other matter is to be worked out when it is expressed as a number of fee units.

Clause 151 amends schedule 1 (Meaning of commonly used words and expressions) of the AIA to provide that the term 'fee unit', for an Act, means a unit of the value provided under section 48B of the AIA for the Act.

Division 2 Amendment of Statutory Instruments Act 1992

Clause 152 provides that this division amends the *Statutory Instruments Act 1992* (SIA).

Clause 153 amends schedule 1 (Provisions of Acts Interpretation Act 1954 that apply to statutory instruments) of the SIA to remove reference to 'part 12A' of the AIA and replace it with reference to 'parts 12A and 12B' of the AIA to account for the insertion of a new part 12B in accordance with this part of the Bill.

Part 2: Repeal of Building Queensland Act 2015 and related amendments

Division1 Amendment of Queensland Industry Participation Policy Act 2011

Clause 154 states that this division amends the *Queensland Industry Participation Policy Act 2011*.

Clause 155 inserts a new heading for part 4, division 1 into the *Queensland Industry Participation Policy Act 2011* which relates to Transitional and Savings provisions.

Clause 156 inserts a new part 4, division 2 into the *Queensland Industry Participation Policy Act 2011*. Part 4 comprises new sections 17 to 30.

New section 17 provides that in this division, a term defined under the repealed Act but not under this Act has the meaning it had under the repealed Act. The repealed Act means the repealed *Building Queensland Act 2015*.

New section 18 provides that on commencement, Building Queensland (BQ) and its board are abolished and each board member goes out of office. No compensation is payable as a result. Subsection (3) clarifies that this does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before commencement.

New section 19 provides that on commencement, the chief executive officer of BQ goes out of office and the contract of employment ends. No compensation is payable as a result, other than as expressly provided for under the contract of employment. Subsection (3) clarifies that this does not limit, or otherwise affect, the chief executive officer's right to a benefit or entitlement that had accrued before commencement. However, subsection (4) clarifies this benefit or entitlement stops accruing and becomes payable on commencement, as if the contract of employment had been terminated on that day according to the terms of the contract and other than by the chief executive officer.

New section 20 provides that the State is the successor in law of BQ.

New section 21 provides that the assets and liabilities of BQ immediately before the commencement become the assets and liabilities of the State held in the department.

New section 22 provides that all records and other documents of BQ immediately before the commencement are transferred to the department upon commencement.

New section 23 provides that the State is a party in place of BQ to contracts, agreements, undertakings, other arrangements and instruments to which BQ was a party immediately before commencement.

New section 24 provides for the registering authority to register or record the transfer of, or other dealing affecting, an asset, liability or instrument, without charge.

New section 25 applies if, immediately before the commencement, a proceeding could have been started by or against Building Queensland within a particular period. The proceeding may be started by or against the State.

New section 26 provides that, in relation to a proceeding that immediately before commencement had not ended and to which BQ was a party, the State becomes a party to the proceeding in place of BQ.

New section 27 applies to a person who, immediately before the commencement, was an employee of BQ other than the chief executive officer. On the commencement, the person is taken to be a public service employee of the department and ceases to be employed by BQ.

New section 28 provides for the effect on legal relationships of a thing done under this division.

New section 29 provides for the validity of things done under this division, despite contrary provisions in another Act or instrument.

New section 30 provides that a reference to BQ in an Act or document is taken to be a reference to the State, if the context permits.

Division 2 Repeal

Clause 157 repeals the *Building Queensland Act 2015*.

Division 3 Amendment of other legislation

Clause 158 states that schedule 4 of the Bill amends other legislation.

Part 3: Amendment of National Injury Insurance Scheme (Queensland) Act 2016

Clause 159 provides for amendments to the *National Injury Insurance Scheme (Queensland) Act 2016*.

Clause 160 amends section 55 by inserting new subsection (2) to provide that the agency is governed by the chief executive officer.

Clause 161 amends section 58(1) by inserting new subsection (ga) to provide the main functions of the agency include setting the investment objectives for the fund or part of the fund and establishing investment strategies and policies to achieve the objectives. The function described in new subsection (ga) substantially replicates the function of the board under subsection 67(1)(d) which is to be omitted pursuant to clause 163.

Clause 161(2) renumbers section 58(1)(ga) and (h) as section 58(1)(h) and (i).

Clause 161(3) inserts new subsections (3) and (4) into section 58 which outlines the main functions of the agency. The insertion of new section 58(3) enables the agency to appoint an entity to perform, or advise the agency about performing, the function under section 58(1)(h) which is to set the investment objectives for the fund or part of the fund and establishing investment strategies and policies to achieve the objectives. New section 58(4) states that an entity appointed under subsection (3) must be (a) an entity nominated by the Treasurer; or (b) if the Treasurer has not nominated an entity – the advisory board known as the State

Investment Advisory Board established under the *Queensland Treasury Corporation Act 1988*, section 10.

New subsections 58(3) and (4) substantially replicate the provisions of subsections 67(3) and (4) which are to be omitted pursuant to clause 163 and update the references to the State Investment Advisory Board in place of the Long Term Asset Advisory Board.

Clause 162 replaces current section 64 with a new section 64 which states to whom the agency may delegate its functions or powers under the Act. New section 64 provides that the agency may delegate the agency's functions or powers under the Act to an appropriately qualified person who is (a) the chief executive officer; or (b) an employee of the agency; or (c) a person who performs work for the agency under a contractual or other arrangement; or (d) an employee of an entity that performs work for the agency under a contractual or other arrangement. These provisions substantially replicate the provisions of current subsection 64(c) – (f) of the Act. Current subsections 64(a) – (b) are no longer applicable as the board will be abolished.

Clause 163 omits chapter 3, part 2 relating to the establishment, functions and membership of the board.

Clause 164 omits section 81(2) and inserts new subsections 81(2), (3) and (4). The amendment to section 81(2) reflects the new appointment process for future chief executive officers by providing that the chief executive officer is appointed by the Governor in Council. The insertion of new subsection 81(3) states the chief executive officer is appointed under the NIISQ Act and not the *Public Service Act 2008*. New subsection 81(4) provides that the Governor in Council may appoint a person who is a public service officer to hold the office of chief executive officer in conjunction with the person's public service office.

Clause 165(1) amends section 82 by omitting subsection 82(1) – (3). Subsection 82(1) now states that the chief executive officer holds office for the term, not longer than 5 years, stated in the instrument of the officer's appointment. Section 82(2) is amended to provide that the chief executive officer may be reappointed under subsection (1) even if the total of the terms of the appointment and reappointment is more than 5 years.

Subsection 82(3) is amended by replacing the reference to the board and the Treasurer's approval with a reference to the Governor in Council with effect that the Governor in Council may end the chief executive officer's appointment for any reason or none.

Clause 165(2*)* makes consequential changes to subsection 82(4) consistent with the amendments made in subsection 82(1) by replacing 'contract of employment' with 'terms of the officer's appointment'.

Clause 165(3*)* amends section 82(5) by replacing the reference to the board with a reference to the Minister with effect that the chief executive officer may resign by giving a signed notice of resignation to the Minister.

Clause165(4) replaces the definition of *required period* in subsection 82(6) with effect the *required period* means the period (a) stated in the chief executive officer's instrument of appointment or contract of employment; or (b) otherwise agreed with the Minister.

Clause 166 replaces current section 83 to separate the determination of the chief executive officer's remuneration and terms of appointment and provide flexibility for determining the terms on which the chief executive officer holds office. New subsection 83(1) states that the chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council. Subsection 83(2) provides the chief executive officer holds office on the terms (a)

provided for by the NIISQ Act; or (b) stated in the chief executive officer's contract of employment; or (c) decided by the Governor in Council. However, under new subsection 83(3), new section 83 does not apply to a public service officer appointed as the chief executive officer.

Clause 167 replaces section 84 outlining the chief executive offer's responsibilities with a new subsection 84(1) that states the functions of the chief executive officer are to (a) manage the agency; and (b) ensure the agency's functions are performed in a proper, effective and efficient way; and (c) develop strategies and policies about the performance of the agency's functions. New subsection (2) provides that the chief executive officer's functions also include any other function given to the chief executive under this Act. These functions substantially replicate the functions of the board set out in current section 67(1)(a) – (c) which are omitted as provided for by clause 163.

Clause 168 amends subsections 86(1) and (2)(b) to omit the reference to the board with effect that the chief executive officer must give to the Treasurer quarterly reports about the agency's financial position and performance.

Clause169 makes consequential changes by replacing each reference to the board in the heading of section 87 and in section 87(1) and (2), with a reference to the chief executive officer, and replacing 'board's' with 'chief executive officer's' in section 87(1).

Clause 170 makes consequential changes to subsections 88(2) and (3), with effect that the Treasurer may require the chief executive officer to report to the department and the chief executive officer must comply with the requirement.

Clause 171 amends subsection 91(1) to replace a reference to the board with a reference to the agency, with effect that the agency has responsibility for preparing the draft strategic and draft operational plan.

Clause 172 amends section 92 to replace a reference to the board with a reference to the agency with effect that the agency may modify its strategic and operational plans only with the written agreement of the Treasurer.

Clause 173 amends section 136 by replacing the reference to the board in the heading of section 136 and in subsection 136(1) with a reference to the chief executive officer with effect that the Treasurer may give a written direction to the agency or the chief executive officer.

Clause 174 amends section 139 to replace the reference to the board with a reference to the chief executive officer, with effect that the chief executive officer may approve forms for use under the NIISQ Act.

