



Queensland

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

Act No. 24 of 2009



Queensland

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

Contents

	Page
Chapter 1	Preliminary
1	Short title 94
2	Commencement 94
Chapter 2	Department of Communities
Part 1	Amendment of Adoption of Children Act 1964
3	Act amended 94
4	Amendment of s 6 (Definitions) 95
5	Amendment of s 13AA (Application for adoption of a special needs child or a child who is a relative) 95
6	Amendment of s 13AC (Inclusion of person's name in expression of interest register) 95
7	Amendment of s 13D (What happens after favourable assessment) 95
8	Amendment of s 13E (Ineligibility after person's name entered in assessment register) 95
9	Amendment of s 14D (Reviews by tribunal about adoption lists, expression of interest register, assessment register and assessments) 96
10	Amendment of s 33 (Making of interim orders) 96
11	Insertion of new pt 3A. 96
	Part 3A Tribunal proceedings
	Division 1 Preliminary
36	Application of pt 3A 96
36A	Definitions for pt 3A 97
36B	Object of pt 3A 97
36C	Principles for tribunal in matters relating to this Act . . 97

Contents

	Division 2	Notice of proceedings	
	36D	Government entity may nominate decision-maker . . .	98
	Division 3	Tribunal proceedings	
	36E	Constitution of tribunal	98
	36F	Hearing must usually be held in private	99
	Division 4	Children in tribunal proceedings	
	36G	Requirements about ensuring proper understanding of tribunal proceedings	100
	36H	Separate representation of children	100
	36I	Children must not be compelled to give evidence . . .	101
	36J	Child's right to express views to tribunal.	101
	36K	Children giving evidence or expressing views to tribunal	101
	36L	Questioning of children.	102
	Division 5	Confidentiality	
	36M	Confidentiality order	102
	36N	Limited access to tribunal's register of proceedings. .	103
	36O	Limited access to tribunal's record of proceedings. . .	103
	36P	Certain information not to be published	104
12		Amendment of s 58 (Hearings to be in camera).	105
Part 2		Amendment of Child Protection Act 1999	
13		Act amended	105
14		Amendment of s 78 (Chief executive's powers)	105
15		Amendment of s 86 (Chief executive to notify parents of placing child in care—child protection order)	106
16		Amendment of s 87 (Chief executive to provide contact between child and child's parents)	106
17		Amendment of s 90 (Notice of removal from care).	107
18		Insertion of new ch 2A	107
	Chapter 2A	Tribunal proceedings	
	Part 1	Preliminary	
	99A	Application of ch 2A	107
	99B	Definitions for ch 2A	107
	99C	Object of ch 2A.	108
	99D	Principles for tribunal in matters relating to this Act 108	
	Part 2	Tribunal proceedings	

99E	Registrar to give notice of review application	109
99F	Review applications by commissioner	110
99G	Government entity may nominate decision-maker . . .	110
99H	Constitution of tribunal	110
99I	Power of tribunal to stay operation of decision limited in particular circumstances.	111
99J	Proceedings relating to this Act must usually be held in private.	112
99K	When proceeding may be held in public.	112
99L	Adjournments	112
99M	When matter before court.	113
99N	Compulsory conferences	114
Part 3	Children in tribunal proceedings	
99O	Requirements about ensuring proper understanding of tribunal proceedings.	114
99P	Review applications on behalf of children	115
99Q	Separate representation of children	115
99R	Separate representative must not be called to give evidence	116
99S	Representation of children	116
99T	Children must not be compelled to give evidence . . .	117
99U	Child's right to express views to tribunal.	117
99V	Children giving evidence or expressing views to tribunal	117
99W	Questioning of children.	118
99X	Provisions applying if party to review is a child who is a parent of the child about whom the reviewable decision was made.	118
Part 4	Medical examinations	
99Y	President or tribunal may authorise medical examination of child	119
99Z	Carrying out medical examinations	120
Part 5	Parties	
99ZA	Parties to review.	120
99ZB	Certain persons may elect to become parties	120
99ZC	Joinder of person as party to review	121
Part 6	Confidentiality	
99ZD	Confidentiality order	121

