



Queensland

# **Futures Industry (Application of Laws) Act 1986**

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Queensland

# Futures Industry (Application of Laws) Act 1986

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# Futures Industry (Application of Laws) Act 1986

## An Act relating to the futures industry in Queensland

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Futures Industry (Application of Laws) Act 1986*.

#### 3 Interpretation

(1) In this Act—

***agreement*** means the agreement made on 22 December 1978 between the Commonwealth and the States in relation to a proposed scheme for the cooperative regulation of companies and the securities industry, as amended or affected by subsequent agreements.

***commission*** means the National Companies and Securities Commission established by the *National Companies and Securities Commission Act 1979* (Cwlth).

***commissioner for corporate affairs*** means the commissioner for corporate affairs under the *Companies (Administration) Act 1981*.

***ministerial council*** means the ministerial council for companies and securities established by the agreement.

***the applied provisions*** means the provisions applying by reason of sections 5 and 6;

***the Commonwealth Act*** means the *Futures Industry Act 1986* (Cwlth).

- (2) In this Act, a reference to a Commonwealth Act shall be construed as including a reference to that Act as amended and in force for the time being and to an Act passed in substitution for that Act.

#### **4 Interpretation of Futures Industry (Queensland) Code**

The *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981* applies to the Futures Industries (Queensland) Code.

## **Part 2 Application of laws**

#### **5 Application of Commonwealth Act as in force on 31 December 1990**

Subject to this Act, the provisions of the Commonwealth Act as in force on 31 December 1990 (other than sections 1, 2 and 3) apply—

- (a) as if amended as set out in schedule 1; and
- (b) subject to and in accordance with the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*;

as laws of Queensland.

#### **6 Application of Futures Industry Regulations**

Subject to this Act, the provisions of regulations in force on 31 December 1990 under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations) apply—

- (a) as if amended as set out in schedule 2; and

- (b) subject to and in accordance with the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*;

as regulations made under the provisions applying by reason of section 5.

## **7 Fees payable**

- (1) There shall be paid to the commissioner for corporate affairs, for and on behalf of the State, for or in respect of—
- (a) the lodgment of documents with the Commission under the applied provisions; and
  - (b) the registration of documents under the applied provisions or the inspection or search of registers kept by, or documents in the custody of, the commission under the applied provisions; and
  - (c) the production by the commission, pursuant to a subpoena, of any register kept by, or documents in the custody of, the commission under the applied provisions; and
  - (d) the issuing of documents or copies of documents, the granting of licences, consents or approvals or the doing of other acts or things by the ministerial council or the commission under the applied provisions; and
  - (e) the making of inquiries of, or applications to, the ministerial council or the commission in relation to matters arising under the applied provisions; and
  - (f) the submission to the commission of documents for examination by the commission;

such fees (if any) as are prescribed by regulations in force for the time being under the *Futures Industry (Fees) Act 1986* (Cwlth) and specified in the schedule to those regulations as if amended as set out in schedule 3 and as if, unless the contrary intention appears, the expressions used had the same respective meanings as in the applied provisions.

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- (2) Where a fee is payable to the commissioner for corporate affairs for and on behalf of the State under subsection (1) for or in respect of the lodgment of a document with the commission and the document is submitted for lodgment without payment of the fee, the document shall be deemed not to have been lodged until the fee has been paid.
- (3) Where a fee is payable to the commissioner for corporate affairs for and on behalf of the State under subsection (1) for or in respect of any matter involving the doing of any act or thing by the ministerial council or the commission, the ministerial council or the commission shall not do that act or thing until the fee has been paid.
- (4) This section has effect notwithstanding anything contained in the applied provisions.
- (5) Nothing in this section prevents the commissioner for corporate affairs for and on behalf of the State from—
  - (a) waiving or reducing, in a particular case or classes of cases, fees that would otherwise be payable pursuant to this section; or
  - (b) refunding in whole or in part, in a particular case or classes of cases, fees paid pursuant to this section.
- (6) In this section, expressions used have the same respective meanings as in the applied provisions.

