

Queensland



**STATUTE LAW
(MISCELLANEOUS
PROVISIONS) BILL (No. 2)
1993**

Queensland



STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 1993

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1993

A BILL

FOR

**An Act to make various amendments of Queensland statute law and
to repeal certain Acts**

The Parliament of Queensland enacts—	1
Short title	2
<i>Clause1.</i> This Act may be cited as the <i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1993.</i>	3 4
Commencement	5
<i>Clause2.</i> This Act commences on the day of assent except so far as is otherwise expressly provided.	6 7
Amended Acts—Schedules 1 and 2	8
<i>Clause3.</i> An Act mentioned in Schedule 1 or 2 is amended as specified in the relevant Schedule.	9 10
Repeals—Schedules 3 and 4	11
<i>Clause4.(1)</i> The Acts mentioned in Schedule 3 are repealed.	12
(2) Each provision or Act mentioned in Schedule 4 is a law to which section 20A of the <i>Acts Interpretation Act 1954</i> applies.	13 14
Explanatory notes	15
<i>Clause5.</i> An explanatory note to a provision of this Act is not part of the Act.	16 17

SCHEDULE 1

MINOR AMENDMENTS AND AMENDMENTS BY WAY OF STATUTE LAW REVISION

section 3

ACTS INTERPRETATION ACT 1954

Amendments

1. Section 14(2), (3) and (4)—

renumber as section 14(3), (4) and (5).

2. Section 14(1)—

omit, insert—

‘**14.(1)** A heading to a Chapter, Part, Division or Subdivision of an Act is part of the Act.

‘**(2)** A heading to a section, subsection or another provision of an Act is part of the Act if—

(a) the Act is enacted after 30 June 1991; or

(b) the heading is amended or inserted after 30 June 1991.’.

3. Section 15B—

omit ‘particular’.

4. Section 18—

omit, insert—

SCHEDULE 1 (continued)

‘Time of expiry of Act etc.	1
‘18. If an Act or a provision of an Act—	2
(a) expires on a day; or	3
(b) is expressed to remain or continue in force, or otherwise have effect, until a day;	4
the Act or provision has effect until the end of the day.’.	5
	6
5. Section 19 (at the end)—	7
<i>insert—</i>	8
<i>‘Example 1—</i>	9
Act A repeals Act B. The later repeal or expiry of Act A does not revive Act B.	10
	11
<i>Example 2—</i>	12
Act C amends section 10 of Act D. The later repeal of Act C does not revive section 10 in its unamended form and section 10 in its amended form continues in force until it is later repealed or amended or expires.’.	13
	14
	15
6. Section 20A(2)—	16
<i>omit, insert—</i>	17
‘(2) If an Act or a provision of an Act (the “savings law”) declares another Act or a provision of another Act (the “declared law”) to be a law to which this section applies—	18
	19
	20
(a) the effect of the declared law does not end merely because of its repeal or expiry; and	21
	22
(b) the effect of the savings law does not end merely because of its repeal or expiry.’.	23
	24

SCHEDULE 1 (continued)

7. After section 23—	1
<i>insert—</i>	2
‘Conferral of statutory power on another entity	3
‘23A.(1) If a provision of an Act, whether expressly or by implication, confers a power (the “first power”) on an entity to authorise or require another entity to exercise a power (the “second power”), then, if the first power is exercised, the provision is taken to confer the second power on the other entity.	4 5 6 7 8
‘(2) In this section—	9
“power” includes doing an act or making a decision for the purpose of performing a function.’.	10 11
8. Section 24A(1)(e)—	12
<i>omit</i> ‘by’ (first mention).	13
9. Section 27A—	14
<i>insert—</i>	15
‘(16) In this section—	16
“power” includes doing an act or making a decision for the purpose of performing a function.’.	17 18
10. Section 32D—	19
<i>omit, insert—</i>	20
‘Effect of express references to corporations and individuals	21
‘32D. In an Act, a reference to a person generally—	22
(a) does not exclude a reference to a corporation or an individual merely because elsewhere in the Act there is express reference to a corporation; and	23 24 25

SCHEDULE 1 (continued)

(b) does not exclude a reference to an individual or a corporation merely because elsewhere in the Act there is express reference to an individual.	1 2 3
<i>Examples of references to a person generally—</i>	4
• ‘another’	5
• ‘anyone’	6
• ‘no-one’	7
• ‘one’	8
• ‘party’	9
• ‘person’	10
• ‘someone’	11
• ‘whoever’	12
<i>Examples of express reference to a corporation—</i>	13
• body corporate	14
• company	15
• corporation sole	16
<i>Examples of express references to an individual—</i>	17
• adult	18
• child	19
• spouse.’.	20
 11. Section 33(3)—	 21
<i>omit ‘subsections (2)’, insert ‘paragraphs’.</i>	22
 12. Section 33(5) (after ‘particular department’)—	 23
<i>omit ‘by its name’, insert ‘of government by name’.</i>	24

SCHEDULE 1 (continued)

13. After section 33(5A)—	1
<i>insert—</i>	2
‘ (5AB) If a provision of an Act refers to a department of government and specifies the department by reference to the administration (however described) of a specified Act or enactment, subsection (5) applies as if references in paragraphs (a) and (b) to the provision were references to the specified Act or enactment.’	3 4 5 6 7
14. Section 33—	8
<i>insert—</i>	9
‘ (5C) If a provision of an Act refers to the chief executive of a department of government by reference to the administration (however described) of a specified Act or enactment, subsection (5B) applies as if references in paragraphs (a) or (b) to the provision were references to the specified Act or enactment.’	10 11 12 13 14
15. Section 35(1)—	15
<i>omit</i> ‘statutory body’, <i>insert</i> ‘entity’.	16
16. Section 35(2)—	17
<i>omit</i> ‘body’, <i>insert</i> ‘entity’.	18
17. Section 36 (definitions “Act”, “amend”, “chief executive”, “contravene”, “financial year”, “Governor”, “Governor in Council”, “Legislative Assembly”, “Parliament”, “repeal”, “sign”, “the Act”, “this Act” and “under”)—	19 20 21 22
<i>omit.</i>	23

SCHEDULE 1 (continued)

18. Section 36—	1
<i>insert—</i>	2
“Act” has the meaning given by sections 6 and 7;	3
“amend” includes—	4
(a) for an Act, instrument or provision of an Act or instrument—omit, insert, and omit and insert; and	5 6
(b) for an Act or provision of an Act—amend by implication; and	7
(c) for an instrument or provision of an instrument—alter or vary;	8
“asset” includes property of any type;	9
“breach” includes fail to comply with;	10
“change” includes change by omission, substitution or addition;	11
“chief executive” —	12
(a) for a department of government specified by name—means the chief executive (however described) under whose control the department is placed; or	13 14 15
(b) for a department of government if a particular department is not specified by name—has the meaning given by section 33; or	16 17
(c) for a specified unit of the public sector that is not a department of government—means the chief executive (however described) under whose control the unit is placed;	18 19 20
“child” , if age rather than descendance is relevant, means an individual who is under 18;	21 22
“citation” of an Act includes the Act’s short title;	23
“committal proceeding” means an examination of witnesses under the <i>Justices Act 1886</i> about an indictable offence;	24 25
“contravene” includes fail to comply with;	26
“doctor” means medical practitioner;	27
“entity” includes a person and an unincorporated body;	28
“file” includes lodge;	29

SCHEDULE 1 (continued)

“financial year” means a period of 1 year beginning on 1 July;	1
“Governor” means—	2
(a) for Queensland—the Governor of Queensland, and includes the Lieutenant Governor, the Administrator and the Deputy Governor; or	3 4 5
(b) for another State (other than the Australian Capital Territory or the Northern Territory)—the State’s Governor, and includes a person administering the State’s Government; or	6 7 8
(c) for the Northern Territory—the Territory’s Administrator, and includes a person administering the Territory’s Government;	9 10
“Governor in Council” means—	11
(a) for Queensland—the Governor acting with the advice of Executive Council; or	12 13
(b) for another State (other than the Australian Capital Territory)—the State’s Governor acting with the advice of the State’s Executive Council;	14 15 16
“grant of representation” , for a deceased person, means a grant of probate of the will or letters of administration of the deceased person’s estate, and includes the grant of an order to administer and the filing of an election to administer the deceased person’s estate;	17 18 19 20
“penalty unit” has the meaning given under section 5 of the <i>Penalties and Sentences Act 1992</i> ;	21 22
“repeal” includes—	23
(a) for a provision of an Act or instrument—repeal the provision by omitting it; and	24 25
(b) for an Act, instrument or provision of an Act or instrument—abrogate or limit its effect or exclude from its application any person, matter or circumstance; and	26 27 28
(c) for an instrument or a provision of an instrument—revoke or rescind it;	29 30
“sign” includes the attaching of a seal and the making of a mark;	31

SCHEDULE 1 (continued)

“ summary ”, for an offence or proceeding, has the meaning given by section 44;	1 2
“ table ” in the Legislative Assembly means lay before the Assembly;	3
“ under ”, for an Act or a provision of an Act, includes—	4
(a) by; and	5
(b) for the purposes of; and	6
(c) in accordance with;’.	7
 19. Section 38A—	 8
<i>omit</i> ‘attains’, <i>insert</i> ‘is’.	9
 20. Sections 39 and 39A—	 10
<i>omit</i> ‘(whether the expression ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used)’.	11 12
 21. Section 39(2)—	 13
<i>renumber</i> as subsection (3).	14
 22. Section 39—	 15
<i>insert—</i>	16
‘(2) Subsection (1) applies whether the expression ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used.’.	17 18
 23. Section 39A—	 19
<i>insert—</i>	20
‘(3) Subsections (1) and (2) apply whether the expression ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used.’.	21 22

SCHEDULE 1 (continued)

24. Section 41 and 41A(1) (after ‘conviction’)—	1
<i>insert</i> ‘(whether or not a conviction is recorded)’.	2
25. Section 42 (heading)—	3
<i>omit, insert—</i>	4
‘Any person may prosecute etc.’.	5
26. Section 42 (before ‘enforcement’)—	6
<i>insert</i> ‘imposition or’.	7
27. Section 49(1)—	8
<i>omit</i> ‘by’, <i>insert</i> ‘or approved under’.	9
28. Section 49(2) and (3)—	10
<i>omit</i> ‘by or’, <i>insert</i> ‘or approved’.	11
29. Section 49(3)	12
<i>omit, insert—</i>	13
‘(3) If—	14
(a) a form (“ form 1 ”) may be prescribed or approved under an Act for a purpose or 2 or more purposes; and	15 16
(b) another form (“ form 2 ”) may be prescribed or approved under the Act or another Act for the same or another purpose or purposes;	17 18 19
then, if separate forms 1 and 2 are prescribed or approved, a combined form 1 and 2 may be prescribed or approved and used for the purpose or all the purposes.’.	20 21 22

SCHEDULE 1 (continued)

30. Section 49—	1
<i>insert—</i>	2
‘(5) If a form may be prescribed or approved under an Act for a purpose or 2 or more purposes, the form may only require information or documents to be included in, attached to or given with the form that are reasonably necessary for the purpose or 1 or more of the purposes.’.	3 4 5 6
<i>Example 1—</i>	7
A prescribed or approved form may not require the provision of personal information irrelevant to a purpose for which the form is required.	8 9
<i>Example 2—</i>	10
A prescribed or approved form may not require the provision of personal information that has some relevance to a purpose for which the form is required, but is excessively intrusive to personal privacy.’.	11 12 13
 Explanatory notes	 14
Amendment 1 is a consequential renumbering amendment.	15
Amendment 2 replaces existing section 14(1) which commenced on 1 July 1991 and extended the types of headings in an Act that are part of an Act. Proposed subsection (2) incorporates this commencement date for the types of headings becoming part of an Act on that date.	16 17 18 19
Amendment 3 omits a redundant word.	20
Amendment 4 clarifies the point of time at which an Act or provision expires. Under proposed section 18 the Act or provision has effect until the end of the day.	21 22
Amendment 5 adds examples to section 19 to clarify its effect. The examples make it clear that repealing and amending Acts can be repealed once they have come into operation without reviving the Acts (or form of Acts) they repealed or amended.	23 24 25
Amendment 6 makes it clear that the repeal or expiry of a law declaring that section 20A (Repeal does not end saving, transitional or validating effect etc.) applies does not affect the declaration.	26 27 28
Amendment 7 is designed to overcome a recurring technical drafting problem where a provision does not actually confer a power on an entity, but merely allows someone else to do the conferring. Under current Queensland legislative drafting practice the conferral of power on the entity is taken to be implicit in the exercise of the conferring power and is not dealt with expressly. The proposed section confirms this	29 30 31 32 33

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SCHEDULE 1 (continued)

practice.	1
Amendment 8 removes a redundant word.	2
Amendment 9 inserts a new subsection 16 to give a definition of “power”. The proposed definition of “power” extends it to cover things done in performing a function. This means that, although a person with a statutory function may not delegate the function itself, tasks involved in performing the function may be delegated.	3 4 5 6 7
Amendment 10 changes the layout of section 32D to make it more user-friendly and to give further examples.	8 9
Amendment 11 corrects a reference.	10
Amendment 12 inserts words for consistency with the remainder of section 33.	11
Amendments 13 and 14 clarify the meaning of provisions specifying departments and chief executives by reference to the administration of a specified Act or enactment eg. ‘the department of government within which the <i>XYZ Act 1993</i> is administered’. Proposed subsections (5AA) and (5C) mirror the provision already made in section 33 for Ministers (see subsection (3)).	12 13 14 15 16
Amendments 15 and 16 extend the cases where a reference to Queensland is to be implied to entities. “Entity” will be defined in section 36 of the <i>Acts Interpretation Act 1954</i> (see Amendment 19).	17 18 19
Amendment 17 omits a number of definitions from section 36 (Meaning of commonly used words and expressions). Apart from the definitions “Legislative Assembly”, “Parliament”, “the Act” and “this Act” the definitions are replaced by Amendment 18.	20 21 22 23
The definitions of “Legislative Assembly” as the Legislative Assembly of Queensland and “Parliament” as the Parliament of Queensland are unnecessary (see section 35, <i>Acts Interpretation Act 1954</i>).	24 25 26
The definitions “the Act” and “this Act” are no longer necessary because of the new definition “Act” inserted by Amendment 18.	27 28
Amendment 18 inserts a number of definitions into section 36. Some of the definitions replace existing definitions. Others are new.	29 30
“Act” has been redefined to include a reference to section 7 (Act includes statutory instruments under Act etc.). As a result, the definitions of “the Act” and “this Act” are unnecessary.	31 32 33
The proposed definition of “breach” is new. A consequential change has been made to the existing definition of “contravene”.	34 35
Section 36 defines “minor” as an individual who is under 18. The proposed definition	36