Contents

	99ZE	Limited access to tribunal's register of proceedings . .	122
	99ZF	Limited access to tribunal's record of proceedings . .	123
	99ZG	Certain information not to be published	123
	Part 7	Ensuring tribunal decisions and recommendations are given effect	
	99ZH	Application of pt 7	124
	99ZI	Requests to chief executive	124
	99ZJ	What happens if decision not given effect etc.	125
19		Amendment of s 129 (Refusal of application)	125
20		Amendment of s 136 (Refusal of application)	126
21		Amendment of s 137 (Amendment of authority on application of holder)	126
22		Amendment of s 138 (Amendment of authority by the chief executive)	126
23		Amendment of s 140 (Procedure for suspension or cancellation)	127
24		Amendment of s 140AI (Notice of cancellation)	127
25		Amendment of s 247 (Reviews of reviewable decisions)	127
26		Amendment of sch 3 (Dictionary)	128
	Part 3	Amendment of Child Protection (International Measures) Act 2003	
27		Act amended	128
28		Amendment of sch 4 (Dictionary)	128
	Part 4	Amendment of Commission for Children and Young People and Child Guardian Act 2000	
29		Act amended	129
30		Amendment of s 40 (Grounds for not dealing with complaint)	129
31		Amendment of s 89ZG (Government entity may enter into arrangement with commissioner)	130
32		Amendment of s 102B (Actions of commissioner after making decision on application)	130
33		Amendment of s 121 (Person may apply for review of decision)	131
34		Amendment of s 121AA (Effect of applicant under s 121 becoming a disqualified person)	131
35		Amendment of s 121C (Decision by police commissioner that information is investigative information)	131
36		Amendment of s 121E (Consequence of decision on appeal)	132
37		Insertion of new pts 6A and 6B	132
	Part 6A	QCAT proceedings about child-related employment review	

	128A	Definitions for pt 6A	132
	128B	Application of pt 6A	133
	128C	Principle for reviewing child-related employment decision	133
	128D	Proceeding must always be held in private	133
	128E	Applications on behalf of children.	134
	128F	Withdrawal of application for review	134
	128G	Children must not be compelled to give evidence	134
	128H	Children giving evidence	135
	128I	Questioning of children.	135
	128J	Provisions for QCAT child-related employment reviews	135
	Part 6B	QCAT to give statistical information to commissioner	
	128K	QCAT's principal registrar to give statistical information to commissioner	136
38		Amendment of s 140B (Commissioner may apply for review of reviewable decisions)	137
39		Amendment of sch 4 (Dictionary)	137
Part 5		Amendment of Community Services Act 2007	
40		Act amended	138
41		Amendment of pt 9, hdg (Reviews and appeals)	138
42		Amendment of s 93 (Chief executive must give notice after making reviewable decision).	138
43		Amendment of pt 9, div 2, hdg (Review of decision)	138
44		Amendment of s 95 (Stay of operation of original decision).	138
45		Amendment of s 96 (Review decision)	139
46		Replacement of pt 9, div 3, hdg (Appeal against review decision)	139
47		Replacement of s 97 (Appeal against review decision)	139
	97	Review of review decision	139
48		Omission of s 98 (Appeal is by way of rehearing)	140
49		Amendment of sch 4 (Dictionary)	140
Part 6		Amendment of Disability Services Act 2006	
50		Act amended	140
51		Amendment of s 87 (Actions of chief executive after making decision on application)	140
52		Amendment of s 102 (Cancellation if conviction for excluding offence and imprisonment or disqualification order).	141

Contents

53	Amendment of s 108 (Person may apply for review of decision) .	141
54	Amendment of s 113 (Consequence of decision on appeal)	142
55	Amendment of s 123D (Explanation of operation of pt 10A)	142
56	Amendment of s 123E (Definitions for pt 10A)	142
57	Amendment of s 123X (Requirements for chief executive's decision about whether change should be made)	143
58	Amendment of s 123Y (Action of chief executive after deciding whether change should be made)	143
59	Amendment of s 123ZE (Application of sdiv 2)	143
60	Amendment of s 123ZK (Short term approval for use of restrictive practices other than containment or seclusion)	143
61	Amendment of s 123ZL (Period for which short term approval has effect)	144
62	Amendment of s 123ZN (Chief executive's decision about approving short term plan)	144
63	Amendment of s 123ZZ (Application for review).	144
64	Amendment of pt 14, hdg (Reviews and appeals)	144
65	Amendment of s 208 (Chief executive must give notice after making reviewable decision).	144
66	Amendment of pt 14, div 2, hdg (Review of decision)	145
67	Amendment of s 210 (Stay of operation of original decision). . . .	145
68	Amendment of s 211 (Review decision)	145
69	Replacement of pt 14, div 3, hdg (Appeal against decision)	145
70	Replacement of s 212 (Appeal against review decision)	146
	212 Review of review decision	146
71	Omission of s 213 (Appeal is by way of rehearing)	146
72	Amendment of s 248 (Circumstances in which subdivision stops applying)	146
73	Amendment of sch 7 (Dictionary)	146
Part 7	Amendment of Domestic and Family Violence Protection Act 1989	
74	Act amended	147
75	Amendment of s 38 (Conferral of jurisdiction)	147
76	Amendment of s 62A (Procedural provisions for tenancy application)	147
77	Amendment of schedule (Dictionary)	148
Part 8	Amendment of Guide, Hearing and Assistance Dogs Act 2009	
78	Act amended	148

