



Queensland

Revenue Amendment and Trade and Investment Queensland Bill 2013



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2013

A Bill

for

An Act to amend the *Duties Act 2001*, the *Electricity Act 1994*, the *Financial Accountability Act 2009*, the *Fire and Rescue Service Act 1990*, the *First Home Owner Grant Act 2000*, the *Payroll Tax Act 1971* and the *Taxation Administration Act 2001* for particular purposes, to repeal the *Future Growth Fund Act 2006*, and to provide for an Act to establish Trade and Investment Queensland and to amend the *Industrial Relations Regulation 2011* for related purposes

[s 1]

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1	Short title	3
	This Act may be cited as the <i>Revenue Amendment and Trade and Investment Queensland Act 2013</i> .	4 5
Clause 2	Commencement	6
(1)	Section 4 is taken to have commenced on 6 September 2011.	7
(2)	The following provisions are taken to have commenced on 26 October 2011—	8 9
(a)	sections 6 to 8 and 20(3) and (4);	10
(b)	section 20(1), except to the extent it omits the definition <i>exempt managed investment scheme</i> ;	11 12
(c)	section 20(2), except to the extent it inserts the definitions <i>exempt managed investment scheme</i> and <i>section 152 exempt transaction</i> ;	13 14 15
(d)	schedule 2, amendments of the <i>Duties Act 2001</i> , item 1.	16
(3)	Sections 9 and 14 are taken to have commenced on 7 October 2012.	17 18
(4)	The following provisions are taken to have commenced on 26 October 2012—	19 20
(a)	section 20(1), to the extent it omits the definition <i>exempt managed investment scheme</i> ;	21 22
(b)	section 20(2), to the extent it inserts the definition <i>exempt managed investment scheme</i> .	23 24
(5)	The following provisions commence on 1 July 2013—	25
(a)	chapter 2, parts 3 and 4 and part 8, division 1;	26

-
- (b) schedule 2, to the extent it amends the *Fire and Rescue Service Act 1990*.

1
2
 - (6) The following provisions commence on 1 August 2013—

3

 - (a) section 17;

4
 - (b) section 19, to the extent it inserts new section 652.

5
 - (7) Chapter 3, part 6 commences immediately after section 17 commences.

6
7
 - (8) The following provisions commence on a day to be fixed by proclamation—

8
9

 - (a) chapter 3, parts 3 and 7;

10
 - (b) schedule 1, definitions *asset*, *employee*, *employee register*, *register*, *Trade Office*, *transfer*, *transferable asset*, *transferable assets and liabilities*, *transferable employee*, *transferable instrument*, *transferable liability*, *transferable proceeding* and *transfer day*.

11
12
13
14
15

Chapter 2 Revenue Amendments 16

Part 1 Amendment of Duties Act 2001 17

Clause 3 Act amended 18

This part amends the *Duties Act 2001*. 19

Note— 20

See also the amendments in schedule 2. 21

Clause 4 Amendment of s 75 (What is a *pooled public investment unit trust*) 22
23

Section 75(1), from ‘or exempt’ to ‘for which’— 24

omit, insert—

, exempt managed investment scheme or pooled superannuation trust for which

superannuation trust for which

Clause 5 **Amendment of s 123 (Exemption—particular distribution of dutiable property to a beneficiary)**

(1) Section 123—

(1) Section 123— 6

insert—

(2A) The trust acquisition of a beneficiary's trust interest is not exempt from transfer duty for the purposes of subsection (2)(b)(ii) if transfer duty is not imposed on the acquisition because of the operation of section 66(2).

interest is not exempt from transfer duty for the
purposes of subsection (2)(b)(ii) if transfer duty
is not imposed on the acquisition because of the
operation of section 66(2).

purposes of subsection (2)(b)(ii) if transfer duty 10
is not imposed on the acquisition because of the 11
operation of section 66(2). 12

is not imposed on the acquisition because of the
operation of section 66(2).

operation of section 66(2).	12
-----------------------------	----

(2) Section 123(2A) and (3)—

renumber as section 123(3) and (4).

Clause 6 **Amendment of ch 2, pt 13, div 3A, hdg (Exemptions for public superannuation entities)**

Chapter 2, part 13, division 3A, heading, ‘public’—

Chapter 2, part 13, division 3A, heading, ‘public’— 17

omit, insert—

omit, insert— 18

eligible

Clause 7 **Amendment of s 130A (Exemption—transfer by direction to custodian for a superannuation entity)**

(1) Section 130A(1)—

(1) Section 130A(1)— 22

omit, insert—

(1) Subject to subsections (2) and (3), transfer duty is not imposed on a transfer of dutiable property from a person as vendor to another person as custodian for the trustee of one of the following entities (each an *eligible superannuation entity*)—

not imposed on a transfer of dutiable property 25

from a person as vendor to another person as 26

custodian for the trustee of one of the following 27

entities (each an *eligible superannuation* 28

entity)—

-
- (a) a public superannuation entity; 1
 - (b) a complying superannuation fund, if the 2
trustee has, under the Superannuation 3
Industry Act, section 19(4), given a written 4
notice electing to apply that Act in relation 5
to the fund to APRA or an entity other than 6
APRA. 7
 - (2) Section 130A(2), ‘However, subsection’— 8
omit, insert— 9
 - Subsection 10
 - (3) Section 130A(2)(a) and (b), ‘approved’— 11
omit. 12
 - (4) Section 130A— 13
insert— 14
 - (3) If the trustee of the eligible superannuation entity 15
has given a written notice to an entity other than 16
APRA as mentioned in subsection (1)(b), 17
subsection (1) applies only if the transfer of 18
dutiabale property is the transfer of an acquirable 19
asset to the custodian to be held on trust for the 20
trustee in compliance with the Superannuation 21
Industry Act, section 67A(1)(b). 22
 - (4) In this section— 23
APRA see the Superannuation Industry Act, 24
section 10. 25

- Clause 8 Amendment of s 130B (Exemption—other transfers of** 26
fund property of public superannuation entities) 27
- (1) Section 130B, heading, ‘public’— 28
omit, insert— 29
 - eligible** 30

[s 8]

- | | | |
|-----|--|----|
| (2) | Section 130B(1), from ‘Transfer’ to ‘a public’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | Subject to subsections (2) and (3), transfer duty is not | 3 |
| | imposed on a transfer, or agreement for the transfer, of | 4 |
| | fund property of an eligible | 5 |
| (3) | Section 130B(1)(a) and (b), ‘approved’— | 6 |
| | <i>omit.</i> | 7 |
| (4) | Section 130B(2), ‘However, subsection’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | Subsection | 10 |
| (5) | Section 130B(2)(b), ‘public’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | eligible | 13 |
| (6) | Section 130B— | 14 |
| | <i>insert—</i> | 15 |
| (3) | If the trustee of the eligible superannuation entity | 16 |
| | has given a written notice to an entity other than | 17 |
| | APRA as mentioned in section 130A(1)(b), | 18 |
| | subsection (1) applies to the transfer or | 19 |
| | agreement only if— | 20 |
| (a) | for a transaction mentioned in subsection | 21 |
| | (1)(a)—the property the subject of the | 22 |
| | transfer or agreement is an acquirable asset | 23 |
| | that is, on completion of the transfer, held on | 24 |
| | trust by the custodian for the trustee in | 25 |
| | compliance with the Superannuation | 26 |
| | Industry Act, section 67A(1)(b); or | 27 |
| (b) | for a transaction mentioned in subsection | 28 |
| | (1)(b)—the property the subject of the | 29 |
| | transfer or agreement is an acquirable asset | 30 |
| | that, immediately before the transfer, was | 31 |
| | held on trust by the custodian for the trustee | 32 |

