

Queensland



**STATUTE LAW  
(MISCELLANEOUS  
PROVISIONS) BILL 1999**



Queensland



**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1999**

**TABLE OF PROVISIONS**

Section	Page
1 Short title .....	6
2 Commencement .....	6
3 Amended Acts—schedule .....	6
4 Repeal .....	6
5 Explanatory notes .....	6

**SCHEDULE .....** 7

**AMENDMENT OF ACTS**

ABORIGINAL LAND ACT 1991 .....	7
ACQUISITION OF LAND ACT 1967 .....	7
ADOPTION OF CHILDREN ACT 1964 .....	8
AGRICULTURAL CHEMICALS DISTRIBUTION CONTROL ACT 1966 .....	8
AGRICULTURAL STANDARDS ACT 1994 .....	8
AMBULANCE SERVICE ACT 1991 .....	9
APPEAL COSTS FUND ACT 1973 .....	9
ARCHITECTS ACT 1985 .....	11
ASSOCIATIONS INCORPORATION ACT 1981 .....	13
AUCTIONEERS AND AGENTS ACT 1971 .....	14
BAIL ACT 1980 .....	14
BEACH PROTECTION ACT 1968 .....	15
BODY CORPORATE AND COMMUNITY MANAGEMENT ACT 1997 .....	15
CENTRAL QUEENSLAND UNIVERSITY ACT 1998 .....	16

---

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988 .....	17
CHILDREN'S COMMISSIONER AND CHILDREN'S SERVICES APPEALS TRIBUNALS ACT 1996 .....	17
CHILDRENS COURT ACT 1992 .....	18
CHILDREN'S SERVICES ACT 1965 .....	19
CITY OF BRISBANE MARKET ACT 1960 .....	19
COAL MINING ACT 1925 .....	19
COMMISSIONS OF INQUIRY ACT 1950 .....	20
CONSUMER CREDIT (QUEENSLAND) ACT 1994 .....	20
CORRECTIVE SERVICES ACT 1988 .....	21
CRIMES (CONFISCATION) ACT 1989 .....	22
CRIMINAL CODE ACT 1899 .....	22
CRIMINAL OFFENCE VICTIMS ACT 1995 .....	23
CROWN PROCEEDINGS ACT 1980 .....	23
DISPUTE RESOLUTION CENTRES ACT 1990 .....	24
DOMESTIC VIOLENCE (FAMILY PROTECTION) ACT 1989 .....	24
DRUGS MISUSE ACT 1986 .....	26
EDUCATION AND OTHER LEGISLATION AMENDMENT ACT 1997 ..	27
EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988 .....	28
EDUCATION (TEACHER REGISTRATION) ACT 1988 .....	28
ENVIRONMENTAL PROTECTION ACT 1994 .....	29
EQUAL OPPORTUNITY IN PUBLIC EMPLOYMENT ACT 1992 .....	32
EVIDENCE ACT 1977 .....	33
EVIDENCE ON COMMISSION ACT 1988 .....	33
EXOTIC DISEASES IN ANIMALS ACT 1981 .....	34
FAIR TRADING ACT 1989 .....	34
FARM PRODUCE MARKETING ACT 1964 .....	35
FINANCIAL INSTITUTIONS CODE 1992 .....	36
FIRE AND RESCUE AUTHORITY ACT 1990 .....	36
FISHERIES ACT 1994 .....	37
FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1963 .....	37

FORESTRY ACT 1959 .....	37
FOSSICKING ACT 1994 .....	38
GAMING MACHINE ACT 1991 .....	38
GOVERNMENT OWNED CORPORATIONS ACT 1993 .....	39
HEALTH AND OTHER LEGISLATION AMENDMENT ACT 1998 .....	39
HEALTH RIGHTS COMMISSION ACT 1991 .....	40
HEALTH SERVICES ACT 1991 .....	40
JUDGES (SALARIES AND ALLOWANCES) ACT 1967 .....	41
JUSTICES ACT 1886 .....	41
JUSTICES OF THE PEACE AND COMMISSIONERS FOR DECLARATIONS ACT 1991 .....	43
JUVENILE JUSTICE ACT 1992 .....	44
LOCAL GOVERNMENT ACT 1993 .....	45
LOCAL GOVERNMENT (ABORIGINAL LANDS) ACT 1978 .....	45
LOTTERIES ACT 1997 .....	46
MAGISTRATES COURTS ACT 1921 .....	46
MENTAL HEALTH ACT 1974 .....	47
MINERAL RESOURCES ACT 1989 .....	49
MISCONDUCT TRIBUNALS ACT 1997 .....	50
OFFSHORE MINERALS ACT 1998 .....	50
PROFESSIONAL ENGINEERS ACT 1988 .....	51
PROPERTY LAW ACT 1974 .....	54
PUBLIC SECTOR ETHICS ACT 1994 .....	55
PUBLIC SERVICE ACT 1996 .....	55
PUBLIC TRUSTEE ACT 1978 .....	63
QUEENSLAND UNIVERSITY OF TECHNOLOGY ACT 1998 .....	63
SOUTH BANK CORPORATION ACT 1989 .....	64
STATE BUILDINGS PROTECTIVE SECURITY ACT 1983 .....	64
STATE COUNTER-DISASTER ORGANISATION ACT 1975 .....	65
STATE FINANCIAL INSTITUTIONS AND METWAY MERGER FACILITATION ACT 1996 .....	65
STATUTORY BODIES FINANCIAL ARRANGEMENTS ACT 1982 .....	66
SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990 .....	68

*Statute Law (Miscellaneous Provisions)*

---

TORRES STRAIT ISLANDER LAND ACT 1991 .....	68
VALUATION OF LAND ACT 1944 .....	69
WEAPONS ACT 1990 .....	72
WET TROPICS WORLD HERITAGE PROTECTION AND MANAGEMENT ACT 1993 .....	73
WHISTLEBLOWERS PROTECTION ACT 1994 .....	73

**1999**

---

---

**A BILL**

**FOR**

**An Act to make various amendments of Queensland statute law**

---

---

**The Parliament of Queensland enacts—**

1

**Short title**

2

Clause **1.** This Act may be cited as the *Statute Law (Miscellaneous Provisions) Act 1999*.

3

4

**Commencement**

5

Clause **2.** This Act commences on the day of assent except so far as is otherwise expressly provided.

6

7

**Amended Acts—schedule**

8

Clause **3.** The schedule amends the Acts mentioned in it.

9

**Repeal**

10

Clause **4.** The *Medicare Principles and Commitments Adoption Act 1994* is repealed.

11

12

**Explanatory note**

13

This Act has been identified as exhausted. It was originally enacted as a requirement of the Medicare Agreement which has now expired.

14

15

**Explanatory notes**

16

Clause **5.** An explanatory note to a provision of this Act is not part of the Act.

17

18

---

<b>SCHEDULE</b>	1
<b>AMENDMENT OF ACTS</b>	2
section 3	3
<b>ABORIGINAL LAND ACT 1991</b>	4
<b>Amendment</b>	5
<b>1. Section 119(a)(v) and (vi)—</b>	6
<i>renumber</i> as section 119(a)(iv) and (v).	7
<b>Explanatory note</b>	8
The amendment renumbers a provision.	9
<b>ACQUISITION OF LAND ACT 1967</b>	10
<b>Amendment</b>	11
<b>1. Section 31A(2), ‘A District Court’—</b>	12
<i>omit, insert—</i>	13
‘The District Court’.	14
<b>Explanatory note</b>	15
The amendment corrects an outdated reference.	16

## SCHEDULE (continued)

**ADOPTION OF CHILDREN ACT 1964****Amendment****1. Section 26A(3), ‘District Courts Act 1967’—***omit, insert—**‘District Court Act 1967’.***Explanatory note**

The amendment corrects an outdated reference.

**AGRICULTURAL CHEMICALS DISTRIBUTION  
CONTROL ACT 1966****Amendment****1. Section 22E, ‘a District Court’—***omit, insert—**‘the District Court’.***Explanatory note**

The amendment corrects an outdated reference.