79	Amendment of pt 7, hdg (Reviews and appeals)	149
80	Amendment of s 67 (Definitions for pt 7)	149
81	Replacement of pt 7, div 3, hdg (Review of decision)	149
82	Amendment of s 70 (Stay of operation of original decision)	149
83	Amendment of s 71 (Review decision)	149
84	Replacement of pt 7, div 4, hdg (Appeal against reviewed decision)	150
85	Replacement of ss 72 and 73.	150
	72 Review of reviewed decision	150
86	Amendment of sch 4 (Dictionary)	150
Part 9	Amendment of Residential Tenancies and Rooming Accommodation Act 2008	
87	Act amended	151
88	Amendment of s 361 (Review of abandonment order)	151
89	Amendment of s 414 (Application of pt 2)	151
90	Insertion of new s 414A	152
	414A Applications to the tribunal	152
91	Insertion of new 433A.	152
	433A Particular applications to be heard in private	152
92	Amendment of s 504 (Other evidentiary aids)	153
93	Amendment of s 516 (Applications for more than prescribed amount)	153
94	Amendment of sch 2 (Dictionary)	153
Chapter 3	Department of Community Safety	
Part 1	Amendment of Building Fire Safety Regulation 2008	
95	Regulation amended	154
96	Omission of s 73 (Fee for an objection—Fire Service Act, s 104SB)	154
Part 2	Amendment of Corrective Services Act 2006	
97	Act amended	154
98	Amendment of s 319A (Definitions)	154
Part 3	Amendment of Disaster Management Act 2003	
99	Act amended	155
100	Amendment of s 124 (Notice about decision)	155
101	Replacement of pt 11, div 1, sdiv 3 (Appeals)	155
	Subdivision 3 Review of decision	
	125 Review of a decision to pay compensation.	155

Contents

Part 4	Amendment of Fire and Rescue Service Act 1990	
102	Act amended	156
103	Amendment of s 69 (Requisition by commissioner to reduce fire risk)	156
104	Amendment of s 104G (Notice by commissioner about occupier's or owner's obligations).	156
105	Amendment of s 104I (Certificate of compliance)	157
106	Amendment of s 104KF (Commissioner may give occupancy notice to occupier)	157
107	Amendment of s 104KI (Re-assessment of risk of overcrowding)	158
108	Amendment of pt 9B, hdg (Objections to notices)	158
109	Omission of s 104SA (Application of pt 9B to notices under s 69)	158
110	Amendment of s 104SB (Persons aggrieved by notice may object)	158
111	Omission of s 104SC (Panel of referees to be convened)	159
112	Omission of s 104SD (Membership of panel of referees).	159
113	Omission of s 104SE (Determination of objection).	159
114	Replacement of s 104SF (Relief from penalty pending determination of objection).	159
	104SF Relief from penalty pending determination of review by QCAT	159
115	Omission of s 104SG (Stay of operation of s 69 notice).	160
116	Omission of s 104SH (Appeal from panel of referees).	160
117	Amendment of s 154 (Regulation-making power)	160
Chapter 4	Department of Education and Training	
Part 1	Amendment of Child Care Act 2002	
118	Act amended	161
119	Amendment of s 107A (Chief executive to give notice to the Commissioner for Children and Young People and Child Guardian)	161
120	Amendment of s 131 (Forfeiture of seized things)	161
121	Amendment of pt 9, div 1, hdg (Reviewable decisions)	161
122	Amendment of s 163 (Reviewable decisions).	162
123	Amendment of s 164 (Chief executive must give notice after making reviewable decision).	162
124	Insertion of new s 164A	162
	164A Constitution of QCAT	162

Part 2	Amendment of Education (General Provisions) Act 2006	
125	Act amended	163
126	Amendment of s 36 (Use of criminal history information).	163
127	Amendment of s 37 (Confidentiality of information about criminal history)	163
128	Amendment of s 69 (Dealing with submissions against principal's decision)	163
129	Amendment of s 72 (Chief executive must consider and decide application for further semesters).	163
130	Amendment of s 139 (Regulation may provide for membership) .	164
131	Amendment of s 154 (Dealing with submissions against removal)	164
132	Amendment of s 197 (Cancellation).	164
133	Amendment of s 200 (Child's exclusion or suspension).	165
134	Amendment of s 226 (Return of cancelled certificate of registration to chief executive)	165
135	Amendment of s 237 (Suspension or exclusion)	165
136	Omission of ch 12, pt 1 (Preliminary).	165
137	Renumbering of ch 12, pts 2, 3 and 4	165
138	Amendment of s 302 (Exclusion of student by chief executive) . .	166
139	Amendment of s 309 (Exclusion)	166
140	Renumbering of ch 12, pts 5 and 6	166
141	Amendment of s 340 (Prohibition from entering premises)	166
142	Amendment of s 341 (Prohibition from entering premises)	167
143	Omission of s 342 (Appeal to District Court)	167
144	Renumbering of ch 12, pt 7 (Directions and orders about conduct or movement at, or entry to, premises of non-State schools)	167
145	Amendment of s 349 (Prohibition from entering premises)	167
146	Amendment of s 350 (Prohibition from entering premises)	168
147	Omission of s 351 (Appeal to District Court)	168
148	Renumbering of ch 12, pt 8 (Prohibition from entering premises of all State instructional institutions and non-State schools for up to 1 year)	168
149	Amendment of s 352 (Prohibition from entering premises of all State instructional institutions and non-State schools).	168
150	Amendment of s 353 (Prohibition from entering premises of all State instructional institutions)	169
151	Omission of s 354 (Appeal to District Court)	169

