

Queensland



**ACTS INTERPRETATION  
(STATE COMMERCIAL  
ACTIVITIES) AMENDMENT  
BILL 1994**

Queensland



**ACTS INTERPRETATION (STATE  
COMMERCIAL ACTIVITIES)  
AMENDMENT BILL 1994**

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**1994**

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**A BILL**

**FOR**

**An Act to amend the *Acts Interpretation Act 1954* about the State's powers, in particular its power to carry out commercial activities, and for other purposes**

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*Acts Interpretation (State Commercial  
Activities) Amendment*

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**The Parliament of Queensland enacts—** 1

**Short title** 2

Clause **1.** This Act may be cited as the *Acts Interpretation (State Commercial Activities) Amendment Act 1994.* 3  
4

**Act amended** 5

Clause **2.** This Act amends the *Acts Interpretation Act 1954.* 6

**Insertion of new Part 12** 7

Clause **3.** After section 46— 8  
*insert—* 9

**‘PART 12—THE EXECUTIVE GOVERNMENT OF  
THE STATE** 10  
11

**‘Purpose of Part** 12

**‘47.(1)** This Part declares certain matters. 13

**‘(2)** A declaration about a matter is intended to remove any doubt about the matter. 14  
15

**‘Meaning of “State” in Part** 16

**‘47A.** In this Part— 17

**“the State”** means the Executive Government of the State of Queensland. 18

**‘Powers of State** 19

**‘47B.(1)** The State has all the powers, and the legal capacity, of an individual. 20  
21

*Acts Interpretation (State Commercial  
Activities) Amendment*

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‘(2) The State may exercise its powers—	1
(a) inside and outside Queensland; and	2
(b) inside and outside Australia.	3
‘(3) This Part does not limit the State’s powers.	4
<i>Example—</i>	5
This Part does not affect any power a Minister has apart from this Part to bind the State by contract.	6 7
‘ <b>Commercial activities by State</b>	8
‘ <b>47C.(1)</b> The State may carry out commercial activities.	9
‘(2) This section is sufficient statutory authority for the State to carry out a commercial activity.	10 11
‘(3) Commercial activities may be carried out—	12
(a) without further statutory authority; and	13
(b) without prior appropriation from the public accounts for the purpose.	14 15
‘(4) Commercial activities may be carried out—	16
(a) inside and outside Queensland; and	17
(b) inside and outside Australia.	18
‘(5) In this section—	19
“ <b>commercial activities</b> ” includes—	20
(a) commercial activities that are not within the ordinary functions of the State; and	21 22
(b) commercial activities of a competitive nature; and	23
(c) activities declared by a regulation to be commercial activities;	24
but does not include activities declared by a regulation not to be commercial activities.	25 26
“ <b>State</b> ” includes—	27

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- (a) a department of government of the State; and 1
- (b) a part of a department of government of the State. 2

**‘Commercial activities by Minister’** 3

‘47D. A Minister may carry out commercial activities for the State. 4

**‘Delegation by Minister’** 5

‘47E.(1) A Minister may delegate the State’s powers to an officer of the State. 6  
7

‘(2) An officer of the State may subdelegate delegated powers to another officer of the State. 8  
9

‘(3) In this section— 10

“officer of the State” means— 11

- (a) a chief executive, or employee, of a unit of the public sector; or 12
- (b) an officer of the public service.’. 13

**Insertion of new s 53** 14

Clause 4. After section 52— 15

*insert—* 16

**‘Regulations’** 17

‘53. The Governor in Council may make regulations under this Act.’. 18

19