**AGRICULTURAL STANDARDS ACT 1994****Amendment****1. Section 57, ‘a District Court’—***omit, insert—**‘the District Court’.*

## SCHEDULE (continued)

<b>2. Amendment of pt 9 (Transitional provisions)</b>	1
<b>2.(1) Part 9, heading—</b>	2
<i>omit.</i>	3
<b>(2) Section 68—</b>	4
<i>omit.</i>	5
<b>Explanatory note</b>	6
Amendment 1 corrects an outdated reference.	7
Amendment 2 omits a definitions section for transitional provisions that have expired.	8

## AMBULANCE SERVICE ACT 1991 9

<b>Amendment</b>	10
<b>1. Section 42(2), penalty—</b>	11
<i>omit, insert—</i>	12
‘Maximum penalty for subsection (2)—50 penalty units or 6 months imprisonment.’	13
	14
<b>Explanatory note</b>	15
The amendment updates the expression of a penalty provision consistently with the <i>Penalties and Sentences Act 1992</i> , without altering the punishment.	16
	17

## APPEAL COSTS FUND ACT 1973 18

<b>Amendment</b>	19
<b>1. Section 4, definition “proper officer”, ‘a District Court’—</b>	20
<i>omit, insert—</i>	21
‘the District Court’.	22

## SCHEDULE (continued)

<b>2. Section 10(b), ‘a District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>3. Section 15(3), ‘a District Court’—</b>	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>4. Section 17, ‘a District Court’—</b>	7
<i>omit, insert—</i>	8
‘the District Court’.	9
<b>5. Section 17, ‘or District Court’—</b>	10
<i>omit, insert—</i>	11
‘or the District Court’.	12
<b>6. Section 21(1), ‘a District Court’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>Explanatory note</b>	16
Amendments 1 to 6 correct outdated references.	17

## SCHEDULE (continued)

**ARCHITECTS ACT 1985****Amendments****1. Section 24(1)—***insert—*

‘(aa)for a company that does not have a constitution—

- (i) if the company has only 1 director—the director is an architect; and
- (ii) if the company has 2 directors—each is an architect or one is an architect and the other is—
  - (A) a person holding a qualification prescribed under a regulation; or
  - (B) a relative of the architect of a type prescribed under a regulation; or
  - (C) a public accountant or legal practitioner acting for the company; and
- (iii) if the company has more than 2 directors—at least two-thirds of the directors are architects; and’.

**2. Section 24(1)(b), from ‘its’ to ‘provide’—***omit, insert—*

‘for a company that has a constitution, the constitution provides’.

**3. Section 24(1)(b)(ii)(A) and (B)—***omit, insert—*

- ‘(A) a person holding a qualification prescribed under a regulation; or
- (B) a relative of the architect of a type prescribed under a regulation; or’.

## SCHEDULE (continued)

<b>4. Section 24(1)(c)—</b>	1
<i>omit, insert—</i>	2
‘(c) if paragraph (b) applies, the company complies with the provisions of its constitution mentioned in the paragraph.’	3 4
<b>5. Section 80(2)(g)—</b>	5
<i>omit.</i>	6
<b>6. Section 80—</b>	7
<i>insert—</i>	8
‘(2A) To remove doubt, it is declared that the panel may, in the hearing of the charge against the person, make 1 or more of the orders mentioned in subsection (2).	9 10 11
‘(2B) The panel may order the person to pay to the board the reasonable costs and expenses incurred by the board in the hearing and any investigation relating to the charge if it is satisfied it would be just to make the order in the circumstances of the particular case.’	12 13 14 15
<b>7. Section 83(2)(c), ‘a District Court’—</b>	16
<i>omit, insert—</i>	17
‘the District Court’.	18
<b>8. Section 84(1), ‘a District Court’—</b>	19
<i>omit, insert—</i>	20
‘the District Court’.	21
<b>Explanatory note</b>	22
Amendments 1 and 2 enable companies without a constitution to be approved by the board as approved architectural companies. The amendments bring the section into	23 24

## SCHEDULE (continued)

line with the Corporations Law.	1
Amendment 3 updates the drafting style of the provisions being amended.	2
Amendment 4 updates terminology for consistency with the Corporations Law.	3
Amendment 5 omits from section 80(2) the panel’s power to make orders about costs and part of amendment 6 reinserts the power in a separate subsection.	4 5
Amendment 6 also puts beyond doubt that more than 1 of the orders mentioned in section 80(2) can be made by the panel in a hearing.	6 7
Amendments 7 and 8 correct outdated references.	8

## ASSOCIATIONS INCORPORATION ACT 1981

<b>Amendment</b>	10
<b>1. Section 37, ‘with’—</b>	11
<i>omit, insert—</i>	12
‘within’.	13
<b>2. Sections 111(1), 112(4)(b), 113 and 117, ‘a District Court’—</b>	14
<i>omit, insert—</i>	15
‘the District Court’.	16
<b>3. Section 115(3), ‘a District Court’—</b>	17
<i>omit, insert—</i>	18
‘the District Court’.	19
<b>4. Section 115(3), after ‘the District Court’,—</b>	20
<i>insert—</i>	21
‘at or’.	22

## SCHEDULE (continued)

<b>5. Section 116(1), ‘A District Court’—</b>	1
<i>omit, insert—</i>	2
‘The District Court’.	3
<b>Explanatory note</b>	4
Amendment 1 corrects a minor drafting error.	5
Amendments 2 to 5 correct outdated references.	6
<b>AUCTIONEERS AND AGENTS ACT 1971</b>	7
<b>Amendment</b>	8
<b>1. Section 17(1) and (4), ‘a District Court’—</b>	9
<i>omit, insert—</i>	10
‘the District Court’.	11
<b>Explanatory note</b>	12
The amendment corrects an outdated reference.	13
<b>BAIL ACT 1980</b>	14
<b>Amendment</b>	15
<b>1. Section 6, definition “proper officer”, ‘a District Court’—</b>	16
<i>omit, insert—</i>	17
‘the District Court’.	18

## SCHEDULE (continued)

<b>2. Section 10(2), ‘a District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>3. Section 28(1), ‘a District Court’—</b>	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>Explanatory note</b>	7
Amendments 1 to 3 correct outdated references.	8

## BEACH PROTECTION ACT 1968 9

<b>Amendment</b>	10
<b>1. Section 37, heading—</b>	11
<i>omit, insert—</i>	12
‘Coastal management plan’	13
<b>Explanatory note</b>	14
The amendment corrects a minor terminology error.	15

## BODY CORPORATE AND COMMUNITY MANAGEMENT ACT 1997 16

<b>Amendment</b>	18
<b>1. Sections 46(2), 55(4)(b), 69(1), 75(2), 78(5), 82(3) and (4), 184(2)(b), 237(2), 238(1), 242(1), 243(1), 251, 252(2)(a) and (3) and 255, ‘a District Court’—</b>	19
	20
	21

## SCHEDULE (continued)

<i>omit, insert—</i>	1
‘the District Court’.	2
<b>2. Section 252(4), ‘another District Court to hear the appeal’—</b>	3
<i>omit, insert—</i>	4
‘the District Court to hear the appeal in another district’.	5
<b>3. Section 253(3), ‘A District Court’—</b>	6
<i>omit, insert—</i>	7
‘The District Court’.	8
<b>4. Section 241(a), ‘Courts’—</b>	9
<i>omit, insert—</i>	10
‘Court’.	11
<b>Explanatory note</b>	12
Amendments 1 to 4 correct outdated references.	13
<b>CENTRAL QUEENSLAND UNIVERSITY ACT 1998</b>	14
<b>Amendment</b>	15
<b>1. Schedule 2, definition “owner”, ‘Transport Infrastructure (Roads) Act 1991’—</b>	16
<i>omit, insert—</i>	17
‘Transport Operations (Road Use Management) Act 1995’.	18
	19

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment updates a reference to an Act.	2
<b>CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988</b>	3 4
<b>Amendment</b>	5
<b>1. Section 22E, ‘a District Court’—</b>	6
<i>omit, insert—</i>	7
‘the District Court’.	8
<b>Explanatory note</b>	9
The amendment corrects an outdated reference.	10
<b>CHILDREN’S COMMISSIONER AND CHILDREN’S SERVICES APPEALS TRIBUNALS ACT 1996</b>	11 12
<b>Amendment</b>	13
<b>1. Part 5, division 5, heading, ‘a’—</b>	14
<i>omit, insert—</i>	15
‘ <i>the</i> ’.	16
<b>2. Section 65(2), ‘the registry of a District Court’—</b>	17
<i>omit, insert—</i>	18
‘a registry of the District Court’.	19

## SCHEDULE (continued)

<b>3. Sections 65(3) and 67(1), ‘A’—</b>	1
<i>omit, insert—</i>	2
‘The’.	3
<b>4. Section 66, ‘a District Court’—</b>	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>Explanatory note</b>	7
Amendments 1 to 4 correct outdated references.	8
 <b>CHILDRENS COURT ACT 1992</b>	9
 <b>Amendment</b>	10
<b>1. Section 18(1)(a), 24(1) and (2), and 25(2), ‘a District Court’—</b>	11
<i>omit, insert—</i>	12
‘the District Court’.	13
<b>2. Section 23(1), definition “court of concurrent jurisdiction”, paragraph (a), ‘a District Court’—</b>	14
<i>omit, insert—</i>	15
‘the District Court’.	16
 <b>Explanatory note</b>	17
Amendments 1 and 2 correct outdated references.	18
	19

## SCHEDULE (continued)

**CHILDREN'S SERVICES ACT 1965****Amendment****1. Section 148(2), 'a District Court'—***omit, insert—*

'the District Court'.

**Explanatory note**

The amendment corrects an outdated reference.

**CITY OF BRISBANE MARKET ACT 1960****Amendment****1. Section 37, 'a District Court'—***omit, insert—*

'the District Court'.

**Explanatory note**

The amendment corrects an outdated reference.

**COAL MINING ACT 1925****Amendment****1. Section 103W, 'a District Court'—***omit, insert—*

'the District Court'.