Contents

152	Replacement of ch 12, pt 9, hdg (Provisions relating to parts 6 to 8)	169
153	Replacement of s 355 (Non-application of pts 6 and 7 to particular persons)	169
	355 Non-application of pts 5 and 6 to particular persons	170
154	Amendment of s 357 (Noncompliance with court order)	170
155	Amendment of s 362 (Noncompliance with dress code)	170
156	Renumbering of ch 12, pts 10 and 11	170
157	Replacement of ch 15, hdg and ch 15, pt 1, hdg	171
158	Amendment of s 392 (Review decision)	171
159	Replacement of ch 15, pt 2, hdg (Appeal against review decisions)	171
160	Replacement of s 394 (Appeal to Magistrates Court)	171
	394 External review by QCAT	171
161	Omission of s 395 (Conduct of appeal)	172
162	Amendment of ch 15, pt 3, hdg (Appeals against directions under section 340 or 349)	172
163	Omission of s 396 (Definition for pt 3)	172
164	Replacement of s 397 (Who may appeal)	172
	397 Who may apply for external review of direction given.	172
165	Replacement of s 398 (Starting an appeal)	172
	398 Starting an external review.	172
166	Omission of ss 399 and 400.	173
167	Amendment of ch 15, pt 4, hdg (Appeal against decision under section 69, 72, 154, 302(4) or 309(6))	173
168	Amendment of s 401 (Definitions for pt 4)	173
169	Amendment of s 402 (Appeal)	173
170	Amendment of s 453 (Behaviour plans)	174
171	Amendment of sch 4 (Dictionary)	174
Part 3	Amendment of Education (Overseas Students) Act 1996	
172	Act amended	176
173	Amendment of s 11 (Procedure for suspension or cancellation)	176
174	Replacement of pt 3, hdg (Appeals)	177
175	Amendment of s 19 (Appeals to court)	177
176	Omission of ss 20–25.	177
Part 4	Amendment of Education (Queensland College of Teachers) Act 2005	
177	Act amended	177

178	Amendment of s 44 (Amending or replacing certificate of registration or certificate of permission to teach)	178
179	Amendment of s 50 (Requirement to give notice of suspension)	178
180	Amendment of s 52 (When suspension ends)	179
181	Replacement of s 53 (Requirement to review continuation of suspension under s 48)	179
	53 Requirement to decide whether to continue suspension under s 48	179
182	Amendment of s 54 (Committee to give notice inviting submissions to approved teacher)	179
183	Amendment of s 55 (Committee's decision about continuation of suspension)	180
184	Amendment of s 56 (Cancellation if conviction for disqualifying offence and imprisonment or disqualification order imposed)	181
185	Amendment of s 64 (Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation)	181
186	Amendment of s 67 (Effect of suspension on registration or permission to teach)	181
187	Amendment of s 82 (Only approved teachers may be employed as teachers)	182
188	Amendment of s 97 (Requirement for college to start disciplinary proceedings)	182
189	Amendment of ch 5, pt 2, hdg (Show cause matters dealt with by Teachers Disciplinary Committee)	183
190	Replacement of s 100 (Application of pt 2)	183
	100 Application of pt 2.	183
191	Amendment of s 101 (Teachers Disciplinary Committee to give show cause notice)	183
192	Amendment of s 102 (Disciplinary action by Teachers Disciplinary Committee—approved teachers)	184
193	Amendment of s 103 (Disciplinary action by Teachers Disciplinary Committee—former approved teachers)	185
194	Amendment of s 104 (Notice and effect of committee's decision)	185
195	Amendment of ch 5, pt 3, hdg (General matters and PP&C matters dealt with by Teachers Disciplinary Committee)	186
196	Replacement of s 105 (Application of pt 3)	186
	105 Application of pt 3.	187
197	Amendment of s 106 (Teachers Disciplinary Committee may authorise investigation)	187
198	Amendment of s 107 (Application of ch 6, pt 2, div 2)	187