Clause 175 inserts part 1 Transitional provisions for Act No. 34 of 2016 as the new heading for chapter 9, part 1.

Clause 176 makes a minor amendment to section 141 by replacing the word 'chapter' with the word 'part'.

Clause 177 inserts new chapter 9, part 2 and provides for transitional provisions for the *Queensland Future Fund (Titles Registry) Act 2021*.

These transitional provisions insert a number of new sections.

New section 146 provides that on commencement, the board is abolished and that each member of the board goes out of office.

New section 147 subsection (1)(a) provides that the person holding office as the chief executive officer immediately before the commencement goes out of office; and new

subsection (1)(b) provides the person's contract of employment mentioned in former section 82 ends. New section 147 subsection (2) states that no compensation is payable to the chief executive officer other than as expressly provided under the person's contract of employment. To remove any doubt, subsection (3) declares that the section does not limit or otherwise affect the person's right to a benefit or entitlement that had accrued or was accruing before the commencement. New subsection (4) provides that in this section 'former section 82' means section 82 as in force from time to time before the commencement.

New section 148 subsection (1) provides that this section applies until the Governor in Council appoints a chief executive officer under section 81. Section 148(2) provides that the insurance commissioner (a) is the chief executive officer of the agency; and (b) is taken to have been appointed under section 81. Section 148(3) defines the insurance commissioner to mean the insurance commissioner under the Insurance Act in the commissioner's official capacity, but not in the capacity of insurance commissioner or nominal defendant under that Act. Insurance Act is defined in the dictionary in schedule 1 of the NIISQ Act to mean the *Motor Accident Insurance Act 1994*.

New section 149 provides that a reference in the NIISQ Act to an approved form includes a reference to a form approved by the board under section 139 as in force immediately before the commencement.

Clause 178(1) omits the terms board, chairperson and deputy chairperson from the definitions contained in schedule 1 (Dictionary) of the NIISQ Act.

Clause 178*(2)* amends the definition of approved form by replacing the word 'board' with 'chief executive officer' such that approved form means a form approved by the chief executive officer under section 139.

Part 4: Repeal of Public Safety Business Agency Act 2014 and related amendments

Division 1 Amendment of Police Service Administration Act 1990

Clause 179 provides that this division amends the *Police Service Administration Act 1990*.

Clause 180 omits the definitions 'PSBA', 'PSBA chief operating officer', 'PSBA employee', 'relevant PSBA employee' and 'seconded officer'. As the *Public Safety Business Agency Act 2014* is repealed through a later amendment in this Bill, these definitions are no longer needed.

Clause 181 omits a reference to 'the PSBA chief operating officer' and 'an appropriately qualified person in the PSBA' in section 4.10.

This clause also renumbers section 4.10.

Clause 182 omits section 5.13C, which authorises the police commissioner to enter into arrangements with the PSBA chief operating officer in relation to secondments of, or work performance agreements for, police officers. As the PSBA is to be disestablished through the repeal of the *Public Safety Business Agency Act 2014,* this section is no longer required.

Consequently, this clause omits section 5.13C.

Clause 183 makes a technical amendment through omitting the definition of 'relevant PSBA employee' and removing reference to the term 'or relevant PSBA employee' from the definitions of 'authorised person' and 'critical area'.

Clause 184 makes amendments to section 5A.3 as a consequence of the repeal of the *Public Safety Business Agency Act 2014* through a later amendment in this Bill.

This clause amends section 5A.3 by omitting section 5A3(1)(f), the term 'whether or not the officer is seconded' and references to relevant PSBA employees.

Clause 185 omits terms in section 5A.21A made superfluous through the repeal of the *Public Safety Business Agency Act 2014* by a later amendment in this Bill. These terms include 'or a seconded officer, and any relevant PSBA employee', 'or the PSBA chief operating officer' and 'or relevant PSBA employee'.

This clause also renumbers this section.

Clause 186 makes a technical amendment to section 5AA.3 by omitting a reference to 'a PSBA employee'.

This clause also renumbers this section.

Clause 187 omits a reference to 'a PSBA employee or'.

This clause also amends sections 5AA.5(2) and 5AA.5(4) through removing all reference to the PSBA chief operating officer as a relevant CEO and omitting any responsibility to disclose information the PSBA COO would have had under section 5AA.5.

Clause 188 makes a technical amendment to section 5AA.12 by omitting a reference to 'a PSBA employee or'.

Clause 189 makes a technical amendment to remove the term 'PSBA employee or' from the heading of section 5AA.13.

This clause also omits a reference to 'a PSBA employee or' from this section.

Clause 190 omits section 8.3(6A) which has become superfluous through the repeal of the *Public Safety Business Agency Act 2014* by a later amendment in this Bill.

Clause 191 makes a technical amendment to ensure that a reference to section 5A.21A(4) is correctly made.

Clause 192 amends section 10.9. Section 10.9 provides in part that if an Act requires or authorises a document to be given or served on the commissioner, service is taken to be effective if the document is given or served on a person holding a position in the PSBA nominated by the commissioner for this section.

As the *Public Safety Business Agency Act 2014* is repealed by a later amendment in this Bill and the PSBA is to be reintegrated into public safety entities, those parts of section 10.9 that have become superfluous are omitted.

This clause also makes a further technical amendment by omitting the term 'or a PSBA employee whose duties include performing a function for the service' from this section.

Clause 193 inserts a repeal provision and a range of transitional provisions in the new division 12 'Repeal and transitional provisions for the *Queensland Future Fund (Titles Registry) Act 2021*' into part 11. This new division consists of sections 11.20 to 11.34 which are explained below:

New section 11.20 repeals the *Public Safety Business Agency Act 2014*.

New section 11.21 defines the PSBA to mean the Public Safety Business Agency in existence immediately before the repeal of the *Public Safety Business Agency Act 2014* and the repealed Act to mean the *Public Safety Business Agency Act 2014* in force immediately before its repeal.

New section 11.22 provides that, in this subdivision, terms defined under this Act will have the same meaning as a term defined under the repealed Act.

New section 11.23 provides that upon the repeal of the *Public Safety Business Agency Act 2014*, the PSBA board dissolves and each board member ceases to be a member. No compensation is payable through the dissolution of the PSBA board. This section does not affect a right a person had to a benefit or entitlement that had accrued prior to this section commencing.

Currently, the role of PSBA chief operating officer is performed by an acting chief operating officer. New section 11.24 provides that, upon its commencement, the appointment of the acting chief operating officer ends. No compensation is payable through the ending of this appointment. This section does not affect a right the acting chief operating officer had to a benefit or entitlement that had accrued prior to this section commencing.

New section 11.25 provides that a permanent full-time or part-time employee of the PSBA immediately before the commencement of this section will be employed by the department that the person was notified that they would be employed within upon the dissolution of the PSBA. This section also provides that a person's secondment to the PSBA will end upon the dissolution of the PSBA.

This section confirms that this change will not interrupt a person's continuity of service, prejudice an employee's existing or accruing right to long service leave, constitute a termination of employment by the PSBA, retrenchment or redundancy, or entitle a person to a payment or benefit simply because the person is no longer employed by the PSBA.

New section 11.26 provides that the State is the successor in law of the PSBA.

New section 11.27 provides that upon the commencement of this section all assets and liabilities of the PSBA become assets and liabilities of the State.

New section 11.28 provides that upon the commencement of this section all records and documents of the PSBA become records and documents of the State.

New section 11.29 applies to a contract, agreement, undertaking, arrangement or other instrument to which the PSBA was a party immediately before its repeal (a current instrument). This section provides that the State becomes a party in the current instrument in place of the PSBA. This section will operate so that:

- any right, title, interest or liability of the PSBA will become a right, title, interest or liability of the State;
- a current instrument, including a benefit or right provided by a current instrument given to or in favour of the PSBA is taken to be given to or in favour of the State;
- an application relating to a current instrument in the name of the PSBA will be taken to have been made in the name of the State;
- an amount payable to the PSBA under a current instrument is taken to be payable or may become payable to the State; and
- a current instrument under which property other than money is or may become liable to be transferred, conveyed or assigned to or by the PSBA is taken to be an instrument under which property that is or may become liable to be transferred or conveyed or assigned to or by the State.

New section 11.30 provides that the State will replace the PSBA as a party to a proceeding that had not ended upon the commencement of this section.

New section 11.31 provides that if, immediately prior to the commencement of this section, a proceeding could have been started by or against the PSBA within a particular period, the proceeding may be started by or against the State within the period.

New section 11.32 applies to the registrar of titles or any other entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments (the registering authority). The commissioner of police or the commissioner under the *Fire and Emergency Services Act 1990* must comply with any relevant procedures required by the registering authority to register or record the transfer or other dealing.

New section 11.33 provides that a thing done under this subdivision does not make the State liable for a civil wrong, contravention of a law or breach of contract. Further, the operation of this subdivision will not make the State liable for a breach of any instrument including an instrument prohibiting, restricting or regulating the assignment, novation or transfer or a right or liability or the disclosure or information.

The new section 11.33 also provides that the operation of this subdivision does not fulfil a condition that:

- terminates, or allows a person to terminate an instrument of obligation;
- modify or allows for the modification of the operation or effect of an instrument;
- allows a person to avoid or enforce an obligation or liability in an instrument or requires a person to perform an obligation in an instrument; or
- requires any money to be paid before its stated maturity.

Finally, this section provides that if giving notice to a person would be necessary to do something under this subdivision, notice is taken to have been given.