## **8 Amendment of regulations pursuant to agreement**

- (1) Where, under the agreement, the ministerial council approves a proposed amendment of the regulations in force for the time being under the *Commonwealth Act or the Futures Industry (Fees) Act 1986* (Cwlth) and, on the expiration of 6 months after the date on which the ministerial council so approved, the amendment has not been made or has been made and is subject to disallowance or has ceased to be in force by disallowance or for any other reason, the Governor in Council may make regulations in accordance with the proposed amendment approved by the ministerial council amending the



provisions of regulations applying by reason of section 6 or the regulations referred to in section 7, as the case may be.

- (2) Regulations made by the Governor in Council under subsection (1) may amend schedule 2 or 3, and that schedule as so amended shall be schedule 2 or 3, as the case may be, to this Act.
- (3) In this Act—
  - (a) a reference to provisions of regulations applying by reason of section 6 includes a reference to provisions as so applying as amended in accordance with this section; and
  - (b) a reference to fees prescribed by regulations under the *Futures Industry (Fees) Act 1986* (Cwlth) includes a reference to those regulations as amended in accordance with this section.

## **9 Publication of Futures Industry (Queensland) Code**

- (1) The Minister may from time to time authorise the publication by the government printer of the provisions of the Commonwealth Act (other than sections 1, 2 and 3), amended as set out in schedule 1 and in operation, or to come into operation, in Queensland.
- (2) A document published under subsection (1)—
  - (a) shall include the headings and sections set out in schedule 4; and
  - (b) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in Queensland; and
  - (c) shall include a statement of the date on which the Minister authorised the publication; and
  - (d) may be cited as the Futures Industry (Queensland) Code.
- (3) A document that is, or purports to be, a copy of the Futures Industry (Queensland) Code that has been, or purports to have

been, published in accordance with this section is prima facie evidence of the provisions of the Commonwealth Act applying by reason of section 5 as in operation, or to come into operation, in Queensland as notified in the document in accordance with subsection (2)(b).

## **10 Publication of Futures Industry (Queensland) Regulations**

- (1) The Minister may from time to time authorise the publication by the government printer of the provisions of regulations under the Commonwealth Act (other than provisions providing for the citation or commencement of the regulations), amended as set out in schedule 2 and in operation, or to come into operation, in Queensland.
- (2) A document published under subsection (1)—
  - (a) shall include the heading and provisions set out in schedule 5; and
  - (b) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in Queensland; and
  - (c) shall include a statement of the date on which the Minister authorised the publication; and
  - (d) may be cited as the Futures Industry (Queensland) Regulation.
- (3) A document that is, or purports to be, a copy of the Futures Industry (Queensland) Regulation that has been, or purports to have been, published in accordance with this section is prima facie evidence of the provisions applying by reason of section 6 as in operation, or to come into operation, in Queensland as notified in the document in accordance with subsection (2)(b).

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**11 Publication of Futures Industry (Fees) (Queensland) Regulations**

- (1) The Minister may from time to time authorise the publication by the government printer of the schedule to regulations prescribing fees under the *Futures Industry (Fees) Act 1986* (Cwlth), amended as set out in schedule 3 and in operation, or to come into operation, in Queensland.
- (2) A document published under subsection (1)—
  - (a) shall include the heading and provisions set out in schedule 6; and
  - (b) shall include a notification of the date, or dates, on which the several provisions set out in the document came, or come, into operation in Queensland; and
  - (c) shall include a statement of the date on which the Minister authorised the publication; and
  - (d) may be cited as the Futures Industry (Fees) (Queensland) Regulation.
- (3) A document that is, or purports to be, a copy of the Futures Industry (Fees) (Queensland) Regulation that has been, or purports to have been, published in accordance with this section is prima facie evidence of the provisions of the schedule to regulations referred to in section 7 as in operation, or to come into operation, in Queensland as notified in the document in accordance with subsection (2)(b).