224	Amendment of s 160 (Decision about disciplinary action against approved teacher)	196
225	Amendment of s 161 (Decision about disciplinary action against former approved teacher)	197
226	Omission of s 162 (Committee may make an order prohibiting publication of particular information)	198
227	Amendment of ch 6, pt 2, div 2, sdiv 5 (Action after decision about disciplinary action)	198
228	Omission of s 163 (Notification of committee's decision)	198
229	Amendment of s 164 (College may notify other persons)	198
230	Amendment of s 165 (Requirement to notify particular interstate regulatory authorities about decision)	198
231	Amendment of s 166 (Publication of information about disciplinary proceedings by college)	199
232	Amendment of ch 6, pt 2, div 2, sdiv 6 (Effect of decision)	199
233	Amendment of s 167 (Effect of committee's decision)	199
234	Amendment of s 168 (Implementation of decision)	199
235	Omission of ch 6, pt 2, div 2, sdiv 7 (Immunities)	200
236	Amendment of s 170 (Office to keep record of disciplinary proceedings)	200
237	Omission of s 171 (Payment of costs or penalty)	200
238	Amendment of s 201 (Investigator's report)	200
239	Replacement of ch 8, hdg and ch 8, pt 1, hdg	200
240	Amendment of s 209 (Appeal process for particular decisions starts with internal review)	201
241	Amendment of s 212 (College's decision)	201
242	Amendment of s 213 (Notice of review decision)	201
243	Replacement of ch 8, pt 2, hdg (Appeals)	202
244	Omission of s 214 (Definitions for pt 2)	202
245	Replacement of s 215 (Who may appeal)	202
	215 Who may apply for external review	202
246	Omission of ss 216–219	202
247	Replacement of s 220 (Application of pt 1)	202
	220 Application of pt 1	202
248	Amendment of s 221 (Appointments and authority)	203
249	Amendment of s 222 (Signatures)	203
250	Amendment of s 288 (Register of approved teachers to be kept)	203
251	Amendment of s 294 (Protection from liability)	203

Contents

252	Amendment of s 296 (Administrative support for college etc.) . . .	204
253	Amendment of sch 3 (Dictionary)	204
Part 5	Amendment of Education (Queensland Studies Authority) Regulation 2002	
254	Regulation amended	204
255	Amendment of s 3R (Failure to decide an application)	205
256	Amendment of s 3ZE (Failure to decide an application for renewal of accreditation)	205
257	Amendment of s 3ZL (Failure to decide an application for a change to a syllabus or guideline)	205
258	Replacement of pt 9, hdg (Reviews and appeals)	205
259	Replacement of pt 9, div 1, hdg (Review of decisions)	205
260	Amendment of s 59 (Appeal process starts with internal review) .	206
261	Amendment of s 62 (Review decision)	206
262	Amendment of s 63 (Notice of review decision)	206
263	Replacement of pt 9, div 2, hdg (Appeals)	207
264	Replacement of s 64 (Who may appeal)	207
	64 Who may seek an external review	207
265	Omission of ss 65–68.	207
Part 6	Amendment of Higher Education (General Provisions) Act 2008	
266	Act amended	208
267	Amendment of s 19 (Registration taken to be in force while application is considered)	208
268	Amendment of s 22 (Changing conditions of registration)	208
269	Amendment of s 32 (Accreditation taken to be in force while application is considered)	209
270	Amendment of s 35 (Changing conditions of accreditation)	209
271	Amendment of s 54 (Self-accrediting authority taken to be in force while application is considered)	209
272	Amendment of s 56 (Changing conditions of self-accrediting authority)	210
273	Amendment of s 97 (Approval taken to be in force while application is considered)	210
274	Amendment of s 99 (Changing conditions of approval)	210
275	Replacement of pt 6, hdg (Appeals)	211
276	Replacement of s 106 (Who may appeal)	211
	106 Who may apply for review	211
277	Omission of s 107 (Starting appeals)	211

278	Replacement of s 108 (Hearing procedures)	211
	108 Hearing procedures	211
279	Omission of s 109 (Powers of court on appeal)	211
280	Amendment of s 127 (Cancellation of relevant authority).	212
281	Amendment of sch 2 (Dictionary).	212
Part 7	Amendment of Vocational Education, Training and Employment Act 2000	
282	Act amended	212
283	Insertion of new s 141BA	212
	141BA Ombudsman may refuse to deal with matters before QCAT	213
284	Amendment of s 141D (Ombudsman to review decision and report findings)	213
285	Insertion of new s 144A	213
	144A Arrangements between the ombudsman and QCAT	213
286	Amendment of s 183B (Decision about employment exemption).	214
287	Amendment of s 183C (Amending or cancelling employment exemption)	214
288	Replacement of ch 8, hdg (Appeals)	215
289	Replacement of s 224 (Appeal to Magistrates Court)	215
	224 Review by QCAT.	215
290	Omission of ss 225–229.	215
291	Omission of s 340 (Remission of matters by magistrates court to board)	216
292	Amendment of sch 3 (Dictionary).	216
Part 8	Amendment of Vocational Education, Training and Employment Regulation 2000	
293	Regulation amended	216
294	Amendment of s 6D (Cancellation of transfer approval).	217
Chapter 5	Department of Employment, Economic Development and Innovation	
Part 1	Amendment of Agricultural Chemicals Distribution Control Act 1966	
295	Act amended	217
296	Amendment of s 22 (Right of appeal to Magistrates Court).	217
297	Omission of ss 22A–22E	218
298	Amendment of s 23 (Effect of suspension).	218
299	Amendment of schedule (Dictionary).	218