New section 11.34 provides that, in an Act or document, a reference to the PSBA is a reference to the State, if the context permits.

Clause 194 omits the term 'PSBA employees, applicants to become PSBA employees' from this schedule.

Division 2 Amendment of other legislation

Clause 195 contains schedule 5 which makes minor amendments to the legislation it lists as a consequence of the repeal of the *Public Safety Business Agency Act 2014*.

Part 5: Repeal of Queensland Productivity Commission Act 2015 and related amendments

Division 1 Amendment of City of Brisbane Regulation 2012

Clause 196 provides that this division amends the *City of Brisbane Regulation 2012* (CB Regulation).

Clause 197 inserts a new section 38 in the CB Regulation to give the QCA the power to give an information requirement notice to the council or, if applicable, the corporatised business entity, when investigating a competitive neutrality complaint about the council or the corporatised business entity. This power substantively replicates the power of the QCA in regard to a 'government agency' under new section 48 in new part 4 of the QCA Act, and section 46 of the repealed QPC Act, with minor changes to reflect modern drafting practice. Section 46 of the repealed QPC Act previously applied to the processing, investigating and reporting on competitive neutrality complaints under the CB Regulation because of section 3(1)(a) of the repealed QPC Regulation.

Clause 198 inserts a new section 43A in the CB Regulation to provide that a person disclosing information to the QCA can request that it be treated confidentially on the basis that the person believes disclosure of the information is likely to damage the person's commercial activities. This provision substantively replicates new section 52 in new part 4 of the QCA Act, except that the definition of person in new section 43A includes a local government or business entity

Clause 199 inserts a transitional provision in new chapter 10, part 10 in the CB Regulation which provides for the transfer of any existing ongoing competitive neutrality complaints from the QPC to the QCA.

Division 2 Amendment of Queensland Competition Authority Act 1997

Clause 200 provides that this division amends the QCA Act.

Clause 201 provides for the transfer of the functions of the QPC relating to the principle of competitive neutrality under sections 9(1)(e) and 9(1)(f) of the repealed QPC Act, to the QCA. It also renumbers the paragraphs in section 10 of the QCA Act which list the functions of the QCA to reflect modern drafting practice.

Clause 202 amends section 12(3) of the QCA Act to exclude the investigation of a competitive neutrality complaint from the Minister's power of direction under section 12(3). This amendment reflects the effect of section 12(2)(a) of the repealed QPC Act. The clause inserts a new section 12(5) in the QCA Act to remove the redundant section 12(5)(b). It also deletes the reference in section 12(5) to section 10(e) of the QCA Act and replaces it with reference to section 10(g) of the QCA Act, as a result of the renumbering of the paragraphs in section 10 of the QCA Act.

Clause 203 inserts a new part 4 in the QCA Act. Part 4 replicates the competitive neutrality provisions of part 5 of the repealed QPC Act, with a new provision to allow the Minister to approve a guideline that sets out the process for dealing with competitive neutrality complaints to be followed by the QCA. Minor drafting amendments have also been made to the new part 4, including the structure of the provisions, to reflect modern drafting practice. These minor amendments do not change the meaning of the provisions in part 5 of the repealed QPC Act, which are inserted in the new part 4.

The new part 4 of the QCA Act includes new sections 48 and 52. These sections replicate part 7, division 3, of the repealed QPC Act, with minor changes to limit their application to government agencies and to reflect modern drafting practice. Consequential amendments have been made to the *City of Brisbane Regulation 2012* and the *Local Government Regulation 2012* to apply part 7, division 3, of the repealed QPC Act, to the investigation of competitive neutrality complaints relating to local governments, the council, or a corporatised business entity.

New section 38 defines the principle of competitive neutrality in the QCA Act, by replicating the definition in section 32 of the repealed QPC Act. New section 38 also defines a significant business activity by reference to section 39(3). The definition replicates section 32(2) of the repealed QPC Act, with a minor change to reflect modern drafting practice.

New section 39(1) gives the Minister the power, on the recommendation of the QCA, to decide that a business activity carried out by a government agency other than a government owned corporation is a significant business activity. New section 39(2) requires the Minister to given written notice of the decision to the government agency. New section 39(3) defines a significant business activity. It replicates section 33(2) of the repealed QPC Act, with minor changes to reflect modern drafting practice. New section 39(4) requires the QCA to publish a list of all

significant business activities on its website which replicates the requirement in section 33(1) of the QPC Act.

New section 40 defines a competitive neutrality complaint. It replicates section 31 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 41 sets out which persons may make a competitive neutrality complaint to the QCA, how the complaint is to be made, and the details required by the QCA. It replicates section 34 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 42 provides that the QCA may require the complainant to give it further information about the complaint. It replicates section 35 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 43 provides that the Minister may approve a guideline setting out the process for dealing with competitive neutrality complaints to be followed by the QCA and published on its website. Section 36 of the repealed QPC Act provided for this process to be set out in the competitive neutrality policy prescribed by regulation. Section 2 of the repealed QPC Regulation provided that the prescribed policy for the purpose of section 36 was the policy contained in the document called 'Competitive Neutrality and Queensland Government Business Activities' published by the Government and dated July 1996. New section 258 provides that this policy is a guideline for the purpose of section 43.

New section 44 provides that the QCA must investigate a competitive neutrality complaint under division 4 unless the QCA refuses to deal with, or to continue to deal with, the complaint under section 45.

New section 45 gives effect to section 37 of the repealed QPC Act, with the inclusion of new subsection (b), and minor changes to reflect modern drafting practice. New subsection (b) reflects a QPC policy regarding its process for competitive neutrality complaints.

New section 46 provides that division 4 applies if the QCA is required to investigate a competitive neutrality complaint against a government agency.

New section 47 replicates section 38 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 48 substantively replicates section 46 of the repealed QPC Act, with changes made to reflect that the new section 48 is limited in its application to the QCA's function of investigating competitive neutrality complaints about a government agency, and modern drafting practice.

New section 49(1) replicates section 39 of the repealed QPC Act, with minor changes to reflect modern drafting practice. New sections 49(2) and (3) replicate section 40 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 50 replicates section 41 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 51 replicates section 42 of the repealed QPC Act, with minor changes to reflect modern drafting practice.

New section 52 provides that a person disclosing information to the QCA under part 4 can request that it be treated confidentially on the basis that the person believes disclosure of the information is likely to damage the person's commercial activities. New section 52 gives effect to section 47 of the repealed QPC Act, with changes that:

- reflect that the new section 52 is limited to confidentiality requests relating to the investigation of competitive neutrality complaints under new part 4;
- include a definition of 'contractor', previously included in the schedule 1 Dictionary of the repealed QPC Act; and
- reflect modern drafting practice.

Clause 204 amends section 234 of the QCA Act to reflect the renumbering of paragraphs in section 10 of the QCA Act.

Clauses 205 to 209 renumber the existing transitional provisions and make minor consequential amendments in the QCA Act so that the existing transitional provisions are included in a single part 12 rather than a series of parts, to reflect modern drafting practice.

Clause 210 inserts transitional provisions in new part 12, division 6, of the QCA Act.

New section 256 provides that words defined under the repealed Act and used in this division have the same meaning as they do under the repealed Act. The repealed Act is the *Queensland Productivity Commission Act 2015*.

New section 257 provides that any existing ongoing competitive neutrality complaint under part 5 of the repealed QPC Act will be transferred to the QCA.

New section 258 provides that the existing competitive neutrality policy prescribed under section 2 of the repealed QPC Regulation for the purpose of section 36(2) of the repealed QPC Act continues to apply as a guideline under the new section 43.

New section 259 provides that on commencement, the QPC and its board are abolished and that the principal commissioner goes out of office.

New section 260 provides that the State is the successor in law of the QPC.

New section 261 provides that on commencement the assets and liabilities of the QPC become the assets and liabilities of the State held in the department.

New section 262 provides for the transfer to the State of any contract, agreement, undertaking or other arrangement to which the QPC was a party, and for any instrument that applied to the QPC to apply to the State. New section 262 is subject to section 265.

New section 263 provides that any proceeding that could have been started against the QPC but had not yet started, may be started against the State.

New section 264 provides that, in relation to a proceeding that immediately before commencement had not ended and to which the QPC was a party, the State becomes a party to the proceeding in place of the QPC.

New section 265 provides that persons employed as a member of the QPC's staff immediately before the commencement, other than a person employed as an executive manager or on a casual basis, become employees of the department upon commencement.

New section 266 provides that a thing may be done under this division despite any other law or instrument.

New section 267 provides for the effect on legal relationships of a thing done under this division.

New section 268 provides that in an Act or document a reference to the QPC is, if the context permits, a reference to the State.

Clause 211 amends the dictionary in schedule 2 of the QCA Act to include definitions of 'competitive neutrality complaint', 'complainant', and 'principle of competitive neutrality'. The definition of 'government agency' in the QCA Act has been amended to include a subsidiary of a government owned corporation for the purpose of the new part 4, to replicate the definition in schedule 1 of the repealed QPC Act.

Division 3 Amendment of Local Government Regulation 2012

Clause 212 provides that this division amends the *Local Government Regulation 2012* (LG Regulation).