**12 Publication of provisions of amended Code or regulations**

- (1) The Minister may from time to time authorise the publication by the government printer of a document setting out—
  - (a) provisions that by reason of—
    - (i) the enactment of an Act of the Commonwealth amending the Commonwealth Act; and
    - (ii) the operation of section 5 (including the operation, if applicable, of schedule 1);

- apply, or will apply, as laws of Queensland; or
- (b) provisions that by reason of—
  - (i) regulations under the Commonwealth Act; and
  - (ii) the operation of section 6 (including the operation, if applicable, of schedule 2);apply, or will apply, as regulations made under the provisions applying by reason of section 5; or
- (c) fees that by reason of—
  - (i) regulations under the *Futures Industry (Fees) Act 1986* (Cwlth); and
  - (ii) the operation of section 7 (including the operation, if applicable, of schedule 3);are, or will be, payable under that section.
- (2) A document published under subsection (1) shall include a notification of the date, or dates, on which the provisions or fees set out in the document came, or come, into operation in Queensland.
- (3) A document that has been, or purports to have been, published in accordance with this section is prima facie evidence of provisions or fees referred to in subsection (1) set out in the document.

### **13 Interpretation of references to the applied provisions**

- (1) Unless the contrary intention appears, in this or any other Act or in a regulation or other instrument made under this or any other Act or in any other document made by or under the authority of, or for the purposes of, a law of Queensland—
  - (a) a reference to the Futures Industry (Queensland) Code is a reference to the provisions of the Commonwealth Act applying by reason of section 5; and
  - (b) a reference to a provision of that Code is a reference to the corresponding provision of the Commonwealth Act as so applying; and

- (c) a reference to the Futures Industry (Queensland) Regulation is a reference to the provisions of regulations in force under the Commonwealth Act applying by reason of section 6; and
  - (d) a reference to a provision of those regulations is a reference to the corresponding provision of the regulations in force under the Commonwealth Act as so applying; and
  - (e) a reference to the Futures Industry (Fees) (Queensland) Regulation is a reference to the schedule to regulations prescribing fees in force under the *Futures Industry (Fees) Act 1986* (Cwlth) as referred to in section 7; and
  - (f) a reference to a provision of that schedule is a reference to the corresponding provision of the schedule to regulations prescribing fees in force under that Act as referred to in section 7.
- (2) In subsection (1)—
- provision** includes part, division, section, subsection, paragraph, subparagraph, schedule, form, regulation, clause, subclause or other division.

## **14 Amendment of certain provisions in accordance with approval of ministerial council**

Where, under the agreement, the ministerial council—

- (a) approves—
  - (i) a proposed amendment of the Commonwealth Act; or
  - (ii) regulations proposed to be made under the Commonwealth Act (whether or not amending other regulations); or
  - (iii) a proposed amendment of the *Futures Industry (Fees) Act 1986* (Cwlth); or

- (iv) regulations proposed to be made under the Act referred to in subparagraph (iii) (whether or not amending other regulations); and
- (b) approves proposed regulations to be made under this Act in connection with the operation of the proposed amendment or regulations referred to in paragraph (a);

the Governor in Council may make regulations amending schedule 1, 2 or 3 or section 7, as the case may be, in accordance with that approval, and that schedule or section as so amended shall be schedule 1, 2 or 3 or section 7, as the case may be of this Act.