Contents

Part 2	Amendment of Agricultural Chemicals Distribution Control Regulation 1998	
300	Regulation amended	218
301	Amendment of s 12 (Cancellation of result and re-examination) .	219
302	Amendment of s 15 (Notice of refusal)	219
303	Amendment of s 16 (Notice of suspension by standards officer) .	220
304	Replacement of s 17 (Right of appeal)	220
	17 Right of review	220
305	Replacement of s 18 (Substituted decision on appeal)	220
	18 Substituted decision on review	220
306	Amendment of s 19 (Surrender of licence suspended by standards officer)	220
307	Amendment of s 19A (Surrender of licence suspended or cancelled by chief executive)	221
308	Amendment of s 39 (Application for a distribution permit)	221
309	Amendment of s 41 (Distribution permit conditions)	221
310	Amendment of s 42 (Notice of refusal)	222
311	Amendment of s 43 (Right of appeal)	222
Part 3	Amendment of Agricultural Standards Act 1994	
312	Act amended	223
313	Amendment of pt 5, hdg (Review of decisions)	223
314	Amendment of s 47 (Who may apply for review etc.)	223
315	Amendment of s 48 (Applying for review)	223
316	Replacement of s 49 (Chief executive's decision on review)	224
	49 Chief executive's decision on internal review	224
317	Replacement of s 50 (Stay of operation of original decision etc.)	224
	50 Stay of operation of original decision etc.	224
318	Replacement of pt 6 (Appeals)	225
	Part 6 External reviews by QCAT	
	51 Who may apply for review	225
319	Amendment of schedule (Dictionary)	225
Part 4	Amendment of Animal Care and Protection Act 2001	
320	Act amended	226
321	Amendment of s 192 (General provisions for orders under pt 3) .	226
322	Replacement of ch 7, pt 4, div 1, hdg (Review of decisions)	226
323	Replacement of ss 193 and 194.	226
	193 Internal review process.	226

	194	Who may apply for internal review	227
324		Amendment of s 195 (Requirements for making application).	227
325		Amendment of s 196 (Stay of operation of original decision).	227
326		Amendment of s 197 (Review decision)	228
327		Replacement of s 198 (Notice of review decision)	229
	198	Notice of internal review decision	229
328		Insertion of new ch 7, pt 4, div 1A	230
		Division 1A External reviews by QCAT	
	198A	Who may apply for external review	230
329		Replacement of s 199 (Who may appeal)	230
	199	Who may appeal.	230
330		Amendment of s 200 (Starting appeal)	231
331		Amendment of s 201 (Stay of operation of review decision)	231
332		Amendment of s 202 (Hearing procedures)	231
333		Amendment of s 203 (Court's powers on appeal—general).	231
334		Amendment of s 204 (Further powers for appeal about seizure or forfeiture)	231
335		Amendment of schedule (Dictionary)	232
	Part 5	Amendment of Apiaries Regulation 1998	
336		Regulation amended	233
337		Amendment of s 2 (Definitions)	233
338		Amendment of s 8A (Notice of decisions under div 2)	233
339		Amendment of s 16 (Direction to move to quarantine)	233
340		Amendment of s 17A (Notice of refusal of permission)	234
341		Replacement of pt 4, hdg (Appeals).	234
342		Amendment of s 18 (Appeals against certain decisions)	234
343		Omission of ss 19–23.	234
	Part 6	Amendment of Associations Incorporation Act 1981	
344		Act amended	235
345		Amendment of pt 12, hdg (Reviews and appeals)	235
346		Amendment of pt 12, div 1, hdg (Review of decisions)	235
347		Replacement of s 111 (Stay of operation of decision)	235
	111	Stay of operation of disputed decision	235
348		Amendment of s 112 (Decision on reconsideration)	236
349		Replacement of pt 12, div 2 (Appeals against reconsidered decisions)	236