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment corrects an outdated reference.	2
<b>COMMISSIONS OF INQUIRY ACT 1950</b>	3
<b>Amendment</b>	4
<b>1. Section 19A(1), ‘or to any member or members thereof’—</b>	5
<i>omit, insert—</i>	6
‘or to any police officer’.	7
<b>Explanatory note</b>	8
The amendment replaces an out-of-date reference to ‘members’ of the police service.	9
<b>CONSUMER CREDIT (QUEENSLAND) ACT 1994</b>	10
<b>Amendment</b>	11
<b>1. Section 16(1), ‘Each District Court’—</b>	12
<i>omit, insert—</i>	13
‘The District Court’.	14
<b>2. Section 16(2), ‘a District Court’—</b>	15
<i>omit, insert—</i>	16
‘the District Court’.	17
<b>3. Section 38(4), ‘notice’—</b>	18
<i>omit, insert—</i>	19
‘receipt’.	20

## SCHEDULE (continued)

<b>Explanatory note</b>	1
Amendments 1 and 2 correct outdated references.	2
Amendment 3 corrects a minor error.	3
<b>CORRECTIVE SERVICES ACT 1988</b>	4
<b>Amendment</b>	5
<b>1. Section 71(1), ‘a District Court’—</b>	6
<i>omit, insert—</i>	7
‘the District Court’.	8
<b>2. Section 71(1), ‘District Courts’—</b>	9
<i>omit, insert—</i>	10
‘the District Court’.	11
<b>3. Section 113, definition “proper officer”, ‘a District Court’—</b>	12
<i>omit, insert—</i>	13
‘the District Court’.	14
<b>Explanatory note</b>	15
Amendments 1 to 3 correct outdated references.	16

## SCHEDULE (continued)

**CRIMES (CONFISCATION) ACT 1989****Amendment****1. Section 27(5), ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

**CRIMINAL CODE ACT 1899****Amendment****1. Section 560(3), ‘a District Court’, first mention—***omit, insert—*

‘the District Court’.

**2. Section 560(3), ‘a District Court’, second mention—***omit, insert—*

‘District Court’.

**3. Section 651(1), ‘a District Court’—***omit, insert—*

‘District Court’.

## SCHEDULE (continued)

<b>4. Section 652(1), ‘a District Court’—</b>	1
<i>omit, insert—</i>	2
‘District Court’.	3
<b>Explanatory note</b>	4
Amendments 1 to 4 correct outdated references.	5
<b>CRIMINAL OFFENCE VICTIMS ACT 1995</b>	6
<b>Amendment</b>	7
<b>1. Section 40(1), example 3, ‘a District Court’—</b>	8
<i>omit, insert—</i>	9
‘the District Court’.	10
<b>Explanatory note</b>	11
The amendment corrects an outdated reference.	12
<b>CROWN PROCEEDINGS ACT 1980</b>	13
<b>Amendment</b>	14
<b>1. Section 7, definition “proper officer”, ‘a District Court’—</b>	15
<i>omit, insert—</i>	16
‘the District Court’.	17
<b>2. Section 15(1)(a), ‘a District Court’—</b>	18
<i>omit, insert—</i>	19
‘the District Court’.	20

## SCHEDULE (continued)

<b>Explanatory note</b>	1
Amendments 1 and 2 correct outdated references.	2
<b>DISPUTE RESOLUTION CENTRES ACT 1990</b>	3
<b>Amendment</b>	4
<b>1. Section 2(1), definition “referring order”, ‘a District Court’—</b>	5
<i>omit, insert—</i>	6
‘the District Court’.	7
<b>2. Section 2(1), definition “referring order”, ‘District Courts Act 1967’—</b>	8
<i>omit, insert—</i>	9
‘District Court Act 1967’.	11
<b>Explanatory note</b>	12
Amendments 1 and 2 correct outdated references.	13
<b>DOMESTIC VIOLENCE (FAMILY PROTECTION) ACT 1989</b>	14
<b>Amendment</b>	16
<b>1. Section 3, definition “clerk”, ‘a District Court’—</b>	17
<i>omit, insert—</i>	18
‘the District Court’.	19

## SCHEDULE (continued)

<b>2. Section 3, definition “clerk”, ‘the registrar’—</b>	1
<i>omit, insert—</i>	2
‘a registrar’.	3
<b>3. Section 3, definition “clerk”, ‘District Courts Act 1967’—</b>	4
<i>omit, insert—</i>	5
‘District Court Act 1967’.	6
<b>4. Sections 16(3), 63(2), 66(1), (2) and (5) and 93(1)(a), ‘a District Court’—</b>	7
<i>omit, insert—</i>	8
‘the District Court’.	9
<b>5. Section 63(1), ‘a District Court that exercises jurisdiction’—</b>	10
<i>omit, insert—</i>	11
‘the District Court’.	12
<b>6. Sections 64(3), 65(1) and 66(3), ‘District Courts’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>7. Section 65(1), ‘District Courts Act 1967’—</b>	16
<i>omit, insert—</i>	17
‘District Court Act 1967’.	18
	19

## SCHEDULE (continued)

<b>8. Section 66(4), ‘every District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>Explanatory note</b>	4
Amendments 1, 4 to 6 and 8 correct outdated references.	5
Amendment 2 corrects the reference to a registrar.	6
Amendments 3 and 7 update references to an Act.	7
<b>DRUGS MISUSE ACT 1986</b>	8
<b>Amendment</b>	9
<b>1. Section 43V(1), ‘43T’—</b>	10
<i>omit, insert—</i>	11
‘43U’.	12
<b>2. Section 54(4)(b), ‘a District Court’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>Explanatory note</b>	16
Amendment 1 corrects an incorrect cross reference.	17
Amendment 2 corrects an outdated reference.	18

## SCHEDULE (continued)

**EDUCATION AND OTHER LEGISLATION  
AMENDMENT ACT 1997**

	1
	2
<b>Amendment</b>	3
<b>1. Section 40—</b>	4
<i>omit, insert—</i>	5
‘ <b>Amendment of s 9 (Registration certificates)</b> ’	6
‘ <b>40.(1)</b> Section 9(1), ‘the change, renewal or transfer’—	7
<i>omit, insert—</i>	8
‘a change or renewal’.	9
‘ <b>(2)</b> Section 9(2)(c)—	10
<i>omit.</i>	11
‘ <b>(3)</b> Section 9(4)(a)(iv) and (b)(iv), ‘including’, first mention—	12
<i>omit, insert—</i>	13
‘other than’.’.	14
<b>2. Section 43, from ‘after’ to ‘insert—’—</b>	15
<i>omit, insert—</i>	16
‘ ‘does’—	17
<i>omit, insert—</i> ’.	18
<b>Commencement</b>	19
Amendments 1 and 2 are taken to have commenced on the day of assent of the	20
<i>Education and Other Legislation Amendment Act 1997.</i>	21
<b>Explanatory note</b>	22
The <i>Education and Other Legislation Amendment Act 1997</i> , section 40, amended the	23
<i>Education (Overseas Students) Act 1996</i> , section 9(2), and omitted provisions about	24

## SCHEDULE (continued)

transferring registration. Amendment 1, in part, provides for a consequential amendment of the *Education (Overseas Students) Act 1996*, section 9(1), to omit another reference to the transfer of registration. Proposed section 40(2) and (3) merely reproduce the original section 40(1) and (2), with a minor drafting amendment in proposed section 40(3). Amendment 2 also corrects a minor drafting error. The retrospective commencement of amendments 1 and 2 do not adversely affect the rights of any person.

## EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

### Amendment

#### 1. Section 19 (1), ‘section 38’—

*omit, insert—*

‘section 45’.

### Explanatory note

The amendment corrects an incorrect cross-reference to a section.

## EDUCATION (TEACHER REGISTRATION) ACT 1988

### Amendment

#### 1. Sections 39(2)(b), 47(4)(d), 71(2)(c) and 72(1), ‘a District Court’—

*omit, insert—*

‘the District Court’.

#### 2. Section 72(2), ‘the registry of a District Court’—

*omit, insert—*

‘a registry of the District Court’.