## Schedule 1

### section 5

The provisions of the Commonwealth Act apply as if—

- 1 Unless inconsistent with another provision of this schedule—
  - (a) for the words “this Act” in the Commonwealth Act (wherever occurring except where occurring in conjunction with the words “commencement of”) there were substituted the words “this Code”;
  - (b) for the words “the Territory” in the Commonwealth Act (wherever occurring) there were substituted the word “Queensland”;
  - (c) for the words “law of a participating State or participating Territory” in the Commonwealth Act (wherever occurring) there were substituted the words “law in force in a participating State or in a participating Territory”;
  - (d) for the words “law of a State or of another Territory” in the Commonwealth Act (wherever occurring) there were substituted the words “law in force in another State or in a Territory”;
  - (e) for the words “law of a State or Territory” in the Commonwealth Act (wherever occurring) there were substituted the words “law in force in a State or in a Territory”;
  - (f) for the words “commencement of this Act” in the Commonwealth Act (wherever occurring) there were substituted the expression “commencement of the *Futures Industry (Application of Laws) Act 1986*”;
  - (g) for the words “of a participating State or of” in the Commonwealth Act (wherever occurring) there were substituted the words “in force in a participating State or in”;

Schedule 1

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- (h) for the words “relevant Act” in the Commonwealth Act (wherever occurring) there were substituted the words “relevant Code”;
  - (i) after the expression “*Banking Act 1959*” in the Commonwealth Act (wherever occurring) there were inserted the words “of the Commonwealth”;
  - (j) after the expression “*Bankruptcy Act 1966*” in the Commonwealth Act (wherever occurring) there were inserted the words “of the Commonwealth”;
  - (k) after the expression “*National Companies and Securities Commission Act 1979*” in the Commonwealth Act (wherever occurring) there were inserted the words “of the Commonwealth”;
  - (l) for the expression “*Securities Industry Act 1980*” in the Commonwealth Act (wherever occurring) there were substituted the words “Securities Industry (Queensland) Code”;
  - (m) for the expression “*Companies Act 1981*” in the Commonwealth Act (wherever occurring) there were substituted the words “Companies (Queensland) Code”.
- 2 In section 4(1) of the Commonwealth Act—
- (aa) in the definition of *Australian company law*—
    - (i) for paragraph (b) there were substituted—

“(b) a law, or a previous law, of another State or of a Territory;”;
    - (ii) for “that Act” there were substituted “that Code”;
  - (a) after the definition *close out* there were inserted the following definition—

“**commencement** or **commences**, in relation to the *Futures Industry (Application of Laws) Act 1986*, means the day on which the Act (other than provisions providing for the citation or commencement of the Act)”;
  - (b) after the definition *commodity agreement* there were inserted the following definition—



“**Commonwealth Minister** means the Minister of State for the Commonwealth for the time being administering the *Futures Industry Act 1986* of the Commonwealth;”;

- (c) after the definition *futures exchange* there were inserted the following definition—

“**Futures Industry (Queensland) Code** or **Code** means the provisions applying by reason of section 5 of the *Futures Industry (Application of Laws) Act 1986*;”;

- (d) in the definition *local recognised futures exchange* for the words “law of that State or Territory” there were substituted the words “law in force in that State or Territory”;

- (e) after the definition *lodge* there were inserted the following definition—

“**Minister** means the Minister of State for Queensland for the time being administering the *Futures Industry (Application of Laws) Act 1986*;”;

- (f) after the definition *registered company auditor* there were inserted the following definition—

“**regulations** means the provisions applying as regulations made under this Code by reason of section 6 of the *Futures Industry (Application of Laws) Act 1986*;”.

3 In section 4 of the Commonwealth Act—

- (a) in subsection (6) after the expression “Act 1974” there were inserted the words “of the Commonwealth”;
- (b) in subsection (11) for the words “that Act” there were substituted the words “that Code”;
- (c) after subsection (11) there were added the following subsections—

“(12) In this Code, a reference to a Commonwealth Act shall be construed as including a reference to that Act as amended and in force for the time being and to an Act passed in substitution for that Act.