Statute Law (Miscellaneous Provisions)
(No. 2)

SCHEDULE 1 (continued)

of “child” gives the same meaning to “child” in the appropriate context.	1
The definition of “chief executive” has been extended to deal with chief executives of public sector units that are not departments.	2 3
Section 36 currently defines “Governor” and “Governor in Council”. The proposed definitions will help in the drafting of uniform legislation by clarifying the meaning of the terms for the Northern Territory.	4 5 6
The existing definitions of “financial year” and “sign” have been updated to reflect current drafting practice.	7 8
The following proposed definitions are new—	9
• “asset”	10
• “change”	11
• “child”	12
• “citation”	13
• “committal proceeding”	14
• “doctor”	15
• “entity”	16
• “file”	17
• “grant of representation”	18
• “penalty unit”	19
• “summary”	20
• “table”	21
“Repeal” and “under” have been redefined for clarification.	22
Amendment 19 updates the language of section 38A to reflect current drafting practice.	23 24
Amendment 20 omits words that will be dealt with by a new subsection inserted by Amendment 22 (for section 39) and Amendment 23 (for section 39A).	25 26
Amendment 21 is a consequential renumbering amendment.	27
Amendments 22 and 23 deal with the words omitted by Amendment 20.	28
Amendment 24 is consequential on the enactment of the <i>Penalties and Sentences Act 1992</i> . Under Part 4 of that Act a court may impose a fine whether or not it records a conviction.	29 30 31
Amendment 25 substitutes a new section heading to clarify a less easily understood	32

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SCHEDULE 1 (continued)

heading.	1
Amendment 26 inserts words in section 42 (Penalty etc. may be enforced by anyone) making it easier to read and understand the following section 43 (Appropriation of penalties).	2 3 4
Amendments 27 and 28 are consequential on the revised definition of “under” in section 36 of the <i>Acts Interpretation Act 1954</i> .	5 6
Amendment 29 implements minor technical drafting changes.	7
Amendment 30 inserts a new subsection 49(5). The new subsection limits the type of information or document that can be required by a form prescribed under an Act (this would include an approved form because of section 26 of the <i>Statutory Instruments Act 1992</i>). Because of the new subsection, a prescribed form may only require information and documents reasonably necessary for a purpose for which the form is required.	8 9 10 11 12 13

ANTI-DISCRIMINATION ACT 1992 14

Amendments	15
1. Section 4—	16
<i>insert—</i>	17
‘ Registrar ’ means the Registrar of the Tribunal;’.	18
2. Section 165(3)—	19
<i>omit.</i>	20
3. Section 187(a)—	21
<i>omit</i> ‘section 195’, <i>insert</i> ‘section 185’.	22
4. Section 212—	23
<i>omit</i> ‘Commissioner’, <i>insert</i> ‘Registrar’.	24

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SCHEDULE 1 (continued)

Explanatory notes	1
Amendment 1 provides for a definition ‘Registrar’.	2
Amendment 2 corrects an error. Section 166 makes it clear only the complainant can bring an action. Section 165(3) is therefore superfluous.	3 4
Amendment 3 corrects a cross reference.	5
Amendment 4 allows the Registrar, instead of the Commissioner, to certify a copy of an order as a true copy to enforce the order in a court of competent jurisdiction.	6 7
 ANZAC DAY ACT 1921	 8
 Amendments	 9
1. Section 4(5)(a)—	10
<i>omit</i> ‘The Governor in Council by Order in Council published in the Gazette’,	11 12
<i>insert</i> ‘A regulation’.	13
 2. Section 4(5)(b)—	 14
<i>omit.</i>	15
 Explanatory note	 16
Amendments 1 and 2 complete the implementation of the current drafting practice to use regulations. Implementation began with the amendments of the Act in the <i>Statute Law (Miscellaneous Provisions) Act 1993</i> . See the amendment of the <i>Statute Law (Miscellaneous Provisions) Act 1993</i> in Schedule 2.	17 18 19 20
 ART UNIONS AND PUBLIC AMUSEMENTS ACT 1992	 21
 Amendments	 22
1. Section 4 (definition “sporting purpose”)—	23

SCHEDULE 1 (continued)

<i>omit</i> ‘that is engaged in competitively’,	1
<i>insert</i> ‘of a recreational nature’.	2
2. Section 52—	3
<i>omit, insert—</i>	4
‘Requirements of applicant for bingo centre licence	5
‘52. The following requirements apply to an applicant for a bingo centre licence for premises—	6 7
(a) the applicant must be an association (the “applicant association”) incorporated under the <i>Associations Incorporation Act 1981</i> ;	8 9 10
(b) the applicant association’s ordinary members must consist only of individuals (the “individuals”), appointed by each of the eligible associations conducting, or intending to conduct, minor bingo or major bingo at the premises, as representatives of the eligible associations;	11 12 13 14 15
(c) each individual must be an ordinary member of the eligible association that appointed the individual;	16 17
(d) the number of individuals appointed to the applicant association by each eligible association must be the same.’.	18 19
3. Section 67 (after ‘premises’)—	20
<i>insert</i> ‘where liquor is sold’.	21
4. Section 130—	22
<i>omit.</i>	23
Explanatory Notes	24
The department has reviewed the operation of this Act which has been in force for over a year.	25 26

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SCHEDULE 1 (continued)

Amendment 1 amends the definition “sporting purpose” to reflect the recreational aspect of sporting activity rather than the competitive aspect.	1 2
Amendment 2	3
All the current holders of bingo centre licences under the old Act are incorporated under the <i>Associations Incorporation Act 1981</i> and this is their preferred way of incorporation. Under the present section 52, it is not possible for existing licence holders who must obtain licences under the new Act when their existing licences end on 31 December 1993, or new applicants, to comply with the section and the <i>Associations Incorporation Act 1981</i> . The amendment recasts section 52 in a way that an association can comply with the section and the <i>Associations Incorporation Act 1981</i> .	4 5 6 7 8 9 10 11
Amendment 3 removes an unintended consequence of section 67’s operation. The original aim of the provision was to improve accountability and control over the sale of lucky envelopes in bar areas by eliminating hand sales and requiring sales through approved vending machines. Under the <i>Liquor Act 1992</i> “licensed premises” includes the entire premises.	12 13 14 15 16
The problem arises about the sale of lucky envelopes when bingo sessions are conducted in halls or function rooms that are a part of licensed premises. Lucky envelopes are usually sold by hand in these instances and it was never the intention to stop this way of sale.	17 18 19 20
Amendment 4 omits a redundant provision.	21

BAIL ACT 1980 22

Amendments	23
1. After section 6—	24
<i>insert—</i>	25
‘Delegation of powers by proper officer	26
‘6A.(1) A proper officer may delegate the proper officer’s powers under this Act to an officer of the public service (an “officer”) mentioned in subsection (2) if the officer is a justice.	27 28 29
‘(2) If the proper officer is—	30
(a) the sheriff—the powers may be delegated to an officer employed in the sheriff’s office or Magistrates Court registry; or	31 32

SCHEDULE 1 (continued)

- | | |
|---|-------------|
| (b) the registrar—the powers may be delegated to an officer employed in the District Court registry or Magistrates Court registry; or | 1
2
3 |
| (c) the clerk of the court—the powers may be delegated to an officer employed in the Magistrates Court registry.’ | 4
5 |

2. Section 11(3)— 6

omit, insert— 7

‘(3) If a court that grants bail on an adjournment of a hearing or while the defendant is awaiting trial considers an investigation ought to be made into the defendant’s physical or mental condition, the bail may be made subject to a condition that the defendant undergo medical examination— 8
9
10
11

(a) by a doctor at a specified institution or place (other than a security patients’ hospital under the <i>Mental Health Act 1974</i>); or	12 13
---	----------

(b) by a specified doctor.	14
----------------------------	----

‘(3A) However, bail may be made subject to a condition that the defendant undergo a medical examination only if the proposed examination is an examination the defendant could lawfully be required to undergo if the defendant remained in custody. 15
16
17
18

‘(3B) If bail is subject to a condition mentioned in subsection (3), the court must arrange for a statement containing the following matters to be given to the institution, place or doctor— 19
20
21

(a) the reasons for the investigation;	22
--	----

(b) the information before the court about the defendant’s physical or mental condition.’	23 24
---	----------

3. Section 20(1)— 25

omit ‘form prescribed by the regulations’, *insert* ‘approved form’. 26

SCHEDULE 1 (continued)

4. Sections 20(5)(b) and 21(4)—	1
<i>omit</i> ‘prescribed’, <i>insert</i> ‘approved’.	2
5. Section 21(1)(b)—	3
<i>omit, insert—</i>	4
‘(b) has not been convicted of an indictable offence; and’.	5
6. Section 38—	6
<i>omit.</i>	7
Explanatory note	8
Amendment 1 provides for the delegation of powers by a proper officer to an officer of the public service employed in specified places but only if the officer is a justice. Delegations have become necessary because of the increasing work load of the proper officers, especially in the Brisbane area.	9 10 11 12
Amendment 2 restates an existing provision in a way that makes it easier to understand.	13 14
Consistent with current drafting practice, amendments 3 and 4 remove the need for forms to be prescribed by regulation.	15 16
Amendment 5 removes unnecessary words relying on the definition of “indictable offence” in section 36 of the <i>Acts Interpretation Act 1954</i> .	17 18
Amendment 6 omits a section no longer necessary because of section 20A (Repeal does not end saving, transitional or validating effect etc.) of the <i>Acts Interpretation Act 1954</i> .	19 20 21
BUILDING ACT 1975	22
Amendments	23
1. Section 5 (definitions “local authority”, “Minister” and “this Act”)—	24 25
<i>omit.</i>	26

SCHEDULE 1 (continued)

2. Sections 6 to 12—	1
<i>omit, insert—</i>	2
‘Standard building by-laws	3
‘6.(1) The Governor in Council may make standard building by-laws under this Act.	4 5
‘(2) The standard building by-laws—	6
(a) apply to all areas; and	7
(b) are to be administered in an area by the local authority for the area; and	8 9
(c) are a complete code for building work in Queensland.	10
‘(3) Subject to section 49H of the <i>Local Government Act 1936</i> (Control and regulation of swimming pool fencing), a local authority has no power to make a by-law about building work.	11 12 13
‘(4) A by-law inconsistent with subsection (3)—	14
(a) is invalid to the extent of the inconsistency; and	15
(b) is taken to have been repealed to the extent of the inconsistency.’.	16
3. After section 75—	17
<i>insert—</i>	18
‘Savings and transitional	19
‘76. The <i>Standard Building By-laws 1991</i> in force immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it had been made under section 6.’.	20 21 22 23
4. Schedule—	24
<i>omit.</i>	25

SCHEDULE 1 (continued)

Explanatory notes	1
Amendment 1 removes unnecessary definitions.	2
Amendments 2 to 4 remove the Standard Building By-laws from the Act and allow it to continue in effect and be amended or repealed by a by-law made by the Governor in Council. The existing provision allows the Act to be amended by order in council.	3 4 5
 CHILDRENS COURT ACT 1992 	
Amendments	7
1. Section 19—	8
<i>omit</i> ‘on a day or’.	9
 2. Section 21—	 10
<i>omit, insert—</i>	11
‘Court sitting times	12
‘ 21. Subject to the Rules and the President’s directions, proceedings before the Court—	13 14
(a) when constituted by a Judge—may be held at any time; or	15
(b) when constituted by a Childrens Court Magistrate, Magistrate or justices—must be held at special times fixed in advance by the proper officer of the Court.’.	16 17 18
 Explanatory notes	 19
Amendment 1 removes doubt that the hearing of a matter before the Childrens Court may take place in a room that, on the same day as the hearing but at a different time, is used for the conduct of the business of another court.	20 21 22
Amendment 2 inserts a new section 21 giving greater flexibility in the times when the Court may sit. This is necessary to ensure the Court can respond quickly to matters coming before it, particularly in country areas.	23 24 25

SCHEDULE 1 (continued)

CLEAN AIR ACT 1963

Amendment

1. Schedule (paragraph (4))—

omit.

Explanatory Note

The amendment omits premises, on which a prescribed ozone depleting substance is used in the manufacture of plastic foam, from the list of scheduled premises for which a licence is required.

The licensing of plastic foam manufacturing premises is no longer warranted as the use of ozone depleting substances in the manufacture of plastic foam will effectively stop by the end of 1994 while current use has already been greatly reduced.

COMMERCIAL ARBITRATION ACT 1990

Amendments

1. Section 3(1)—

omit.

2. Section 59—

omit, insert—

‘Regulation making power

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

Explanatory notes

Amendment 1 omits an obsolete provision.

Amendment 2 implements current drafting practice by providing that the statutory instruments to be used under the Act are regulations.