[s 9]

	in compliance with the Superannuation Industry Act, section 67A(1)(b).	1 2
Clause 9	Amendment of s 130C (What is an <i>asset-backed security</i>)	3
	Section 130C(1)—	4
	<i>insert—</i>	5
	(d) a covered bond within the meaning of the <i>Banking Act 1959</i> (Cwlth), section 26, if the cover pool for the covered bond under that section consists of either of the following—	6 7 8 9
	(i) a financial asset;	10
	(ii) a pool of financial assets.	11
Clause 10	Amendment of s 152 (Exemption—to correct clerical error in previous dutiable transaction)	12 13
	Section 152—	14
	<i>insert—</i>	15
	(3) A dutiable transaction to which this section applies is a <i>section 152 exempt transaction</i> .	16 17
Clause 11	Insertion of new s 152A	18
	Chapter 2, part 13, division 5—	19
	<i>insert—</i>	20
	152A Exemption—previous dutiable transaction for a section 152 exempt transaction if clerical error is a misdescription of property	21 22 23
	(1) Transfer duty is not imposed on a dutiable transaction that is the previous dutiable transaction for a section 152 exempt transaction if—	24 25 26 27

[s 11]

- (a) the previous dutiable transaction is the transfer, or agreement for the transfer, of dutiable property; and
 - (b) the clerical error in the previous dutiable transaction is a misdescription of the property; and
 - (c) in addition to the section 152 exempt transaction, there is another transfer, or agreement for the transfer, of dutiable property (the *third dutiable transaction*) that, other than for the error, would have been the subject of the previous dutiable transaction; and
 - (d) the sole purpose of the third dutiable transaction is to correct the error; and
 - (e) no consideration is paid or payable for any dutiable transaction entered into to correct the error, other than the consideration already paid or payable for the previous dutiable transaction; and
 - (f) the beneficial interests in the property the subject of the previous dutiable transaction and third dutiable transaction change only to the extent necessary to correct the error.
- (2) If, under an assessment, transfer duty is imposed on a previous dutiable transaction to which subsection (1) applies, on application in the approved form by a party to the previous dutiable transaction the commissioner must make a reassessment of transfer duty on the basis that transfer duty is not imposed on the previous dutiable transaction.
- (3) In this section—

previous dutiable transaction means a previous
dutiable transaction mentioned in section 152(1)
in relation to a section 152 exempt transaction. 1
2
3

- Clause 12 Amendment of s 155 (When transferees, lessees and vested persons for land must give notice for reassessment)** 4
5
6
- (1) Section 155(3), definition *notifiable event*, paragraph (a), 7
‘land within 1 year after’— 8
omit, insert— 9
land before, or within 1 year after, 10
- (2) Section 155(3), definition *notifiable event*, paragraph (b)— 11
renumber as section 155(3), definition *notifiable event*, 12
paragraph (c). 13
- (3) Section 155(3), definition *notifiable event—* 14
insert— 15
- (b) if the relevant transaction is the acquisition, 16
mentioned in section 85(b), of a lease of 17
residential or vacant land—the surrender of 18
the lease before, or within 1 year after, the 19
lessee’s occupation date for the residence on 20
the land; or 21

- Clause 13 Amendment of s 202 (Application of proceeds of sale)** 22
- Section 202(c) and (d)— 23
omit, insert— 24
- (c) third, in payment of the outstanding amount 25
of landholder duty under the Administration 26
Act, section 42; 27
- (d) fourth, in payment of amounts secured by a 28
security interest or charge on the land 29
recorded before the charge mentioned in 30

[s 14]

	section 200(1)(a), unless the land is sold subject to the security interest or charge;	1 2
Clause 14	Amendment of s 286 (What is a <i>mortgage-backed security</i>)	3 4
	Section 286(1)—	5
	<i>insert</i> —	6
	(d) a covered bond within the meaning of the <i>Banking Act 1959</i> (Cwlth), section 26, if the cover pool for the covered bond under that section consists of either of the following—	7 8 9 10
	(i) a loan secured by a mortgage;	11
	(ii) a pool of mortgages, if all mortgages in the pool or collection of assets comprising the pool of mortgages under section 288 are loans secured by a mortgage.	12 13 14 15 16
Clause 15	Amendment of s 349 (Imposition of insurance duty)	17
	Section 349(2)(a)—	18
	<i>omit, insert</i> —	19
	(a) for general insurance—	20
	(i) if a regulation states that duty is payable only on a part of the premium—that part of the premium; or	21 22 23
	(ii) otherwise—premiums for the insurance;	24 25
Clause 16	Amendment of s 362 (Rate of insurance duty—general and accident insurance)	26 27
	Section 362(1)—	28

	<i>omit, insert—</i>	1
	(1) The rate of insurance duty imposed on a premium	2
	for general insurance or, if section 349(2)(a)(i)	3
	applies, the part of the premium, is—	4
	(a) 7.5% of the premium or part of the premium	5
	to the extent to which the premium or part of	6
	the premium is paid to effect class 1 general	7
	insurance; or	8
	(b) 5% of the premium or part of the premium	9
	to the extent to which the premium or part of	10
	the premium is paid to effect class 2 general	11
	insurance.	12

Clause 17	Amendment of s 362 (Rate of insurance duty—general and accident insurance)	13 14
	(1) Section 362(1)(a), ‘7.5%’—	15
	<i>omit, insert—</i>	16
	9%	17
	(2) Section 362(1)(b), ‘5%’—	18
	<i>omit, insert—</i>	19
	9%.	20

Clause 18	Amendment of s 506 (Requirement to keep particular instruments)	21 22
	Section 506(1) to (3)—	23
	<i>omit, insert—</i>	24
	(1) The trustee of a unit trust must keep an	25
	instrument that effects or evidences—	26
	(a) an acquisition or disposition of a unit in the	27
	trust; or	28

[s 19]

	(b) for a listed unit trust—any other acquisition of an interest in the trust.	1 2
	(2) A corporation or society must keep an instrument that effects or evidences an acquisition of an interest in the corporation or society.	3 4 5
	(3) For subsections (1)(b) and (2), an <i>acquisition</i> of an interest in a corporation, society or listed unit trust includes an acquisition of an interest to which section 162 would apply if the reference in that section to a landholder were a reference to a corporation, society or listed unit trust.	6 7 8 9 10 11
Clause 19	Insertion of new ch 17, pt 18	12
	After chapter 17, part 17—	13
	<i>insert—</i>	14
	Part 18	15
	Transitional provisions	16
	for Revenue	17
	Amendment and Trade	18
	and Investment	19
	Queensland Act 2013	20
	650 Application of s 152A	21
	Section 152A is taken to apply to a previous dutiable transaction within the meaning of section 152A(3) that happens before the commencement of this section, if the third dutiable transaction under section 152A(1)(c) to correct the clerical error in the previous dutiable transaction is entered into on or after 4 February 2012.	22 23 24 25 26
	651 Application of amendment of s 155	27
	(1) Section 155, as in force on the commencement of this section, applies to a dutiable transaction only	28 29

[s 20]

if liability for transfer duty for the transaction 1
arises on or after the commencement of this 2
section. 3

- (2) Section 155, as in force before the 4
commencement of this section, continues to 5
apply to a dutiable transaction if liability for 6
transfer duty for the transaction arose before the 7
commencement of this section. 8

652 Application of new rate of insurance duty 9 under s 362 10

- (1) The new rate of insurance duty applies to a 11
premium paid for general insurance on or after 12
the commencement of this section only if the 13
contract that effects the general insurance is 14
entered into on or after the commencement of 15
this section. 16

- (2) In this section— 17
new rate, of insurance duty, means the rate of 18
insurance duty imposed on the premium under 19
section 362(1), as amended by the *Revenue* 20
Amendment and Trade and Investment 21
Queensland Act 2013, section 17. 22

Clause 20 Amendment of sch 6 (Dictionary) 23

- (1) Schedule 6, definitions *approved trustee*, *exempt managed* 24
investment scheme, *fund property* and *trustee*— 25

omit. 26

- (2) Schedule 6— 27

insert— 28

acquirable asset, for sections 130A and 130B, 29
means an acquirable asset under the 30
Superannuation Industry Act, section 10. 31

[s 20]