Clause 213 inserts a new section 50 in the LG Regulation to give the QCA the power to give an information requirement notice to the relevant local government or, if applicable, the corporatised business entity, when investigating a competitive neutrality complaint about the local government or the corporatised business entity. This power substantively replicates the power of the QCA in regard to a 'government agency' under section 48 in new part 4 of the QCA Act, and section 46 of the repealed QPC Act, with minor changes to reflect modern drafting practice. Section 46 of the repealed QPC Act previously applied to the processing, investigating and reporting on competitive neutrality complaints under the LG Regulation because of section 3(1)(b) of the repealed QPC Regulation.

Clause 214 inserts a new section 55A in the LG Regulation to provide that a person disclosing information to the QCA can request that it be treated confidentially on the basis that the person believes the disclosure of the information is likely to damage the person's commercial activities. This provision substantively replicates new section 52 in new part 4 of the QCA Act, except that the definition of person in new section 55A includes a local government or business entity.

Clause 215 inserts a transitional provision in new chapter 21 of the LG Regulation which provides for the transfer of any existing ongoing competitive neutrality complaints from the QPC to the QCA.

Division 4 Repeal

Clause 216 repeals the *Queensland Productivity Commission Act 2015*, No. 29.

Division 5 Amendment of other legislation

Clause 217 provides that schedule 6 amends the legislation it mentions.

Part 6: Amendment of Financial Accountability Act 2009

Clause 218 provides that this part amends the *Financial Accountability Act 2009* (FAA).

Clause 219 inserts a new part 5A comprising of sections 88B to 88L in the FAA.

New section 88B sets out the purpose of the new part 5A.

New sections 88C(1) and (2) provide that the new part 5A applies to requirements under State law or policy to publish information, using print publication, to the extent the requirement applies to a State entity being a Minister, accountable officer, department or statutory body.

New sections 88C(3) and (4) exclude from the scope of the new part 5A each of the following print publication or advertising requirements:

(a) publication in the government gazette;

(b) a requirement of general application, that is, a print requirement that applies to entities other than government entities;

(c) a requirement imposed under a national scheme law, that is, a State law that is substantially uniform with or corresponds to a law of the Commonwealth or another State; and

(d) tabling documents in the Legislative Assembly.

New section 88D provides a definition for the concept of 'print requirement'.

New section 88E provides certain definitions used in the new part 5A. Materially, the definition of 'statutory body' defined in the existing section 9 of the FAA is extended to include government owned corporations (and their subsidiaries) and to exclude some statutory bodies such as Universities, the Queensland Law Society, and bodies that do not represent the State and in which a local government is entitled to participate in the management or profits.

New section 88F implements the substantive purpose of the new part 5A. It provides that a Minister, accountable officer or statutory body must ensure that information which is the subject of a statutory print requirement is not published in print, but is instead published online, either on a government website, in an online version of a newspaper, or on a different website if appropriate.

New section 88G ensures that any non-compliance with the new provisions does not affect the validity of any published notice, instrument or other document.

New sections 88H-88K provide for certain exemptions to the online publication measure.

New section 88H provides for an exemption from the online publication measure where the print publication is to take place in a regional newspaper. For this purpose, a regional newspaper is a newspaper circulating in a regional area of the State, that is not a state-wide or national newspaper. Regional areas are described using the ABS Remoteness Index as areas outside major cities (generally speaking, this means areas outside Greater Brisbane, Ipswich, the Gold Coast and the Sunshine Coast).

New section 88I provides for an exemption from the online publication measure where the purpose of the print publication includes information about, or prevents or lessens, a serious risk to life, health or safety.

New section 88J provides for an exemption from the online publication measure where the print publication is required to be displayed at a particular place, or sent to a person.

New section 88K provides for special exemptions from the online publication measure where the print publication relates to the courts or tribunals, the Public Trustee dealing with unclaimed estates, or public housing developments under the *Planning Act 2016*.

New section 88L provides for a 2-year transitional regulation-making power under which further exemptions to the online publication measure can be prescribed.

Clause 220 amends schedule 3 (Dictionary) of the FAA for consistency with the above amendments.

Chapter 3: Amendment of Medicines and Poisons Act 2019

Clause 221 provides that this chapter amends the *Medicines and Poisons Act 2019*.

Clause 222 amends section 18 (Meaning of *deals* with a regulated substance). Clause 18(1) inserts paragraph (fa) to amend the definition of *deals* to provide that if a substance is a prohibited substance, a person deals with the substance if they otherwise use the substance. In limited circumstances, an approval may be given to use a prohibited substance and the approval

would need to outline the type of use that is approved. For example, an approval may be given to use a prohibited substance for:

- analytical reagents for detection of substances of abuse;
- veterinary applications (such as use as a tranquiliser or sedative for large zoo animals);
- scientific research, such as understanding the pharmacology of novel treatments in mental health disorders; and
- novel treatment and/or management of severe mental health disorders not responsive to conventional treatments (such as depression or post-traumatic stress disorder).

Clause 222(2) updates a cross-reference.

Clause 222(3) renumbers the paragraphs.

Clause 223 amends section 19 (Meaning of *pest management activity*, *fumigation activity* and *pest control activity*). This clause amends section 19(2)(d) to clarify that a fumigation activity includes the preparation or use of a substance to carry out another activity prescribed by regulation to be a fumigation activity. This amendment aligns the provision with current drafting practice.

Clause 224 amends section 20(b) (Meaning of *regulated activity*) to provide that a regulated activity includes asking or directing another person to carry out a pest management activity. This ensures the regulations can specify that a person can ask or direct another person to carry out a pest management activity, such as laying baits provided this occurs under appropriate supervision.

Clause 225 amends section 21 (Meaning of *manufacture* a regulated substance) to update the definition of *manufacture* to include supply for administration to an animal. This ensures when manufacturing a regulated substance, manufacture includes any process or step undertaken to produce the regulated substance or to prepare the regulated substance for supply to the public or a person, including administration to an animal. For example, a feed mill may manufacture a feed for animals that contains an S4 medicine.

Clause 226 amends the heading of section 25 (Meaning of supply-related terms) to clarify that the provision includes definitions about particular terms for supply. This is a minor drafting clarification.

Clause 227 amends section 30 (How a person is authorised under the Act). This clause amends the example in section 30(1)(d) to replace ‘an employee or representative of the holder of a substance authority’ with ‘a person employed by the holder of a substance authority’. The definition of ‘employ’ in the Act is sufficiently broad and includes a person engaged on a contract for services. This provides more certainty about who is intended to be authorised to carry out regulated activities with regulated substances under section 30.

Clause 228 amends section 31 (Meaning of *authorised way*). This clause amends section 31(b) to replace the words ‘the requirements’ with ‘any requirements’. This is a minor drafting improvement for clarity and makes the language consistent with section 31(c).

Clause 229 omits and replaces section 41 (Restrictions for monitored medicines) with a new provision titled ‘Requirement to check database for particular dealings with monitored medicines’. New section 41 is substantially the same as existing 41, with the following changes and clarifications:

- the term ‘proposed action’ has been replaced with ‘proposed dealing’;

- the terms ‘prescriber’ and ‘dispenser’ have been replaced with ‘relevant practitioner’.

‘Relevant practitioner’ is defined to mean a health practitioner prescribed by regulation to be a relevant practitioner for section 41. Therefore, the regulations will specify which practitioners are required to check the monitored medicines database. There may be changes from time to time in which practitioners are authorised to prescribe, dispense or give treatment doses of monitored medicines under regulations, so this amendment allows a regulation to specify the ‘relevant practitioners’ who will be required to check the monitored medicines database to ensure it remains consistent with the practitioners authorised to prescribe, dispense or give treatment doses.

The maximum penalty of 20 penalty units for a failure to check the monitored medicines database remains unchanged from existing section 41.

Clause 230 omits and replaces section 42 (Offence to dispose of waste from S8 medicine). Section 42 (Offence to dispose of waste from diversion-risk medicines) provides it is an offence for a person to dispose of waste from a diversion-risk medicine unless the person:

- disposes of the waste in the authorised way; or
- has a reasonable excuse.

The offence carries a maximum penalty of 200 penalty units, which is the same as the penalty in existing section 42.

Section 42(2) provides the offence does not apply to a person who:

- discards waste by placing it under the control of a person authorised to dispose of waste under the Medicines and Poisons Act, such as returning the waste to a pharmacist for disposal in a ‘return unwanted medicines’ bin; or
- discards or destroys the waste under another law, such as the holder of an environmental authority under the *Environmental Protection Act 1994* destroying waste in accordance with the authority.

Section 42 currently only applies to waste from an S8 medicine, but this provision has been extended to apply to all diversion-risk medicines. Diversion-risk medicines will be prescribed by regulation and will include medicines with a higher risk of being diverted for illicit use and includes all S8 medicines, and some S4 medicines (for example, anabolic steroidal agents, growth hormones, codeine and barbiturates).

The ‘Return Unwanted Medicines’ or RUM scheme is funded by the Australian Government to ensure unwanted or expired medicines can be disposed of safely. Under the scheme, unwanted or expired medicines can be returned to any community pharmacy, free of charge.

Clause 231 amends section 43 (Offence to apply poisons). This clause omits section 43(2)(b) and renumbers section 43(2)(c) as section 43(2)(b).

Section 43 provides it is an offence for a person to apply a poison, other than an S5 or S6 poison, unless the person is lawfully supplied the poison and the person applies the poison in the authorised way or in accordance with the poison's approved label. The requirements for applying a poison in accordance with the label will be dealt with by regulation, as some poisons do not have approved labels, such as baits. The regulation will be clear that if a poison is required to be labelled, then the poison should still be applied in accordance with the label. As these requirements will vary depending on scheduling of the substance, it is more appropriate for them to be dealt with in the regulations, rather than the Act.