SCHEDULE 1 (continued)

COMMUNITY SERVICES (ABORIGINES) ACT 1984	1
Amendments	2
1. Section 53A(1)(b)—	3
<i>omit.</i>	4
2. Section 80—	5
<i>omit, insert—</i>	6
‘Magistrates Court not to have jurisdiction for certain offences	7
‘80.(1) If—	8
(a) there is an Aboriginal Court for an area; and	9
(b) a regulation provides that a specified offence against a regulation must be started in an Aboriginal Court;	10 11
a Magistrates Court does not have jurisdiction for the area for the offence.	12
‘(2) In a proceeding before a Magistrates Court for an offence, it is a defence to prove that the defendant has already been dealt with by an Aboriginal Court for the offence.’.	13 14 15
Explanatory notes	16
Amendment 1 removes a reference to a section that was repealed in 1990.	17
Amendment 2 recasts the section in Plain English and omits the provision dealing with who may prosecute. This provision is covered in section 42 (Any person may prosecute etc.) of the <i>Acts Interpretation Act 1954</i> .	18 19 20

SCHEDULE 1 (continued)

COMMUNITY SERVICES (TORRES STRAIT) ACT 1
1984 2

Amendment 3

1. Section 79— 4

omit, insert— 5

‘Magistrates Court not to have jurisdiction for certain offences 6

‘79.(1) If— 7

(a) there is an Island Court for an area; and 8

(b) a regulation provides that a specified offence against a regulation
must be started in an Island Court; 9
10

a Magistrates Court does not have jurisdiction for the area for the offence. 11

‘(2) In a proceeding before a Magistrates Court for an offence, it is a 12
defence to prove the defendant has already been dealt with by an Island 13
Court for the offence.’. 14

Explanatory note 15

Amendment 1 recasts the section in Plain English and omits the provision dealing 16
with who may prosecute. This provision is covered in section 42 (Any person may 17
prosecute etc.) of the *Acts Interpretation Act 1954*. 18

CRIMINAL LAW (REHABILITATION OF 19
OFFENDERS) ACT 1986 20

Amendment 21

1. Section 9A(1) (Table)— 22

insert— 23

Statute Law (Miscellaneous Provisions)
(No. 2)

SCHEDULE 1 (continued)

<p>‘Person employed in the department in which the <i>Vocational Education, Training and Employment Act 1991</i> is administered as—</p> <p>(a) an educational administrator; or</p> <p>(b) a teacher; or</p> <p>(c) a college educational assistant; or</p> <p>(d) a member of the administrative, building or ground staff at a State college under the <i>Vocational Education, Training and Employment Act 1991</i>.</p>	<p>An offence defined in Chapter 22, 32, 33 or 34 of the Criminal Code or Part 2 of the <i>Drugs Misuse Act 1986</i>.</p> <p>An offence of a similar nature committed in Queensland or elsewhere.</p> <p>An offence of a sexual nature whether committed in Queensland or elsewhere.</p>
<p>Person employed at a rural training school under the <i>Rural Training Schools Act 1965</i> as—</p> <p>(a) an associate director; or</p> <p>(b) an instructor; or</p> <p>(c) a member of the administrative, building, domestic or ground staff.</p>	<p>An offence defined in Chapter 22, 32, 33 or 34 of the Criminal Code or Part 2 of the <i>Drugs Misuse Act 1986</i>.</p> <p>An offence of a similar nature committed in Queensland or elsewhere.</p> <p>An offence of a sexual nature whether committed in Queensland or elsewhere.’.</p>

Explanatory notes

Amendment 1 extends the applicants who may be required to disclose their criminal histories to include applicants for certain positions at colleges and schools operated under the *Vocational Education, Training and Employment Act 1991* and the *Rural Training Schools Act 1965*. The extension is necessary to ensure a safe and healthy environment for children who use the facilities.

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SCHEDULE 1 (continued)

DISTRICT COURTS ACT 1967

Amendments

1. Section 26—

omit.

2. After section 109—

insert—

‘Transitional references to Chairman etc.

‘110.(1) A reference in another Act to the Chairman of District Courts or a Deputy Chairman of District Courts is, for anything done, or proposed to be done, after 3 June 1993, taken to be a reference to the Chief Judge of District Courts or a Senior Judge of District Courts.’.

Explanatory notes

Amendment 1 removes a redundant provision.

Amendment 2 inserts a general reference provision to supplement the amendments of the *District Courts Act 1967* made by the *Statute Law (Miscellaneous Provisions) Act 1993* changing the titles “Chairman” and “Deputy Chairman” to “Chief Judge” and “Senior Judge”.

DIVIDING FENCES ACT 1953

Amendments

1. Section 3—

omit.

SCHEDULE 1 (continued)

2. Section 4—	1
<i>omit, insert—</i>	2
‘Act not to apply to unalienated Crown land	3
‘4.(1) This Act does not apply to unalienated Crown land.	4
‘(2) However, subsection (1) is subject to—	5
(a) paragraph (c) of the definition “owner” in section 6; and	6
(b) section 12 (Rights of persons fencing boundaries of certain Crown land); and	7 8
(c) an express contrary provision of another Act.	9
‘(3) None of the following are liable under this Act to join in or contribute to the construction or repair of a dividing fence between unalienated Crown land and other land—	10 11 12
(a) the State;	13
(b) a person or authority—	14
(i) having the administration, management or control of the Crown land; or	15 16
(ii) vested with the Crown land.’.	17
3. Section 6 (heading)—	18
<i>omit, insert—</i>	19
‘Definitions’.	20
4. Section 6(1) (definitions “Adjoining lands”, “Magistrates court”, “Person”, “Prescribed” and “This Act”)—	21 22
<i>omit.</i>	23

SCHEDULE 1 (continued)

5. Section 6(1)—	1
<i>insert—</i>	2
‘ “adjoining lands” includes lands separated by a watercourse, lake or other natural or artificial feature insufficient to stop the passage of stock at all times even though the bed and banks of the watercourse, lake or other feature may be Crown property or vested in or under the control of the Primary Industries Corporation or another authority;	3 4 5 6 7
‘ “common boundary” , for adjoining lands separated by a watercourse, lake or other natural or artificial feature insufficient to stop the passage of stock at all times, includes the bed and banks of the watercourse, lake or other feature separating the lands;’.	8 9 10 11
 6. Section 6(1) (definition “owner”, paragraph (c))—	 12
<i>omit</i> ‘ “the Land Act 1910” ’, <i>insert</i> ‘the <i>Land Act 1962</i> ’.	13
 7. Section 6(1) (definition “Registered surveyor”)—	 14
<i>omit</i> ‘ “the Land Surveyor Act 1908” ’,	15
<i>insert</i> ‘the <i>Surveyors Act 1977</i> ’.	16
 8. Section 6(2) (heading)—	 17
<i>omit</i> .	18
 9. Section 8—	 19
<i>omit, insert—</i>	20
‘Service of notice to fence	21
‘ 8.(1) An owner who wants to compel an owner of adjoining land to join in or contribute to the construction of a dividing fence (including the demolition of an existing dividing fence and the erection of a new fence) must serve the owner of the adjoining land with a written notice to fence.	22 23 24 25

SCHEDULE 1 (continued)

‘(2) A notice to fence must—	1
(a) specify—	2
(i) the common boundary line to be fenced; or	3
(ii) if only part of the common boundary line is to be fenced—the part to be fenced; or	4 5
(iii) if it is not proposed to construct the fence on the common boundary line for a reason stated in subsection (3)—the line on which it is proposed to construct the fence; and	6 7 8
(b) specify the kind of fence proposed to be constructed; and	9
(c) contain a proposal for the construction of the fence.	10
‘(3) If—	11
(a) it is impracticable to construct a fence wholly on the common boundary line of the adjoining lands because of physical features; or	12 13 14
(b) the adjoining lands are separated by a watercourse, lake, or other natural or artificial feature insufficient to stop the passage of stock at all times;	15 16 17
the notice to fence may propose to construct the fence on a line other than the common boundary fence.’.	18 19
10. Section 11(2)—	20
<i>omit, insert—</i>	21
‘(2) A person who—	22
(a) constructs a dividing fence under an order to fence; and	23
(b) later locates a person who owned the adjoining land when the dividing fence was constructed (the “owner”); and	24 25
(c) wants the owner to contribute to the construction cost;	26
must serve the owner with a copy of the order to fence (the “copy order”).	27
‘(2A) One month after the day of service of the copy order on the owner,	28

SCHEDULE 1 (continued)

the person who constructed the dividing fence may recover from the owner—	1 2
(a) if the copy order is served within 1 year of the day when the construction was completed—50% of the original cost of the fence; or	3 4 5
(b) if the copy order is served after the time mentioned in paragraph (a) but during the life of the fence—the amount that is lesser of—	6 7 8
(i) 50% of the value of the fence on the day the copy order was served; and	9 10
(ii) 50% of the original cost of the fence.’.	11
 11. Section 16(1)—	 12
<i>omit, insert—</i>	13
‘ 16.(1) An owner, of land separated from adjoining land by an existing dividing fence, who wants to compel an owner of the adjoining land to assist in repairing the fence must serve the adjoining owner with a written notice to assist in repairing the fence (a “ notice to repair ”).’.	14 15 16 17
 12. Section 24—	 18
<i>omit, insert—</i>	19
‘ Regulation making power	20
‘ 24. The Governor in Council may make regulations under this Act.’.	21
 Explanatory Notes	 22
Amendments 1 to 8 and 12 bring about statute law revision by omitting redundant references and provisions, updating references and recasting provisions in accordance with current drafting practices.	23 24 25
Amendment 9 makes it clear that a person who wants to compel an owner of adjoining land to contribute to the construction of a dividing fence must serve the adjoining owner with a notice to fence.	26 27 28

SCHEDULE 1 (continued)

Amendment 10 reflects amendment 9 in situations where the court makes an order to fence in the absence of an adjoining owner who cannot be found and the adjoining owner is later found. A copy of the order to fence **must** be served on the adjoining owner. 1
2
3
4

Amendment 11 reflects amendment 9 by requiring that a notice to repair an existing fence **must** be served on an adjoining owner. 5
6

In amendments 9 to 11 the opportunity has also been taken to recast the provisions in accordance with current drafting practice. 7
8

DOMESTIC VIOLENCE (FAMILY PROTECTION) 9
ACT 1989 10

Amendments 11

1. Section 16(1)— 12

omit ‘section 15’, *insert* ‘section 14’. 13

2. Section 67— 14

omit, insert— 15

‘Police action re domestic violence 16

‘67.(1) If a police officer reasonably suspects a person is an aggrieved spouse, it is the duty of the officer to investigate or cause to be investigated the complaint, report, or circumstance on which the officer’s reasonable suspicion is based, until the officer is satisfied the suspicion is unfounded. 17
18
19
20

‘(2) If, after the investigation, the officer reasonably believes— 21

(a) the person is an aggrieved spouse; and 22

(b) there is sufficient reason for the officer to take action; 23

the officer may— 24

(c) apply for a protection order against the spouse of the aggrieved spouse; and 25
26

SCHEDULE 1 (continued)

(d) take other action that the officer is required or authorised to take by this Act.’.	1 2
3. Section 68(2)—	3
<i>omit</i> ‘address of the peron’, <i>insert</i> ‘address of the person’.	4
4. Section 68(3) to (7)—	5
<i>omit, insert—</i>	6
‘(3) If the person does not state a name and address, the police officer—	7
(a) may require the person to state the person’s name and address; and	8 9
(b) must warn the person that failure to provide a correct name and address is an offence under this Act.	10 11
‘(4) If the police officer believes on reasonable grounds the name or address given by the person is false, the officer—	12 13
(a) may again require the person to state the person’s name and address; and	14 15
(b) may require evidence of the correctness of the name and address; and	16 17
(c) must warn the person that failure to provide a correct name and address is an offence under this Act.	18 19
‘(5) A person who is required under subsection (3) or (4) to state the person’s name and address must not fail to comply with the requirement, unless the person has a reasonable excuse for not complying with it.	20 21 22
Maximum penalty—10 penalty units.	23
‘(6) A person who is required under subsection (4)(b) to give evidence of the correctness of the name or address must not—	24 25
(a) fail to give the evidence unless the person has a reasonable excuse for not giving the evidence; or	26 27
(b) give false evidence.	28

SCHEDULE 1 (continued)

Maximum penalty—10 penalty units.’.	1
5. Section 68(8)—	2
<i>omit ‘(6) or (7)’, insert ‘(5) or (6)’.</i>	3
6. Section 68(8) to (10)—	4
<i>renumber as (7) to (9).</i>	5
7. Section 69(1)—	6
<i>omit ‘or associated domestic violence’.</i>	7
8. Section 75(2)—	8
<i>omit ‘section 69(3)’, insert ‘section 70(1)’.</i>	9
9. Section 76(2)—	10
<i>omit ‘Subject to subsection (2), section’, insert ‘Section’.</i>	11
10. Section 80(4)—	12
<i>omit ‘section 69(4)’, insert ‘section 71(3)(d)’.</i>	13
11. Section 82(1) (penalty—paragraphs (a) and (b))—	14
<i>omit, insert ‘40 penalty units or imprisonment for 1 year.’.</i>	15
Explanatory notes	16
Amendments 1 and 10 correct cross references.	17
Amendment 2 recasts the section in accordance with current drafting practice.	18
Amendment 3 corrects a minor error.	19

SCHEDULE 1 (continued)

Amendment 4 recasts the subsections to clarify the powers of a police officer to ask a person to state the person's name and address and to require evidence of the correctness of the name and address given. The obligations on the person to whom the requirement is made are also clarified.	1 2 3 4
Amendments 5 and 6 are renumbering amendments consequential to amendment 4.	5
Amendment 7 corrects a minor error.	6
Section 69 basically allows a police officer who suspects there has been an act of domestic violence to take a spouse into custody until a protection order is made. The section currently also allows arrest if a police officer suspects there has been an act of associated violence. Amendment 7 omits the unintended inclusion of associated domestic violence.	7 8 9 10 11
Amendment 11 brings about statute law revision because, under section 181B of the <i>Penalties and Sentences Act 1992</i> , the maximum fine for corporations is 5 times the maximum fine for individuals.	12 13 14

ELECTRICITY ACT 1976 15

Amendments	16
1. Schedule 5 (clauses 12(1) and 12(2)(a))—	17
<i>omit 'Local Government Superannuation Act 1964–1974',</i>	18
<i>insert 'Local Government Superannuation Act 1985'.</i>	19
2. Schedule 5 (clause 12(1), from 'within the time' to 'authorized,')—	20
<i>omit.</i>	21
3. Schedule 5 (clause 12)—	22
<i>insert—</i>	23
'(1A) The election must be made as required by the Articles.	24
'(1B) An employee who elects to contribute to the Scheme may not continue to contribute for a benefit or to a fund mentioned in subclause (1).'	25 26 27

SCHEDULE 1 (continued)

4. Schedule 5 (clause 12(2))—	1
<i>omit</i> ‘Order in Council’, <i>insert</i> ‘regulation’.	2
 Explanatory note	 3
Amendment 1 updates a reference.	4
Amendments 2 and 3	5
The Act provides for a superannuation scheme for employees in the electricity supply industry. The scheme commenced on 28 July 1980. The scheme is governed by Articles made by the Governor in Council under section 371 of the Act.	6 7 8
When the scheme commenced, employees who were contributing to certain local government superannuation funds were given the opportunity to elect, within a specified time, to contribute to the newer scheme. Some of these employees did not elect to do so but continued to contribute to the original funds.	9 10 11 12
The amendments enable the Governor in Council to provide, in the Articles, for further opportunities for the employees to contribute to the newer scheme.	13 14
Amendment 4 is consistent with current legislative drafting practice to use regulations rather than orders in council.	15 16
 EVIDENCE ACT 1977	 17
 Amendments	 18
1. Section 34—	19
<i>omit</i> .	20
 2. Section 42(1)(a)—	 21
<i>omit</i> ‘order in council’, <i>insert</i> ‘regulation’.	22
 3. Section 43—	 23
<i>omit, insert—</i>	24