Contents

	Division 2	External review of decisions	
	113	Who may seek external review.	237
Part 7	Amendment of Biodiscovery Act 2004		
350	Act amended		237
351	Amendment of s 21 (Procedure for amendment, suspension or cancellation)		237
352	Amendment of 22 (Returning collection authority on cancellation)		237
353	Amendment of s 86 (Return of seized things)		238
354	Replacement of pt 9, hdg (Review of decisions)		238
355	Replacement of pt 10 (Appeals)		238
	Part 10	External reviews	
	103	Review of decision by QCAT	238
356	Amendment of schedule (Dictionary)		238
Part 8	Amendment of Body Corporate and Community Management Act 1997		
357	Act amended		239
358	Amendment of s 48 (Adjustment of lot entitlement schedule)		239
359	Amendment of s 49 (Criteria for deciding just and equitable circumstances)		240
360	Amendment of s 62 (Body corporate to consent to recording of new statement)		240
361	Amendment of s 133 (Disputes arising out of review)		240
362	Amendment of s 135 (Other provisions about review)		240
363	Amendment of s 149A (Specialist adjudication or CCT jurisdiction)		241
364	Amendment of s 149B (Specialist adjudication or CCT jurisdiction)		241
365	Amendment of s 178 (Review of exclusive use by-law)		241
366	Amendment of s 229 (Exclusivity of dispute resolution provisions)		242
367	Amendment of s 230 (Structure of arrangements)		242
368	Amendment of s 239C (Continuation of application if standing of party changes)		243
369	Amendment of s 241A (Applicant to be given notice of decision to reject application)		243
370	Amendment of s 245 (Change or withdrawal of application)		243
371	Amendment of s 288A (Definitions for pt 11)		244
372	Amendment of s 289 (Right to appeal to District Court or CCT)		244

373	Amendment of s 290 (Appeal)	244
374	Omission of s 291 (Stay of operation of order)	245
375	Amendment of s 292 (Referral back to commissioner)	245
376	Omission of ss 293–293A	245
377	Replacement of s 294 (Powers of appeal body on appeal)	245
	294 Jurisdiction and powers of appeal tribunal on appeal.	245
378	Amendment of s 294A (Power to stay application and proceeding)	246
379	Amendment of s 295 (Replacing statement to be lodged with registrar)	246
380	Amendment of ch 7, pt 1, hdg (Appeals)	246
381	Replacement of ss 304 and 305.	247
	304 External review of decisions.	247
382	Amendment of s 306 (Time for making appeal)	247
383	Omission of ss 307 and 308.	247
384	Amendment of s 313A (Application under ch 6 or CCT Act by group of lot owners or occupiers)	247
385	Insertion of new ch 8, pt 7	248
	Part 7 Transitional provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	364 Definition for pt 7	248
	365 Appeal from order of an adjudicator that could have been made to the former tribunal	249
	366 Appeal from order of an adjudicator that could have been made to the District Court	249
	367 Existing appeal taken to be before QCAT or transferred to QCAT	249
386	Amendment of sch 6 (Dictionary)	250
Part 9	Amendment of Casino Control Act 1982	
387	Act amended	250
388	Replacement of pt 9A (Appeals)	251
	Part 9A Review of decisions by tribunal	
	91A Who may apply for review	251
	91B Tribunal to decide review on evidence before the chief executive	252
	91C Tribunal may give leave for review to be decided on new evidence in particular circumstances	253

Contents

	91D	Appeals from tribunal only to Court of Appeal on a question of law	253
389		Omission of s 93 (Appeal to Minister)	254
390		Amendment of s 97 (Duration of exclusion direction).	254
391		Omission of ss 135 and 136.	254
392		Omission of s 138 (Appeals to gaming commission)	254
393		Amendment of schedule (Dictionary)	254
Part 10		Amendment of Casino Control Regulation 1999	
394		Regulation amended	255
395		Amendment of sch 4 (Fees).	255
Part 11		Amendment of Charitable and Non-Profit Gaming Act 1999	
396		Act amended	255
397		Amendment of s 153 (Forfeiture on payment of infringement notice penalty)	255
398		Replacement of pt 8 (Appeals)	256
	Part 8	Review of decisions by tribunal	
	174	Who may apply for review	256
	175	Tribunal to decide review on evidence before the chief executive	257
	176	Tribunal may give leave for review to be decided on new evidence in particular circumstances	257
	177	Appeals from tribunal only to Court of Appeal on a question of law	258
399		Amendment of sch 2 (Dictionary)	259
Part 12		Amendment of Charitable and Non-Profit Gaming Regulation 1999	
400		Regulation amended	259
401		Amendment of sch 2 (Fees).	259
Part 13		Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988	
402		Act amended	260
403		Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)	260
404		Amendment of s 17 (Approval to use etc. agricultural produce etc. or cultivate plants on land).	260
405		Insertion of new s 21A	260
	21A	Review of particular decisions	260
406		Amendment of s 22 (Right of appeal to Magistrates Court)	261
407		Amendment of schedule (Dictionary)	261