Clause 232 amends section 44 (Offence to carry out pest management activities). This clause omits the phrase 'on an unprocessed product located' from section 44(2)(a) and omits the definition of *unprocessed product* from section 44(4).

An *unprocessed product* is currently defined as an agricultural or horticultural product that is located in the place where it was produced and has not been processed for sale. Section 44 provides it is an offence for a person to carry out a pest management activity, unless the person carries out the activity in the authorised way. The intent of the amendment is to not limit the exemption for primary producers using a pesticide to unprocessed products if they are undertaking the pest management activity on their own land. For example, some products may be processed or partly processed by a primary producer on their own land and it is intended they should be able to apply pesticides in these cases, such as, applying a pesticide (for example, an insecticide) to grains, fruit and vegetables after removing the outer leaves or husk of the harvested crop. The primary producer removing the husk or leaves could be considered as partly processing the products.

Clause 233 amends section 47 (Offence to dispose of waste from *hazardous poison*, *pesticide* or *fumigant*). This clause omits the note in section 47 and inserts a new section 47(2), which is consistent with new section 42(2) inserted by the Bill. Section 47(2) provides that the offence in section 47(1) of not disposing of waste from a hazardous poison, pesticide or fumigant unless disposed of in the authorised way or with a reasonable excuse, does not apply to a person who:

- discards the waste by placing it under the control of a person authorised to dispose of waste under the Medicines and Poisons Act, such as a person returning waste from a hazardous poison to the manufacturer of the poison for reuse; or
- discards or destroys the waste under another law, such as the holder of an environmental authority under the *Environmental Protection Act 1994* destroying waste in accordance with the authority.

Clause 234 inserts new section 48A (Requirements for compliant analysis certificates for tattoo inks). Section 48A(1) requires a person who provides a tattoo ink to someone else to ensure a compliant analysis certificate has been prepared for the tattoo ink at the time of providing the ink. This offence will apply to manufacturers and suppliers of tattoo inks and carries a maximum penalty of 100 penalty units.

Section 48A(2) requires a person to be reasonably satisfied that a compliant analysis certificate has been prepared for a tattoo ink before using the ink for tattooing. This offence will apply to individual tattooists or businesses and carries a maximum penalty of 50 penalty units.

Section 48A(3) includes definitions of 'compliant analysis certificate', 'tattooing' and 'tattoo ink'. Compliant analysis certificate, for a tattoo ink, is defined as meaning a certificate that states the results of an analysis of the substances contained in the tattoo ink and that complies with a departmental standard made for section 48A. The purpose of requiring a compliant analysis certificate is to ensure that before supplying a tattoo ink, the manufacturer or supplier is required to disclose the substances that comprise the tattoo ink. Not all substances used in tattoo inks are regulated substances or classified as S5, S6 or S7 poisons, so this new offence is needed to deal with substances that are not currently regulated but are harmful if injected into the skin. The requirement for a compliant analysis certificate will help to minimise public health risks by ensuring that tattoo inks used in Queensland do not contain any substances that could be harmful to a person's health. The definition of 'tattoo ink' permits a regulation to prescribe a product as not being a tattoo ink for section 48A to ensure the scope of the definition can be adapted to changing circumstances or to exclude particular methods for preparation of tattoo inks that should not be included in the definition.

Tattooing involves the injection of an ink mixture into the dermal layer of the skin. The soluble ingredients in the ink mixture may be distributed within a matter of hours or days across the entire body. Known adverse risks associated with hazardous chemicals in tattoo inks include allergic skin reactions. Carcinogenic chemicals have also been identified in some tattoo inks, and there are concerns that people tattooed with these inks may be at an increased risk of developing cancer. Many of the ingredients in tattoo inks are manufactured to industrial quality and not to standards required for therapeutic purposes or for human use. They may also contain high level of impurities, as they are often designed for applications such as house paints and printing.

Clause 235 amends the heading in section 51 (Agents and carers) to include the words 'supplying or administering medicines'. The amendment clarifies that section 51 relates to agents or carers supplying or administering medicines. Section 51 provides that a person does not commit an offence against the Medicines and Poisons Act if the person:

- supplies a medicine by giving it to someone else (a patient) if the medicine has been lawfully supplied for the therapeutic treatment of the patient; or
- for lawfully helping a patient, administers a medicine in accordance with the approved label of the medicine; or
- administers a medicine to an animal in accordance the approved label of the medicine.

The amendment also inserts a note in section 51(1) to cross-reference sections 34(2) and (3). Sections 34(2) and (3) exclude persons from offences for buying or possessing S4 or S8 medicines in particular circumstances.

Clause 236 amends section 54 (Authorisation of prescribed classes of persons). This clause omits and replaces section 54(2). Section 54(1) provides that a regulation may prescribe a class of persons to be authorised to carry out a regulated activity with a regulated substance. New section 54(2) will apply without limiting section 54(1) and continues to allow the regulated activity for which a class of persons is prescribed to be made by reference to the circumstances in which, or the purposes for which, the regulated activity may be carried out by the class of persons. New section 54(2) also provides that, without limiting section 54(1), the regulated activity with the regulated substance for a class of persons may be prescribed by reference to:

- the direction or supervision under which the regulated activity may be carried out by the class of persons; or
- an extended practice authority that applies to the class of persons.

The regulations are intended to specify when a regulated activity with a regulated substance may be carried out under direction or supervision. For example, a pharmacy assistant may be authorised under the regulations to sell an S2 medicine if they do so under the direct supervision of a pharmacist.

The regulations are intended to permit certain regulated activities with regulated substances to be carried out in accordance with requirements set out in extended practice authorities. The amendment provides the appropriate head of power to ensure the regulations can refer to extended practice authorities to authorise these dealings.

Clause 237 omits and replaces section 60 (Authorisation for persons subject to work health and safety laws). Section 60 currently applies to a person buying, possessing or applying an S7 poison, other than a WHS excluded poison, at a place. New section 60(1) provides that a person is taken to deal with an S7 poison in the authorised way if the dealing is carried out:

- at, or in connection with, a place that is subject to a work health and safety law;
- in the course of performing the person's duties at, or in connection with, the place; and
- in compliance with the work health and safety law.

Deals with a regulated substance, as defined in section 18 of the Medicines and Poisons Act, is when a person manufactures, buys, possesses, supplies or disposes of waste from the substance, applies the substance if it is a poison or administers, prescribes or makes a standing order if the substance is a medicine. New section 60(2) states that subsection (1) does not apply if the dealing is the manufacture or supply of an S7 poison, the S7 poison is an excluded S7 poison or the dealing is carried out at, or in connection with, an excluded place. By using the term 'dealing' in new section 60, the amendment authorises persons to dispose of S7 poisons in accordance with workplace health and safety laws. This is not currently provided for in section 60 because it currently only applies to 'buying, possessing or applying' a poison.

New section 60(3) inserts definitions of 'excluded place', 'excluded S7 poison', 'resource authority' and 'work health and safety law'. *Excluded place* is defined as any part of a place that is a person's residence or accessible by the general public or another place prescribed by regulation to be an excluded place for section 60.

Excluded S7 poison is defined as an S7 poison prescribed by regulation to be an excluded S7 poison for section 60, which is in similar terms to the existing definition of 'WHS excluded poison'. 'Work health and safety law' and 'resource authority' are defined in the same way as under existing section 60.

Clause 238 amends section 62 (Authorisation under substance authority). This clause amends the example in section 62(b) to replace 'an employee or representative of the holder of a substance authority' with 'a person employed by the holder of a substance authority'. The definition of 'employ' in the Act is sufficiently broad and includes a person engaged on a contract for services. This provides more certainty about who is intended to be authorised to carry out regulated activities with regulated substances under section 62. This amendment is also consistent with the change made to clause 227 in the Bill.

Clause 239 amends section 70 (Conditions). This clause amends section 70(1)(a) to change the phrase 'apply to' to 'apply in relation to'. This change in wording will provide that a substance authority is subject to a condition (known as a standard condition) prescribed by regulation that applies in relation to the substance authority. The inclusion of the words 'in relation to' provides greater flexibility for the intended types of standard conditions to be included in the regulations. For example, the appointment of a 'manufacturing supervisor' may be a condition of a manufacturing licence. The substance authority authorises the manufacture of a regulated substance and it could be considered that the appointment of a manufacturing supervisor does not apply directly to the manufacturing licence but in relation to the manufacturing licence.

Clause 240 amends section 91 (Requirements may be prescribed). This clause removes the reference to an extended practice authority in section 91(2)(b), so that section 91(2)(b) only refers to requiring a person to comply with a departmental standard. The amendment in the Bill to section 54 allows a regulated activity and regulated substance for a class of persons to be prescribed by reference to an extended practice authority for the class of persons.

Clause 240(2) omits and inserts a new section 91(3) to clarify that a requirement under section 91(1) that applies to a person authorised under a substance authority is subject to certain other provisions of the Act. Current section 91(3) already makes section 91(1) subject to sections 55 and 56 and this is retained in new section 91(3). The amendments to section 91(3) clarify that

requirements under section 91(1) may also be subject to emergency orders and conditions of a substance authority. For example, under section 70 of the Medicines and Poisons Act, a substance authority may be subject to an additional condition decided by the chief executive under chapter 3, part 3 instead of a standard condition.