SCHEDULE 1 (continued)

‘Acts and some statutory instruments to be judicially noticed	1
‘43. All courts must take judicial notice of the following—	2
(a) every Act;	3
(b) every statutory instrument made or purporting to be made by the Governor or the Governor in Council;	4 5
(c) the day on which every Act or statutory instrument and every provision of every Act or statutory instrument mentioned in paragraph (b) commenced.’.	6 7 8
 4. Section 57—	 9
<i>omit, insert—</i>	10
‘Proof of lease or licence	11
‘57.(1) This section applies to an instrument of lease or licence issued or continued in force and held under any of the following Acts—	12 13
• <i>Coal Mining Act 1925;</i>	14
• <i>Land Act 1962;</i>	15
• <i>Mineral Resources Act 1989;</i>	16
• <i>Miners’ Homestead Leases Act 1913;</i>	17
• <i>State Housing Act 1945.</i>	18
‘(2) An instrument may be proved by the production of a document purporting to be a copy of the instrument certified by the chief executive of the issuing department.	19 20 21
‘(3) In this section—	22
“issuing department” , for an instrument of a lease or licence, means the department dealing with matters about the provisions of the Act under which the lease or licence was issued or continued in force and held.’.	23 24 25

SCHEDULE 1 (continued)

5. Section 58(b)—	1
<i>omit, insert—</i>	2
‘(b) to be certified by the chief executive of the department dealing with matters under the <i>Constitution Act 1867</i> ;’.	3 4
6. Section 104 (definition “Minister”)—	5
<i>omit.</i>	6
7. Section 129—	7
<i>omit, insert—</i>	8
‘Part 5 of Libraries and Archives Act 1988 not affected	9
‘129. This Act does not affect Part 5 of the <i>Libraries and Archives Act 1988</i> .’.	10 11
8. Section 135—	12
<i>omit, insert—</i>	13
‘Regulation making power	14
‘135.(1) The Governor in Council may make regulations under this Act.	15
‘(2) A regulation may be made about—	16
(a) fees to be charged under this Act; or	17
(b) the payment of fees and expenses for, or incurred in, taking evidence under Division 2 of Part 3.’.	18 19
Explanatory notes	20
Amendment 1 omits a redundant regulation making provision remade as section 135.	21
Amendment 2 implements current drafting practice by providing that the statutory instruments to be used under section 42(1) are regulations.	22 23
Amendments 3 to 8 recast the provisions in accordance with current drafting practice as well as updating references where necessary.	24 25

SCHEDULE 1 (continued)

FRIENDLY SOCIETIES ACT 1991

Amendment	1
1. Section 10.4—	2
<i>omit, insert—</i>	3
‘Disposal of surplus on winding-up	4
‘10.4(1) A friendly society (the “nominating society”) may, by special resolution, nominate—	5
(a) 1 or more bodies to receive all or part of any surplus on the winding-up of the nominating society; and	6
(b) the way any surplus must be distributed, for example, by specifying the proportions or amounts to be transferred to a nominated body.	7
‘(2) If another friendly society is nominated, any surplus must be transferred to it as required by the special resolution.	8
‘(3) If—	9
(a) a body that is not a friendly society is nominated; and	10
(b) the Registrar considers the body—	11
(i) has similar objects to the nominating society’s objects; or	12
(ii) provides services or benefits for the community in which the nominating society operated;	13
any surplus must be transferred to the body as required by the special resolution.	14
‘(4) To the extent that any surplus is not transferred under subsections (2) and (3), it must be transferred as directed by the Registrar to—	15
(a) a friendly society; or	16
(b) a body that is not a friendly society and that the Registrar considers—	17
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SCHEDULE 1 (continued)

(i) has similar objects to the nominating society’s objects; or	1
(ii) provides services or benefits for the community in which the nominating society operated.	2 3
‘(5) The Registrar’s direction must be gazetted.’.	4
Explanatory note	5
This amendment allows greater flexibility in the way any surplus on the winding-up of a friendly society may be distributed.	6 7
HARBOURS ACT 1955	8
Amendment	9
1. After section 210—	10
<i>insert—</i>	11
‘Declaration about Harbours Order 1992	12
‘211.(1) In this section—	13
“order” means the <i>Harbours Order 1992</i>.	14
‘(2) It is declared that from 27 November 1992 until 16 July 1993—	15
(a) the references to Part A in sections 3(1), 4, 5(1) and 6(1) of the order are taken to be references to Part 1; and	16 17
(b) the references to Part B in sections 3(2), 5(2) and 6(2) of the order are taken to be references to Part 2; and	18 19
(c) the order had effect accordingly.	20
‘(3) This section expires at the end of the day that it commences.’.	21
Explanatory note	22
The order contained incorrect internal references. This amendment makes certain the effect of the order from the day when the order commenced until the day it was amended by a further order.	23 24 25

SCHEDULE 1 (continued)

INDUSTRIAL RELATIONS ACT 1990

Amendments	1
1. Section 2(4)—	2
<i>omit.</i>	3
2. Section 4(3) to (5)—	4
<i>renumber</i> as section 4(5) to (7).	5
3. Section 4(1) and (2)—	6
<i>omit, insert—</i>	7
‘(1) A person may be exempted from the application of a provision of this Act by regulation.	8
‘(2) The exemption may be subject to a condition specified by regulation.	9
‘(3) If a person’s exemption is subject to a condition, the exemption applies only while the person complies with the condition.	10
‘(4) If—	11
(a) an exemption applies to a person; and	12
(b) a decision purports to apply to the person for something covered by the exemption;	13
the decision is inoperative to that extent.’.	14
4. Section 5(1) (definitions “apprentice” and “trainee”)—	15
<i>omit, insert—</i>	16
“ apprentice ” means an apprentice within the meaning of section 1.4 of the <i>Vocational Education, Training and Employment Act 1991</i> ;	17
“ trainee ” means a trainee within the meaning of section 1.4 of the <i>Vocational Education, Training and Employment Act 1991</i> ;’.	18
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SCHEDULE 1 (continued)

- 5. Section 5(1) (definition “President”)—** 1
omit ‘and includes any person for the time being acting as President’. 2
- 6. Sections 5(1) (definition “young employee”), 13(4) and 153(2)(a)—** 3
omit ‘*Employment, Vocational Education and Training Act 1988*’, 4
insert ‘*Vocational Education, Training and Employment Act 1991*’. 5
- 7. Section 7—** 6
omit. 7
- 8. Section 29(1) (definitions “1958 Act” and “1972 Act”)—** 8
omit, insert— 9
‘**“1958 Act”** means the *Public Service Superannuation Act 1958*; 10
‘**“1972 Act”** means the *State Service Superannuation Act 1972*;’. 11
- 9. Section 29(2)—** 12
omit, insert— 13
‘(2) The *Judges (Pensions and Long Leave) Act 1957*, other than 14
sections 2A and 15, (the “**applied Act**”) applies with all necessary changes 15
to an Industrial Commissioner and an Industrial Commissioner’s spouse or 16
child in the same way as it applies to a Judge and a Judge’s spouse or child. 17
‘(2A) In applying the applied Act, it must be interpreted as if ‘Judge’ had 18
been replaced with ‘Industrial Commissioner within the meaning of the 19
Industrial Relations Act 1990’ wherever possible (other than in 20
section 2(1), definition “**Judge**”).’. 21

SCHEDULE 1 (continued)

- | | |
|--|----------------|
| 10. Section 29(4)— | 1 |
| <i>omit</i> ‘any relict or child of a Commissioner’, | 2 |
| <i>insert</i> ‘a Commissioner’s spouse or child’. | 3 |
|
11. Section 29(6)(b)— |
4 |
| <i>omit</i> ‘relict’, <i>insert</i> ‘spouse’. | 5 |
|
12. Section 30(1)— |
6 |
| <i>omit, insert—</i> | 7 |
| ‘ 30.(1) Section 15 (the “ applied section ”) of the <i>Judges (Pensions and Long Leave) Act 1957</i> applies with all necessary changes to an Industrial Commissioner in the same way as it applies to a Judge. | 8
9
10 |
| ‘ (1A) In applying the applied section, it must be interpreted as if ‘Judge’ had been replaced with ‘Industrial Commissioner within the meaning of the <i>Industrial Relations Act 1990</i> ’ wherever possible.’. | 11
12
13 |
|
13. Sections 53(3), 66(1) and 359(6)— |
14 |
| <i>omit</i> ‘(or that Act as amended and in force for the time being)’. | 15 |
|
14. Section 93(2) and (3)— |
16 |
| <i>omit, insert—</i> | 17 |
| ‘ (2) A rule made under subsection (1) is subordinate legislation.’. | 18 |
|
15. Section 150(3)(a)— |
19 |
| <i>omit</i> ‘the <i>Employment, Vocational Education and Training Act 1988</i> or any Act repealed by that Act’, | 20
21 |
| <i>insert</i> ‘the <i>Vocational Education, Training and Employment Act 1991</i> , the <i>Employment, Vocational Education and Training Act 1988</i> (the “ 1988 Act ”) or any Act repealed by the 1988 Act’. | 22
23
24 |

SCHEDULE 1 (continued)

16. Sections 151(3) and 160(2)—	1
<i>omit</i> ‘, and a derivative of the term has a corresponding meaning’.	2
17. Section 152(8)—	3
<i>omit</i> ‘as amended and in force for the time being’.	4
18. Section 157(2)—	5
<i>omit</i> ‘as amended and in force at the time of such approval’.	6
19. Section 163—	7
<i>omit, insert—</i>	8
‘Service in Defence Force	9
‘163.(1) In this section—	10
‘Defence Force’ means the Australian Defence Force;	11
‘permanent forces’ has the meaning given by section 4(1) of the <i>Defence Act 1903</i> (Commonwealth);	12 13
‘service’ , as a member of the Defence Force, means service in the Defence Force other than in the permanent forces.	14 15
‘(2) In calculating an employee’s entitlement to long service leave under this Division, service by that person as a member of the Defence Force is taken to be continuous service by the person with the employer by whom the person was employed immediately before the person began service with the Force.’.	16 17 18 19 20
20. Section 170—	21
<i>omit, insert—</i>	22
‘Long service leave for other seasonal workers	23
‘170.(1) The Governor in Council may, by regulation, declare that the provisions of—	24 25

SCHEDULE 1 (continued)

- | | |
|--|--------|
| (a) sections 159 to 168; and | 1 |
| (b) section 169(2) and (3); | 2 |
| or those provisions as modified or affected by the regulation, apply to | 3 |
| employees of a description specified in the regulation in any calling whose | 4 |
| employment with the same employer— | 5 |
| (c) is seasonal or of another periodic nature; and | 6 |
| (d) is not defined as casual by the award, industrial agreement or | 7 |
| certified agreement concerned. | 8 |
| ‘(2) A regulation under subsection (1) may do any of the following— | 9 |
| (a) may specify employees by reference to callings, duties, | 10 |
| employers, places of employment or in any other way sufficient | 11 |
| to identify them; | 12 |
| (b) may modify or affect the provisions of this Division declared by | 13 |
| the regulation for the purpose of its application to employees for | 14 |
| whom the provisions are declared by a regulation under the | 15 |
| subsection to apply; | 16 |
| (c) may define terms for the purpose of the application of the | 17 |
| provisions of this Division as declared by a regulation under the | 18 |
| subsection.’. | 19 |
|
21. Section 172(1)— |
20 |
| <i>omit</i> ‘as amended and in force for the time being,’. | 21 |
|
22. Section 381(1)— |
22 |
| <i>omit, insert—</i> | 23 |
| ‘Regulation making power | 24 |
| ‘381.(1) The Governor in Council may make regulations under this Act. | 25 |
| ‘(2) A regulation may be made— | 26 |
| (a) creating an offence against a regulation; and | 27 |

SCHEDULE 1 (continued)

(b) fixing a penalty for an offence against a regulation (including different penalties for successive offences against a regulation) of not more than a fine of 20 penalty units.’.	1 2 3
23. Section 382—	4
<i>omit.</i>	5
24. Section 436—	6
<i>omit, insert—</i>	7
‘Offences re ballot papers and other records	8
‘436. A person who contravenes section 226 commits an offence against this Act.	9
Maximum penalty—40 penalty units.’.	10 11
25. Section 459(4)—	12
<i>omit</i> ‘or under section 136 of the <i>Industrial Conciliation and Arbitration Act 1961</i> ’.	13 14
26. Section 475(1)(g)—	15
<i>omit</i> ‘Queensland Employment, Vocational Education and Training Board constituted under the <i>Employment, Vocational Education and Training Act 1988</i> ’,	16 17 18
<i>insert</i> ‘Vocational Education, Training and Employment Commission constituted under the <i>Vocational Education, Training and Employment Act 1991</i> ’.	19 20 21
27. Section 483—	22
<i>omit.</i>	23

SCHEDULE 1 (continued)

28. Part 22—	1
<i>omit.</i>	2
Explanatory notes	3
Amendments 1, 4 to 19, and 21 to 28, bring about statute law revision by omitting redundant references and provisions, updating references and recasting provisions in accordance with current drafting practice.	4 5 6
Amendment 2 is a renumbering amendment consequential on amendment 3.	7
Amendments 3 and 20 put into effect current drafting practice by providing that the statutory instruments to be used under the relevant provisions are regulations.	8 9
JUDGES (SALARIES AND ALLOWANCES) ACT 1967	10
Amendments	11
1. Sections 3 and 12(1)(b)—	12
<i>omit</i> ‘Chairperson, and a Deputy Chairperson,’	13
<i>insert</i> ‘Chief Judge and a Senior Judge’.	14
2. Section 12(4)—	15
<i>omit, insert—</i>	16
‘(4) A determination made by the Tribunal is—	17
(a) subordinate legislation; and	18
(b) an exempt instrument under the <i>Legislative Standards Act 1992</i> .’.	19
3. Section 12(5)—	20
<i>omit, insert—</i>	21
‘(5) When the determination is tabled in the Legislative Assembly under section 43 of the <i>Statutory Instruments Act 1992</i> , a copy of the report must also be tabled in the Legislative Assembly.’.	22 23 24

Statute Law (Miscellaneous Provisions)
(No. 2)

SCHEDULE 1 (continued)