-
- eligible superannuation entity*** see section 130A. 1
- exempt managed investment scheme*** means a 2
unit trust that is a managed investment scheme 3
under the Corporations Act if, under section 4
601ED(2) of that Act, the unit trust does not have 5
to be registered because of the issue of units in 6
the trust only to wholesale clients within the 7
meaning of section 761G(4) of that Act, 8
including to persons who are not retail clients 9
under section 761GA of that Act. 10
- fund property*** means dutiable property of an 11
eligible superannuation entity held by a person 12
as— 13
- (a) the trustee of the entity; or 14
- (b) a custodian for the trustee of the entity. 15
- section 152 exempt transaction*** see section 16
152(3). 17
- Superannuation Industry Act*** means the 18
Superannuation Industry (Supervision) Act 1993 19
(Cwlth). 20
- trustee***— 21
- (a) generally—includes a former trustee; and 22
- (b) of an eligible superannuation entity for 23
sections 130A and 130B, means— 24
- (i) if the entity’s trustee is an RSE licensee 25
under the *Superannuation Industry Act*, 26
section 10—the RSE licensee; or 27
- (ii) otherwise—the trustee of the entity 28
under the *Superannuation Industry Act*, 29
section 10. 30
- (3) Schedule 6, definition *custodian*, paragraph (b), from ‘a 31
public’ to ‘division 3A’— 32
- omit, insert*— 33
-

	an eligible superannuation entity	1
(4)	Schedule 6, definition <i>public superannuation entity</i> , paragraph (e), ‘approved’—	2
	<i>omit.</i>	3
		4

Part 2	Amendment of Electricity Act 1994	5
		6

Clause 21	Act amended	7
	This part amends the <i>Electricity Act 1994</i> .	8
Clause 22	Amendment of s 90 (Deciding prices for non-market customers)	9
	Section 90(7), note—	10
	<i>omit.</i>	11
		12
Clause 23	Amendment of new s 90AAA	13
	After section 90—	14
	<i>insert—</i>	15
	90AAA Deciding notified prices for 2013-14 financial year	16
		17
	(1) This section applies if, under section 90, the Minister is the pricing entity for a particular tariff for the relevant tariff year.	18
		19
		20
	(2) Despite section 90, in making a price determination for the relevant tariff year, the pricing entity need not have regard to the matters mentioned in section 90(5)(a) in relation to a particular tariff.	21
		22
		23
		24
		25

[s 24]

	(3)	This section expires on 1 July 2014.	1
	(4)	In this section—	2
		<i>relevant tariff year</i> means the financial year	3
		starting on 1 July 2013.	4
Clause 24		Amendment of ch 14, pt 12, hdg (Transitional provisions for Treasury (Cost of Living) and Other Legislation Amendment Act 2012)	5 6 7
		Chapter 14, part 12, heading, ‘provisions’—	8
		<i>omit, insert—</i>	9
		provision	10
Clause 25		Omission of s 332 (Deciding notified prices for 2012-2013 financial year)	11 12
		Section 332—	13
		<i>omit.</i>	14
Part 3		Amendment of Financial Accountability Act 2009	15 16
Clause 26		Act amended	17
		This part amends the <i>Financial Accountability Act 2009</i> .	18
Clause 27		Amendment of pt 7, div 2, hdg (Transitional provisions)	19
		Part 7, division 2, heading, after ‘provisions’—	20
		<i>insert—</i>	21
		for Act No. 9 of 2009	22

Clause 28	Insertion of new pt 7, div 3	1
	Part 7—	2
	<i>insert</i> —	3
	Division 3	4
	Transitional provision for Revenue Amendment and Trade and Investment Queensland Act 2013	5 6 7
	98 Closure of Queensland future growth fund	8
	On the repeal of the <i>Future Growth Fund Act 2006</i> —	9
	(a) the Queensland future growth fund established under that Act is closed; and	10 11
	(b) any amount remaining in the fund is transferred to the consolidated fund.	12 13
Part 4	Amendment of Fire and Rescue Service Act 1990	14 15
Clause 29	Act amended	16
	This part amends the <i>Fire and Rescue Service Act 1990</i> .	17
	<i>Note</i> —	18
	See also the amendments in schedule 2.	19
Clause 30	Amendment of long title	20
	Long title, ‘Service and’—	21
	<i>omit, insert</i> —	22

[s 31]

	Service, to establish a fund for particular purposes,	1
Clause 31	Amendment of s 20 (Fund)	2
(1)	Section 20(1), ‘Queensland Fire and Rescue Service Fund’—	3
	<i>omit, insert—</i>	4
	Emergency Management, Fire and Rescue Fund	5
(2)	Section 20(5)—	6
	<i>omit, insert—</i>	7
(5)	An amount is payable from the fund for—	8
(a)	the purposes of this Act; or	9
(b)	the management, by the Queensland Fire and Rescue Service or another entity administered or funded wholly or partly by the State, of the adverse effects or potential adverse effects of an incident or event.	10 11 12 13 14
	<i>Example of management for paragraph (b)—</i>	15
	making arrangements for mitigating the effects of, preparing for, responding to and recovering from an event	16 17 18
(3)	Section 20(7)—	19
	<i>insert—</i>	20
	<i>event</i> see the <i>Disaster Management Act 2003</i> .	21
Clause 32	Amendment of s 105 (Definitions)	22
(1)	Section 105(1), definition <i>component local government</i> —	23
	<i>omit.</i>	24
(2)	Section 105(1), definition <i>prescribed property</i> , ‘an urban’—	25
	<i>omit, insert—</i>	26
	a levy	27

Clause 33	Replacement of pt 10, div 2, hdg (Funding for urban fire brigades)	1 2
	Part 10, division 2, heading—	3
	<i>omit, insert—</i>	4
	Division 2 Matters relating to fund contributions	5 6
Clause 34	Amendment of s 106 (Constitution of urban districts)	7
	(1) Section 106, heading, ‘urban’—	8
	<i>omit, insert—</i>	9
	levy	10
	(2) Section 106, ‘an urban’	11
	<i>omit, insert—</i>	12
	a levy	13
	(3) Section 106, ‘urban districts’	14
	<i>omit, insert—</i>	15
	levy districts	16
	(4) Section 106(1)(a), ‘the purposes of’—	17
	<i>omit.</i>	18
	(5) Section 106(2), ‘any urban’—	19
	<i>omit, insert—</i>	20
	any levy	21
	(6) Section 106(3)—	22
	<i>omit.</i>	23
Clause 35	Amendment of s 107 (Liability to contribute)	24
	(1) Section 107(1), from ‘cost’—	25
	<i>omit, insert—</i>	26

[s 36]

	cost of—	1
	(a) administering and giving effect to this Act;	2
	and	3
	(b) managing the matters mentioned in section	4
	20(5)(b).	5
(2)	Section 107(1A)—	6
	<i>omit, insert—</i>	7
(1A)	If a parcel of farming land shares a boundary	8
	with 1 or more other parcels of farming land	9
	(each a <i>contiguous parcel</i>), and each of the	10
	contiguous parcels are owned by the same owner,	11
	the contiguous parcels are, for this part, taken to	12
	be 1 prescribed property.	13
(1B)	Despite subsection (2), a portion of a contiguous	14
	parcel that is a separate parcel under section	15
	105(1), definition <i>prescribed property</i> , paragraph	16
	(b) is a separate prescribed property for this part.	17
(3)	Section 107(3), ‘(2)(a)’—	18
	<i>omit, insert—</i>	19
	(4)(a)	20
(4)	Section 107(4)—	21
	<i>insert—</i>	22
	<i>farming land</i> means land used for farming within	23
	the meaning of the <i>Land Valuation Act 2010</i> ,	24
	section 48.	25
(5)	Section 107(1A) to (4)—	26
	<i>renumber</i> as section 107(2) to (6).	27

Clause 36	Amendment of s 113 (Appeal against local government’s determination)	28
		29
(1)	Section 113(1) and (2), ‘fire’—	30

<i>omit.</i>	1
(2) Section 113(1)(b) and (c)—	2
<i>omit, insert—</i>	3
(b) that an amount shown in the notice is incorrect because of a typographical, mathematical or similar error, including a typographical or similar error incorrectly categorising the property;	4 5 6 7 8
(c) that, for determining the contributions payable under section 108—	9 10
(i) the local government has incorrectly categorised the property, other than because of an error mentioned in paragraph (b); or	11 12 13 14
(ii) the prescribed property should in the circumstances be taken to be within a category other than the category on which the local government based its determination.	15 16 17 18 19
(3) Section 113—	20
<i>insert—</i>	21
(4A) However, the chief executive need not consider an appeal against a levy notice for the property if—	22 23 24
(a) an appeal against a previous levy notice for the same property has been lodged under this section on a ground mentioned in subsection (1)(a) or (c); and	25 26 27 28
(b) the appeal was rejected; and	29
(c) since the appeal against the previous levy notice was lodged, there has not been a material change of use under the	30 31 32