Clause 241 amends section 214 (Executive officer may be taken to have committed offence). This clause amends section 214(4) to include a reference to section 48A in the definition of 'serious offence provision'. Section 214 provides that if a corporation commits an offence against a serious offence provision, each executive officer is taken to have also committed the offence if the officer authorised or permitted the corporation's conduct or the officer was directly or indirectly knowingly concerned in the corporation's conduct. The effect of this amendment is that an executive officer of a corporation may be proceeded against for an offence against section 48A.

Clause 242 clarifies the definition of *administrator* in section 219 (Definitions for part) by replacing paragraph (b). The amendment ensures that an administrator not only includes those persons involved in the administration or enforcement of the Medicines and Poisons Act, but also those performing a function or exercising a power under the Act. This amendment ensures that all persons with functions or powers under the Act are captured by the confidentiality provisions.

Clause 243 amends section 221 (Disclosure of information to entities performing relevant functions). Clause 243(1) makes a minor drafting improvement to section 221(1)(h) by replacing the word 'a' with 'another'.

Clause 243(2) inserts new section 221(2A). Section 221(2A) clarifies that section 221 is subject to section 227. Section 227 sets out the requirements for disclosing information in the monitored medicines database to users.

Clause 243(3) renumbers sections 221(2A) and (3) as sections 221(3) and (4).

Clause 244 amends section 226 (Giving information). This clause amends section 226(1) to replace the words 'information mentioned in section 225' with 'relevant information for the provider' and inserts a definition of 'relevant information' in section 226(2).

Section 226 of the Medicines and Poisons Act currently requires information providers to give the chief executive the information specified in section 225 at the time and in the way prescribed by regulation. This amendment will require information providers to give the chief executive 'relevant information' for the provider at the time and in the way prescribed by regulation. Under the definition of 'relevant information', the information to be given to the chief executive will be prescribed in regulations for each information provider, rather than the more general description of information currently in section 225. The regulations will specify the detail of the information that each type of information provider must give to the chief executive for inclusion in the monitored medicines database. This will provide more certainty to each information provider about their obligations and the exact type of information they must provide.

Clause 245 amends section 232 (Making extended practice authorities). Clause 245(1) omits and replaces section 232(4) to clarify when an extended practice authority takes effect. New section 232(4) provides that an extended practice authority must be approved by regulation and takes effect on the day it is approved, or on a later day, if a later day is stated in the authority.

Clause 245(2) inserts a note that states that under section 54(2)(d), a regulated activity with a regulated substance may be prescribed for a class of persons by reference to an extended practice authority. This note is included as a cross-reference to the amendment made in the Bill

to section 54(2) which allows a regulated activity with a regulated substance for a class of persons to be prescribed by reference to an extended practice authority for the class of persons.

Clause 246 amends section 233 (Making departmental standards). Clause 256(1) amends section 233(1) to provide that the chief executive may make a departmental standard in relation to matters regulated under the Medicines and Poisons Act.

Clause 246(2) inserts new section 233(2)(f) to provide that a departmental standard may be about matters for which another provision of the Medicines and Poisons Act requires compliance with a departmental standard. For example, a departmental standard may be made about compliant analysis certificates for tattoo inks.

Clause 246(3) omits and replaces section 233(4) to clarify when a departmental standard takes effect. New section 233(4) provides that a departmental standard must be approved by regulation and takes effect on the day it is approved or on a later day, if a later day is stated in the standard.

Clause 247 omits and replaces section 238 (Delegation by chief executive). Section 238 currently allows the chief executive to delegate their functions and powers under the Medicines and Poisons Act, other than section 127, to an appropriately qualified person who is a public service employee or health service employee.

New section 238(1) provides that the chief executive may delegate their functions under chapter 7, part 3, division 1 to an appropriately qualified person or under another provision of the Medicines and Poisons Act, other than section 127, to an appropriately qualified person who is a health service employee or public service employee.

Chapter 7, part 3, division 1 relates to the monitored medicines database. This amendment will facilitate the future interoperability of the monitored medicines database with equivalent databases operated by other States and Territories. The Australian Government is putting in place administrative arrangements for interoperability of these databases and some responsibilities related to the database may need to be delegated to third party providers to ensure the database operates as intended.

New section 238(2) provides that to remove any doubt, it is declared that the chief executive must not delegate the chief executive's functions under section 127, which is reflected in the current section 238. Section 127 allows the chief executive to make a public statement about particular matters. Given the significance of this power, it is only able to be exercised by the Minister, chief executive or chief health officer.

New section 238(3) provides that for this section functions includes powers.

An appropriately qualified person, in relation to a function or power, is defined in schedule 1 of the *Acts Interpretation Act 1954* to mean having the qualifications, experience or standing appropriate to perform the function or exercise the power.

Clause 248 amends section 240 (Regulation-making power). Clause 248(1) omits and replaces section 240(2)(aa) by inserting revised regulation-making powers in new sections 240(2)(aa), (ab) and (ac). These provisions provide that regulations may be made under the Medicines and Poisons Act about:

- buying and possessing S2 and S3 medicines;
- disposing of waste from medicines in relation to which section 42 does not apply; and
- dealing with S5 and S6 poisons.

During drafting of the regulations, it was identified that these heads of power could be clarified to put beyond doubt that these matters can be dealt with in regulations.

Clause 248(2) amends section 240(2)(g) to include a regulation-making power to allow for the refund of fees. For example, a regulation may prescribe whether a full or partial refund may be provided if an application or licence is withdrawn or surrendered.

Clause 248(3) renumbers sections 240(2)(aa) to (g) as sections 240(2)(a) to (j).

Clause 249 inserts new section 279A (Compliant analysis certificates for tattoo ink). This provision provides the tattoo industry with a one-year transitional period before commencement of the requirements for compliant analysis certificates for tattoo inks.

Clause 250 amends schedule 1 (Dictionary). Clause 250(1) omits the definitions *corresponding law*, *health practitioner* and *pest*. These definitions are being amended and re-inserted by this clause.

Clause 250(2) inserts new definitions for *corresponding law*, *health practitioner*, and *pest*.

The definition of *corresponding law* currently means a law of another jurisdiction that provides for, or provided for, the same or similar matters as the Medicines and Poisons Act. The amendment extends the definition to include the Commonwealth Therapeutic Goods Laws, and the applied therapeutic goods provisions under the *Therapeutic Goods Act 2019*.

The definition of *health practitioner* has been clarified to include an individual training to be a health practitioner. This ensures the Medicines and Poisons Act and supporting regulations apply to students and interns.

Technical amendments have been made to the definition of *pest*, including allowing regulations to specify biological entities to be considered or not considered pests for the purposes of the Medicines and Poisons Act.

Schedule 1 Titles registry fees

Part 1 Fees relating to land registry under Land Act 1994

Divisions 1 and 2 define relevant terms for the part and list relevant titles registry fees for the Land Act.

Part 2 Fees relating to land registry under Land Title Act 1994

Division 1 provides for fees payable under a titles registry Act in relation to titles registry functions relating to the titles registry under the LT Act.

Generally, the fees are payable for matters mentioned in division 2, which are fees that have been relocated to the Bill from the LT Regulation. However, if division 3 provides for a matter in relation to a titles registry Act that is also provided for under division 2, then:

- the reference to the matter in division 2 does not apply in relation to the performance of the function; and
- the fee payable in relation to the performance of the function is for the matter provided for under division 3.

The effect of this provision is that where there is an overlap in fees between the LT Act and another Act in division 3 (such as the BUGT Act, FOLR Act, PL Act or SBC Act), then the fees under those latter Acts apply, not the LT Act.

Part 3 Fees relating to water allocations register

Divisions 1 and 2 defines relevant terms and lists relevant titles registry fees for the Water Act.

Schedule 2 Dictionary

The schedule contains the dictionary for the *Queensland Future Fund (Titles Registry) Act 2021*.

Schedule 3 Legislation amended

Schedule 3 amends the following items of legislation, mostly by way of consequential amendments.

Aboriginal Land Act 1991

Clause 1 amends sections 52(4), 79(2), 118(3) and (4), 132(1)(b), 146(2)(b), 172(1), 287(4), 300(3) and (4) by omitting ‘of titles’ from references to ‘registrar of titles’. The amendment is required because clause 2 omits duplicate definitions of ‘registrar’ and ‘registrar of titles’, and clause 3 inserts a new, merged definition of ‘registrar’. The term ‘registrar’ will now mean the registrar of titles under the *Land Title Act 1994.*

Building Units and Group Titles Act 1980

Clauses 1 to 8 make various amendments to the forms and fees as a result of the registrar having the power to approve forms for the land registry and the operator having the power to decide, collect and keep titles registry fees.

Building Units and Group Titles Regulation 2008

Clauses 1 to 4 omit the definitions of ‘approved form’ and ‘registrar’ and replace the references in section 5(1)(b) and (6)(2) to ‘registrar’ with ‘registrar of titles’.

Clauses 3 and 9 further amend the regulation by omitting section 4 (forms) and schedule 3, part 1 (fees payable to the registrar). The fees being omitted will become titles registry fees, which that operator will decide, collect and keep.

Clauses 4 and 5 amends section 5(1)(b) and 6(2), and the heading to section 6, to insert the words 'of tiles' after 'registrar'.

Clause 6 replaces section 6(1) to provide that the registrar of titles must make appropriate notification of the registration of a plan of amalgamation, plan of resubdivision or notice of conversion on the original plan for the plan of amalgamation, plan of resubdivision or notice of conversion (the original plan).