Explanatory notes	1
Amendment 1 is consequential on amendments to the <i>District Courts Act 1967</i> made by the <i>Statute Law (Miscellaneous Provisions) Act 1993</i> replacing the titles ‘Chairman of District Courts’ and ‘Deputy Chairman’ with ‘Chief Judge’ and ‘Senior Judge’.	2 3 4
Amendment 2 declares a determination of the Salaries and Allowances Tribunal to be an exempt instrument under the <i>Legislative Standards Act 1992</i> . The consequence of this is that the determination will not have to be drafted by the Office of the Queensland Parliamentary Counsel.	5 6 7 8
Amendment 3 specifies the provision that requires the tabling of subordinate legislation and brings existing section 12(5) of the Act into line with the tabling provision of the <i>Statutory Instruments Act 1992</i> (section 43).	9 10 11
 JUPITERS CASINO AGREEMENT ACT 1983	12
Amendment	13
1. Section 5 (Orders in Council)—	14
<i>omit.</i>	15
Commencement	16
Amendment 1 is taken to have commenced on 3 June 1993.	17
Explanatory note	18
Amendment 1 corrects a minor drafting error made when the Act was amended on 3 June 1993.	19 20
 JUSTICES OF THE PEACE AND COMMISSIONERS FOR DECLARATIONS ACT 1991	21 22
Amendments	23
1. Section 1.02(3)—	24
<i>omit.</i>	25

SCHEDULE 1 (continued)

2. Section 1.04 (definitions “registrar” and “repealed Act”)—	1
<i>omit.</i>	2
3. Section 1.04—	3
<i>insert—</i>	4
‘“affidavit” includes a statutory declaration;	5
“criminal history” of a person—	6
(a) means the person’s criminal history within the meaning of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ; and	7 8
(b) despite section 6 of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , includes a conviction to which the section applies;	9 10 11
“registrar” means the registrar of justices of the peace and commissioners for declarations;	12 13
“repealed Act” means the <i>Justices of the Peace Act 1975</i> ;’.	14
4. Section 2.02(1)(b) to (e)—	15
<i>omit, insert—</i>	16
‘(b) 1 is to be an officer of the public service in the department in which the <i>Education (General Provisions) Act 1989</i> is administered;	17 18 19
‘(c) 1 is to be an officer of the public service in the department in which the <i>Domestic Violence (Family Protection) Act 1989</i> is administered;	20 21 22
‘(d) 1 is to be an officer of the public service in the department in which the <i>Police Service Administration Act 1990</i> is administered;	23 24 25
‘(e) 1 is to be an officer of the public service in the department in which the <i>Fair Trading Act 1989</i> is administered;’.	26 27

SCHEDULE 1 (continued)

5. Section 2.02(2)—	1
<i>omit.</i>	2
6. Section 2.04—	3
<i>omit</i> ‘but if otherwise qualified is eligible for reappointment’.	4
7. Section 2.05(b)—	5
<i>omit</i> from ‘or is convicted elsewhere’ to ‘offence’.	6
8. Section 2.06(3)—	7
<i>omit.</i>	8
9. Section 3.03(b)—	9
<i>omit</i> from ‘or is convicted elsewhere’ to ‘offence’.	10
10. Section 3.14(1)—	11
<i>insert—</i>	12
‘(1A) The powers of a justice of the peace mentioned in section 3.04(1) include, but are not limited to, all the powers specifically conferred under any Act or law on a justice of the peace (qualified) or justice of the peace (magistrates court).’.	13 14 15 16
11. Section 3.14(2) and (3)—	17
<i>omit</i> ‘any proceedings’, <i>insert</i> ‘a proceeding.’.	18
12. Section 3.14—	19
<i>insert—</i>	20
‘(8) If justices of the peace generally are authorised under an Act or law	21

SCHEDULE 1 (continued)

to do an act mentioned in subsection (7)(b)—	1
(a) a commissioner for declarations may also do the act; and	2
(b) the Act or law applies to the commissioner for declarations as if the commissioner for declarations were a justice of the peace;	3 4
unless the operation of this subsection is expressly excluded.’.	5
13. After section 4.01—	6
<i>insert—</i>	7
‘Inquiries about person’s appropriateness to hold office	8
‘4.01A(1) The chief executive may make inquiries about a person to assist in deciding whether the person is an appropriate person to hold office under this Act.	9 10 11
‘(2) If requested by the chief executive, the Commissioner of the Police Service must give the chief executive a written report about the person’s criminal history.	12 13 14
‘(3) Subsection (2) applies to the criminal history—	15
(a) that is in the Commissioner’s possession; or	16
(b) to which the Commissioner ordinarily has access through arrangements with the police service of the Commonwealth, another State or Territory.	17 18 19
‘(4) The report may only be used for the purposes of this Act.’.	20
14. Section 4.08(1)—	21
<i>omit, insert—</i>	22
‘4.08(1) The Governor in Council may make regulations under this Act.’.	23 24

SCHEDULE 1 (continued)

15. Section 4.08(2) (all words to ‘with respect to’)—	1
<i>omit, insert—</i>	2
‘(2) A regulation may be made about’.	3
 16. Section 6.06—	 4
<i>omit, insert—</i>	5
‘Numbering and renumbering of Act	6
‘6.06 In the next reprint of the Act produced under the <i>Reprints Act 1992</i> , section 43 (Numbering and renumbering of provisions) of that Act must be used.	7 8 9
 ‘Validation of previous acts of commissioners for declarations	 10
‘6.07(1) To remove any doubt, it is declared that the taking or attesting by a commissioner for declarations before the commencement of section 3.14(8) of any affidavit, instrument or document was as valid and effectual as if it had been done after the commencement.	11 12 13 14
‘(2) This section expires at the end of the day it commences.’.	15
 Explanatory note	 16
Amendments 1 to 3 and 6 to 9 omit matter that is redundant (mainly because of subsequent amendments of the <i>Acts Interpretation Act 1954</i>).	17 18
Amendment 3 also inserts 2 new definitions. The definition of affidavit puts beyond doubt the power of commissioners for declarations to take statutory declarations (see section 3.14(7)(b)). The definition of criminal history is required for proposed section 4.01A.	19 20 21 22
Amendment 4 removes unnecessary administrative arrangements requiring particular ministers to nominate members of the Justice of the Peace Council.	23 24
Amendment 5 is a consequential on amendment 4.	25
Amendment 10 makes it clear Judges and Magistrates (who are justices under section 3.04(1)) have all the powers specifically conferred on justices of the peace (qualified) and justices of the peace (magistrates court).	26 27 28

SCHEDULE 1 (continued)

Amendment 11 makes a minor change to drafting style.	1
Amendment 12 makes it clear commissioners for declarations may attest or take affidavits and other documents even if only justices of the peace are mentioned in the authorising legislation, unless it is clear there was some particular reason for excluding commissioners for declarations from this function, which ordinarily is part of their duties (some older Acts in particular may not mention commissioners for declarations).	2 3 4 5 6 7
Amendment 13 inserts a new section 4.01A. The proposed section enables inquiries to be made about a person’s appropriateness to hold an office under the Act, including any criminal history. Proposed subsection (4) is a privacy safeguard. It limits the use of a report about a person’s criminal history.	8 9 10 11
Amendments 14 and 15 recast section 4.08 in accordance with the current drafting practice for regulation making powers.	12 13
Amendment 16 inserts a provision to require the numbering of the Act under the <i>Reprints Act 1992</i> .	14 15
Amendment 16 also ensures that no doubt can arise over acts of commissioners for declarations before the commencement of section 3.14(8).	16 17

JUVENILE JUSTICE ACT 1992 18

Amendments	19
1. Section 5 (definition “proper officer”)—	20
<i>omit, insert—</i>	21
‘ “proper officer” means—	22
(a) for the Supreme Court, a District Court or a Childrens Court Judge—the registrar or a sheriff, deputy sheriff or under sheriff of the court; and	23 24 25
(b) for a Magistrates Court or a Childrens Court Magistrate—the clerk of the court;’.	26 27
2. Section 6—	28
<i>insert—</i>	29

SCHEDULE 1 (continued)

‘(6) To avoid any doubt, it is declared subsections (2) to (5) only apply to a person mentioned in subsection (1) who is sentenced after the commencement of the regulation mentioned in the subsection.’.	1 2 3
3. After section 9—	4
<i>insert—</i>	5
‘Delegation of powers by proper officer	6
‘9A.(1) A proper officer may delegate the proper officer’s powers under this Act to an officer of the public service (an “officer”) mentioned in subsection (2) if the officer is a justice.	7 8 9
‘(2) If the proper officer is—	10
(a) the registrar, sheriff, deputy sheriff or under sheriff—the powers may be delegated to an officer employed in the registry of the Court concerned; or	11 12 13
(b) the clerk of the court—the powers may be delegated to an officer employed in the registry of the Court concerned.’.	14 15
4. Section 18(2)—	16
<i>omit, insert—</i>	17
‘(2) Subsection (1) does not prevent the information being given to the following persons—	18 19
(a) a parent of the child;	20
(b) a person who will be involved in the administration of the caution;	21 22
(c) an investigator under the <i>Liquor Act 1992</i> dealing with a child offender;	23 24
(d) a member of a police service of the Commonwealth or another State or a Territory dealing with a child offender;	25 26
(e) a person who is undertaking research approved by the Commissioner;	27 28

SCHEDULE 1 (continued)

- | | |
|---|--------|
| (f) the chief executive; | 1 |
| (g) a legal practitioner acting for the child; | 2 |
| (h) a court, or legal practitioner acting for a party, in a proceeding in which the giving of the caution is relevant to a fact in issue.’. | 3
4 |

Explanatory notes 5

Amendment 1 extends the definition of “proper officer” to include the proper officer for a Childrens Court Judge. 6
7

Amendment 3 allows for a delegation of powers by a proper officer to an officer of the public service employed in specified places but only if the officer is a justice. Delegations have become necessary because of the increasing work load of the proper officers, especially in the Brisbane area. 8
9
10
11

Amendment 2 avoids doubt about the application of subsections (2) to (5) to a person mentioned in section 6(1). 12
13

Amendment 4 changes an unintentioned consequence in the operation of section 18. Under the existing section a member of the Police Service may not give details of a caution that is to be, or has been, administered to a child, to other policing organisations. Proposed subsection (2)(c) and (d) are new and extend the list of persons to whom information about the caution may be given. 14
15
16
17
18

LIBRARIES AND ARCHIVES ACT 1988 19

Amendment 20

1. Schedule— 21

omit ‘The Chairman of the District Court’, 22

insert ‘The Chief Judge of District Courts’. 23

Explanatory note 24

Amendment 1 is consequential on amendments to the *District Courts Act 1967* made by the *Statute Law (Miscellaneous Provisions) Act 1993* replacing the title ‘Chairman of District Courts’ with ‘Chief Judge of District Courts’. 25
26
27

SCHEDULE 1 (continued)

LOCAL GOVERNMENT SUPERANNUATION ACT 1
1985 2

Amendment 3

1. Section 33— 4

omit, insert— 5

‘Management of schemes or funds 6

‘33.(1) The Board may arrange with an entity for it to— 7

(a) manage, for the Board, the Scheme or any other superannuation 8
scheme of which the Board acts as trustee; or 9

(b) invest, for the Board, money from the Fund or any other money 10
vested in or controlled by the Board. 11

‘(2) The Board may only act under subsection (1) with the approval of 12
the Governor in Council.’. 13

Explanatory note 14

The Board is trustee of the superannuation scheme established and maintained under 15
the Act. Section 33 of the Act allows the Board to arrange for other bodies to manage 16
the Scheme or invest funds for the Board. 17

Under section 33B of the Act, the Board may also act as trustee of other 18
superannuation schemes. The amendment expands the scope of section 33 so that it 19
also applies to any such other schemes. 20

MOUNT ISA MINES LIMITED AGREEMENT ACT 21
1985 22

Amendments 23

1. Section 3— 24

omit, insert— 25

SCHEDULE 1 (continued)

‘Variation of formal agreement by agreement	1
‘3.(1) The formal agreement may be varied by a further agreement between the Minister and Mount Isa Mines Limited.	2 3
‘(2) The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.	4 5
‘(3) The Minister must notify the date of the making of the further agreement by Gazette notice.’.	6 7
 2. Section 5—	 8
<i>omit.</i>	9
 3. After section 6—	 10
<i>insert—</i>	11
‘Regulation making power	12
‘7.(1) The Governor in Council may make regulations under this Act.	13
‘(2) For the purposes of subsection (1), a mention in the formal agreement of an order in council is taken to be a mention of a regulation.’.	14 15
 Explanatory note	 16
Amendments 1 to 3 implement current drafting practice by providing for variations of the formal agreement to be made by regulation rather than by order in council.	17 18
 PAWNBROKERS ACT 1984	 19
 Amendment	 20
1. Section 66(1)(h)—	21
<i>omit ‘\$400’, insert ‘8 penalty units’.</i>	22

SCHEDULE 1 (continued)

Explanatory note	1
This amendment amends a provision about the maximum amount of a penalty that may be prescribed by a regulation. The amendment updates the monetary reference to the equivalent number of penalty units at the time the provision was enacted.	2 3 4
PENALTIES AND SENTENCES ACT 1992	
Amendments	6
1. After section 8—	7
<i>insert—</i>	8
‘Delegation of powers by proper officer	9
‘8A.(1) A proper officer may delegate the proper officer’s powers under this Act to an officer of the public service (an “officer”) mentioned in subsection (2) if the officer is a justice.	10 11 12
‘(2) If the proper officer is—	13
(a) the sheriff—the powers may be delegated to an officer employed in the sheriff’s office or Magistrates Court registry; or	14 15
(b) the registrar—the powers may be delegated to an officer employed in the District Court registry or Magistrates Court registry; or	16 17 18
(c) the clerk of the court—the powers may be delegated to an officer employed in the Magistrates Court registry.’.	19 20
2. Section 49(1) (after ‘guilty’)—	21
<i>insert</i> ‘(including being found guilty on a plea of guilty)’.	22
3. Section 56 (heading)—	23
<i>omit, insert—</i>	24
‘Notice to offender of right to apply for fine option order’.	25

SCHEDULE 1 (continued)