(13) In this Code—

- (a) a reference to a previous law, or provision of a previous law, or previous enactment, of Queensland or of the State corresponding to, or to a provision of, the Companies (Queensland) Code includes a reference to, or to a provision of, the *Companies Act of 1961*; and
  - (b) a reference to a previous law, or provision of a previous law, or previous enactment, of another State or of a Territory corresponding to, or to a provision of, the Companies (Queensland) Code includes a reference to, or to a provision of, the law in force in that State or Territory corresponding to the *Companies Act of 1961*.”.
- 3A In section 10(8) of the Commonwealth Act, after “1989” there were inserted “of the Commonwealth”.
- 3B In section 11(c)(ii) of the Commonwealth Act, for “law of that State” there were substituted “law in force in that State”.
- 4 In section 11(3) of the Commonwealth Act for the words “this sub-section” there were substituted the expression “subsection 11(3) of the *Futures Industry Act 1986* of the Commonwealth”.
- 5 In section 13(1)(a)(i) of the Commonwealth Act there were omitted the expression “(other than the exercise of a power of the Commission under sub-section 6(3) of the *National Companies and Securities Commission Act 1979*)”.
- 6 In section 14(1) of the Commonwealth Act for the words “Australian Federal Police” there were substituted the words “Police Force of Queensland”.
- 7 In section 21 of the Commonwealth Act for paragraph (a) of the definition *relevant authority* in subsection (1) there were substituted the following paragraphs—
  - “(a) in the case of a direction given by the Commonwealth Minister other than a direction that has been approved by the ministerial council under sub-section 22(6)—the Commonwealth Minister;

- 
- (aa) in the case of a direction given by the Minister other than a direction that has been approved by the Ministerial Council under sub-section 22(6)—the Minister;”.
- 8 In section 22 of the Commonwealth Act—
- (a) in subsection (2) for the words “the Minister” (where twice occurring) there were substituted the words “the Commonwealth Minister”;
- (b) in subsection (4) for the expression “request the Minister in writing to exercise the Minister’s powers under sub-section (1) or (2)” there were substituted the expression “, in writing, request the Minister to exercise the Minister’s powers under subsection (1), or request the Commonwealth Minister to exercise that Minister’s powers under subsection (2),”;
- (c) in subsection (6) for the expression “or (2)” there were substituted the expression “, or by the Commonwealth Minister under subsection (2)”.
- 9 In section 23 of the Commonwealth Act after the word “Gazette” (wherever occurring) there were inserted the words “and the government gazette”.
- 10 In section 25(3) of the Commonwealth Act for the expression “Part III of the *Crimes Act 1914*” there were substituted the expression “chapter 16 of the Criminal Code”.
- 11 In section 26 of the Commonwealth Act for the expression “Part V of the *Evidence Ordinance 1971*” there were substituted the expression “division 6 of part 5 of the *Evidence Act 1977-1984*”.
- 12 In section 36 of the Commonwealth Act—
- (a) the word “and” following subsection (4)(a) were omitted;
- (b) in subsection (4)(b) for the words “Commonwealth.” there were substituted the words “State;”;
- (c) after paragraph (b) of subsection (4) there were added the following word and paragraph—

“and

- (c) the Commonwealth Minister may cause to be printed and published the whole or any part of a report under this division that relates to an investigation the expenses of which are, under the agreement, to be borne by the Commonwealth.”;
- (d) in subsection (5) for the words “Ministerial Council or the Minister” (wherever occurring) there were substituted the words “ministerial council, the Minister or the Commonwealth Minister”;
- (e) after subsection (11) there were added the following subsection—

“(12)Nothing in this section operates to diminish the protection afforded to witnesses by the *Evidence Act 1977-1984*.”.

- 13 In section 60 of the Commonwealth Act for the words “this section” there were substituted the expression “section 60 of the *Futures Industry Act 1986* of the Commonwealth”.

- 13A In section 65(3) of the Commonwealth Act, after “1989” there were inserted “of the Commonwealth”.