Clauses 7 and 8 omits section 15(1) and consequentially renumber the remaining subsections, respectively.

Criminal Proceeds Confiscation Act 2002

Clauses 1 to 4 update references in section 88 and 89O from 'registrar' to 'registrar of titles,' to reflect the omission of the definition of 'registrar' and the insertion of a new definition of 'registrar of titles' to mean the registrar of titles under the LT Act.

Electronic Conveyancing National Law (Queensland) Act 2013

Clause 1 amends the definitions of 'registrar' to reflect the amendments made to the Land Act, which vest titles registry functions directly on the registrar of titles, rather than the chief executive (lands). *Clause 2* amends the definition of 'titles register' to substitute an incorrect reference to section 148 of the Water Act with a correct reference to section 168 of the Water Act.

Fire and Emergency Services Act 1990

Clause 1 replaces references in section 104RL(3) to 'chief executive (land)' and 'registrar' with 'registrar of titles'.

Clause 2 amends the definition of 'property transfer information form' in section 104RL(5) to reflect the amendments made to the Land Act, which vest titles registry functions directly on the registrar of titles, rather than the chief executive (lands), and to omit existing definitions of 'chief executive (lands)' and registrar. *Clause 3* then inserts a new definition of 'registrar of titles' in Schedule 6 to mean the registrar of titles under the *Land Title Act 1994.*

Foreign Ownership of Land Register Act 1988

Clauses 1 to 4 amend sections 11(3), 11(4)(d) and (6), 22(1)(a), 11(4)(d) and (6), 18A(2), 19, 20, 21(2)(c) and (3), 13 and 25(6) to substitute references to 'prescribed form' with 'approved form' as a result of the registrar having the power to approve forms.

Clause 5 and 6 further amend section 14 by substituting the reference to 'prescribed fee' with 'relevant titles registry fee' and inserting a definition of 'relevant titles registry fee', respectively

Forestry Act 1959

Clause 1 amends various sections and the definition of 'register of plantation licences' in schedule 3 to substitute references to 'chief executive (lands)' with 'registrar of titles' or

'registrar' because functions under these provisions will be vested on the registrar of titles (rather than the chief executive (lands)).

Clauses 2 and 3 amend the notification provisions in sections 61O(1)(b) and 61PA(2)(b) by substituting references to 'chief executive (lands)' with 'registrar of titles' and 'registrar', respectively.

Clauses 4 and 5 substitutes the note for sections 61RA(5) and 61RB(5) to direct readers to section 61RO(5) for when a sketch plan may also need to be lodged.

Clause 6 corrects a typographical error in sections 61RU(1) and 61RW(1)(a) to substitute references to 'with the approved form' with 'in the approved form'.

Clause 7 amends the heading to section 61RX to substitute the reference to 'chief executive (lands) with 'registrar of titles'.

Clauses 8 and 9 substitutes the cross-reference to section 9A(2)(c) of the LT Act in sections 61SJ(3) and 61SK(3) with section 9A as a result of amendments made to section 9A.

Clause 10 amends the heading to section 61TP to substitute the reference to 'Chief executive' with 'registrar of titles'.

Clauses 11 omits the words 'by chief executive (lands)' from the definition of 'approved form'.

Clause 12 omits the definitions of 'chief executive (lands)' and 'registry' from schedule 3.

Forest Wind Farm Development Act 2020

Clauses 1 to 3 amend sections 7(2) to (4), 25(1), 26, 27(1) and (2), 48(1) and (3), and 49(1) and (2) by replacing references to 'chief executive (lands)' with 'registrar of titles', by omitting the definition of 'chief executive (lands)' in schedule 2, and inserting a new definition of 'registrar of titles' into schedule 2 to mean the registrar of the titles under the *Land Title Act 1994.*

Guardianship and Administration Act 2000

Clauses 1 to 3 amend sections 21(3), 27(4) and 31(7) to insert references to 'titles registry fee'.

Clause 4 inserts a definition of 'registrar of titles' and 'titles registry fee' in schedule 4.

Integrated Resort Development Act 1987

Clauses 1 and 2 delete the regulation-making power in section 182(2)(d) dealing with fees, and renumbers the remaining subsections.

Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020

Clause 1 amends section 21(2) to clarify that the 'land registry' is the registry under the LT Act.

Land Act 1994

Clause 1 amends various sections to substitute references to 'chief executive' with 'registrar of titles' and any other references to 'chief executive' or 'chief executive's' with 'registrar' or 'registrar's' because the registrar of titles will be vested with functions under those sections (rather than the chief executive).

Clauses 2 amends section 177(9) to require the chief executive to, as soon as practicable, give the registrar of titles notice that a permit has been issued to occupy unallocated State land, a reserve or road.

Clause 3 inserts a new subsection 177(9A) to require the registrar, on receiving the notice, to keep a record of the issue of the permit in the appropriate register.

Clause 4 consequentially renumbers subsections 177(9A) and (10) as 177(10) and (11). The amendments in clauses 2 to 4 to section 177 are required as a result of vesting some of the chief executive's functions (particularly under chapter 6) directly in the registrar of titles.

Clauses 5 amends several sections and definitions in schedule 6 to insert the words 'of titles' after 'registrar'.

Clauses 6 to 9 make consequential amendments to the heading of section 282; the heading of chapter 6, part 1, division 4; the heading of sections 291, 294, 309; section 291(2) and section 315(6) to replace references to 'chief executive' with 'registrar of titles'.

Clause 10 omits the reference to documents being held in the 'office of the' land registry in section 315(1).

Clause 11 inserts a new section 321(5) obliging the chief executive to give the registrar of titles notice of the chief executive's withdrawal or cancellation of a standard terms document.

Clause 12 inserts a new subsection 322AA(6), which places an obligation on the chief executive to give the registrar of titles notice of a revocation it makes of an exemption under subsection 5(c).

Clause 13 amends section 373ZG(2) by inserting two new subsections (2) and (2A) to require the chief executive to give notice of the ending of an indigenous cultural interest to the registrar of titles who must, as soon as practicable upon receiving the notice, remove the indigenous cultural interest from the appropriate register.

Clause 14 consequentially renumbers section 373ZG(2A) and (3) as section 373ZG(3) and (4).

Clause 15 amends section 389I(1) by omitting the reference to 'chief executive's'.

Clause 16 amends section 391A(1) by including the registrar of titles as a person who can make approvals for a matter or thing under the Act.

Clauses 17 to 19 amends section 392 to refer to an appropriately qualified public service employee rather than an officer or employee. The amendments bring the provision in line with the current drafting approach and make it consistent with the new delegation provision for the registrar of titles.

Clauses 20 and 21 amend section 420A to insert a new subsection (1A) to clarify that part 2A (General provisions for applications) of chapter 7 does not apply in relation to applications made to the registrar of titles. Clause 21 then consequentially renumbers subsection 420A(1A) and (2) as 420A(2) an (3).

Clause 22 amends section 431B(1) by including the registrar of titles as a party whose appointment or power must be presumed.

Clause 23 omits the definition of 'registrar' under section 431O.

Clause 24 inserts a note to section 511(f) to address its application by referring to section 549.

Clause 25 amends section 1 in Schedule 1B by substituting a reference to section 448(2)(h) with 448(2)(g).

Clauses 26 and 27 amend the definition of 'appropriate register' (paragraph (c)), and insert a new definitions of 'plantation licence' and 'register of plantation licences'.

Land Regulation 2020

Clauses 1 to 3 amend section 87 and Schedule 6 to omit fees that will become titles registry fees and to distinguish remaining fees from titles registry fees.

Clauses 4 and 5 omit items 3 to 5, 7 to 10 and 14 to 20 in the fees table in schedule 6 and associated definitions from schedule 9. The fees being omitted will become titles registry fees that the operator will decide, collect and keep.

Land Title Act 1994

Clauses 1 and 2 omit the references to sections 9A(2) and 9A(2)(c) in sections 11A(3), 11B(3)and 162(2) and replace them with a reference to section 9A as a result of amendments made to section 9A.

Mineral and Energy Resources (Common Provisions) Act 2014

Clause 1 amends the definition of the 'registrar' in section 92(11).

Mineral Resources Act 1989

Clause 1 amends section 334U by replacing the reference to 'No fee is payable to the registrar for' with 'No titles registry fee is payable under the *Land Title Act 1994* for'.

Clause 2 inserts a definition of 'titles registry fee'.

Mixed Use Development Act 1993

Clauses 1 and 2 omit the regulation-making power for fees under section 218(2)(d) and renumber the remaining sections.

Nature Conservation Act 1992

Clause 1 amends sections 33A(2) and (3)(b), 37A, 42AD(3), 42AE(3), 42AEA(3), 42AN(3), 42AO(3), 42AOA(3), 42AQ(2) and (3)(b), 70EA(1) and (2)(b) by replacing references to chief executive (lands)' with 'registrar of titles'. The amend is needed as a result of the amendments to the Land Act which will vest certain powers on the registrar of titles rather than the chief executive (lands).

Clauses 2 to 4 amend sections 39H(1)(b), 39J(2)(b) and 43F(3) by substituting references to 'chief executive (lands)' with 'registrar of titles'.

Clause 5 omits the defined term 'registrar' in section 134(8).

Clauses 6 and 7 amend sections 134, 173J(1) and (2), 173L(2)(b), (3) and (4), 173M(3), 173K 173L(1)(b) and (5), and 173M(1)(a) to substitute references to 'registrar' with 'registrar of titles' and 'registrar's' with 'registrar of titles''.