[s 37]

	<i>Sustainable Planning Act 2009</i> for the property.	1 2
(4)	Section 113(4A) to (7)— <i>renumber</i> as section 113(5) to (9).	3 4
Clause 37	Amendment of s 116 (Contribution to be paid into fund of component local government)	5 6
(1)	Section 116, heading, ‘component’— <i>omit.</i>	7 8
(2)	Section 116, from ‘component’— <i>omit, insert—</i> local government under this part must be paid into its operating fund.	9 10 11 12
Clause 38	Amendment of s 118 (Payments by component local governments to departments)	13 14
(1)	Section 118, ‘component’— <i>omit.</i>	15 16
(2)	Section 118(1), from ‘(or’ to ‘fund)’— <i>omit.</i>	17 18
Clause 39	Insertion of new pt 12, div 6 Part 12— <i>insert—</i>	19 20 21

Division 6	Provisions for Revenue Amendment and Trade and Investment Queensland Act 2013	1
		2
		3
		4
194 Definition for div 6		5
In this division—		6
<i>commencement</i> means the day this section commences.		7
		8
195 Amounts in Queensland Fire and Rescue Service Fund at commencement		9
		10
On the commencement, amounts in the Queensland Fire and Rescue Service Fund immediately before the commencement form part of the Emergency Management, Fire and Rescue Fund.		11
		12
		13
		14
196 References to fire levy notices and urban districts		15
		16
If the context permits, a reference in an Act or document—		17
		18
(a) to a fire levy notice under this Act before the commencement includes a reference to a levy notice; and		19
		20
		21
(b) to an urban district under this Act before the commencement includes a reference to a levy district; and		22
		23
		24
(c) to the Queensland Fire and Rescue Service Fund includes a reference to the Emergency Management, Fire and Rescue Fund.		25
		26
		27
197 Appeals against fire levy notices		28
(1) This section applies if—		29

[s 40]

- (a) immediately before the commencement, an owner of property could have lodged an appeal against a fire levy notice under section 113; and
 - (b) on the commencement, the owner has not lodged the appeal.
 - (2) Section 113, as in force immediately before the commencement, continues to apply in relation to an appeal about the fire levy notice.

198 Application of s 112 for local governments

Despite section 112, for the financial year ending 30 June 2014, a local government may make the determinations mentioned in section 112(1) on any day during that financial year.

199 Application of s 114 for local governments

- (1) This section applies to a local government for the financial year ending 30 June 2014 (the *relevant financial year*).
 - (2) Despite section 114(1)(b), if a local government gives to the owner of a prescribed property a levy notice as a separate notice, the notice may be given at any time during the relevant financial year.
 - (3) Also, despite section 114(4), if a local government gives to the owner of a prescribed property a levy notice as an item on 1 or more rate notices, the notices may be given at any time during the relevant financial year.

Clause 40 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *owner* and *urban district*—

<i>omit.</i>	1
(2) Schedule 6—	2
<i>insert</i> —	3
<i>owner</i> , of premises—	4
(a) generally—means the person who is entitled to receive rent for the premises, or would be entitled to receive rent for the premises if the premises were leased; and	5 6 7 8
(b) for part 10—see section 105(1).	9
<i>levy district</i> means a part of the State constituted as a levy district under section 106.	10 11
<i>prescribed property</i> see section 105.	12
(3) Schedule 6, definition <i>fund</i> , ‘Queensland Fire and Rescue Service Fund’—	13 14
<i>omit, insert</i> —	15
Emergency Management, Fire and Rescue Fund	16

Part 5	Amendment of First Home Owner Grant Act 2000	17 18
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Clause 41	Act amended	19
	This part amends the <i>First Home Owner Grant Act 2000</i> .	20

Clause 42	Amendment of s 8 (Meaning of <i>relevant interest</i>)	21
(1)	Section 8(1)(h)(ii)—	22
	<i>renumber</i> as section 8(1)(h)(iii).	23
(2)	Section 8(1)(h)—	24

[s 43]

insert—

- (ii) the home was built before the holder of the interest acquired the interest or entered into an agreement to acquire the interest; and

Part 6 Amendment of Payroll Tax Act 1971

Clause 43 Act amended

This part amends the *Payroll Tax Act 1971*.

Clause 44 Amendment of s 14A (Exemption for parental, adoption or surrogacy leave)

Section 14A(4)(b)—

omit, insert—

- (b) for a part-time employee—
 - (i) if the employee takes leave on the employee’s part-time rate of pay—a period of 14 weeks’ leave on that rate of pay; or
 - (ii) if the employee takes leave on a rate of pay that is less than the employee’s part-time rate of pay—a period equivalent to 14 weeks’ leave on the employee’s part-time rate of pay.

Clause 45 Insertion of new pt 11

After section 142—

insert—

Part 11	Transitional provision	1
	for Revenue	2
	Amendment and Trade	3
	and Investment	4
	Queensland Act 2013	5

143 Exemption under s 14A	6
Section 14A(4)(b), as amended by the <i>Revenue</i>	7
<i>Amendment and Trade and Investment Queensland</i>	8
<i>Act 2013</i> , is taken to have had effect on and from 16	9
April 2011.	10

Part 7	Amendment of Taxation	11
	Administration Act 2001	12

Clause 46	Act amended	13
	This part amends the <i>Taxation Administration Act 2001</i> .	14

Clause 47	Amendment of s 22 (Time for reassessment increasing liability for tax)	15
	Section 22(2)(b), from ‘under’—	16
	<i>omit, insert—</i>	17
	into the taxpayer’s liability for tax has started under	18
	either or both of the following—	19
	(i) part 7;	20
	(ii) a recognised law.	21
		22

[s 48]

Clause 48	Omission of pt 13, div 3, hdg (Transitional provision for Pay-roll Tax Act 1971)	1 2
	Part 13, division 3, heading—	3
	<i>omit.</i>	4
Clause 49	Insertion of new pt 18	5
	After part 17—	6
	<i>insert—</i>	7
	Part 18	8
	Transitional provision for Revenue	9
	Amendment and Trade	10
	and Investment	11
	Queensland Act 2013	12
	175 Application of s 22 for existing reassessments	13
	Section 22(2)(b) applies in relation to an investigation	14
	into a taxpayer’s liability for tax under a recognised	15
	law started before the commencement of this section	16
	as if the investigation had started after the	17
	commencement.	18
Part 8	Repeal and minor amendments	19
Division 1	Repeal of Future Growth Fund Act 2006	20 21
Clause 50	Repeal	22
	The Future Growth Fund Act 2006, No. 32 is repealed.	23

Division 2	Minor and consequential amendments	1 2
Clause 51	Acts amended	3
	Schedule 2 amends the Acts it mentions.	4
Chapter 3	Trade and Investment Queensland	5 6
Part 1	Preliminary	7
Clause 52	Object and achieving object	8
	(1) The object of this Act is to achieve economic and social benefits for Queensland by facilitating, supporting and encouraging trade, investment and other commercial opportunities for Queensland, including between Queensland and foreign countries.	9 10 11 12 13
	(2) The object is to be primarily achieved by establishing Trade and Investment Queensland.	14 15
Clause 53	Extraterritorial application of Act	16
	(1) This Act applies both within and outside Queensland.	17
	(2) This Act applies outside Queensland to the full extent of the extraterritorial legislative power of the Parliament.	18 19

[s 54]

Clause	54	Dictionary	1
		The dictionary in schedule 1 defines particular words used in this Act.	2 3
Clause	55	References to functions	4
		In this Act—	5
	(a)	a reference to a function includes a reference to a power; and	6 7
	(b)	a reference to performing a function includes a reference to exercising a power.	8 9
Part 2		Trade and Investment Queensland	10 11
Division 1		Establishment, functions and powers	12 13
Clause	56	Establishment and status	14
	(1)	Trade and Investment Queensland (<i>TIQ</i>) is established.	15
	(2)	TIQ—	16
	(a)	is a body corporate; and	17
	(b)	has a seal; and	18
	(c)	may sue and be sued in its corporate name.	19
Clause	57	TIQ represents the State	20
	(1)	TIQ represents the State.	21