4. Section 56(1)(b)—	1
<i>insert—</i>	2
‘(iii) under section 56A.’	3
5. Section 56(3) and (4)—	4
<i>omit.</i>	5
6. After section 56—	6
<i>insert—</i>	7
‘Offender may apply to proper officer for fine option order	8
‘56A.(1) If a court makes an original order for an offender, the offender	9
may apply to the proper officer of the court for a fine option order.	10
‘(2) The application must—	11
(a) be in the approved form; and	12
(b) state the relevant particulars, having regard to the matters of	13
which the proper officer must be satisfied under section 57(1);	14
and	15
(c) be signed by the applicant.	16
‘(3) The application may be made even after a warrant of commitment	17
has been issued or executed on the original order.	18
‘(4) However—	19
(a) the offender cannot make the application under this section if the	20
offender has an application under section 53 or 55; and	21
(b) the application under this section lapses if the offender makes an	22
application to the court under section 53 or 55.	23
‘(5) Also, if the court decides an application under section 53 or 55, the	24
proper officer cannot afterwards consider an application under this section	25
unless permitted by section 58.’	26

SCHEDULE 1 (continued)

7. Section 89—	1
<i>omit</i> ‘section 88’, <i>insert</i> ‘section 88(1)(a) to (d)’.	2
8. Section 156(1)—	3
<i>omit</i> ‘the offender is serving’,	4
<i>insert</i> ‘the offender is serving, or has been sentenced to serve’.	5
9. Section 181 (heading)—	6
<i>omit, insert—</i>	7
‘Corporations entitled to aggrieved party payments’.	8
10. Section 181(2)—	9
<i>insert</i> as a heading—	10
‘Corporations to be fined if imprisonment is the only penalty’.	11
11. Section 181(2)—	12
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘subsection (2)’.	13
12. Section 181(3)—	14
<i>omit</i> ‘subsection (2)’, <i>insert</i> ‘subsection (1)’.	15
13. Section 181(6)—	16
<i>omit</i> ‘Subsection (2)’, <i>insert</i> ‘Subsection (1)’.	17
14. Section 181(6)—	18
<i>omit</i> ‘subsection (2)(a)’, <i>insert</i> ‘subsection (1)(a)’.	19

SCHEDULE 1 (continued)

15. Section 181(4), (5) and (7)—	1
<i>omit.</i>	2
16. Section 181(2), (3) and (6) (as amended)—	3
<i>renumber</i> as section 181A (1), (2) and (3).	4
17. After section 181A—	5
<i>insert—</i>	6
‘Corporation fines under penalty provision	7
‘ 181B.(1) This section applies to a provision prescribing a maximum fine for an offence only if the provision does not expressly prescribe a maximum fine for a body corporate different from the maximum fine for an individual.	8 9 10 11
‘ (2) The maximum fine is taken only to be the maximum fine for an individual.	12 13
‘ (3) If a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to 5 times the maximum fine for an individual.	14 15 16
‘Corporation fines under provision authorising subordinate legislation	17 18
‘ 181C.(1) This section applies to a provision of an Act prescribing the maximum fine for an offence that may be imposed under subordinate legislation under the Act only if the provision does not expressly prescribe a maximum fine for a body corporate different from the maximum fine for an individual.	19 20 21 22 23
‘ (2) The maximum fine is taken only to be the maximum fine for an individual that may be imposed under the subordinate legislation.	24 25
‘ (3) The maximum fine for a corporation that may be imposed under the subordinate legislation is taken to be 5 times the maximum fine for an individual.’.	26 27 28

SCHEDULE 1 (continued)

18. Section 185A(2)—

omit, insert—

‘(2) If a court orders an offender to be imprisoned under section 184, the proper officer of the court must issue a warrant of commitment for the imprisonment.’

Explanatory notes

Amendment 1 provides for the delegation of powers by a proper officer to an officer of the public service employed in specified places but only if the officer is a justice. Delegations have become necessary because of the increasing work load of the proper officers, especially in the Brisbane area.

Amendment 2 has been made to avoid doubt about whether the section applies if the court has accepted a plea of guilty to 2 or more offences. It might be argued that the section only applies if the offender has been “found guilty” which implies that “not guilty” pleas have been entered.

Amendments 3 to 6 clarify the right of an offender to apply for a fine options order to the proper officer of the court. At the moment this depends on the proper officer sending out a formal warning to the offender to make the application. The amendments clarify that, subject to rules preserving the precedence for the court’s decisions, an application can be made at any time.

Amendment 7 makes it clear the original order for which a fine option order was made (so far as the original order requires the payment of a fine) is terminated only in the circumstances mentioned in section 88(1)(a) to (d). It is evident paragraph (d) should have been excluded when regard is had to sections 74(4)(b) and 79.

Amendment 8 removes doubts that have arisen about the imposition of cumulative orders of imprisonment by inserting the words ‘or has been sentenced to serve’ that occur in subsection (1)(a), at the end of the subsection as well.

Amendments 9 to 17 effectively create 3 new sections out of the existing provisions in section 181 to make the subject matters of that section clearer.

Amendment 17 also inserts a new section 181C that ensures provisions of legislation authorising subordinate legislation will be interpreted so that maximum penalties for bodies corporate will be 5 times the maximum penalty for individuals.

Amendment 18 corrects an error. Under section 184 the only order the court may make is an order for imprisonment.

SCHEDULE 1 (continued)

PODIATRISTS ACT 1969

Amendment

1. After section 33—

insert—

‘Transitional—references to chiropody

‘**34.** A reference in an Act passed, or a document made, before 1 August 1987 to “**chiropody**”, “**chiropodist**” or their derivatives is a reference to “**podiatry**”, “**podiatrist**” or their derivatives.’.

Explanatory note

The *Chiropodists Act Amendment Act 1987* (the “repealed Act”) is repealed in Schedule 3 of this Act. The repealed Act has a general reference provision (section 4) that needs to be retained. This amendment inserts a new section 33 equivalent to section 4 of the repealed Act.

**PRIMARY PRODUCERS’ CO-OPERATIVE
ASSOCIATIONS ACT 1923**

Amendment

1. Section 12A—

omit, insert—

‘Change of objects of association

‘**12A.(1)** An association that is registered for an object stated in section 6(1) may become registered for an additional object stated in section 6(1) by using the following procedure.

‘**(2)** The association must adopt the additional object by special resolution.

‘**(3)** The special resolution must set out the additional object.

SCHEDULE 1 (continued)

- ‘(4) The association must send to the Minister a copy of the special resolution—
- (a) certified by the association’s secretary as a correct copy of the resolution; and
- (b) sealed with the association’s official seal.
- ‘(5) The Minister may approve the adoption of the additional object if the Minister considers—
- (a) the adoption of the additional object would enable the association to—
- (i) carry on its business more efficiently; and
- (ii) achieve the main purposes for which the association was formed; and
- (b) the interests of the association’s creditors and debenture-holders are protected.
- ‘(6) The Minister’s approval must be gazetted.
- ‘(7) After gazettal, the association must register the special resolution.
- ‘(8) On registration, the additional object set out in the special resolution is an object of the association.’.

Explanatory note

This amendment removes the need for Governor in Council approval and an order in council for an approval that is essentially an administrative matter. The opportunity has also been taken to recast the provision in plain English.

**PRIMARY PRODUCERS’ ORGANISATION AND
MARKETING ACT 1926**

Amendment

1. After section 54—

insert—

SCHEDULE 1 (continued)

‘Period of office of members of the Rice Marketing Board	1
‘55.(1) Despite section 9(4) but subject to subsection (2), the period of office of the members of the Rice Marketing Board extended by the <i>Primary Producers’ Organisation and Marketing (Rice Marketing Board) Regulation (No. 3) 1993</i> to 10 November 1993, is further extended until a day declared by regulation.	2 3 4 5 6
‘(2) The day mentioned in subsection (1) must be before 10 November 1994.	7 8
‘(3) This section expires on the day on which the regulation mentioned in subsection (1) commences.’.	9 10
 Commencement	 11
Amendment 1 is taken to have commenced on 10 November 1993.	12
 Explanatory note	 13
The period of office of the members of the Rice Marketing Board has already been extended to 10 November 1993—the maximum term currently allowed under the Act. A receiver has been appointed to the Board and the receivership will not be completed before January 1994. The legal situation about the ability of the receiver to act if there is no Board is not clear. This amendment extends the period of office of the members of the Board for a maximum period of 1 year. This is necessary to allow the proper administration of the receivership to continue without interruption. After the receivership is completed the Board is to be wound-up under the Act.	14 15 16 17 18 19 20 21
 QUEENSLAND BUILDING SERVICES AUTHORITY ACT 1991	 22 23
 Amendments	 24
1. Section 9(1)(a)—	25
<i>omit ‘and review’, insert ‘review and amend’.</i>	26

SCHEDULE 1 (continued)

2. Section 9(2)—	1
<i>omit, insert—</i>	2
‘(2) The policies of the Board, and amendments to the policies—	3
(a) must be made in writing and gazetted; and	4
(b) must be given to the Minister at least 14 days before the policies are gazetted; and	5 6
(c) do not have effect until the policies are gazetted.’.	7
3. Section 44—	8
<i>insert—</i>	9
‘(5) In this section—	10
“owner” includes a person—	11
(a) who—	12
(i) holds an estate or interest in land that entitles the person to become an owner (as defined in section 4(1)) of the land; or	13 14
(ii) is the occupier of land under a lease, licence or other authority from the owner (as defined in section 4(1)) of the land; and	15 16 17
(b) who produces with an application under subsection (1) the written agreement of the owner (as defined in section 4(1)) of the land for a permit to be issued under this section to the person.’.	18 19 20
4. Schedule (before clause 2)—	21
<i>insert—</i>	22
‘Definitions	23
‘1A. In clause 2—	24
“former Board” means the Builders’ Registration Board of Queensland established under the repealed Act;	25 26

SCHEDULE 1 (continued)

<p>“repealed Act” means the <i>Builders’ Registration and Home-Owners’ Protection Act 1979</i>.</p>	<p>1 2</p>
<p>5. Schedule (clause 2(3))—</p> <p style="padding-left: 2em;"><i>omit, insert—</i></p> <p>‘(3) The provisions of the repealed Act about insurance continue to apply, with the changes prescribed by regulation under this Act, to building work started before 1 July 1992 and—</p> <p style="padding-left: 2em;">(a) the provisions continue to apply to the building work whether the work is carried out before or after the date as if the repealed Act had not been repealed; and</p> <p style="padding-left: 2em;">(b) the Authority may exercise any of the powers of the former Board about the insurance.</p> <p>‘(3A) Instruments of guarantee and indemnity entered into under section 31(3) of the repealed Act and in force immediately before 1 July 1992 continue to have effect, with all necessary changes and any changes prescribed by regulation under this Act, until the instruments are discharged by the Authority.</p> <p>‘(3B) Without limiting subclause (3A), a reference in the instruments to the former Board is taken to be a reference to the Authority.</p> <p>‘(3C) The instruments guarantee the payment by the guarantors of amounts payable to the Authority under—</p> <p style="padding-left: 2em;">(a) section 70 of the repealed Act because of subclause (3); and</p> <p style="padding-left: 2em;">(b) section 71 of this Act.</p> <p>‘(3D) A house purchaser’s agreement that the former Board is taken to have entered into under the repealed Act continues in force for the balance of its term and all rights, duties, obligations and liabilities of the former Board under the agreement are taken to be the rights, duties, obligations and liabilities of the Authority.</p> <p>‘(3E) An amount paid by the former Board under its obligations under section 69 of the repealed Act and not recovered at 1 July 1992—</p>	<p>3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30</p>

SCHEDULE 1 (continued)

(a) is taken to be a debt owing to the Authority; and	1
(b) the Authority has the same rights under section 71 of this Act as if the amount had been paid by the Authority on a claim under the insurance scheme mentioned in that section.’.	2 3 4
6. Schedule (clause 2(4))—	5
<i>omit, insert—</i>	6
‘(4) A direction or order for rectification of building work may be made under this Act in relation to building work, as defined in the repealed Act, carried out before 1 July 1992 by a person who was a registered builder, registered general builder or registered house builder within the meaning of the repealed Act as if references in this Act to a licensed contractor extended to the person.’.	7 8 9 10 11 12
7. Schedule (clause 2(6) (after ‘Part 3’))—	13
<i>insert</i> ‘and an approval mentioned in section 53(3) of the repealed Act may be given by the Authority’.	14 15
8. Schedule (clause 2(8)(a))—	16
<i>omit</i> ‘section’, <i>insert</i> ‘subclause’.	17
9. Schedule (clause 2(9))—	18
<i>omit</i> ‘subsection’, <i>insert</i> ‘subclause’.	19
Commencement	20
Amendments 4 to 9 are taken to have commenced on 1 July 1992. This is the day the Schedule and other major provisions of the Act commenced.	21 22

SCHEDULE 1 (continued)

Explanatory Notes	1
Amendment 1 confirms the Queensland Building Services Board has the power to amend policies already made.	2 3
Amendment 2 establishes procedures and a timetable for the appropriate publication of policies of the Board in line with the undertaking to the Committee of Subordinate Legislation.	4 5 6
Amendment 3 inserts a new section 44(5) which defines “owner”. This will provide greater flexibility in the issue of permits for work by owner-builders. This is necessary to ensure that permits may be issued where an occupier has either a right to become the owner as defined in section 4 or where the occupier has the written consent of the owner of the land.	7 8 9 10 11
Amendment 4 inserts a definition provision.	12
Amendment 5 establishes that deeds of guarantee provided by company directors to the Builders’ Registration Board remain in force and enforceable by the Authority. This amendment is necessary to allow a substantial number of cases for recovery of amounts owing to the Authority to proceed.	13 14 15 16
Amendment 6 replaces clause 2(4). The new provision makes it clear that “building work” means building work carried out prior to the commencement of the Act. This will remove doubts as to the enforcement of orders for the rectification of building work carried out before 1 July 1992.	17 18 19 20
Amendment 7 clarifies the Authority’s right to approve the sale of owner-built residences commenced prior to 1 July 1992. This confirms the original intent of section 2(6).	21 22 23
Amendments 8 and 9 correct provision references.	24

QUEENSLAND NICKEL AGREEMENT ACT 1970 25

Amendments	26
1. Section 4—	27
<i>omit, insert—</i>	28
‘Change of Agreement by further agreement	29
‘4.(1) The Agreement may be changed by a further agreement between the Minister and the Companies.	30 31

SCHEDULE 1 (continued)

