

Queensland



*Government Owned Corporations Act 1993*

**GOVERNMENT OWNED  
CORPORATIONS  
(QUEENSLAND  
CORRECTIONS)  
REGULATION 1997**

**Reprinted as in force on 4 April 1997  
(Regulation not amended up to this date)**

**Reprint No. 1**

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# **Information about this reprint**

This regulation is reprinted as at 4 April 1997.

**See endnotes for information about when provisions commenced.**

# Queensland



## GOVERNMENT OWNED CORPORATIONS (QUEENSLAND CORRECTIONS) REGULATION 1997

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# **GOVERNMENT OWNED CORPORATIONS (QUEENSLAND CORRECTIONS) REGULATION 1997**

[reprinted as in force on 4 April 1997]

## **Short title**

1. This regulation may be cited as the *Government Owned Corporations (Queensland Corrections) Regulation 1997*.

## **Purpose of this regulation**

2. This regulation—

- (a) establishes a GOC Act entity; and
- (b) nominates the GOC Act entity to be an associate of an existing candidate GOC; and
- (c) provides for the candidate GOC associate to be a body corporate and for related matters; and
- (d) provides for the functions and powers of the candidate GOC associate; and
- (e) provides for the candidate GOC associate to have an interim board of directors and chief executive officer; and
- (f) provides for the role of the interim board of directors; and
- (g) prescribes changes in the way section 100 of the Act<sup>1</sup> applies to the candidate GOC associate; and
- (h) provides for certain matters about the functioning of the candidate GOC associate as a body corporate.

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<sup>1</sup> Section 100 (Delegation by chief executive officer)

## **Definitions**

**3.** In this regulation—

**“Administration Act”** means the *Corrective Services (Administration) Act 1988*.

**“corporatisation day”** means the day QC becomes a GOC.

**“QC”** means Queensland Corrections.

**“QCSC”** means the Queensland Corrective Services Commission established under the Administration Act.

**“QCSC (QC)”** means the candidate GOC that is the part of QCSC consisting of the following directorates—

- Custodial Corrections
- Community Corrections
- Juvenile Detention.

## **Establishment of GOC Act entity**

**4.** The entity Queensland Corrections is established.

## **Nomination of QC to become candidate GOC associate**

**5.** QC is nominated to be an associate of QCSC (QC).

## **Status of QC**

**6.** On the commencement of this section, QC—

- (a) is a body corporate; and
- (b) has the name under which it is established; and
- (c) has a seal; and
- (d) may sue and be sued in its corporate name.

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## **QC's functions**

**7.(1)** On the commencement of this section, the functions of QC are—

- (a) to make arrangements necessary—
  - (i) to ensure that, on and from corporatisation day, it will be ready to start operating as a statutory GOC; and
  - (ii) for it to be engaged under section 19(2)(f) of the Administration Act,<sup>2</sup> on and from corporatisation day, to conduct operations on QCSC's behalf; and
  - (iii) for it to accept for the purposes of subparagraph (ii), on and from corporatisation day—
    - (A) authorisations under section 19(3) of the Administration Act; and
    - (B) delegations under section 21(c) of the Administration Act;<sup>3</sup> and
- (b) to do other things as directed in writing by its responsible Ministers.

**(2)** In making arrangements under subsection (1)(a), QC is limited to—

- (a) making arrangements about—
  - (i) its banking; and
  - (ii) its corporate intent, plan and image; and
  - (iii) its organisational structure; and
  - (iv) other matters of internal administration; and
- (b) entering into contracts (applying on or after corporatisation day) about the commercial operations of QC.

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<sup>2</sup> Section 19 (Powers of Commission)

<sup>3</sup> Section 21 (Delegations)

### **QC's powers**

**8.** On the commencement of this section, QC may do all things necessary or convenient to be done for the performance of its functions, including, for example—

- (a) borrowing; and
- (b) hiring consultants to advise it.

### **Limitation about contracts**

**9.(1)** In this section—

**“major contract”** means a contract under which QC can reasonably be expected to have to provide or to have the right to receive, to the total value of more than \$5 000 000, 1 of the following, or a combination of 2 or more of the following—

- (a) cash;
- (b) goods;
- (c) services.

**(2)** QC may enter into a major contract only with the written agreement of its responsible Ministers.

### **Interim board of directors and chief executive officer**

**10.** QC is to have an interim board of directors and chief executive officer.

### **Role of interim board of directors**

**11.** It is the role of the interim board of directors to ensure QC performs its functions in an appropriate, efficient and effective way.

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### **Application of s 100 of Act**

**12.** For its application to QC, section 100 of the Act is changed as follows<sup>4</sup>—

#### **Delegation by chief executive officer**

**100.(1)** The chief executive officer of *QC* may delegate the chief executive officer's powers (including a power delegated to the chief executive officer) to an *appropriately qualified employee of QC or an appropriately qualified officer or employee whose services are made available to QC under assistance given or an arrangement made under section 57C*.<sup>5</sup>

**(2)** Subsection (1) has effect subject to any directions of *QC's interim board of directors*.

**(3)** *In subsection (1)—*

**“appropriately qualified”** *includes having the qualifications, experience or standing appropriate to exercise the power.*

*Example of standing—*

*A person's classification level in the entity in which the person is employed.*

#### **Delegation by interim board**

**13.(1)** *QC's interim board of directors* may, by resolution, delegate its powers to—

- (a) a director; or
- (b) a committee of the board; or
- (c) *QC's chief executive officer*; or
- (d) an appropriately qualified officer or employee whose services are made available to *QC* under assistance given or an arrangement made under section 57C of the Act.

**(2)** *In subsection (1)—*

**“appropriately qualified”** *includes having the qualifications, experience or*

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<sup>4</sup> Changes are shown in italics.

<sup>5</sup> Section 57C (Assistance to candidate GOC associates and associate subsidiaries)

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standing appropriate to exercise the power.

*Example of standing—*

A person's classification level in the entity in which the person is employed.

### **QC's seal**

**14.(1)** QC's seal must be kept in the custody directed by QC's interim board of directors and may be used only as authorised by the board.

**(2)** The affixing of the seal to a document must be attested by—

- (a) 2 or more directors; or
- (b) at least 1 director and the chief executive officer of QC; or
- (c) a director or the chief executive officer and 1 or more persons as authorised by the board.

### **Authentication of documents**

**15.** A document made by QC (other than a document that is required by law to be sealed) is sufficiently authenticated if it is signed by—

- (a) the chairperson of the interim board of directors of QC; or
- (b) the chief executive officer of QC; or
- (c) a person authorised to sign the document by—
  - (i) resolution of the board; or
  - (ii) direction of the chief executive officer.

## 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). However, no amendments have commenced operation on or before that day. Future amendments of the Government Owned Corporations (Queensland Corrections) Regulation 1997 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

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

## **4 List of legislation**

### **Government Owned Corporations (Queensland Corrections) Regulation 1997 SL No. 66**

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commenced on date of notification