## SCHEDULE (continued)

<b>3. Section 83(1), ‘Public Service Management and Employment Act 1988’—</b>	1
	2
<i>omit, insert—</i>	3
‘Public Service Act 1996’.	4
<b>Explanatory note</b>	5
Amendments 1 and 2 correct outdated references.	6
Amendment 3 updates a reference to an Act.	7
<b>ENVIRONMENTAL PROTECTION ACT 1994</b>	8
<b>Amendment</b>	9
<b>1. Section 34—</b>	10
<i>omit.</i>	11
<b>2. Section 72(1), ‘, is satisfied on reasonable grounds,’—</b>	12
<i>omit, insert—</i>	13
‘is satisfied on reasonable grounds’.	14
<b>3. Section 118ZE(3), after ‘suitability statement’—</b>	15
<i>insert—</i>	16
‘for the land’.	17
<b>4. Section 118ZU(2)(c)—</b>	18
<i>omit, insert—</i>	19
‘(c) for a plan prepared by the administering authority—give to the owner—	20
	21

## SCHEDULE (continued)

(i) written notice of the preparation of the plan; and	1
(ii) a suitability statement for the land.’.	2
<b>5. Section 136A(1), example, ‘may believes on’—</b>	3
<i>omit, insert—</i>	4
‘may believe on’.	5
<b>6. Section 165(1)(a), ‘under section 145(1)’—</b>	6
<i>omit, insert—</i>	7
‘under section 145’.	8
<b>7. Section 200(1)(i), ‘commission’—</b>	9
<i>omit, insert—</i>	10
‘commissions’.	11
<b>8. Section 220—</b>	12
<i>insert—</i>	13
‘(3B) A regulation may be made to give effect to, and enforce compliance with, a national environment protection measure made under the national scheme laws. <sup>1</sup> ’.	14 15 16
<b>9. Schedule 3, item 10, ‘ammunition in way’—</b>	17
<i>omit, insert—</i>	18
‘ammunition in a way’.	19

---

<sup>1</sup> The State’s intention to implement national environment protection measures is stated in the *National Environment Protection Council (Queensland) Act 1994*, section 7.

## SCHEDULE (continued)

<b>10. Schedule 4, definitions “national scheme laws” and “suitability statement”—</b>	1
	2
<i>omit.</i>	3
<b>11. Schedule 4, definition, “part 4 environmental authority”, ‘part 4’—</b>	4
	5
<i>omit, insert—</i>	6
‘chapter 3, part 4’.	7
<b>12. Schedule 4, definition, “part 4A environmental authority”, ‘part 4A’</b>	8
	9
<i>omit, insert—</i>	10
‘chapter 3, part 4A’.	11
<b>13. Schedule 4, definition “remediation notice”, ‘section 118Z(5)(a)’—</b>	12
	13
<i>omit, insert—</i>	13
‘section 118Y(5)(a)’.	14
<b>14. Schedule 4—</b>	15
<i>insert—</i>	16
<b>“national scheme laws”</b> means—	17
(a) the <i>National Environment Protection Council Act 1994</i> (Cwlth);	18
and	19
(b) the <i>National Environment Protection Council (Queensland) Act 1994</i> .’	20
	21
<b>“suitability statement”,</b> for land, means a statement about the uses and	22
activities for which the land is suitable.’	23

## SCHEDULE (continued)

<b>Explanatory note</b>	1
Amendment 1 is consequential on amendment 9.	2
Amendments 2, 4, 6, 11, 12 and 13 correct minor errors.	3
Amendment 3 is consequential on the replacement of definition “suitability statement” under amendment 14.	4 5
Amendments 5, 7, and 9 correct typographical errors.	6
Amendment 8 inserts a provision authorising the making of a regulation to implement national environment protection measures. The State’s intention to implement national environment protection measures is stated in the <i>National Environment Protection Council (Queensland) Act 1994</i> , section 7.	7 8 9 10
Amendment 10 is consequential on amendment 14.	11
Amendment 14 inserts 2 definitions. The definition “ <b>national scheme laws</b> ” corrects minor reference errors in the present definition. The definition “ <b>suitability statement</b> ” simplifies what is meant by the term.	12 13 14

## EQUAL OPPORTUNITY IN PUBLIC EMPLOYMENT ACT 1992

<b>Amendment</b>	17
<b>1. Section 3, definition “agency”, paragraph (a)—</b>	18
<i>omit, insert—</i>	19
‘(a) a government entity; and’.	20
<b>2. Section 3—</b>	21
<i>insert—</i>	22
‘ <b>“government entity”</b> see the <i>Public Service Act 1996</i> , section 21.2’.	23

---

<sup>2</sup> *Public Service Act 1996*, section 21 (What is a “government entity”)

## SCHEDULE (continued)

<b>Explanatory note</b>	1
Amendment 1 corrects a minor error that limited the scope of the definition “agency”.	2 3
Amendment 2 clarifies the meaning of ‘government entity’ for amendment 1.	4

## EVIDENCE ACT 1977

<b>Amendment</b>	6
<b>1. Section 83, definition “court”, ‘a District Court’—</b>	7
<i>omit, insert—</i>	8
‘the District Court’.	9
<b>Explanatory note</b>	10
The amendment corrects an outdated reference.	11

## EVIDENCE ON COMMISSION ACT 1988

<b>Amendment</b>	13
<b>1. Section 2, definition “court”, ‘a District Court’—</b>	14
<i>omit, insert—</i>	15
‘the District Court’.	16
<b>Explanatory note</b>	17
The amendment corrects an outdated reference.	18

## SCHEDULE (continued)

**EXOTIC DISEASES IN ANIMALS ACT 1981**

<b>Amendment</b>	1
<b>1. Section 33(1)(c), from ‘such amount’—</b>	2
<i>omit, insert—</i>	3
‘the amount fixed by a District Court judge on application made to the judge.’.	4
<b>2. Section 33(2), ‘the registry of the relevant District Court’—</b>	5
<i>omit, insert—</i>	6
‘the District Court’.	7
<b>3. Section 33(4), ‘a District Court’—</b>	8
<i>omit, insert—</i>	9
‘the District Court’.	10
<b>Explanatory note</b>	11
Amendments 1 to 3 correct outdated references.	12

**FAIR TRADING ACT 1989**

<b>Amendment</b>	13
<b>1. Section 91F, ‘a District Court’—</b>	14
<i>omit, insert—</i>	15
‘the District Court’.	16

## SCHEDULE (continued)

<b>2. Section 103(1), ‘every District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>3. Section 193(1), (1A) and (2), ‘a District Court’—</b>	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>Explanatory note</b>	7
Amendments 1 to 3 correct outdated references.	8
 <b>FARM PRODUCE MARKETING ACT 1964</b>	9
 <b>Amendment</b>	10
<b>1. Section 11, ‘a District Court’—</b>	11
<i>omit, insert—</i>	12
‘District Court’.	13
<b>2. Section 15(1)(c), ‘a Supreme Court or a District Court’—</b>	14
<i>omit, insert—</i>	15
‘the Supreme Court or District Court’.	16
<b>Explanatory note</b>	17
Amendments 1 and 2 correct outdated references.	18

## SCHEDULE (continued)

**FINANCIAL INSTITUTIONS CODE 1992****Amendment****1. Section 397(5)(b), ‘any District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

**FIRE AND RESCUE AUTHORITY ACT 1990****Amendment****1. Section 126(1), ‘section 52’—***omit, insert—*

‘section 55’.

**2. Section 138, ‘Transport Infrastructure (Roads) Act 1991’—***omit, insert—*‘*Transport Operations (Road Use Management) Act 1995*’.**Explanatory note**

Amendment 1 updates a reference to a section.

Amendment 2 updates a reference to an Act.

## SCHEDULE (continued)

**FISHERIES ACT 1994****Amendment****1. Section 169, ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

**FLUORIDATION OF PUBLIC WATER SUPPLIES  
ACT 1963****Amendment****1. Section 5(5), ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

**FORESTRY ACT 1959****Amendment****1. Section 82K(1), ‘a District Court’—***omit, insert—*

‘the District Court’.

## SCHEDULE (continued)

<b>2. Section 82K(2), ‘A District Court’—</b>	1
<i>omit, insert—</i>	2
‘The District Court’.	3
<b>Explanatory note</b>	4
Amendments 1 and 2 correct outdated references.	5
<b>FOSSICKING ACT 1994</b>	6
<b>Amendment</b>	7
<b>1. Section 104, ‘a District Court’—</b>	8
<i>omit, insert—</i>	9
‘the District Court’.	10
<b>Explanatory note</b>	11
The amendment corrects an outdated reference.	12
<b>GAMING MACHINE ACT 1991</b>	13
<b>Amendment</b>	14
<b>1. Section 25F, ‘a District Court’—</b>	15
<i>omit, insert—</i>	16
‘the District Court’.	17
<b>Explanatory note</b>	18
The amendment corrects an outdated reference.	19

## SCHEDULE (continued)

<b>GOVERNMENT OWNED CORPORATIONS ACT 1993</b>	1
<b>Amendment</b>	2
<b>1. Sections 141(1), 142(1) and 143(3), ‘a District Court’—</b>	3
<i>omit, insert—</i>	4
‘the District Court’.	5
<b>Explanatory note</b>	6
The amendment corrects outdated references.	7
<b>HEALTH AND OTHER LEGISLATION AMENDMENT ACT 1998</b>	8 9
<b>Amendment</b>	10
<b>1. Schedule 1, amendment of <i>Health Practitioners (Special Events Exemption) Act 1998</i>, amendment 1—</b>	11 12
<i>omit, insert—</i>	13
<b>‘1. Sections 11(b), 13 and 14(2), ‘chief health officer’—</b>	14
<i>omit, insert—</i>	15
‘chief executive’.’.	16
<b>Commencement</b>	17
This amendment is taken to have commenced on the day of assent of the <i>Health and Other Legislation Amendment Act 1998</i> .	18 19
<b>Explanatory note</b>	20
The amendment changes references to sections of the <i>Health Practitioners (Special Events Exemption) Act 1998</i> which were sequentially renumbered under the Standing Rules and Orders of the Legislative Assembly because of an amendment in	21 22 23

