

Queensland



IRVINEBANK STATE TREATMENT WORKS REPEAL ACT 2003

**Reprinted as in force on 11 September 2003
(includes commenced amendments up to 2004 Act No. 4)**

See endnote 7 for information about retrospectivity

Reprint No. 1 revised edition

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2004 Act No. 51 s 10

Information about this reprint

This Act is reprinted as at 11 September 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to omit the enacting words (s 42A).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

Queensland



**IRVINEBANK STATE TREATMENT
WORKS REPEAL ACT 2003**

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IRVINEBANK STATE TREATMENT WORKS REPEAL ACT 2003

as amended by all amendments that commenced on or before 11 September 2003]

An Act to repeal the *Irvinebank State Treatment Works (Sale and Operation) Act 1990*, and for related matters

1 Short title

This Act may be cited as the *Irvinebank State Treatment Works Repeal Act 2003*.

2 Definitions

In this Act—

“**commencement**” means the commencement of this Act.

“**deposit**” means the \$12 000 deposit paid by the purchaser to the State, receipt of which is acknowledged in the sale agreement.

“**preliminary agreement**” means the agreement dated 30 June 1983 entered into by the State and the purchaser, including all amendments to the agreement.

“**purchaser**” means Frank Hilla.

“**relevant authority**” means a lease, licence, permit or other authority granted, given or issued under any Act.

Examples—

- a water licence or water permit under the *Water Act 2000*
- a mining lease under the *Mineral Resources Act 1989*

“**sale agreement**” means the agreement, in the form contained in the *Irvinebank State Treatment Works (Sale and Operation) Act 1990*, schedule, dated 29 August 1991 entered into by the State and the purchaser.

“**site**” means lots 18, 19 and 20 on plan HG765 situated in the Parish of Irvinebank, County of Hodgkinson, being unallocated State land.

“**unallocated State land**” has the meaning given under the *Land Act 1994*, schedule 6.

“**works**” means the Works within the meaning of the sale agreement.

3 Termination of preliminary agreement and sale agreement

The preliminary agreement and the sale agreement are terminated.

5 Application of deposit

(1) Subsection (2) applies if—

- (a) the chief executive gives the purchaser a trespass notice under the *Land Act 1994*, section 406¹ requiring the purchaser to leave the site and remove from the site anything belonging to the purchaser; and
- (b) anything belonging to the purchaser (the “**forfeited property**”) is forfeited to the State under the *Land Act 1994*, section 408.²

(2) The Minister must apply the deposit—

- (a) firstly, in payment of the expenses reasonably incurred in selling or otherwise disposing of the forfeited property; and
- (b) if any part of the deposit remains—secondly, in payment to the purchaser.

(3) If the Minister must act under subsection (2)(b), he or she must do so as soon as practicable after the day when all the forfeited property has been sold or otherwise disposed of by the Minister.

(4) Subsection (5) applies if—

- (a) the chief executive gives the purchaser a trespass notice under the *Land Act 1994*, section 406 requiring the purchaser to leave the site and remove from the site anything belonging to the purchaser; and

1 *Land Act 1994*, section 406 (Notice to person to leave land, remove structures etc.)

2 *Land Act 1994*, section 408 (Improvements etc. forfeited)

(b) nothing belonging to the purchaser is forfeited to the State under the *Land Act 1994*, section 408.

(5) The Minister must pay the deposit to the purchaser as soon as practicable after the purchaser leaves the site.

(6) Any interest earned on the deposit remains the property of the State.

6 Cancellation of authorities, or undecided applications for authorities, for operating works

(1) This section applies if, at the commencement—

- (a) the purchaser holds a relevant authority in relation to the works;
or
- (b) the purchaser has applied for a relevant authority in relation to the works and the application has not been decided.

(2) On the commencement—

- (a) a relevant authority mentioned in subsection (1)(a) is cancelled to the extent it relates to the site; and
- (b) an application mentioned in subsection (1)(b) is cancelled.

(3) This section applies despite any requirements for cancelling the authority or application under the Act providing for the granting, giving or issuing of the authority.

(4) Compensation is not payable for the cancellation of an authority or application under this section.

7 Purchaser's liability for actions etc. relating to works

The purchaser is solely liable for all actions, proceedings and claims relating to the occupation or operation of the works by the purchaser.

8 Purchaser to hand over records etc.

(1) On the commencement, all books of account and other records kept by the purchaser relating to the operation of the works become the property of the State.

(2) The purchaser must give the records to the chief executive as soon as practicable.

9 Repeal of Irvinebank State Treatment Works (Sale and Operation) Act 1990

The Irvinebank State Treatment Works (Sale and Operation) Act 1990 No. 45 is repealed.

10 Expiry of Act

This Act expires on 31 December 2004.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 11 September 2003. Future amendments of the Irvinebank State Treatment Works Repeal Act 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1 rv	2004 Act No. 4	11 September 2003	

5 List of legislation

Irvinebank State Treatment Works Repeal Act 2003 No. 51

date of assent 11 September 2003

commenced on date of assent

exp 31 December 2003 (see s 10)

later retrospective amending legislation—

Natural Resources and Other Legislation Amendment Act 2004 No. 4 pts 1, 3A

date of assent 6 May 2004

ss 1–1A commenced on date of assent

remaining provisions commenced 11 September 2003 (see s 1A)

6 List of annotations

Definitions

- s 2 def “**relevant authority**” amd 2004 No. 4 s 5B(1) (retro)
 def “**site**” amd 2004 No. 4 s 5B(2) (retro)
 def “**the land**” om 2004 No. 4 s 5B(3) (retro)

Permit to occupy the land to be issued to purchaser

- s 4 om 2004 No.4 s 5C (retro)

Purchaser’s liability for actions etc. relating to works

- s 7 amd 2004 No. 4 s 5D (retro)

SCHEDULE—AP11308

- om 2004 No. 4 s 5E (retro)

7 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in footnotes to the text.