- | | | |
|--|--|--------|
| | (2) Without limiting subsection (1), TIQ has the status, privileges and immunities of the State. | 1
2 |
|--|--|--------|

Clause 58	Application of other Acts	3
------------------	----------------------------------	---

- | | | |
|--|---|--------|
| | (1) TIQ is a statutory body under— | 4 |
| | (a) the <i>Financial Accountability Act 2009</i> ; and | 5 |
| | (b) the <i>Statutory Bodies Financial Arrangements Act 1982</i> (the SBFA Act). | 6
7 |
| | (2) The SBFA Act, part 2B sets out the way in which TIQ's powers under this Act are affected by the SBFA Act. | 8
9 |

Clause 59	Functions	10
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- | | | |
|--|---|----------------|
| | (1) TIQ has the following functions— | 11 |
| | (a) to facilitate, encourage, promote, identify, attract and develop trade and investment opportunities; | 12
13 |
| | (b) to assist, directly or indirectly, entities in relation to trade and investment opportunities; | 14
15 |
| | (c) to promote, or participate in or coordinate projects to promote trade and investment opportunities; | 16
17 |
| | (d) to obtain, and make available to entities, information relating to existing or future trade and investment opportunities; | 18
19
20 |
| | (e) to conduct research into, and analysis of, trade and investment opportunities; | 21
22 |
| | (f) to work collaboratively with public sector units and other entities in relation to increasing trade and investment opportunities; | 23
24
25 |
| | (g) to develop and administer schemes in relation to export markets and foreign direct investment; | 26
27 |

[s 60]

- (h) to facilitate access by persons to Commonwealth and State entities if that access is likely to enhance trade and investment opportunities; 1
2
3
 - (i) to undertake trade missions for purposes in relation to TIQ's functions; 4
5
 - (j) to establish and administer offices in foreign countries for purposes in relation to TIQ's functions; 6
7
 - (k) to act outside Australia as agent for the State if requested by the Minister; 8
9
 - (l) to advise the Minister about the functions mentioned in paragraphs (a) to (k); 10
11
 - (m) to provide policy advice to the Minister in relation to trade and investment opportunities; 12
13
 - (n) anything else likely to complement or enhance a function mentioned under this section; 14
15
 - (o) to perform functions of the type to which paragraph (n) applies and given to TIQ in writing by the Minister; 16
17
 - (p) any other function given to it under an Act. 18
- (2) In this section— 19
- trade and investment opportunities* means trade, investment and other commercial opportunities in Queensland and between Queensland and other States or foreign countries. 20
21
22

- Clause 60 Powers** 23
- TIQ has all the powers of an individual and may, for example— 24
25
- (a) enter into contracts or agreements; and 26
 - (b) acquire, hold, deal with, and dispose of, property; and 27
 - (c) appoint agents and attorneys; and 28
 - (d) engage consultants and researchers; and 29

-
- | | | |
|--|---|---|
| | (e) charge a fee for services and other facilities it supplies; | 1 |
| | and | 2 |
| | (f) do anything else necessary or convenient to be done in | 3 |
| | performing its functions. | 4 |

Clause	61	Extraterritoriality	5
		TIQ may perform its functions inside and outside Queensland,	6
		including outside Australia.	7

Clause	62	Ministerial directions	8
		(1) The Minister may give TIQ a written direction in relation to	9
		TIQ and its subsidiaries.	10
		(2) TIQ must comply with the direction.	11
		(3) The board must ensure the direction is complied with in	12
		relation to TIQ and must, as far as practicable, ensure it is	13
		complied with in relation to its subsidiaries.	14
		(4) In this section—	15
		<i>subsidiary</i> , of TIQ, means a body corporate that is a	16
		subsidiary of TIQ under the Corporations Act, part 1.2,	17
		division 6.	18

Clause	63	Delegations	19
		(1) TIQ may delegate any of its functions under this Act or	20
		another Act to—	21
		(a) a member; or	22
		(b) the chief executive officer; or	23
		(c) an appropriately qualified person, including an	24
		employee of TIQ or of a department.	25
		(2) A person delegated a function under subsection (1) may	26
		subdelegate the function to an appropriately qualified person.	27
		(3) In this section—	28

[s 64]

appropriately qualified includes having qualifications, 1
experience or standing appropriate for the function. 2

Example of standing— 3

a person's seniority level in an entity 4

Clause 64 Authentication of documents 5

(1) A document made by TIQ, other than a document required to 6
be sealed, is sufficiently made if it is signed by the chief 7
executive officer, the chairperson of the board or another 8
person authorised by the board. 9

Example of a document— 10

an instrument under section 63 delegating a function of TIQ 11

(2) A document made by TIQ that is required to be sealed is 12
sufficiently made if it is sealed in the way authorised by the 13
board and signed by the chief executive officer, the 14
chairperson of the board or another person authorised by the 15
board. 16

Division 2 Board 17

Subdivision 1 Establishment, membership and 18
related matters 19

Clause 65 Establishment 20

(1) A board is established as the governing body of TIQ. 21

(2) The board consists of at least 4, but not more than 7, members 22
appointed by the Governor in Council. 23

(3) The board must include the chief executive, or a senior 24
executive nominated by the chief executive, of both of the 25
following departments— 26

(a) the department responsible for administering this Act; 27

	(b) the department responsible for administering the <i>State Development and Public Works Organisation Act 1971</i> .	1 2
	(4) In deciding whether to appoint a person as a member, the Governor in Council must have regard to the person's ability to contribute to the performance of TIQ's functions.	3 4 5
	(5) The members, other than the members mentioned in subsection (3) (each a <i>departmental representative</i>), are appointed under this Act and not the <i>Public Service Act 2008</i> .	6 7 8
Clause 66	Role of board	9
	(1) The board is responsible for the way TIQ performs its functions.	10 11
	(2) The board's role includes ensuring TIQ performs its functions in a proper, effective and efficient way.	12 13
Clause 67	Conditions of appointment	14
	(1) A member, other than a departmental representative, is to be paid the remuneration and allowances decided by the Governor in Council.	15 16 17
	(2) For matters not provided for by this Act, a member holds office on the terms and conditions decided by the Governor in Council.	18 19 20
Clause 68	Term of appointment	21
	(1) A member, other than a departmental representative, holds office for the term, not more than 5 years, stated in the member's instrument of appointment.	22 23 24
	(2) However, the term ends if the member becomes disqualified under section 71 from continuing as a member.	25 26
	(3) If otherwise qualified, a member is eligible for reappointment.	27

[s 69]

Clause 69	Chairperson	1
(1)	The Governor in Council must appoint a member as the chairperson of the board.	2 3
(2)	A person may be appointed as the chairperson at the same time as the person is appointed as a member.	4 5
(3)	The chairperson, other than a person who is a departmental representative, holds office for the term, ending not later than the person's term of appointment as a member, stated in the person's appointment as chairperson.	6 7 8 9
(4)	A vacancy occurs in the office of chairperson if the person holding office—	10 11
(a)	resigns from office by giving notice of the resignation to the Minister; or	12 13
(b)	stops being a member.	14
(5)	However, a person resigning the office of chairperson may continue to be a member.	15 16
Clause 70	Deputy chairperson	17
(1)	The Governor in Council may appoint a member, other than the chairperson, as the deputy chairperson of the board.	18 19
(2)	A person may be appointed as the deputy chairperson at the same time as the person is appointed as a member.	20 21
(3)	The deputy chairperson, other than a person who is a departmental representative, holds office for the term, ending not later than the person's term of appointment as a member, stated in the person's appointment as chairperson.	22 23 24 25
(4)	A vacancy occurs in the office of deputy chairperson if the person holding office—	26 27
(a)	resigns from office by giving notice of the resignation to the Minister; or	28 29
(b)	stops being a member.	30