## SCHEDULE (continued)

committee made during the passage of the Bill for that Act. The retrospective commencement of the amendment does not adversely affect the rights of any person. 1  
2

## HEALTH RIGHTS COMMISSION ACT 1991 3

### Amendment 4

#### 1. Section 139A(3), ‘a District Court’— 5

*omit, insert—* 6

‘the District Court’. 7

### Explanatory note 8

The amendment corrects a reference to the District Court. 9

## HEALTH SERVICES ACT 1991 10

### Amendment 11

#### 1. Section 2, definition “funding arrangement”, ‘Medicare Agreement’— 12 13

*omit, insert—* 14

‘Australian Health Care Agreement’. 15

#### 2. Section 2, definition “Medicare Agreement”— 16

*omit, insert—* 17

‘ “**Australian Health Care Agreement**” means the agreement dated 18  
28 August 1998 between the Commonwealth and the State entered 19  
into under the *Health Care (Appropriation) Act 1998* (Cwlth).’. 20

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The Medicare Agreement referred to in section 2 has expired. The Commonwealth and the State have entered into the Australian Health Care Agreement. Amendments 1 and 2 keep the legislation current, replacing the definition of, and reference to, the Medicare Agreement with a definition of, and reference to, the Australian Health Care Agreement.	2 3 4 5 6
<b>JUDGES (SALARIES AND ALLOWANCES) ACT 1967</b>	7
<b>Amendment</b>	8
<b>1. Section 3(1), ‘District Courts’—</b>	9
<i>omit, insert—</i>	10
‘the District Court’.	11
<b>2. Section 12(1)(b), ‘District Courts’—</b>	12
<i>omit, insert—</i>	13
‘District Court’.	14
<b>Explanatory note</b>	15
Amendments 1 and 2 correct outdated references.	16
<b>JUSTICES ACT 1886</b>	17
<b>Amendment</b>	18
<b>1. Section 4, definition ‘indictable offence’, ‘a District Court’—</b>	19
<i>omit, insert—</i>	20
‘the District Court’.	21

## SCHEDULE (continued)

<b>2. Section 99, ‘a District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>3. Section 101, ‘a District Court’—</b>	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>4. Section 222(2)(a)(i), ‘the <i>District Courts Act 1967</i>’—</b>	7
<i>omit, insert—</i>	8
‘the <i>District Court Act 1967</i> ’.	9
<b>5. Section 222(2F), ‘1867’—</b>	10
<i>omit, insert—</i>	11
‘1967’.	12
<b>6. Section 222(3), ‘District Courts’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>7. Section 223(2), ‘a District Court’—</b>	16
<i>omit, insert—</i>	17
‘the District Court’.	18
<b>8. Section 224A(3) and (4), ‘a District Court’—</b>	19
<i>omit, insert—</i>	20
‘the District Court’.	21

## SCHEDULE (continued)

<b>Explanatory note</b>	1
Amendments 1 to 3 and 6 to 8 correct outdated references.	2
Amendments 4 and 5 correct references to an Act.	3
<b>JUSTICES OF THE PEACE AND COMMISSIONERS FOR DECLARATIONS ACT 1991</b>	4 5
<b>Amendment</b>	6
<b>1. Section 19(2)(a), ‘a District Court’—</b>	7
<i>omit, insert—</i>	8
‘the District Court’.	9
<b>2. Section 19(3), ‘a District Court’—</b>	10
<i>omit, insert—</i>	11
‘the District Court’.	12
<b>3. Section 19(4), ‘a District Court’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>Explanatory note</b>	16
Amendments 1 to 3 correct outdated references.	17

## SCHEDULE (continued)

**JUVENILE JUSTICE ACT 1992**

	1
<b>Amendment</b>	2
<b>1. Section 5, definition of “concurrent jurisdiction”, ‘a District Court’—</b>	3
	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>2. Section 5, definition “proper officer”, ‘a District Court’—</b>	7
	8
<i>omit, insert—</i>	8
‘the District Court’.	9
<b>3. Sections 9(1)(b), 50(1), 53(2)(a), 69, 87(3)(c), 135(3)(a) and (4)(a), 138(1)(a) and (3)(b), 154(3)(a) and (4)(a), 155(1) and 183(5), ‘a District Court’—</b>	10
	11
	12
<i>omit, insert—</i>	13
‘the District Court’.	14
<b>4. Section 86, heading, ‘a District Court’—</b>	15
	16
<i>omit, insert—</i>	16
‘the District Court’.	17
<b>5. Section 185(1), definition “lower court”, ‘a District Court’—</b>	18
	19
<i>omit, insert—</i>	19
‘the District Court’.	20
<b>Explanatory note</b>	21
Amendments 1 to 5 correct outdated references.	22

## SCHEDULE (continued)

**LOCAL GOVERNMENT ACT 1993****Amendment****1. Sections 695(1), 696(1) and 697(3), ‘a District Court’—***omit, insert—*

‘District Court’.

**2. Section 1003, ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

Amendments 1 and 2 correct outdated references.

**LOCAL GOVERNMENT (ABORIGINAL LANDS) ACT  
1978****Amendment****1. Section 102, ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

## SCHEDULE (continued)

**LOTTERIES ACT 1997****Amendment****1. Section 224, ‘a District Court’—***omit, insert—*

‘the District Court’.

**Explanatory note**

The amendment corrects an outdated reference.

**MAGISTRATES COURTS ACT 1921****Amendment****1. Sections 45(1), 46 and 47, ‘a District Court’—***omit, insert—*

‘the District Court’.

**2. Section 45(2)(a), ‘a District Court or a judge thereof,’—***omit, insert—*

‘the District Court or a District Court judge.’

**3. Section 45(4), ‘a judge of District Courts’—***omit, insert—*

‘a District Court judge’.

## SCHEDULE (continued)

<b>4. Section 47, heading, ‘District Courts’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>Explanatory note</b>	4
Amendments 1 to 4 correct outdated references.	5
 <b>MENTAL HEALTH ACT 1974</b>	 6
 <b>Amendment</b>	 7
<b>1. Section 14(3)(a)(ii), ‘District Courts’—</b>	8
<i>omit, insert—</i>	9
‘the District Court’.	10
 <b>2. Section 31A(1)(c) ‘person—’</b>	 11
<i>omit, insert—</i>	12
‘person;	13
then—’.	14
 <b>3. Section 31A(1)(c), ‘(i) to (iii)’—</b>	 15
<i>renumber</i> as section 31A(1)(d) to (f).	16
 <b>4. Section 31A(1)(d)(A) to (D) as renumbered—</b>	 17
<i>renumber</i> as section 31A(1)(d)(i) to (iv).	18

## SCHEDULE (continued)

<b>5. Section 31A(1)(d)(iv) as renumbered, at the end—</b>	1
<i>insert—</i>	2
‘and’.	3
<b>6. Section 31A(1)(e) as renumbered, at the end—</b>	4
<i>insert—</i>	5
‘and’.	6
<b>7. Section 31A(1)(f)(A) to (D) as renumbered—</b>	7
<i>renumber</i> as section 31A(1)(f)(i) to (iv).	8
<b>8. Section 31A(1)(f)(i), (ii) and (iii) as renumbered, at the end of each subparagraph—</b>	9
<i>insert—</i>	10
‘and’.	12
<b>9. Section 32(1), ‘a District Court’—</b>	13
<i>omit, insert—</i>	14
‘the District Court’.	15
<b>Explanatory note</b>	16
Amendments 1 and 9 correct outdated references.	17
Amendments 2 to 4 and 7 correct the numbering of section 31A in Reprint 1 of the <i>Mental Health Act 1974</i> .	18
	19
Amendments 5, 6 and 8 add conjunctives to the renumbered section 31A(1).	20

## SCHEDULE (continued)

**MINERAL RESOURCES ACT 1989**

	1
<b>Amendment</b>	2
<b>1. Sections 365, 366, 368, 377, 383(1), 384(4) and (5), ‘a District Court’—</b>	3
	4
<i>omit, insert—</i>	5
‘the District Court’.	6
<b>2. Section 365(9), ‘District Courts Act 1967’—</b>	7
	8
<i>omit, insert—</i>	8
‘District Court Act 1967’.	9
<b>3. Section 366(8), ‘District Courts Act 1967’—</b>	10
	11
<i>omit, insert—</i>	11
‘District Court Act 1967’.	12
<b>4. Section 383(2), ‘a District Court or a judge thereof,’—</b>	13
	14
<i>omit, insert—</i>	14
‘the District Court or a District Court judge,’.	15
<b>5. Section 384(3), ‘A District Court’—</b>	16
	17
<i>omit, insert—</i>	17
‘The District Court’.	18
<b>6. Section 386(1), ‘judge of a District Court’—</b>	19
	20
<i>omit, insert—</i>	20
‘District Court judge’.	21