- 14 In section 66(1)(b) of the Commonwealth Act for the words “of a State or of another Territory” (where twice occurring) there were substituted the words “in force in another State or in a Territory”.

- 15 After section 67 of the Commonwealth Act there were inserted the following section—

“67A (1) If—

- (a) at the commencement of the *Futures Industry (Application of Laws) Act 1986* a person is the holder of a futures broker’s licence or a futures adviser’s licence under the provisions of the law in force in a participating State or participating Territory that correspond with this part; and
- (b) where the person is a natural person—

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- (i) the person is ordinarily resident in Queensland; and
    - (ii) at the time the person became the holder of the licence he or she was ordinarily resident in Queensland; and
    - (iii) the person has continued to be ordinarily resident in Queensland since the time at which he or she became the holder of the licence; and
  - (c) where the person is a body corporate—
    - (i) the body corporate is incorporated under the law of Queensland; and
    - (ii) at the time the body corporate became the holder of the licence it was incorporated under the law of Queensland; and
    - (iii) the body corporate has not ceased to be incorporated under the law of Queensland for any period since it became the holder of the licence; and
  - (d) the person has requested the commission to revoke his, her or its licence under that corresponding law;
- the commission shall, if requested by that person so to do within 3 months after that commencement, grant to that person a licence under this Part, being a licence of the same kind and subject to the same conditions as the licence which the person has requested the commission to revoke.
- (2) Where at the time a person requests the commission to revoke a licence as referred to in subsection (1) that licence is suspended for a period, a licence granted under that subsection shall, subject to subsection (3), be deemed to be suspended for the balance of that period.
  - (3) Where a licence is deemed to be suspended for a period by subsection (2) the commission may at any time remove that suspension.

Schedule 1

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- (4) No fee is payable in respect of a licence granted under subsection (1).”.
- 15A In section 69(b) of the Commonwealth Act, after “1989” there were inserted “of the Commonwealth”.
- 15B In section 80D(5)(b) of the Commonwealth Act, for “law of that State” there were substituted “law in force in that State”.
- 15C In section 80S(1) of the Commonwealth Act, after “1989” there were inserted “of the Commonwealth”.
- 16 In section 86 of the Commonwealth Act—
- (a) in subsection (6) for the words “that Act” (where twice occurring) there were substituted the words “that Code”;
  - (b) in subsection (6)(a) for the words “law of that State or Territory” there were substituted the words “law in force in that State or Territory”.
- 17 In section 89(2) of the Commonwealth Act for the words “that Act” there were substituted the words “that Code”.
- 18 In section 92 of the Commonwealth Act—
- (a) in subsection (3)(e) for the expression “*Business Names Ordinance 1963*” there were substituted the expression “*Business Names Act 1962-1979*”;
  - (b) in subsection (20) for the words “that Act” there were substituted the words “that Code”.
- 19 In section 93(9) of the Commonwealth Act for the words “that Act” there were substituted the words “that Code”.
- 20 In section 99(1), (2) and (3) of the Commonwealth Act for the word “malice” there were substituted the words “ill will to the person concerned or any other improper motive”.
- 21 In section 119(1) of the Commonwealth Act—
- (a) for the words “any State or other Territory” there were substituted the words “any State other than Queensland or in any Territory”;
  - (b) for the words “that State or other Territory” there were substituted the words “that other State or that Territory”.

- 22 In section 120(2)(b)(ii) of the Commonwealth Act for the words “law of that State or Territory” there were substituted the words “law in force in that State or Territory”.
- 23 In section 149 of the Commonwealth Act—
- (a) in subsection (2)(b) for the expression “*Act 1980*” there were substituted the words “(Queensland) Code”;
  - (b) in subsection (6) for the words “any other Act” there were substituted the words “any other Code or any Act”.
- 24 In section 153 of the Commonwealth Act—
- (a) for the words “a State or in another Territory” there were substituted the words “a State other than Queensland or in a Territory”;
  - (b) for the words “law of that State or Territory” there were substituted the words “law in force in that State or Territory”.
- 25 In section 159 of the Commonwealth Act for the expression “section 28 of the *Australian Capital Territory Supreme Court Act 1933*” there were substituted the expression “section 11 of the *Supreme Court Act of 1921*”.
- 26 Section 160 of the Commonwealth Act were repealed.