-
- | | |
|--|-------------|
| (5) However, a person resigning the office of deputy chairperson may continue to be a member. | 1
2 |
| (6) The deputy chairperson is to act as chairperson— | 3 |
| (a) during a vacancy in the office of chairperson; and | 4 |
| (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office. | 5
6
7 |

Clause 71	Disqualification from membership	8
------------------	---	---

- | | |
|---|----------------|
| (1) A person, other than a person who is a departmental representative, is disqualified from becoming, or continuing as, a member if the person— | 9
10
11 |
| (a) is an insolvent under administration; or | 12 |
| (b) has a conviction, other than a spent conviction, for an indictable offence. | 13
14 |
| (2) In this section— | 15 |
| <i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659 applies to the indictable offence. | 16
17
18 |
| <i>insolvent under administration</i> see the Corporations Act, section 9. | 19
20 |
| <i>spent conviction</i> means a conviction— | 21 |
| (a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and | 22
23
24 |
| (b) that is not revived as prescribed by section 11 of that Act. | 25
26 |

[s 72]

Clause 72	Vacation of office	1
	(1) The office of a member, other than a member who is a departmental representative, becomes vacant if—	2
		3
	(a) the member completes the member's term of office and is not reappointed; or	4
		5
	(b) the member resigns from office by signed notice of resignation given to the Minister; or	6
		7
	(c) the member becomes disqualified under section 71 from continuing as a member; or	8
		9
	(d) the member is absent, without the board's permission and without reasonable excuse, from 3 consecutive board meetings; or	10
		11
		12
	(e) the member's appointment is ended by the Governor in Council under subsection (2).	13
		14
	(2) The Governor in Council may, at any time, end the appointment for any reason or none.	15
		16
Clause 73	Committees	17
	(1) The board may establish committees to assist it in performing its functions.	18
		19
	(2) The board may decide the membership and functions of a committee it establishes.	20
		21
	Subdivision 2 Business	22
Clause 74	Conduct of business	23
	Subject to this subdivision, the board may conduct its business, including its board meetings, in the way it considers appropriate.	24
		25
		26

Clause 75	Time and place of meetings	1
	(1) Board meetings are to be held at the times and places the board decides.	2 3
	(2) The board must meet at least once every 4 months.	4
	(3) The chairperson may, at any time, call a board meeting.	5
	(4) The chairperson must call a board meeting if asked, in writing, to do so by at least 2 members.	6 7
Clause 76	Quorum	8
	A quorum for the board is—	9
	(a) if the board has 4 members—2 members, provided neither of those members is a departmental representative; or	10 11 12
	(b) if the board has more than 4 members—3 members, provided at least 2 of those members are not departmental representatives.	13 14 15
Clause 77	Presiding at meetings	16
	(1) The chairperson of the board is to preside at all board meetings at which the chairperson is present.	17 18
	(2) If the chairperson is absent from a board meeting and the deputy chairperson is present, the deputy chairperson is to preside.	19 20 21
	(3) If the chairperson and deputy chairperson are both absent from a board meeting (including because of a vacancy in the office), a member chosen by the members present is to preside at the meeting.	22 23 24 25
Clause 78	Conduct of meetings	26
	(1) A question at a board meeting is decided by a majority of the votes of the members present.	27 28

[s 79]

- (2) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote. 1
2
3
- (3) A member present at the meeting who abstains from voting is taken to have voted for the negative. 4
5
- (4) The board may hold meetings, or allow members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen. 6
7
8
9
Examples of use of technology— 10
 teleconferencing, videoconferencing 11
- (5) A member who takes part in a meeting under subsection (4) is taken to be present at the meeting. 12
13
- (6) A resolution is validly made by the board, even if it is not passed at a board meeting, if— 14
15
 - (a) notice of the resolution is given under procedures approved by the board; and 16
17
 - (b) a majority of the members give written agreement to the resolution. 18
19

Clause 79 Minutes 20

- (1) The board must keep minutes of its board meetings. 21
- (2) The board must keep a record of any resolutions made under section 78(6). 22
23

Subdivision 3 Duty of members 24

Clause 80 Disclosure of interests 25

- (1) This section applies to a member if— 26

-
- (a) the member has a direct or indirect financial or personal interest in a matter being considered, or about to be considered, by the board; and
1
2
3
 - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the matter.
4
5
6
 - (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a board meeting.
7
8
9
 - (3) The disclosure must be recorded in the board's minutes.
10
 - (4) Unless the board otherwise directs, the member must not—
11

 - (a) be present when the board considers the matter; or
12
 - (b) take part in a decision of the board on the matter.
13
 - (5) The member must not be present when the board is considering whether to give a direction under subsection (4).
14
15
 - (6) Another member who also has a direct or indirect financial or personal interest in the matter must not—
16
17

 - (a) be present when the board is considering whether to give a direction under subsection (4); or
18
19
 - (b) take part in making the decision about giving the direction.
20
21
 - (7) If—
22

 - (a) because of this section, a member is not present at a board meeting for considering or deciding a matter, or for considering or deciding whether to give a direction under subsection (4); and
23
24
25
26
 - (b) there would be a quorum if the member were present; the remaining members present are a quorum of the board for considering or deciding the matter, or for considering or deciding whether to give the direction, at the meeting.
27
28
29
30
 - (8) If there are no members who may remain present for considering or deciding a matter, the Minister may, by signing
31
32
-

[s 81]

consent to a proposed resolution, consider and decide the
matter. 1
2

Division 3 Chief executive officer 3

Clause 81 Appointment 4

- (1) TIQ must have a chief executive officer (the *CEO*). 5
- (2) The CEO is to be appointed by the board with the prior
written approval of the Minister. 6
7
- (3) The CEO is to be employed under this Act and not the *Public
Service Act 2008*. 8
9

Clause 82 Term of appointment 10

- (1) Subject to this section, the CEO holds office for the term, not
more than 5 years, stated in his or her contract of employment. 11
12
- (2) If otherwise qualified, the CEO is eligible for reappointment. 13
- (3) The board may, at any time, end the appointment for any
reason or none. 14
15
- (4) The ending of the appointment under subsection (3) does not
affect any rights to compensation to which the CEO is entitled
under the contract of employment. 16
17
18
- (5) The CEO may resign by giving a signed notice of resignation
to the board at least the required period before the notice is to
take effect. 19
20
21
- (6) The CEO's appointment ends if he or she stops being
qualified to be the CEO. 22
23
- (7) In this section— 24
required period means the period stated in the CEO's contract
of employment or otherwise agreed with the board. 25
26

Clause 83	Conditions of appointment	1
	For matters not provided for under this Act or stated in the contract of employment, the CEO holds office on the terms of appointment decided by the board.	2 3 4
Clause 84	CEO's responsibilities	5
	The CEO is responsible for ensuring the efficient and effective administration and operation of TIQ in accordance with the board's priorities.	6 7 8
Division 4	Reporting	9
Clause 85	Half-year reports	10
	(1) The board must give the Minister a report on TIQ's operations for each half-year in a financial year (a <i>half-year report</i>).	11 12
	(2) A half-year report must be given to the Minister—	13
	(a) within 4 weeks after the end of the half-year; or	14
	(b) if another period after the end of the half-year is agreed between the board and the Minister—within the agreed period.	15 16 17
	(3) In this section—	18
	<i>half-year</i> , in a financial year, means the following periods in the year—	19 20
	(a) 1 July to 31 December;	21
	(b) 1 January to 30 June.	22
Clause 86	Board to keep Minister informed	23
	The board must keep the Minister reasonably informed of TIQ's operations, financial performance and financial position and its achievement of the objectives in its strategic and operational plans.	24 25 26 27

[s 87]

Clause 87	Reporting to department	1
	(1) The Minister may act under this section for the purpose of monitoring, assessing or reporting on TIQ's performance of its functions.	2 3 4
	(2) The Minister may require TIQ or the board to report to the department by, for example, giving stated information at stated times to the chief executive.	5 6 7
	(3) TIQ or the board must comply with the requirement.	8
Clause 88	Other reporting requirements	9
	Sections 86 and 87 do not limit the matters of which the board is required to keep the Minister informed, or limit the reports or information that the board is required, or may be required, to give under another Act.	10 11 12 13
Part 3	Transfer of Trade Office's business to TIQ	14 15
Division 1	Preliminary	16
Clause 89	Definitions for pt 3	17
	In this part—	18
	<i>employee register</i> see section 94.	19
	<i>register</i> see section 90.	20
	<i>Trade Office</i> means the office, in the department, known as Trade Investment Queensland.	21 22
	<i>transferable asset</i> means an asset of the State that is—	23
	(a) controlled by the Trade Office immediately before the transfer day; and	24 25