‘(2) The Minister may make a further agreement only if the proposed further agreement has been approved by regulation.	1 2
‘(3) The Minister must notify the date of the making of the further agreement by Gazette notice.’.	3 4
2. After section 6—	5
<i>insert—</i>	6
‘Regulation making power	7
‘7.(1) The Governor in Council may make regulations under this Act.	8
‘(2) For the purposes of subsection (1), a mention in the Agreement of an order in council is taken to be a mention of a regulation.’.	9 10
Explanatory note	11
Amendments 1 and 2 implement current drafting practice by providing for variations of the Agreement to be made by regulation.	12 13
RACING AND BETTING ACT 1980	14
Amendment	15
1. Section 218A(2)—	16
<i>omit</i> ‘Chairman’, <i>insert</i> ‘Chief Judge’.	17
Explanatory Note	18
Amendment 1 is consequential on amendments to the <i>District Courts Act 1967</i> made by the <i>Statute Law (Miscellaneous Provisions) Act 1993</i> replacing the title ‘Chairman of District Courts’ with ‘Chief Judge of District Courts’.	19 20 21

SCHEDULE 1 (continued)

REAL PROPERTY ACT 1861

Amendment	1
1. Section 41—	2
<i>omit, insert—</i>	3
‘Assurance of title fee	4
‘41. A prescribed assurance fee is payable to the land registry on—	5
(a) land first brought under this Act by its alienation from the State;	6
or	7
(b) an application, dealing, transaction or instrument on which, or for	8
which, a prescribed fee is payable.’.	9
	10
Explanatory note	11
Amendment 1 corrects a cross reference to a section that was replaced when the Act	12
was amended by the <i>Lands Legislation Amendment Act 1992</i> .	13

REPRINTS ACT 1992

Amendments	14
1. Section 3 (definition “law”)—	15
<i>insert—</i>	16
‘(c) an agreement that has the force of law;’.	17
	18
2. Section 5 (at the end)—	19
<i>insert—</i>	20
‘Example 4—	21
‘If a definition is added to a section consisting of 1 definition, the existing	22
section heading ‘Definition’ would become ‘Definitions’.’.	23

SCHEDULE 1 (continued)

3. Section 7(1)(a)—	1
<i>omit.</i>	2
4. Section 7(1)(j)—	3
<i>omit, insert—</i>	4
‘(j) correcting minor errors as permitted by section 44; and’.	5
5. Section 7(1)(b) to (l) (as amended)—	6
<i>renumber</i> as section 7(1)(a) to (k).	7
6. Section 20A (heading)—	8
<i>omit</i> ‘short title’, <i>insert</i> ‘citation’.	9
7. Before section 22 (in Division 3 of Part 4)—	10
<i>insert—</i>	11
‘Changed citation	12
‘21A.(1) If—	13
(a) there is a reference to a law’s citation; and	14
(b) since the reference was made, the citation has been amended;	15
the reference may be given using the citation as amended.	16
‘(2) In this section—	17
“law” includes a law of the Commonwealth, another State or a Territory;	18
“made” includes enacted.’.	19
8. Section 29—	20
<i>insert—</i>	21
<i>‘Example 25 (Preamble)—</i>	22

SCHEDULE 1 (continued)

‘Because—’ may replace ‘Whereas—’.	1
9. After section 42—	2
<i>insert—</i>	3
‘Omission of words of enactment or notification	4
‘42A. Words of enactment or notification of a law may be omitted.	5
<i>Example of enacting words—</i>	6
The Parliament of Queensland enacts—	7
<i>Example of words of notification—</i>	8
His Excellency the Administrator of the Government, acting by and with the advice of the Executive Council and under section XYZ of the <i>Example</i> <i>Act 19XY</i> , makes the following order in council—	9 10 11
[order]	12
And the Honourable the Minister is to give the necessary directions herein accordingly.	13 14
XYZ, Clerk of the Council’.	15
10. Section 43(3)—	16
<i>omit</i> ‘had not been amended’, <i>insert</i> ‘were to be remade’.	17
11. Section 49(4)(b)—	18
<i>omit, insert—</i>	19
‘(b) as the text would be shown if the following provisions were used—	20 21
• Division 2 (Updated citations and references to law) of Part 4	22 23
• section 25 (References to gender specific offices)	24
• section 26 (Spelling)	25

SCHEDULE 1 (continued)

- section 27 (Punctuation) 1
- section 29 (Expression of number, year, date, time, amount
of money, quantity etc.) but only to the extent stated in
subsection (5) 2
3
4
- Division 5 (Updated naming conventions within statutory
instruments) of Part 4 5
6
- section 34 (Relocation of marginal or cite notes) 7
- section 35 (Format and printing style). 8

‘(5) For the purpose of subsection (4), section 29 must be used only to express the designation of provision units in the law, and references to the designation of provision units in another law, in a way consistent with current legislative drafting practice.’ 9
10
11
12

12. Section 49 (example of subsection (4)(b)(ii))— 13
omit ‘(4)(b)(ii)’, insert ‘(5)’. 14

Explanatory notes 15

Amendment 1 is designed to assist the reprinting of agreements that have the force of law. 16
17

Amendment 2 inserts a new example in section 5 (Amendments). Section 5 requires a reprint to show the law as amended and incorporate all necessary consequential amendments. The proposed example clarifies that 1 type of consequential amendment is to change the section heading of a section consisting of 1 definition from the singular form to the plural form if more definitions are added. 18
19
20
21
22

Amendment 3 is explained in conjunction with Amendment 9. 23

Amendment 4 replaces the reference to the Division with a reference to the section as there is only 1 section in Division 7, namely, section 44. 24
25

Amendment 5 is necessary because of the omission of section 7(1)(a) by Amendment 3. 26
27

Amendment 6 makes the section 20A heading consistent with other section headings in the same Division. 28
29

Amendment 7 inserts section 21A to complement the existing provisions allowing citations and other references (including references to remade laws, changed names 30
31

Statute Law (Miscellaneous Provisions)
(No. 2)

SCHEDULE 1 (continued)

of bodies, offices and places) to be updated. It allows a reference in a reprinted law to the short title of another law to be updated if the short title has been amended.	1 2
Amendment 8 clarifies the use of section 29 (Expression of number, year, date, time, amount of money, quantity etc.) to update preambles in accordance with current legislative drafting practice.	3 4 5
Amendment 9 inserts a new section 42A. Existing section 7(1)(a) allows the omission of enacting words (unless there is a preamble) and words of notification. Amendment 3 deletes it because proposed section 42A also allows the omission of enacting words when there is a preamble. More significantly, proposed section 42A provides examples of enacting words and words of notification.	6 7 8 9 10
Amendment 10 assists the reprinting of legislation. When amendments insert new provisions in a law, the numbering of the law's provisions can become untidy and difficult. For example, consecutive sections could be numbered 35AAA, 35, 35A, 35AA, 35AB, 36, 38 and 38A. This amendment makes it clear section 43 (Numbering and renumbering of provisions) may be used to renumber an amended law if the numbering of its provisions is significantly different to how it would be numbered if the law were remade. If remade, the sections given in the example would be numbered 35, 36, 37, 38, 39, 40, 41 and 42. Accordingly, section 43 may be used to reprint the law using consecutive section numbers. Refer also to amendments 11 and 12 and the explanatory notes for those amendments.	11 12 13 14 15 16 17 18 19 20
Existing section 49(4)(b) allows a law that has not yet been reprinted to be amended and referred to having regard to a list of certain basic editorial changes that would be made when the law is reprinted. Amendments 10 to 12 add to the list.	21 22 23

SEWERAGE AND WATER SUPPLY ACT 1949

Amendment	25
1. Section 7(2)(vi)—	26
<i>omit</i> 'Plumbers and Gasfitters' Employees' Union of Australia',	27
<i>insert</i> 'Electrical, Electronic, Plumbing and Allied Workers Union of Australia, Plumbing Division,'.	28 29
Explanatory note	30
The amendment reflects the union's change of name.	31

SCHEDULE 1 (continued)

STATE ENVIRONMENT ACT 1988

Amendment	1
1. Section 12—	2
<i>omit, insert—</i>	3
‘Delegation by chief executive	4
‘12. The chief executive may delegate the chief executive’s powers under this or another Act to an officer of the public service.’.	5
	6
	7
Explanatory note	8
The amendment remakes the chief executive’s power of delegation in accordance with current drafting practice. Section 27A (Delegation of powers) of the <i>Acts Interpretation Act 1954</i> then applies.	9
	10
	11

STATE HOUSING ACT 1945

Amendments	12
1. Section 4 (definitions “Director-General”, “Local Authority”, “Local Authority Area” and “Minister”)—	13
<i>omit.</i>	14
	15
2. Section 18—	16
<i>insert—</i>	17
‘(1A) An order in council under subsection (1) is not subordinate legislation.’.	18
	19
	20

SCHEDULE 1 (continued)

- | | |
|---|----------|
| 3. Section 24(3)(iii)— | 1 |
| <i>omit</i> ‘prescribed from time to time’, | 2 |
| <i>insert</i> ‘determined by the Governor in Council’. | 3 |
| 4. Section 24(4)— | 4 |
| <i>omit</i> ‘as prescribed’. | 5 |
| 5. Section 24A(4)(b)— | 6 |
| <i>omit</i> ‘prescribed rate’, | 7 |
| <i>insert</i> ‘rate determined by the Governor in Council’. | 8 |
| 6. Section 24A(13)— | 9 |
| <i>omit.</i> | 10 |
| 7. Section 33(2)(a)— | 11 |
| <i>omit</i> ‘such rate or rates per centum per annum as shall from time to time
be prescribed in respect thereof by Order in Council’, | 12
13 |
| <i>insert</i> ‘the rate determined by the Governor in Council’. | 14 |
| 8. Section 33(2)(a)— | 15 |
| <i>omit</i> ‘from time to time by one or more than one Order in Council
prescribe’, | 16
17 |
| <i>insert</i> ‘determine’. | 18 |
| 9. Section 33(2)(b)— | 19 |
| <i>omit.</i> | 20 |

SCHEDULE 1 (continued)

10. Section 33(2)(c)(from ‘prescribed in respect thereof’)—	1
<i>omit, insert—</i>	2
‘determined for the purpose.’.	3
11. Section 33(3)—	4
<i>omit</i> ‘per centum per annum prescribed from time to time pursuant to that subsection’,	5
<i>insert</i> ‘determined by the Governor in Council’.	6
	7
12. Section 33(4)—	8
<i>omit, insert—</i>	9
‘(4) The Governor in Council may reduce the rate of interest applicable to an advance or contract of sale under subsection (1).’.	10
	11
13. Section 33(5)(d)—	12
<i>omit</i> ‘by an Order in Council’.	13
14. Section 33(5)(d)—	14
<i>omit</i> ‘such Order in Council’, <i>insert</i> ‘the Governor in Council’.	15
15. Schedule (clause 9)—	16
<i>omit</i> ‘per centum per annum prescribed for the time being’,	17
<i>insert</i> ‘determined’.	18
16. Schedule (clause 12(a))—	19
<i>omit</i> ‘at the rate per centum per annum payable according to subsection three of section thirty-three of this Act’.	20
	21

SCHEDULE 1 (continued)

17. Schedule (clause 12(a))—	1
<i>omit</i> ‘at the rate prescribed from time to time’.	2
18. Schedule (clause 12(b))—	3
<i>omit</i> ‘at the rate prescribed pursuant to section 33 from time to time’.	4
19. Schedule (clause 12(b))—	5
<i>omit</i> ‘at the rate prescribed from time to time’.	6
20. Schedule (clause 15(1))—	7
<i>omit</i> ‘prescribed rate’,	8
<i>insert</i> ‘rate determined by the Governor in Council’.	9
21. Schedule (clause 24(1))—	10
<i>omit</i> ‘with the prescribed interest advanced to’,	11
<i>insert</i> ‘payable by’.	12
Explanatory notes	13
Amendment 1	14
This amendment omits obsolete or unnecessary definitions.	15
Amendment 2	16
This amendment inserts a subsection providing that an order in council under section 18 of the Act is not subordinate legislation. This is presently provided for under the <i>Statutory Instruments Regulation 1992</i> .	17 18 19
Amendments 3 to 24	20
The Act presently makes provision a number of times for the prescription of interest rates for the purposes of various housing schemes. The purpose of the amendments is to provide that, although the appropriate interest rates continue to be decided by the Governor in Council, it is not a requirement that they be fixed by order in council.	21 22 23 24

SCHEDULE 1 (continued)

**STATE HOUSING (FREEHOLDING OF LAND) ACT
1957**

Amendments

1. Part 1—

omit, insert—

‘PART 1—PRELIMINARY

‘Short title

‘1. This Act may be cited as the *State Housing (Freeholding of Land) Act 1957*.’

2. Section 9(1)(i), (2)(i) and (3)(ii) and section 10H(2)—

omit ‘per centum per annum prescribed from time to time’,

insert ‘determined by the Governor in Council’.

3. Section 9(6)(b)—

omit ‘prescribed’.

4. Section 9(7)—

omit.

5. Section 10H(5)—

omit.