## SCHEDULE (continued)

<b>7. Section 386(2), ‘judge of the District Court’—</b>	1
<i>omit, insert—</i>	2
‘District Court judge’.	3
<b>8. Section 386(3), from ‘a judge’ to ‘subsection (1)’—</b>	4
<i>omit, insert—</i>	5
‘a District Court judge under subsection (1)’.	6
<b>Explanatory note</b>	7
Amendments 1 to 8 correct outdated references.	8

## MISCONDUCT TRIBUNALS ACT 1997 9

<b>Amendment</b>	10
<b>1. Section 37(5), ‘a District Court’—</b>	11
<i>omit, insert—</i>	12
‘the District Court’.	13
<b>Explanatory note</b>	14
The amendment corrects an outdated reference.	15

## OFFSHORE MINERALS ACT 1998 16

<b>Amendment</b>	17
<b>1. Section 441(1), after ‘Governor’—</b>	18
<i>insert—</i>	19
‘in Council’.	20

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment corrects an incorrect reference to the Governor instead of the Governor in Council.	2 3
 <b>PROFESSIONAL ENGINEERS ACT 1988</b>	 4
<b>Amendment</b>	5
<b>1. Section 5, heading, ‘Interpretation’—</b>	6
<i>omit, insert—</i>	7
‘Definitions’.	8
 <b>2. Section 29, from ‘Provided that’ to ‘board.’—</b>	 9
<i>omit, insert—</i>	10
‘(2) However, the professional engineering practice of the deceased professional engineer must be carried on under the supervision of a registered professional engineer approved by the board.’.	11 12 13
 <b>3. Section 29(2)—</b>	 14
<i>renumber</i> as section 29(3).	15
 <b>4. Section 30—</b>	 16
<i>insert—</i>	17
‘(ba)for a company that does not have a constitution—	18
(i) the principal executive officer of the company is a registered professional engineer and a director of the company; and	19 20
(ii) if the company has 1 director, the director is a registered professional engineer; and	21 22

## SCHEDULE (continued)

(iii) if the company has 2 directors, each is a registered professional engineer or one is a registered professional engineer and the other is—	1 2 3
(A) a person who holds a qualification prescribed under a regulation; or	4 5
(B) a relative of the registered professional engineer of a class of person prescribed under a regulation; or	6 7
(C) a public accountant or legal practitioner acting for the company; and	8 9
(iv) if the company has more than 2 directors, at least three-fifths of the directors are registered professional engineers and the others each hold a qualification prescribed under a regulation; and’.	10 11 12 13
<b>5. Section 30(c), from ‘its’ to ‘provide’—</b>	14
<i>omit, insert—</i>	15
‘for a company that has a constitution, its constitution provides’.	16
<b>6. Section 30(c)—</b>	17
<i>insert —</i>	18
‘(ia) if the company has 1 director, the director is to be a registered professional engineer; and’.	19 20
<b>7. Section 30(c)(ii) and (iii), ‘where’—</b>	21
<i>omit, insert—</i>	22
‘if’.	23
<b>8. Section 30(c)(ii), ‘only’—</b>	24
<i>omit.</i>	25

## SCHEDULE (continued)

<b>9. Section 30(c)(ii)(A)—</b>	1
<i>omit, insert—</i>	2
‘(A) a person who holds a qualification prescribed under a regulation; or’.	3
	4
<b>10. Section 30(c)(iii), from ‘are to hold’—</b>	5
<i>omit, insert—</i>	6
‘are to each hold a qualification prescribed under a regulation; and’.	7
<b>11. Section 43, heading, ‘Interpretation’—</b>	8
<i>omit, insert—</i>	9
‘Definitions for pt 8’.	10
<b>12. Section 60, heading, ‘, etc.’—</b>	11
<i>omit, insert—</i>	12
‘etc.’	13
<b>13. Section 60—</b>	14
<i>insert—</i>	15
‘(1A) To remove doubt, it is declared that the disciplinary panel may, in the hearing of the charge, make 1 or more of the orders mentioned in subsection (1).’.	16
	17
	18
<b>Explanatory note</b>	19
Amendments 1 and 11 update the section heading to take account of current drafting style.	20
	21
Amendments 2 and 3 update section 29 to take account of current drafting style.	22

## SCHEDULE (continued)

Amendment 4 enables companies without a constitution to be registered by the board as registered professional engineering companies. The amendment brings the section into line with the Corporations Law.	1 2 3
Amendment 5 updates terminology for consistency with the Corporations Law.	4
Amendment 6 enables companies with a constitution and only 1 director to be registered by the board as registered professional engineering companies. The amendment brings the section into line with the Corporations Law.	5 6 7
Amendments 7 and 8 update the drafting style of the provision being amended.	8
Amendments 9 and 10 overcome a possible infringement of a fundamental legislative principle.	9 10
Amendment 12 removes an extraneous comma.	11
Amendment 13 puts beyond doubt that more than 1 of the orders mentioned in section 60(1) can be made by the disciplinary panel in a hearing.	12 13

**PROPERTY LAW ACT 1974**

<b>Amendment</b>	14 15
<b>1. Section 3, definition “District Court”, ‘a District Court’—</b>	16
<i>omit, insert—</i>	17
‘the District Court’.	18
<b>2. Section 162(1), ‘a District Court’—</b>	19
<i>omit, insert—</i>	20
‘the District Court’.	21
<b>3. Section 162(2), ‘in the office of the registrar of the nearest District Court’—</b>	22 23
<i>omit, insert—</i>	24
‘in a District Court registry’.	25

## SCHEDULE (continued)

<b>4. Section 162(2), ‘such District Court’—</b>	1
<i>omit, insert—</i>	2
‘the District Court’.	3
<b>Explanatory note</b>	4
Amendments 1 to 4 correct outdated references.	5
<b>PUBLIC SECTOR ETHICS ACT 1994</b>	6
<b>Amendment</b>	7
<b>1. Section 2, definition “corporatised corporation”, ‘chapter 7A, part 6’—</b>	8
<i>omit, insert—</i>	9
‘chapter 8, part 7’.	10
<b>Explanatory note</b>	12
The amendment updates a cross reference to an Act.	13
<b>PUBLIC SERVICE ACT 1996</b>	14
<b>Amendment</b>	15
<b>1. Section 19—</b>	16
<i>insert—</i>	17

## SCHEDULE (continued)

‘(2A) Also, subsection (1) has no effect on the <i>Anti-Discrimination Act 1991</i> , section 237 and the <i>Health Rights Commission Act 1991</i> , section 8(1)(b). <sup>3</sup> ’.	1 2 3
<b>2. Section 32(2), after ‘Service’—</b>	4
<i>insert—</i>	5
‘Commissioner’.	6
<b>3. Section 39(4)(a) and (b)—</b>	7
<i>omit, insert—</i>	8
‘(a) the term, not longer than 5 years, of the person’s employment; and	9 10
(b) that, if the person’s employment as commissioner continues to the end of the term, a further contract may be entered into under this section; and’.	11 12 13
<b>4. Section 39(4)(f), after ‘the person’s’—</b>	14
<i>insert—</i>	15
‘appointment and contract of’.	16
<b>5. Section 45(1)—</b>	17
<i>omit, insert—</i>	18
‘ <b>45.(1)</b> The maximum number of senior executives to be employed in a department, the classification levels at which they are to be employed, and the designation of their roles must be fixed by the Governor in Council by gazette notice.	19 20 21 22

---

<sup>3</sup> *Anti-Discrimination Act 1991*, section 237 (Financial administration) and *Health Rights Commission Act 1991*, section 8 (Application of various public sector Acts)

## SCHEDULE (continued)

‘**(1A)** Before a recommendation is made to the Governor in Council for subsection (1), the commissioner must be consulted about the proposed recommendation.’ 1  
2  
3

‘**(1B)** Subsection (1) does not apply to a change in the designation of a role if the commissioner is satisfied that the change does not affect the role.’ 4  
5

*Example—* 6

A change in the title of the role without affecting the substantive duties of the role.’. 7  
8

**6. Section 53(4)(a) and (b)—** 9

*omit, insert—* 10

‘(a) the term, not longer than 5 years, of the person’s employment; and 11  
12

(b) that, if the person’s employment as chief executive continues to the end of the term, a further contract may be entered into under this section; and’ 13  
14  
15

**7. Section 53(4)(f), after ‘the person’s’—** 16

*insert—* 17

‘appointment and contract of’ 18

**8. Section 60(2)—** 19

*omit, insert—* 20

‘(2) In this section— 21

“appoint” does not include transfer.’. 22

**9. Section 61(2), (3) and (4)—** 23

*omit.* 24

## SCHEDULE (continued)

<b>10. Section 62(5)(a) and (b)—</b>	1
<i>omit, insert—</i>	2
‘(a) the term, not longer than 5 years, of the person’s employment; and	3 4
(b) that, if the person’s employment as senior executive continues to the end of the term, a further contract may be entered into under this section; and’.	5 6 7
 <b>11. Section 62(5)(g), after ‘the person’s’—</b>	 8
<i>insert—</i>	9
‘appointment and contract of’.	10
 <b>12. Section 66(1)—</b>	 11
<i>omit, insert—</i>	12
‘ <b>66.(1)</b> The number of public service employees to be employed in a department, the classification levels at which they are to be employed, and the designation of their roles must be fixed by the chief executive.’.	13 14 15
 <b>13. Section 67—</b>	 16
<i>insert—</i>	17
‘ <b>(3)</b> In this section—	18
“ <b>appoint</b> ” does not include transfer.’.	19
 <b>14. Section 71—</b>	 20
<i>insert—</i>	21