- (b) stated in the register as an asset to be transferred to TIQ. 1
transferable employee see section 95. 2
transferable instrument means an instrument— 3
- (a) relating to the Trade Office and to which the State is a 4
party; and 5
- (b) stated in the register as an instrument to be transferred to 6
TIQ. 7
- transferable liability* means a liability of the State that is— 8
- (a) controlled by the Trade Office immediately before the 9
transfer day; and 10
- (b) stated in the register as a liability to be transferred to 11
TIQ. 12
- transferable proceeding* means a proceeding relating to the 13
Trade Office that— 14
- (a) could have been continued or started by or against the 15
State before the transfer day; and 16
- (b) is stated in the register as a proceeding to be transferred 17
to TIQ. 18
- transfer day* means the day on which the section in which the 19
term is used commences. 20

Division 2 Transferable assets and liabilities 21 etc. 22

- Clause 90 What is the *register*** 23
- (1) The *register* is a register of assets, liabilities, instruments and 24
proceedings that is prepared for TIQ and approved by the 25
chief executive. 26
- (2) The chief executive may approve the register for the purpose 27
of subsection (1). 28

[s 91]

- (3) At any time within 1 year after the transfer day, the chief executive may change the register to correct an omission or error as at the day immediately before the transfer day.

- Clause 91 Transfer of transferable assets and liabilities etc.**
- On the transfer day—
- (a) the State is divested of all transferable assets and liabilities and the transferable assets and liabilities become the assets and liabilities of TIQ; and
- (b) any transferable instrument is taken to be an instrument to which TIQ is a party and may be enforced by or against TIQ; and
- (c) transferable proceedings may be continued or started by or against TIQ.
- Clause 92 Transfer of shares**
- On the transfer day, the shares in Queensland Trade and Investment Office Pty Ltd (ACN 073 810 867) are transferred to TIQ.
- Clause 93 Application of transferable instruments**
- (1) A transferable instrument applies to TIQ in place of the State.
- (2) Without limiting subsection (1)—
- (a) any right, title, interest or liability of the State arising under or relating to the transferable instrument is taken to be transferred from the State to TIQ; and
- (b) if the transferable instrument, including a benefit or right provided by the instrument, is given to, by or in favour of the State, the instrument is taken to have been given to, by or in favour of TIQ; and
- (c) TIQ is taken to be a party to the transferable instrument in place of the State; and

- (d) a reference in the transferable instrument to the State is, to the extent possible and if the context permits, taken to be a reference to TIQ; and
- (e) if an application was made for the transferable instrument in the name of the State, the application is taken to have been made in the name of TIQ; and
- (f) if the transferable instrument is an instrument under which an amount is or may become payable to or by the State, the instrument is taken to be an instrument under which the amount is or may become payable to or by TIQ, in the way the amount was or might have been payable to or by the State; and
- (g) if the transferable instrument is an instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the State, the instrument is taken to be an instrument under which the property is or may become liable to be transferred, conveyed or assigned to or by TIQ, in the way it was or might have been liable to be transferred, conveyed or assigned to or by the State.

Division 3 Employees

- Clause 94 What is the *employee register***
- (1) The *employee register* is a register of employees of the department that is prepared for TIQ and approved by the chief executive.
 - (2) The chief executive may approve the employee register for the purpose of subsection (1).
 - (3) At any time within 1 year after the transfer day, the chief executive may change the employee register to correct an omission or error.

[s 95]

Clause 95	Who is a <i>transferable employee</i>	1
	<i>A transferable employee</i> is a person—	2
	(a) who, immediately before the transfer day, was an employee of the department; and	3 4
	(b) whose name is stated in the employee register as an employee to be transferred to TIQ.	5 6
Clause 96	Transfer of transferable employees	7
	(1) On the transfer day—	8
	(a) a transferable employee becomes an employee of TIQ; and	9 10
	(b) a transferable employee ceases to be a public service employee; and	11 12
	(c) the records of the department, to the extent they relate to the employment of transferable employees, become records of TIQ.	13 14 15
	(2) However, if an employee of the department becomes a transferable employee because of a register correction, subsection (1) applies to the employee as if the reference in the subsection to the transfer day were a reference to the day after the register correction happens.	16 17 18 19 20
	(3) Also, if a person ceases to be a transferable employee because of a register correction, the person is taken never to have been—	21 22 23
	(a) a transferable employee; or	24
	(b) transferred to TIQ.	25
	(4) In this section—	26
	<i>register correction</i> means a change to the employee register under section 94(3) to correct an omission or error.	27 28

Clause 97	Preservation of rights of transferable employees	1
	The transfer of a transferable employee to TIQ does not—	2
	(a) affect the employee's total remuneration; or	3
	(b) prejudice the employee's existing or accruing rights to superannuation or annual, sick or long service leave; or	4
	(c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or	5
	(d) constitute a retrenchment, redundancy or termination of the employee's employment by the State; or	6
	(e) entitle the employee to a payment or other benefit because he or she is no longer employed by the State; or	7
	(f) require the State to make any payment in relation to the employee's accrued rights to annual, sick or long service leave irrespective of any arrangement between the State and the employee.	8
		9
		10
		11
		12
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		14
		15
		16
		17
Division 4	Miscellaneous	18
Clause 98	TIQ successor in law	19
	TIQ is the successor in law of the State to the extent of the transfer to TIQ.	20
		21
Clause 99	Registering authority to register or record transfer or other dealing	22
	(1) A registering authority must, on written application by TIQ, register or record in the appropriate way the transfer of, or another dealing affecting, an asset, liability or instrument under the Act to TIQ.	23
		24
		25
		26
		27

[s 100]

- (2) TIQ must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer. 1
2
3
Example— 4
The registering authority may require TIQ to complete and submit a particular form. 5
6
- (3) In this section— 7
registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments. 8
9
10

Clause 100 Effect on legal relationships 11

- (1) Nothing done under this part— 12
 - (a) makes a relevant entity liable for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty; or 13
14
15
 - (b) makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or 16
17
18
19
 - (c) is taken to fulfil a condition that— 20
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or 21
22
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or 23
24
25
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or 26
27
28
29
 - (iv) requires any money to be paid before its stated maturity; or 30
31

-
- (d) releases a surety or other obligee, wholly or partly, from an obligation.

1

2
 - (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this Act, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

3

4

5

6
 - (3) If, apart from this subsection, giving notice to a person would be necessary to do something under this Act, the notice is taken to have been given.

7

8

9
 - (4) A transfer to TIQ has effect despite any other contract, law or instrument.

10

11
 - (5) In this section—

relevant entity means—

12

13
 - (a) the State or an employee or agent of the State; or

14
 - (b) TIQ, a member or an employee or agent of TIQ.

15

Clause 101 Non-liability for State taxes

16

- (1) TIQ is not liable to pay a State tax in relation to—

17
- (a) a transfer of a share, transferable asset, transferable liability or transferable instrument, or any other thing done, under this part; or

18

19

20
- (b) another dealing affecting a share, transferable asset, transferable liability or transferable instrument as part of the transfer under this part.

21

22

23
- (2) In this section—

State tax means a fee, levy or charge imposed under an Act, including a fee or charge under the *Land Act 1994* or the *Land Title Act 1994*.