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SCHEDULE 1 (continued)

Explanatory notes	1
Amendment 1	2
This updates the short title and omits obsolete provisions.	3
Amendments 2 to 5	4
The Act presently makes provision a number of times for the prescription of interest rates for the purposes of the purchase of land held under freeholding leases. The purpose of the amendments is to provide that, although the appropriate interest rates continue to be decided by the Governor in Council, it is not a requirement that they be fixed by order in council.	9
STATUTORY INSTRUMENTS ACT 1992	10
Amendments	11
1. Section 7—	12
<i>omit, insert—</i>	13
‘Meaning of “statutory instrument”	14
‘7.(1) A “statutory instrument” is an instrument that satisfies subsection (2) and (3).	15
‘(2) The instrument must be made under—	17
(a) an Act; or	18
(b) another statutory instrument; or	19
(c) power conferred by an Act or statutory instrument and also under power conferred otherwise by law.	20
<i>Example of paragraph (c)—</i>	22
An instrument made partly under an express or implied statutory power and partly under the Royal Prerogative.	24
‘(3) The instrument must be of 1 of the following types—	25
• a regulation	26
• an order in council	27

SCHEDULE 1 (continued)

• a rule	1
• a by-law	2
• an ordinance	3
• a statute	4
• a proclamation	5
• a notification of a public nature	6
• a standard of a public nature	7
• a guideline of a public nature	8
• another instrument of a public nature by which the entity making the instrument unilaterally affects a right or liability of another entity.	9 10 11
‘(4) However, to remove doubt, an Executive Council Minute is not itself a statutory instrument.’.	12 13
2. Section 22 (heading)—	14
<i>omit ‘for purposes of’, insert ‘under’.</i>	15
3. Section 22(1) and (3)—	16
<i>omit ‘for the purposes of’, insert ‘under’.</i>	17
4. After section 30A—	18
<i>insert—</i>	19
‘Statutory instrument may exempt from fee	20
‘30B.(1) If a power is conferred under a law for a statutory instrument to prescribe a fee, the power includes a power to—	21 22
(a) exempt any person or matter from payment of the fee; or	23
(b) waive payment of the fee for any person or matter.	24
‘(2) If—	25

SCHEDULE 1 (continued)

(a) a law requires payment of a fee prescribed under a statutory instrument by a person or for a matter; and	1 2
(b) either—	3
(i) the person or matter is exempted under the statutory instrument from payment of the fee; or	4 5
(ii) the fee is waived for the person or matter under the statutory instrument;	6 7
the requirement to pay the fee is taken to have been satisfied.’.	8
 5. Section 43—	 9
<i>insert—</i>	10
‘(3) This section applies to a form declared, under an Act or a regulation made under this Act, to be a form requiring tabling in the Legislative Assembly in the same way as it applies to subordinate legislation.’.	11 12 13
 6. Section 44—	 14
<i>omit, insert—</i>	15
‘Disallowance	16
‘44.(1) A member of the Legislative Assembly may give notice of a motion to disallow subordinate legislation within 14 sitting days after it is tabled in the Assembly.	17 18 19
‘(2) If notice is given under subsection (1), the Assembly may pass a resolution disallowing subordinate legislation.	20 21
‘(3) If the Assembly passes the resolution, the subordinate legislation’s effect ends.	22 23
‘(4) The subordinate legislation’s effect also ends if, at the end of 14 sitting days after the notice is given, the motion has not—	24 25
(a) been withdrawn; or	26
(b) lapsed; or	27

SCHEDULE 1 (continued)

(c) been otherwise disposed of.	1
‘(5) For the purpose of calculating the number of sitting days in subsection (1), it does not matter whether the days are within the same or different Parliaments or sessions of Parliament.	2 3 4
‘(6) This section applies to a provision of subordinate legislation in the same way as it applies to the entire subordinate legislation.	5 6
‘(7) This section also applies to a form tabled under section 43 (Tabling) in the same way as it applies to subordinate legislation.’	7 8
Explanatory notes	9
Amendment 1 clarifies the meaning of “statutory instrument”. Implicit in the existing definition is a limitation to documents of a public nature. For example, if an Act contemplates an employment contract may be negotiated between the State and an employee, the contract is not a statutory instrument. Proposed subsection (3) makes the public nature limitation an express element of specified types of statutory instrument and clarifies (by the last dot point) the miscellaneous category of instruments that are statutory instruments.	10 11 12 13 14 15 16
Amendments 2 and 3 are consistent with current legislative drafting practice (see definition of “under” in section 36 of the <i>Acts Interpretation Act 1954</i>). It enables the standard regulation making power to be further simplified.	17 18 19
Amendment 4 removes the need for a specific regulation making power to deal with exemptions from fees.	20 21
Amendment 5 inserts a new subsection (3) allowing the tabling requirement to be applied to certain forms made administratively under an Act.	22 23
Amendment 6 inserts a proposed new section 44. The existing section 44 provides for the disallowance by the Legislative Assembly of subordinate legislation that is tabled. Apart from simplifying the section’s language, the proposed amendment does 3 things.	24 25 26 27
Existing subsection (3) states that the Assembly’s power to resolve that subordinate legislation be disallowed is not affected by Parliament’s prorogation or the Assembly’s dissolution or end of its term. Its effect is found in proposed subsection (5) which clarifies how the 14 day time limit is to be calculated if Parliament is prorogued, dissolved or ends its term.	28 29 30 31 32
In addition to the possibilities covered by existing subsection (4), proposed subsection (4) covers the possibility of a motion lapsing.	33 34
Subsection (7) extends the disallowance provision to forms required to be tabled.	35

SCHEDULE 1 (continued)

WORKPLACE HEALTH AND SAFETY ACT 1989

Amendments	1
1. Section 6(1)—	2
<i>insert—</i>	3
‘ another official ’ means a person who may grant a certificate to work in an occupation under a law of the Commonwealth, another State or a Territory about occupational health and safety;’.	4
2. Section 109 (heading)—	5
<i>omit, insert—</i>	6
‘ Certificate required to work in certain occupations ’.	7
3. Section 109(1) and (2) (all words from ‘is the holder’ to ‘Act’)—	8
<i>omit, insert—</i>	9
‘holds a certificate to work in, or in a part of, the occupation granted by the Director or another official’.	10
4. Section 113(1) (all words from ‘of competency’ to ‘those provisions’)—	11
<i>omit, insert—</i>	12
‘to work in a prescribed occupation, or whose certificate has been suspended or cancelled by the Director,’.	13
5. After section 113(1)—	14
<i>insert—</i>	15
‘ (1A) However, a person cannot appeal against the suspension or cancellation of the person’s certificate by the Director if—	16

SCHEDULE 1 (continued)

- | | |
|---|-------------|
| (a) the Director suspended or cancelled the certificate on the recommendation of another official; and | 1
2 |
| (b) the official has given the person a reasonable opportunity to show cause why the official should not recommend to the Director that the certificate should be suspended or cancelled.’. | 3
4
5 |

6. Section 137(2)(t)— 6

omit, insert— 7

- | | |
|--|----------|
| ‘(t) may provide for— | 8 |
| (i) the grant, endorsement, renewal, suspension or cancellation of certificates or licences; and | 9
10 |
| (ii) the recognition of certificates or licences granted by another official; and’. | 11
12 |

Explanatory Notes 13

Queensland has entered into an arrangement with the Commonwealth, the other States and the Territories to recognise and give effect to each others certificates to work in prescribed occupations issued under their occupational health and safety laws. 14
15
16
17

Amendments 1, 3, 5 and 6 carry that scheme into effect. 18

Amendment 3 also changes the type of authority that will be issued by the Director to work in a prescribed occupation. A certificate to work is the only authority that will now be issued. This change is reflected in amendments 1, 2, 4, 5 and 6. 19
20
21

SCHEDULE 2	1
AMENDMENTS BY WAY OF STATUTE LAW REVISION ONLY	2 3
section 3	4
ASSOCIATIONS INCORPORATION ACT 1981	5
Amendments	6
1. Section 4 (heading)	7
<i>omit, insert—</i>	8
‘Savings’.	9
2. Section 4(1)—	10
<i>omit.</i>	11
3. Section 5(1) (definition “Minister”)—	12
<i>omit.</i>	13
4. Section 5(1)—	14
<i>insert—</i>	15
‘ “repealed Acts” means the Acts specified in the Schedule repealed by section 4(1) as in force immediately before the commencement of the amendments of this Act made by the <i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1993</i> .’	16 17 18 19
Explanatory Notes	20

SCHEDULE 2 (continued)

Amendments 1 to 3 effect statute law revision by omitting redundant provisions.	1
Amendment 4 is consequential to amendment 1 and inserts the definition “repealed Acts” to replace the reference to ‘repealed Acts’ in the omitted section 4(1).	2 3

CLASSIFICATION OF FILMS ACT 1991 4

Amendment	5
1. Section 34—penalty paragraph (e)—	6
<i>omit</i> ‘paragraph (c)’, <i>insert</i> ‘paragraph (d)’.	7
Explanatory note	8
Amendment 1 corrects a minor error.	9

DAIRY INDUSTRY ACT 1993 10

Amendment	11
1. Section 107(1)(b)—	12
<i>omit</i> ‘substitute’, <i>insert</i> ‘may substitute’.	13
Explanatory note	14
Amendment 1 corrects a minor error.	15

FINANCIAL ADMINISTRATION AND AUDIT ACT 16
1977 17

Amendment	18
1. Section 46H—	19
<i>omit, insert—</i>	20

SCHEDULE 2 (continued)

‘Statutory body must consider Auditor-General’s observations and suggestions	1 2
‘46H. If a chairperson of a statutory body is given observations or suggestions (together with any comments on them) under section 93(4), the chairperson must ensure they are considered at the statutory body’s next ordinary meeting.’.	3 4 5 6
Explanatory note	7
The amendment brings about statute revision by correcting a cross reference and recasting the section in plain English.	8 9
 QUEENSLAND INVESTMENT CORPORATION ACT 1991	 10 11
Amendment	12
1. Section 1.3(1) (definition “public service”)—	13
<i>omit.</i>	14
Explanatory note	15
Amendment 1 omits a redundant definition.	16
 RACING AND BETTING AMENDMENT ACT (No. 2) 1991	 17 18
Amendments	19
1. Section 29(2)—	20
<i>omit, insert—</i>	21
‘(2) Section 128(2)—	22
<i>omit ‘commence before 30 minutes after ’, insert ‘ start before’.</i>	23

SCHEDULE 2 (continued)

2. Section 51—	1
<i>omit</i> ‘this Act’,	2
<i>insert</i> ‘the <i>Racing and Betting Act 1980</i> as in force immediately before the commencement of this Act’.	3 4
3. Section 51 (Table, immediately under the words ‘that club’, in the first and second column)—	5 6
<i>insert</i> —	7
‘that club’s’	‘the club’s’.
8	9
4. Schedule (Amendment of section 52(3)(g))	9
<i>omit, insert</i> —	10
‘Section 52(3)(g)—	11
<i>omit</i> ‘subject to the approval of the Minister,’.	12
5. Schedule (Amendment of section 136)—	13
<i>omit.</i>	14
Commencement	15
All amendments are taken to have commenced on 1 March 1992. This is the day the original amendments in the <i>Racing and Betting Amendment Act (No. 2) 1991</i> were to have commenced.	16 17 18
Explanatory notes	19
The amendments effect statute law revision by correcting minor technical errors.	20

SCHEDULE 2 (continued)

STATUTE LAW (MISCELLANEOUS PROVISIONS) 1
ACT 1993 2

Amendment 3

1. Schedule 1, Anzac Day Act 1921, amendments 2 and 3— 4

omit. 5

Explanatory note 6

Amendment 1 omits amendments that could not operate because of an incorrect
reference. See amendments of the *Anzac Day Act 1921* in Schedule 1. 7
8

SCHEDULE 3

1

ACTS REPEALED

2

section 4(1)

3

<i>Chiropodists Act Amendment Act 1987</i>	4
<i>Coal Industry (Control) Act Amendment Act 1969</i>	5
<i>Coal Industry (Control) Acts Amendment Act 1965</i>	6
<i>Common Law Process Act 1867 Amendment Act 1870</i>	7
<i>Commonwealth and State Housing Agreement Amendment Act 1955</i>	8
<i>Consumer Affairs Act and Another Act Amendment Act 1982</i>	9
<i>Employment, Vocational Education and Training Act Amendment Act 1988</i>	10
<i>Fishing Industry Organisation and Marketing Act Amendment Act 1987</i>	11
<i>Granville and Burnett Bridges Act 1889</i>	12
<i>Home Builders' Assistance Act 1958</i>	13
<i>Industrial Development Act Amendment Act 1976</i>	14
<i>Lamington Bridge Act 1897</i>	15
<i>Land Act and Another Act Amendment Act 1982</i>	16
<i>Lands Legislation Amendment Act 1991</i>	17
<i>Legal Practitioners Act Amendment Act 1954</i>	18
<i>Liens on Crops of Sugar Cane Acts Amendment Act 1961</i>	19
<i>Local Government Act Amendment Act 1981</i>	20
<i>Local Government Acts and Another Act Amendment Act 1951</i>	21
<i>Main Roads Acts and Another Act Amendment Act 1952</i>	22
<i>Mining (Fossicking) Act Amendment Act 1990</i>	23
<i>Oaky Creek–Gregory Railway Act 1980</i>	24

SCHEDULE 3 (continued)

<i>Primary Producers' Organisation and Marketing Acts Amendment Act 1946</i>	1 2
<i>Primary Producers' Organisation and Marketing Acts Amendment Act 1954</i>	3 4
<i>Primary Producers' Organisation and Marketing Acts and Other Acts Amendment Act 1941</i>	5 6
<i>Primary Producers' Organisation and Marketing, Fruit Marketing Organisation, Wheat Pool, and Diseases in Plants Acts Amendment Act 1930</i>	7 8 9
<i>Railways (Gladstone Tidal Lands) Act 1955</i>	10
<i>Real Property Act Amendment Act 1976</i>	11
<i>Real Property Act Amendment Act 1978</i>	12
<i>Rice Industry Stabilization Act 1973</i>	13
<i>Roma Street to South Brisbane Railways Act 1956</i>	14
<i>State Advances Corporation Buildings Improvement Act 1932</i>	15
<i>State Housing Acts Amendment Act 1961</i>	16
<i>State Housing Acts and Another Act Amendment Act 1964</i>	17
<i>State Housing Acts and Other Acts (Rate of Interest) Act 1948</i>	18
<i>State Housing Relief Act 1930</i>	19
<i>Statute Law (Miscellaneous Provisions) Act 1991</i>	20
<i>Sugar Experiment Station Act and Another Act Amendment Act 1981</i>	21
<i>Sugar Experiment Stations Acts and Another Act Amendment Act 1948</i>	22
<i>Sugar Experiment Stations Acts and Other Acts Amendment Act 1938</i>	23
<i>Sugar Experiment Stations Acts and Other Acts Amendment Act 1941</i>	24
<i>Traffic Acts Amendment Act 1953</i>	25
<i>Traffic Acts Amendment Act 1960</i>	26
<i>Traffic Acts Amendment Act 1977</i>	27
<i>Traffic Acts and Another Act Amendment Act 1959</i>	28

SCHEDULE 3 (continued)

<i>Traffic Acts and Other Acts Amendment Act 1965</i>	1
<i>Transport (Water) Laws Validation Act 1980</i>	2
<i>Wheat Industry Stabilization Act and Another Act Amendment Act 1978</i>	3
Explanatory note	4
These Acts have been identified as obsolete.	5

SCHEDULE 4

DECLARED LAWS WHOSE REPEAL DOES NOT END THEIR EFFECT

section 4(2)	4
<i>Coal Industry (Control) Act Amendment Act 1969</i>	5
<i>Coal Industry (Control) Acts Amendment Act 1965</i>	6
<i>Lamington Bridge Act 1897</i>	7
<i>Land Act and Another Act Amendment Act 1982</i>	8
<i>Real Property Act Amendment Act 1976</i>	9
<i>Statute Law (Miscellaneous Provisions) Act 1991, Schedules 4 and 5</i>	10
Explanatory note	11
These are laws to which section 20A of the <i>Acts Interpretation Act 1954</i> applies.	12
Accordingly, the effect of these laws does not end merely because of their repeal.	13
	14