## SCHEDULE (continued)

‘(1A) However, this section does not apply to a person employed in a department as an officer on a contract for a fixed term that was in existence before 1 December 1996. <sup>4</sup> ’.	1 2 3
<b>15. Section 95(4)(a)(ii), after ‘public service’—</b>	4
<i>insert—</i>	5
‘commissioner’.	6
<b>16. Section 106(1), ‘Industrial Relations Act 1990’—</b>	7
<i>omit, insert—</i>	8
‘Workplace Relations Act 1997’.	9
<b>17. Section 116(2), ‘Industrial Relations Act 1990’—</b>	10
<i>omit, insert—</i>	11
‘Workplace Relations Act 1997’.	12
<b>18. Section 116(3), ‘Industrial Relations Act 1990, section 40’—</b>	13
<i>omit, insert—</i>	14
‘Workplace Relations Act 1997, section 290 <sup>5</sup> ’.	15
<b>19. Section 116A, heading, ‘Industrial Relations Act’—</b>	16
<i>omit, insert—</i>	17
‘Workplace Relations Act’.	18

---

<sup>4</sup> This section commenced on 1 December 1996.

<sup>5</sup> *Workplace Relations Act 1997*, section 290 (Power to amend or void contracts)

## SCHEDULE (continued)

<b>20. Section 116A(1), ‘Industrial Relations Act 1990’—</b>	1
<i>omit, insert—</i>	2
‘Workplace Relations Act 1997’.	3
<b>21. Sections 122, 123, 127, 128 and 134—</b>	4
<i>omit.</i>	5
<b>22. Section 125(3), ‘or (2)’—</b>	6
<i>omit.</i>	7
<b>23. Section 125(3), ‘or secondment’—</b>	8
<i>omit.</i>	9
<b>24. Section 140, after ‘service’—</b>	10
<i>insert—</i>	11
‘commissioner’.	12
<b>25. Part 11, division 2—</b>	13
<i>omit, insert—</i>	14
‘Division 2—Transitional provisions for Statute Law (Miscellaneous Provisions) Act 1999	15 16
<b>‘References to the Office of the Public Service</b>	17
‘145. In an Act or document, a reference to the Office of the Public Service may, if the context permits, be taken to be a reference to the Office of the Public Service Commissioner.’.	18 19 20

## SCHEDULE (continued)

<b>26. Schedule 1, column 1, item 9, after ‘Service’—</b>	1
<i>insert—</i>	2
‘Commissioner’.	3
<b>27. Schedule 3, definitions “award”, “industrial agreement” and “industrial authority”—</b>	4
<i>omit.</i>	5
	6
<b>28. Schedule 3—</b>	7
<i>insert—</i>	8
‘ <b>“award”</b> see the <i>Workplace Relations Act 1997</i> , dictionary.	9
‘ <b>“contract for a fixed term”</b> means a contract that ends on a stated day, whether or not the contract also provides for its termination by a party giving to the other party a particular period of notice of termination.	10
	11
	12
‘ <b>“designation”</b> , of a role, the duties of which are being undertaken by a public service employee, includes the title of the role and the organisational location of the role within a public sector unit.	13
	14
	15
‘ <b>“industrial agreement”</b> means—	16
(a) an industrial agreement or enterprise flexibility agreement continued in force under the <i>Workplace Relations Act 1997</i> ; or	17
	18
(b) a certified agreement under the <i>Workplace Relations Act 1997</i> .	19
‘ <b>“industrial authority”</b> means a commission, court, board, tribunal or other entity having authority under a law of the Commonwealth or this State to exercise powers of conciliation or arbitration for industrial matters or industrial disputes.’.	20
	21
	22
	23

## SCHEDULE (continued)

<b>29. Schedule 3, definition “industrial relations Minister”, ‘Industrial Relations Act 1990’—</b>	1
	2
<i>omit, insert—</i>	3
‘Workplace Relations Act 1997’.	4
<b>Explanatory note</b>	5
Amendment 1 removes any doubt about the way the Anti-Discrimination Commission and the Health Rights Commission are to be treated for the purposes of the <i>Financial Administration and Audit Act 1977</i> .	6 7 8
Amendments 2, 15, 24 and 26 change the name of the Office established under the Act to the Office of the Public Service Commissioner and amendment 25 provides for references to the Office of the Public Service in other Acts or documents.	9 10 11
Amendments 3, 4, 6, 7, 10 and 11 make minor amendments to dispense with the need to make a further appointment when a contract with the commissioner, chief executive or senior executive is renewed.	12 13 14
Amendment 5 ensures that the Public Service Commissioner is consulted about changes to the senior executive profile of departments before a recommendation is considered by the Governor in Council and removes the need for the Governor in Council to consider minor changes in titles of roles.	15 16 17 18
Amendment 8 ensures that only the Governor in Council can appoint senior executives and that the natural justice provisions of section 80 are available to senior executives who face transfer.	19 20 21
Amendment 9 omits certain provisions relating to secondment of senior executives to ensure that only the Governor in Council can second senior executives.	22 23
Amendment 12 clarifies certain powers of the chief executive of a department in relation to public service employee numbers, classification levels and designations.	24 25
Amendment 13 ensures that the natural justice provisions of section 80 are available to officers who face transfer.	26 27
Amendment 14 removes an automatic right of reversion to tenured employment for officers on contracts in existence before the commencement of the Act, which inadvertently adversely affected their pre-existing legislative and contractual entitlements.	28 29 30 31
Amendments 16 to 20 and 27 to 29 update, or are consequential on the updating of, references to the repealed <i>Industrial Relations Act 1990</i> . Additionally, amendment 28 by inserting a definition “contract for a fixed term” clarifies the legal position about the nature of fixed term contracts given that they contain a termination by notice	32 33 34 35

## SCHEDULE (continued)

provision. Amendment 28 also inserts a new definition of “designation” to clarify the intention of amendments 5 and 12. 1  
2

Amendment 21 repeals a number of redundant provisions. 3

Amendments 22 and 23 clarify the application of section 125 so it only relates to appointments. Contracts are not necessary for secondments as they are temporary arrangements. 4  
5  
6

## PUBLIC TRUSTEE ACT 1978 7

### Amendment 8

#### 1. Section 67(5), ‘a District Court’— 9

*omit, insert—* 10

‘the District Court’. 11

#### 2. Section 68(1) to (3), ‘a District Court’— 12

*omit, insert—* 13

‘the District Court’. 14

### Explanatory note 15

Amendments 1 and 2 correct outdated references. 16

## QUEENSLAND UNIVERSITY OF TECHNOLOGY 17

### ACT 1998 18

### Amendment 19

#### 1. Schedule 2, definition “owner”, ‘*Transport Infrastructure (Roads) Act 1991*’— 20 21

*omit, insert—* 22

‘*Transport Operations (Road Use Management) Act 1995*’. 23

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment updates a citation.	2
<b>SOUTH BANK CORPORATION ACT 1989</b>	3
<b>Amendment</b>	4
<b>1. Section 7(1)(c), ‘5’—</b>	5
<i>omit, insert—</i>	6
‘7’.	7
<b>Explanatory note</b>	8
The amendment increases the membership of the corporation by two members.	9
<b>STATE BUILDINGS PROTECTIVE SECURITY ACT 1983</b>	10 11
<b>Amendment</b>	12
<b>1. Section 3, definition “protective security service”, ‘State Government Security Service’—</b>	13 14
<i>omit, insert—</i>	15
‘State Government Protective Security Service’.	16
<b>2. Section 29, penalty—</b>	17
<i>omit, insert—</i>	18
‘Maximum penalty—10 penalty units or 6 months imprisonment.’.	19
<b>Explanatory note</b>	20
Amendment 1 corrects a minor error.	21

## SCHEDULE (continued)

Amendment 2 updates the expression of a penalty provision consistently with the <i>Penalties and Sentences Act 1992</i> , without altering the punishment.	1 2
<b>STATE COUNTER-DISASTER ORGANISATION ACT 1975</b>	3 4
<b>Amendment</b>	5
<b>1. Part 6, heading—</b>	6
<i>omit.</i>	7
<b>Explanatory note</b>	8
The amendment omits the heading to part 6, because the remainder of part 6 has expired.	9 10
<b>STATE FINANCIAL INSTITUTIONS AND METWAY MERGER FACILITATION ACT 1996</b>	11 12
<b>Amendment</b>	13
<b>1. Schedule 3 (Dictionary), definition “Metway”, ‘(A.C.N. 010 831 772)’—</b>	14 15
<i>omit, insert—</i>	16
‘(ACN 010 831 722)’.	17
<b>Commencement</b>	18
The amendment is taken to have commenced on the day of assent of the <i>State Financial Institutions and Metway Merger Facilitation Act 1996</i> .	19 20