24

25

26

27

[s 102]

Part 4 **Miscellaneous provision** 1

Clause 102 **Regulation-making power** 2

The Governor in Council may make regulations under this Act. 3
4

Part 5 **Transitional provisions for** 5
Revenue Amendment and 6
Trade and Investment 7
Queensland Act 2013 8

Clause 103 **Appointment of first CEO** 9

- (1) Subsection (2) applies until the board consists of at least 2 members. 10
11
- (2) Despite section 81(2), the Minister may appoint TIQ’s first CEO. 12
13
- (3) If the Minister acts under subsection (2)— 14
- (a) until the board consists of at least 2 members— 15
- (i) the CEO is responsible for the way TIQ performs its functions; and 16
17
- (ii) the CEO’s role includes ensuring TIQ performs its functions in a proper, effective and efficient way; 18
19
20
- (b) a term of appointment in the CEO’s contract of employment must be that the CEO holds office for a term of no more than 5 years; and 21
22
23
- (c) subject to subsection (4), this Act applies to the appointee as if he or she had been appointed under section 81. 24
25
26

- | | | |
|--|---|---|
| | (4) Despite section 83, for matters not provided for under this Act | 1 |
| | or stated in the contract of employment, the CEO holds office | 2 |
| | on the terms of appointment decided by the Minister. | 3 |

Clause	104	TIQ's first strategic and operational plans	4
---------------	------------	--	---

- | | | |
|--|--|----|
| | (1) This section applies to TIQ's first strategic and operational plans. | 5 |
| | | 6 |
| | (2) Having regard to when TIQ is established, and any other relevant circumstances, the Minister may agree to the first plans being prepared and submitted at a time later than would otherwise apply under the <i>Financial Accountability Act 2009</i> . | 7 |
| | | 8 |
| | | 9 |
| | | 10 |
| | (3) If the Minister acts under subsection (2) in relation to a plan, the period for which the plan applies is— | 11 |
| | | 12 |
| | (a) the remainder of the financial year in which it is submitted; and | 13 |
| | | 14 |
| | (b) if TIQ and the Minister agree the plan is also to apply for the following financial year, for that financial year. | 15 |
| | | 16 |

Clause	105	Effect of regulation amendment	17
---------------	------------	---------------------------------------	----

The amendment of the <i>Industrial Relations Regulation 2011</i>	18
by this Act does not affect the power of the Governor in	19
Council to further amend the regulation or to repeal it.	20

Part 6	Consequential amendments of Revenue Amendment and Trade and Investment Queensland Act 2013	21
		22
		23
		24

Clause	106	Replacement of ch 1, hdg (Preliminary)	25
---------------	------------	---	----

Chapter 1, heading—	26
---------------------	----

omit, insert—

1

Part 1

Preliminary

2

Clause 107 Amendment of s 1 (Short title)

3

Section 1, ‘Revenue Amendment and’

4

omit.

5

Clause 108 Amendment of s 2 (Commencement)

6

(1) Section 2(1) to (7)—

7

omit.

8

(2) Section 2(8), ‘chapter 3,’—

9

omit.

10

(3) Section 2(8)—

11

renumber as section 2.

12

Clause 109 Omission of ch 2 (Revenue and Other Legislation Amendments)

13

14

Chapter 2—

15

omit.

16

Clause 110 Omission of ch 3, hdg and ch 3, pt 1 hdg

17

Chapter 3, heading and chapter 3, part 1, heading—

18

omit.

19

Clause 111 Omission of sch 2 (Minor and consequential amendments)

20

21

Schedule 2—

22

omit.

23

Clause 112	Amendment of long title	1
	Long title, from ‘amend the <i>Duties Act 2001</i> ’ to ‘to establish’—	2
		3
	<i>omit, insert</i> —	4
	establish	5
Clause 113	Renumbering of Act	6
	(1) On the commencement, the provisions of this Act are amended by numbering and renumbering them in the same way as a reprint may be numbered and renumbered under the <i>Reprints Act 1992</i> , section 43.	7
		8
		9
		10
	(2) Without limiting the <i>Reprints Act 1992</i> , section 43(4), each reference in this Act to a provision of this Act renumbered under subsection (1), is amended, when the renumbering happens, by omitting the reference to the previous number and reinserting the new number.	11
		12
		13
		14
		15
	(3) In this section	16
	<i>commencement</i> means the commencement of this section.	17
Clause 114	Expiry of part	18
	This part expires on the day after section 113 commences.	19
Part 7	Amendment of Industrial Relations Regulation 2011	20
		21
Clause 115	Regulation amended	22
	This part amends the <i>Industrial Relations Regulation 2011</i> .	23
Clause 116	Insertion of new s 145D	24
	Part 13A—	25

[s 117]

insert—

**145D Declaration for Act, s 692—Trade and
Investment Queensland**

For section 692(3) of the Act, Trade and Investment
Queensland established under the *Trade and
Investment Queensland Act 2013* is declared not to be
a national system employer for the purposes of the
Commonwealth Act, section 14(2).

Clause 117 Expiry of part

This part expires on the day it commences.

Schedule 1	Dictionary	1
	section 54	2
<i>asset</i> includes a right.		3
<i>board</i> means the board of TIQ established under section 65(1).		4 5
<i>board meeting</i> means meeting of the board.		6
<i>CEO</i> see section 81.		7
<i>chairperson</i> means the chairperson of the board holding office under section 69.		8 9
<i>departmental representative</i> see section 65(5).		10
<i>employee</i> includes officer.		11
<i>employee register</i> see section 94.		12
<i>information</i> includes a document.		13
<i>instrument</i> means any document, and includes—		14
(a) an oral agreement; and		15
(b) an application; and		16
(c) an accreditation, allocation, approval, certificate, entitlement, exemption, licence, manual, notice, permit, plan and any other authority.		17 18 19
<i>member</i> , for a provision about TIQ or its board or if no body is mentioned, means a member of the board.		20 21
<i>operational plan</i> , of TIQ, means TIQ's operational plan under the <i>Financial Accountability Act 2009</i> .		22 23
<i>record</i> includes any document.		24
<i>register</i> see section 90.		25
<i>right</i> includes power, privilege and immunity.		26
<i>strategic plan</i> , of TIQ, means TIQ's strategic plan under the <i>Financial Accountability Act 2009</i> .		27 28

Schedule 1

<i>TIQ</i> see section 56.	1
<i>Trade and Investment Queensland</i> means Trade and Investment Queensland established under section 56.	2 3
<i>Trade Office</i> see section 89.	4
<i>transfer</i> , to TIQ, includes the transfer of a share, asset, liability, instrument, record or employee of the State to TIQ.	5 6
<i>transferable asset</i> see section 89.	7
<i>transferable assets and liabilities</i> means the transferable assets and transferable liabilities.	8 9
<i>transferable employee</i> see section 95.	10
<i>transferable instrument</i> see section 89.	11
<i>transferable liability</i> see section 89.	12
<i>transferable proceeding</i> see section 89.	13
<i>transfer day</i> see section 89.	14

Schedule 2	Minor and consequential amendments	1 2
	section 51	3
Duties Act 2001		4
1	Section 74(c) and schedule 6, definitions <i>complying approved deposit fund</i> , <i>complying superannuation fund</i> , paragraph (a), <i>custodian</i> , paragraph (b), <i>eligible rollover fund</i> , <i>entity</i> , paragraph (c)(ii), <i>pooled superannuation trust</i> , <i>public offer superannuation fund</i> and <i>public superannuation entity</i> , paragraph (a), ‘ <i>Superannuation Industry (Supervision) Act 1993 (Cwlth)</i> ’— <i>omit, insert—</i>	5 6 7 8 9 10 11 12
	Superannuation Industry Act	13
2	Section 204(1), ‘section 202(c)’— <i>omit, insert—</i>	14 15
	section 202(d)	16
Fire and Rescue Service Act 1990		17
1	Sections 108(4), 109, 111, 112(1), 114(2), 117, 119, 121(1), 122(1), 123, 125(b) and 126(1), ‘component local’— <i>omit, insert—</i>	18 19 20
	local	21
2	Section 108(3), example 4 and section 125(b), ‘urban’— <i>omit, insert—</i>	22 23

Schedule 2

	levy	1
3	Section 109(1)(a), ‘an urban’—	2
	<i>omit, insert—</i>	3
	a levy	4
4	Sections 112(2), 114(1) and (2), 115(1), 117(1) and 123(1), ‘fire’—	5 6
	<i>omit.</i>	7
5	Section 128, heading, ‘Fire levies’—	8
	<i>omit, insert—</i>	9
	Levies	10