## Schedule 2

### section 6

The provisions of regulations in force for the time being under the Commonwealth Act apply as if in those regulations—

- 1 For the words “Futures Industry Regulations” (wherever occurring) there were substituted the words “Futures Industry (Queensland) Regulations”.
- 2 For the words “the Act” (wherever occurring) there were substituted the words “the Code”.
- 3 For the expression “*Futures Industry Act 1986*” (wherever occurring) there were substituted the words “Futures Industry (Queensland) Code”.
- 3A For the expression “*Securities Industry Act 1980*” (wherever occurring) there were substituted the words “Securities Industry (Queensland) Code”.
- 4 For the words “the Territory” (wherever occurring) there were substituted the word “Queensland”.
- 5 For the expression “*Bankruptcy Act 1966*” (wherever occurring) there were substituted the expression “*Bankruptcy Act 1966* of the Commonwealth”.
- 6 For the expression “*Companies Act 1981*” (wherever occurring) there were substituted the words “Companies (Queensland) Code”.
- 7 For the words “a State or another Territory” (wherever occurring) there were substituted the words “a State other than Queensland or in a Territory”.
- 8 In the definition *local authority* in regulation 2(1) for the words “Corporate Affairs Commission” there were substituted the words “Commissioner for Corporate Affairs”.
- 8A In regulation 37(a) after the expression “Act 1974” there were inserted the words “of the Commonwealth”.



- 8B In regulation 37(b) after the expression “Act 1973” there were inserted the words “of the Commonwealth”.
- 8C In regulation 37(c) after the expression “Act 1945” there were inserted the words “of the Commonwealth”.
- 8D In regulation 38(1)—
- (a) for the words “Companies Regulations” there were substituted the words “Companies (Queensland) Regulations”; and
  - (b) for the words “that Act” there were substituted the words “that Code”.
- 8E In Regulation 38(2)(e)(i)(A) after the expression “Act 1987” there were inserted the words “of the Commonwealth”.
- 9 For the words “this Act” wherever occurring in a notice of relevant statutory provision in Forms 6, 7, 8, 9 and 10 in Schedule 2 there were substituted the words “this Code”.
- 10 In paragraph 3 of Form 16 in Schedule 2 for the expression “regulations under the *Futures Industry Act 1986*” there were substituted the words “the Futures Industry (Queensland) Regulations”.
- 11 In Form 19 in Schedule 2 for the words “Corporate Affairs Commission” (where twice occurring) there were substituted the words “Commissioner for Corporate Affairs”.

## Schedule 3

### section 7

The provisions of regulations in force under the *Futures Industry (Fees) Act 1986* of the Commonwealth apply as if in those regulations—

- 1 A reference in the schedule to a section or subsection without an enactment being cited, were to be taken as a reference to that section or subsection of the Futures Industry (Queensland) Code.

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## Schedule 4

### section 9

The following headings and sections shall be included in the publication of the provisions of the Commonwealth Act under section 9—

## “Futures Industry (Queensland) Code

Relating to the futures industry in Queensland.

### Part I Preliminary

- 1 This Code may be cited as the Futures Industry (Queensland) Code.
- 2 This Code comes into operation on the day on which the *Futures Industry (Application of Laws) Act 1986* commences.
- 3 This Code shall be read and construed together with the agreement made on 22 December 1978 between the Commonwealth and the States in relation to a proposed scheme for the co-operative regulation of companies and the securities industry, as amended or affected by subsequent agreements, and has effect subject to and in accordance with—
  - (a) the *Futures Industry (Application of Laws) Act 1986*; and
  - (b) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*.”.