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment corrects a company number. The retrospective commencement of the amendment does not adversely affect the rights of any person.	2 3
<b>STATUTORY BODIES FINANCIAL ARRANGEMENTS ACT 1982</b>	4 5
<b>Amendment</b>	6
<b>1. Section 32(1), definition “other financial accommodation”, paragraph (b)—</b>	7 8
<i>omit, insert—</i>	9
‘(b) guarantees, letters of credit and any other form of undertaking, provided by a financial institution or other person to meet the liabilities or obligations of a statutory body.’.	10 11 12
<b>2. Section 32(2), ‘However’—</b>	13
<i>omit, insert—</i>	14
‘Subject to a regulation under subsection (3)’.	15
<b>3. Section 32(3), after ‘borrow’—</b>	16
<i>insert—</i>	17
‘, including, for example, a particular type of hire-purchase agreement, operating lease or credit card facility’.	18 19
<b>4. Section 53(1)—</b>	20
<i>omit, insert—</i>	21
‘ <b>53.(1)</b> A statutory body may enter into a derivative transaction under this division—	22 23
(a) in its own name; or	24

## SCHEDULE (continued)

(b) in the name of a person who, with the Treasurer’s approval, has been appointed in writing by the body as its agent for this division.’.	1 2 3
<b>5. Section 53(2)(b), after ‘transaction’—</b>	4
<i>insert—</i>	5
‘, or derivative transactions of the type concerned’.	6
<b>6. Section 63(2), ‘stated event’—</b>	7
<i>omit, insert—</i>	8
‘matter or thing’.	9
<b>Explanatory note</b>	10
Amendment 1 amends the inclusive definition of “other financial accommodation” to clarify that it includes any other form of undertaking to meet the liabilities or obligations of a statutory body, regardless of the provider. This amendment is required to ensure statutory bodies obtain the Treasurer’s approval before entering into financial accommodation in the nature of guarantees, including those provided by financial institutions other than banks, building societies and credit unions.	11 12 13 14 15 16
Amendments 2 and 3 clarify that a regulation can be made to prescribe particular types of hire-purchase agreements, operating leases and credit card facilities as forms of financial accommodation for the definition of “borrow”.	17 18 19
The second reading speech of the 1996 amendments to the <i>Statutory Bodies Financial Arrangements Act 1982</i> stated that ‘in some cases it may be appropriate for such arrangements [ <i>hire-purchase agreements, operating leases and credit card facilities</i> ] to be treated as borrowings for the purposes of the amended <i>SBFA Act</i> , whether by reason of the size of the transaction or the way in which it is structured. In such cases, the Bill provides flexibility for these matters to be dealt with by regulation.’.	20 21 22 23 24 25
The explanatory notes for the <i>Statutory Bodies Financial Arrangements Amendment Act 1996</i> , explained why the regulation-making power in section 32(3) should not be considered to constitute an inappropriate delegation of legislative power. The Scrutiny of Legislation Committee did not raise concerns regarding section 32 in its Alert Digest No. 10 of 1996 regarding the legislation.	26 27 28 29 30

## SCHEDULE (continued)

Amendment 4 clarifies that a statutory body which has been allocated power to enter into a derivative transaction by regulation may, with the Treasurer's approval, enter into a derivative transaction through an agent appointed for division 1 and that the monitoring and reporting provisions imposed on the statutory body in division 1 apply to such transactions.

Amendment 5 clarifies that the Treasurer can grant approval for a statutory body with derivative powers to enter into a particular type of derivative transaction and that, in such cases, statutory bodies are not required to gain a separate approval for every derivative transaction of that type.

Amendment 6 corrects a minor error.

## SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990

### Amendment

#### 1. Section 2, definition “unit of the State public sector”, paragraphs (e) and (f)—

*omit, insert—*

‘(e) Legal Aid Queensland within the meaning of the *Legal Aid Queensland Act 1997*; or

(f) the Industrial Relations Commission; or’.

### Explanatory note

The amendment updates references to certain Acts and entities.

## TORRES STRAIT ISLANDER LAND ACT 1991

### Amendment

#### 1. Section 116(a)(v) and (vi)—

*renumber* as section 116(a)(iv) and (v).

## SCHEDULE (continued)

<b>Explanatory note</b>	1
The amendment renumbers a provision.	2
<b>VALUATION OF LAND ACT 1944</b>	
<b>Amendment</b>	4
<b>1. Section 21(2)(a), ‘19(1);’—</b>	5
<i>omit, insert—</i>	6
‘19(1); or’.	7
<b>2. Section 24(1)(a) and (b), ‘less;’—</b>	8
<i>omit, insert—</i>	9
‘less; or’.	10
<b>3. Section 24(2)(a), ‘enacted;’—</b>	11
<i>omit, insert—</i>	12
‘enacted; and’.	13
<b>4. Section 28(1)(i), ‘scheme;’—</b>	14
<i>omit, insert—</i>	15
‘scheme; or’.	16
<b>5. Section 28(1)(ii), ‘land;’—</b>	17
<i>omit, insert—</i>	18
‘land; or’.	19

## SCHEDULE (continued)

<b>6. Section 34(1)(a), ‘person;’—</b>	1
<i>omit, insert—</i>	2
‘person; or’.	3
<b>7. Section 40(4)(a), ‘business;’—</b>	4
<i>omit, insert—</i>	5
‘business; or’.	6
<b>8. Section 53(8)(a), ‘areas;’—</b>	7
<i>omit, insert—</i>	8
‘areas; and’.	9
<b>9. Section 53(8)(b), ‘fit;’—</b>	10
<i>omit, insert—</i>	11
‘fit; and’.	12
<b>10. Section 53(9)(a) and (b), ‘conference;’—</b>	13
<i>omit, insert—</i>	14
‘conference; and’.	15
<b>11. Section 54(1A)(a), ‘effect;’—</b>	16
<i>omit, insert—</i>	17
‘effect; and’.	18
<b>12. Section 59(4)(a), ‘incomplete;’—</b>	19
<i>omit, insert—</i>	20
‘incomplete; and’.	21

## SCHEDULE (continued)

<b>13. Section 72(1)(a), ‘1915;’—</b>	1
<i>omit, insert—</i>	2
‘1915; or’.	3
<b>14. Section 72(1)(b), ‘1993;’—</b>	4
<i>omit, insert—</i>	5
‘1993; or’.	6
<b>15. Section 72(1)(c), ‘1924; and’—</b>	7
<i>omit, insert—</i>	8
‘1924;’.	9
<b>16. Section 72(1), ‘where,—</b>	10
<i>omit, insert—</i>	11
‘and, where’.	12
<b>17. Section 73(1)(c), ‘valuation;’—</b>	13
<i>omit, insert—</i>	14
‘valuation; or’.	15
<b>18. Section 75J, ‘a District Court’—</b>	16
<i>omit, insert—</i>	17
‘the District Court’.	18
<b>Explanatory note</b>	19
Amendments 1 to 18 correct minor errors.	20

## SCHEDULE (continued)

**WEAPONS ACT 1990**

	1
<b>Amendment</b>	2
<b>1. Section 57(3), ‘year’—</b>	3
<i>omit, insert—</i>	4
‘year’s’.	5
<b>2. Section 64, ‘12 months imprisonment’—</b>	6
<i>omit, insert—</i>	7
‘1 year’s imprisonment’.	8
<b>3. Section 149, ‘a District Court’—</b>	9
<i>omit, insert—</i>	10
‘the District Court’.	11
<b>4. Section 163(1)(c)(iv), ‘other approval’—</b>	12
<i>omit, insert—</i>	13
‘other authority’.	14
<b>Explanatory note</b>	15
Amendment 1 corrects a grammatical error.	16
Amendment 2 standardises the language used for expressing terms of imprisonment with other provisions in the Act.	17
Amendment 3 corrects an outdated reference.	18
Amendment 4 corrects a minor error.	19
	20

## SCHEDULE (continued)

<b>WET TROPICS WORLD HERITAGE PROTECTION AND MANAGEMENT ACT 1993</b>	1 2
<b>Amendment</b>	3
<b>1. Section 4, definition “land-holder”, paragraph (b), ‘, <i>Miners’ Homestead Leases Act 1913 or Mining Titles Freeholding Act 1980’—</i></b>	4 5
<i>omit.</i>	6
<b>Explanatory note</b>	7
The amendment is consequential on the repeal of <i>Miners’ Homestead Leases Act 1913</i> and <i>Mining Titles Freeholding Act 1980</i> .	8 9
<b>WHISTLEBLOWERS PROTECTION ACT 1994</b>	10
<b>Amendment</b>	11
<b>1. Section 43(3), ‘a District Court’—</b>	12
<i>omit, insert—</i>	13
‘the District Court’.	14
<b>2. Schedule 6, definition “proper officer”, ‘a District Court’—</b>	15
<i>omit, insert—</i>	16
‘the District Court’.	17
<b>Explanatory note</b>	18
Amendments 1 and 2 correct outdated references.	19