Clause 8 substitutes reference to 'registrar' with 'registrar of titles' in section 173J(3).

Clause 9 omits the reference to 'or the chief executive (lands)' in section 174C(1) so that the obligation to do the things required under that section must only be given to the registrar of titles.

Clause 10 amends substitutes subsection 175C(2) to provide that no titles registry fee under the LT Act is payable by the chief executive in relation to the instrument, information or notice.

Clause 11 insert a note into sections 187(2), 188(3) and 194(2) (which are existing transitional provisions) to cross-reference new section 215 in relation to the application to these sections.

Clause 12 inserts a new section 215, which is a transitional provision, in division 7 in part 12 to provide that sections 187, 188 and 194 apply as if a reference in the provisions to the chief executive (lands) were a reference to the registrar of titles.

Clause 13 omits the definitions of 'chief executive (lands)' and 'registrar'.

Planning Act 2016

Clauses 1 and 2 amend section 34(2), (3) and (4) by replacing references to 'following person' and 'recorder' with 'registrar of titles'.

Clauses 3 to 6 amend sections 176(11), 180(14), 269(8) and 271(4) to provide that a notice given to the registrar of titles under the various sections must be in the form approved by the registrar under the LT Act and be accompanied by the titles registry fee under the LT Act for the notice.

Property Law Act 1974

Clause 1 amends sections 61(2)(c) and (3A) by clarifying that reference to the land registry is to the registry under the LT Act.

Clause 2 replaces the reference to 'proper fees' with 'relevant titles registry fees'.

Property Law Regulation 2013

Clauses 1 and 2 omits provisions dealing with fees as these fees will become titles registry fees that the operator will decide, collect and keep.

Recreation Areas Management Act 2006

Clauses 1 to 4 amend sections 10(1), 10(2), 13(1) and 13(2) by inserting references to the 'registrar of titles'.

Retirement Villages Act 1999

Clause 1 amends section 126 by substituting the reference to 'registration or other fees' with titles registry fees under the LT Act for the giving of the notice or instrument.

Clause 2 inserts a new definition of 'registrar of titles' to mean the registrar of titles under the LT Act.

River Improvement Trust Act 1940

Clause 1 amends the definition of the 'registrar of titles' to mean the registrar of titles under the LT Act.

Salvation Army (Queensland) Property Trust Act 1930

Clauses 1 and 2 amend section 17 by omitting the references to the 'chief executive' and clarifying that the registrar of titles is the registrar of titles under the LT Act.

Clauses 3 to 6 amend section 22 by changing the duty to register the matters set out in that section from a 'shall' to a 'must' and updating the duty so that the registrar of titles under the LT Act must register any other interest the trustees have in the matters set out in that section.

Clauses 7 to 9 amend section 23 by omitting references to the 'chief executive's' and inserting a reference to the chief executive of the department in which the *Mineral Resources Act 1989* is administered.

Sanctuary Cove Resort Act 1985

Clauses 1 to 2 omit the regulation-making power in relation to fees under sections 111(1)(d) and consequentially renumbers the remaining subsections.

Clause 3 inserts a new definition of 'registrar of titles' to mean the registrar of titles under the LT Act.

South Bank Corporation Act 1989

Clauses 1 to 17 make various amendments as a result of other amendments in the Bill in relation to fees (vesting the power on the operator to decide, collect and keep titles registry fees) and forms (vesting the registrar with the power to approve forms in relation to the land registry.

South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014

Clause 1 amends the notes to schedule 1 to provide that if a provision was omitted when the applied regulation was first applied under the Act, the note '(not applied)' appears; and if the provision was omitted at a later time, the note '(omitted)' appears.

Clauses 2 and 3 omits the definitions of 'approved form' and 'corporation manager' from Schedule 1, section 1A; and reinserts a new definition of 'approved form' to mean a form approved under section 133A of the modified Act.

Clause 4 omits sections 3, 10A, 12A and 14A from schedule 1, which deal with different forms and instruments that make up approved forms because of the insertion of new section 133A of the modified Act.

Clause 5 omits reference to 'for the purpose' in sections 8(1)(a) and (2)(a), 12B, 13, 16A, 19A, 27, 28(1), 32, 33, 34 and 39(1) in Schedule 1 which deal with approved forms.

Clause 6 omits section 12C(1) in Schedule 1 dealing with approved forms.

Clauses 7 to 12 omit sections 15, 16, 22, 29, 35 and 37 because these matters are either not required or are dealt with under the modified Act (for example, fees under section 22).

South Bank Corporation Regulation 2014

Clause 1 substitutes 'registrar' with 'registrar of titles' in several sections.

Clause 2 amends section 3(1)(a) by omitting superfluous words so that plans must be in the approved form.

Clause 3 amends the heading in sections 8 and 20 to refer to 'registrar of titles'.

Clause 4 amends section 17(1)(a) to omit superfluous words so that instruments must be in the approved form.

Clauses 5 to 8 omit sections 21 (instrument required to accompany easement plan), part 4, Schedule 1 (fees) and the definitions of 'approved form' and 'registrar' from Schedule 2. The fees being omitted will become titles registry fees that the operator will decide, collect and keep.

Stock Route Management Act 2002

Clauses 1 amend section 165(2) to (6) by replacing the reference to 'land registrar' with 'registrar of titles'.

Clause 2 omits the definition of 'land registrar' and inserts a new definition of 'registrar of titles' to mean the registrar of titles under the LT Act.

Sugar Industry Act 1999

Clause 1 amends the definition of 'registrar' by referring to the registrar of titles under the LT Act.

Survey and Mapping Infrastructure Act 2003

Clause 1 replaces references in various sections to 'chief executive (land) or' with 'registrar of titles'.

Clauses 2 to 4 amend the definition of 'relevant person' in section 17(4) by removing references to 'chief executive'.

Clauses 5 and 6 amend section 28(2) by substituting the reference to 'an Act' with the 'Land Title Act 1994' and clarifying that for section 28(2)(a), for a plan of survey lodged or deposited under the LT At, the registrar cannot correct 'the survey error' under section 15 of that Act.

Clauses 7 amend sections 69(1), 69(2) and 98(1) by omitting references to 'chief executive (land)' so that remaining references are only to the registrar of titles.

Clause 8 amends section 98(2) by omitting 'chief executive (land)' and correcting a grammatical error so that the section only refers to the 'registrar of titles'.

Clause 9 omits the definition of 'chief executive (land)'.

Torres Strait Islander Land Act 1991

Clause 1 amends sections 47(4), 97(1)(b), 111(2)(b) and 191(4) to omit the reference to 'of titles' in references to 'registrar of titles'. The amendment is required because clause 2 omits duplicate definitions of 'registrar' and 'registrar of titles', and clause 3 inserts a new, merged definition of 'registrar'. The term 'registrar' will now mean the registrar of titles under the Land Title Act.

Water Act 2000

Clause 1 amends sections 147(7), 150(4), 161(2), 169(1), 170(9), 171(1)(b), and the definition of 'holder' (paragraph (b)) in schedule 4 to insert 'water allocations' before 'register'.

Clause 2 substitutes the words 'the register' in sections 727(5) with 'the appropriate register'.

Clause 3 inserts a new definition of 'lodge' in schedule 4, which is defined to mean lodge with the registrar for registration on the water allocations register.

Water Regulation 2016

Clause 1 omits sections 75 (Locations of offices of the registry) and 76 (Documents that may be lodged in the registry).

Clauses 2 and 3 amend section 130(1) to clarify that the fees, other than titles registry fees, under the Act are stated in schedule 12 and omit the remaining subsections.

Clause 4 omits items 3 to 20 from the table in schedule 12 because these are fees that will become titles registry fees for the operator to decide, collect and keep.

Schedule 4 Amendment of other legislation relating to repeal of Building Queensland Act 2015

Cross River Rail Delivery Authority Regulation 2019

Clause 1 amends section 2 to refer to the repealed *Building Queensland Act 2015*.

Industrial Relations Regulation 2018

Clause 1 removes the reference to Building Queensland from schedule 5, part 3.

Public Service Act 2008

Clause 1 removes a reference to Building Queensland from schedule 1.

Schedule 5 Amendment of other legislation relating to repeal of Public Safety Business Agency Act 2014

Schedule 5 makes consequential amendments to the following items of legislation – *Drugs Misuse Act 1986*, *Evidence Act 1977*, *Police Powers and Responsibilities Act 2000*, *Public Service Act 2008*, *Disaster Management Regulation 2014*, *Police Service Administration Regulation 2016* and *Weapons Regulation 2016*.

Schedule 6 Amendment of other legislation relating to repeal of Queensland Productivity Commission Act 2015

Schedule 6 provides for consequential amendments to the *City of Brisbane Regulation 2012*, *Industrial Relations Regulation 2018*, *Local Government Regulation 2012*, *Payroll Tax Act 1971* and *Superannuation (State Public Sector) Notice 2010.*

The consequential amendments to the *Superannuation (State Public Sector) Notice 2010* amend schedule 2 to remove the entry for the QPC, and insert a new entry for Queensland Treasury, which applies to non-casual employees who have transferred from QPC to Queensland Treasury under a contract of employment as referred to in new section 265(3)(b) of the QCA Act. This entry ensures the preservation of entitlement to the SDBC, CAC and BAC superannuation membership categories for the transferred employees until the end of the term of their employment contract. At the end of this term, the transferred employees will have access to the SDBC and CAC superannuation membership categories.