## Schedule 5

### section 10

The following heading and provisions shall be included in the publication under section 10 of the provisions of regulations in force for the time being under the Commonwealth Act—

### **“Futures Industry (Queensland) Regulations**

- 1 (1) These regulations may be cited as the Futures Industry (Queensland) Regulations.
- (2) These regulations come into operation on the day on which the *Futures Industry (Application of Laws) Act 1986* commences.”.

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## Schedule 6

### section 11

The following heading and provisions shall be included in the publication under section 11 of the Schedule to regulations in force for the time being prescribing fees under the *Futures Industry (Fees) Act 1986* of the Commonwealth—

### **“Futures Industry (Fees) (Queensland) Regulations**

- 1 (1) These regulations may be cited as the Futures Industry (Fees) (Queensland) Regulations.
- (2) These regulations come into operation on the day on which the *Futures Industry (Application of Laws) Act 1986* commences.
- 2 In the Schedule, a reference to a section or sub-section, without an enactment being cited, shall be taken as a reference to that section or sub-section of the Futures Industry (Queensland) Code.
- 3 The fees payable for the purposes of section 7 of the *Futures Industry (Application of Laws) Act 1986* are the fees specified in the Schedule in relation to the respective matters so specified.

### **Schedule Fees”.**

## **1 Index to endnotes**

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## **2 Key**

Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

Key	Explanation	Key	Explanation
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnumm</b>	= unnumbered
<b>prev</b>	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	reg pubd pubd gaz 16 September 1989 p 560	1 November 1999	1 March 1996
1A	2001 Act No. 45	15 July 2001	25 January 2002

## 4 List of legislation

### **Futures Industry (Application of Laws) Act 1986 No. 47**

ss 1–2 commenced on date of assent  
remaining provisions commenced 13 October 1986 (proc pubd gaz 11 October 1986  
p 1019)  
amending legislation—

### **regulations published gazette—**

19 December 1987 p 1732  
commenced on date of publication  
25 February 1989 p 1470  
commenced on date of publication  
16 September 1989 p 560  
commenced 1 November 1989 (see s 2 and proc pubd Cwlth of Australia gaz  
No. S345)

### **Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 2**

date of assent 28 June 2001  
ss 1–2 commenced on date of assent  
remaining provisions commenced immediately before 15 July 2001 (see s 2(1) of  
Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd  
Cwlth of Australia gaz 13 July 2001, No. S285)

## 5 List of annotations

### **Commencement**

s 2 om R1 (see RA s 37)

### **Application of Commonwealth Act as in force on 31 December 1990**

s 5 amd 2001 No. 45 s 29 sch 2

### **Application of Futures Industry Regulations**

s 6 amd 2001 No. 45 s 29 sch 2

### **SCHEDULE 1**

s 2 amd reg pubd gaz 16 September 1989 p 560



- s **3A** ins reg pubd gaz 16 September 1989 p 560
- s **3B** ins reg pubd gaz 16 September 1989 p 560
- s **13A** ins reg pubd gaz 16 September 1989 p 560
- s **15A** ins reg pubd gaz 16 September 1989 p 560
- s **15B** ins reg pubd gaz 16 September 1989 p 560
- s **15C** ins reg pubd gaz 16 September 1989 p 560

## **SCHEDULE 2**

- s **3A** amd reg pubd gaz 25 February 1989 p 1470
- s **8A** ins reg pubd gaz 19 December 1987 p 1732
- s **8B** ins reg pubd gaz 19 December 1987 p 1732
- s **8C** ins reg pubd gaz 19 December 1987 p 1732
- s **8D** ins reg pubd gaz 19 December 1987 p 1732
- s **8E** ins reg pubd gaz 25 February 1989 p 1470

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