Part 14	Amendment of Clean Energy Act 2008	
408	Act amended	261
409	Amendment of pt 9, hdg (Appeal and review of decisions)	262
410	Amendment of s 30 (Review decision)	262
411	Replacement of pt 9, div 2, hdg (Appeals)	262
412	Amendment of s 31 (Who may appeal)	262
413	Omission of ss 32–35.	263
Part 15	Amendment of Consumer Credit (Queensland) Act 1994	
414	Act amended	263
415	Amendment of s 7 (Conferral of judicial functions).	263
Part 16	Amendment of Cooperatives Act 1997	
416	Act amended	263
417	Replacement of pt 2, div 7 (Appeals)	263
	Division 7 Review of registrar’s refusals	
	29 Refusal to approve disclosure statement	264
	30 Refusal to approve draft rules	264
	31 Review of refusal to register.	264
418	Replacement of ss 110–112.	265
	110 Review of refusal to approve, or refusal to register, an alteration	265
Part 17	Amendment of Credit Act 1987	
419	Act amended	265
420	Amendment of s 8 (Jurisdiction of courts)	265
Part 18	Amendment of Credit (Rural Finance) Act 1996	
421	Act amended	266
422	Amendment of s 6 (Courts with jurisdiction under this Act)	266
Part 19	Amendment of Drugs Misuse Act 1986	
423	Act amended	266
424	Amendment of s 46 (Definitions for pt 5B)	266
425	Replacement of pt 5B, div 10 (Appeals)	266
	Division 10 Review of decisions by QCAT	
	85 Application for review	267
426	Omission of s 115 (Review)	267
Part 20	Amendment of Electricity Act 1994	
427	Act amended	267
428	Amendment of s 135FQ (Evidentiary provisions).	267

Contents

429	Amendment of s 152K (Forfeiture of seized thing)	268
430	Amendment of s 181 (Notice of refusal to issue generation authority)	268
431	Amendment of s 184C (Notice of refusal to transfer generation authority)	268
432	Amendment of s 190 (Notice of refusal to issue transmission authority)	268
433	Amendment of s 193C (Notice of refusal to transfer transmission authority)	268
434	Amendment of s 198 (Notice of refusal to issue authority).	269
435	Amendment of s 201C (Notice of refusal to transfer distribution authority)	269
436	Amendment of s 206 (Notice of refusal to issue authority).	269
437	Amendment of s 211 (Notice of refusal to give special approval)	269
438	Amendment of s 212C (Notice of refusal to transfer special approval)	269
439	Replacement of ch 10, hdg (Review of and appeals against decisions)	270
440	Amendment of ch 10, pt 1, hdg (Review of decisions)	270
441	Amendment of s 214 (Who may apply for review etc.)	270
442	Amendment of s 215 (Applying for review).	270
443	Amendment of s 216 (Stay of operation of decision etc.).	270
444	Amendment of s 217 (Review panels, arbitration and mediation)	271
445	Amendment of s 218 (Decision on reconsideration)	271
446	Replacement of ch 10, pt 2 (Appeals)	272
	Part 2 External reviews	
	219 Who may apply for external review.	272
	220 Application of QCAT Act notice requirement	272
447	Amendment of sch 1 (Appeals against administrative decisions)	272
448	Amendment of sch 5 (Dictionary).	272
Part 21	Amendment of Electricity Regulation 2006	
449	Regulation amended	273
450	Amendment of s 24 (Installation and operation of electric line beyond person's property)	273
451	Amendment of s 30H (Deferral of particular reclassifications until appeal expiration day).	273
452	Amendment of s 88 (Dispute resolution)	274
453	Amendment of s 90 (Parties to maintain secrecy of advice or information)	274

454	Amendment of s 139 (Requirements for registration)	274
455	Amendment of s 141 (Steps after registration)	275
456	Amendment of s 145 (Refusal to change energy efficiency label)	275
457	Amendment of s 147 (Transfer of registration)	275
458	Amendment of s 149 (Cancellation of registration)	275
459	Amendment of s 150 (Procedure before cancellation)	275
460	Amendment of s 151 (Notice, by holder, of cancellation of registration)	276
461	Replacement of ch 9, hdg (Review of and appeals against decisions)	276
462	Amendment of s 208 (Who may apply for review etc.)	276
463	Amendment of s 209 (Applying for review)	276
464	Amendment of s 210 (Stay of operation of decision etc.)	277
465	Amendment of s 211 (Decision on review)	277
466	Amendment of ch 9, pt 2, hdg (Appeals)	278
467	Replacement of ch 9, pt 2, div 1 (Appeals against decisions on what is fair and reasonable)	278
	Division 1 External reviews by QCAT	
	212 Who may apply for external review	278
468	Replacement of ch 9, pt 2, div 2, hdg (Other appeals)	278
469	Amendment of s 214 (Who may appeal)	278
470	Amendment of s 215 (Making appeals)	279
471	Amendment of s 216 (Starting appeals)	279
472	Amendment of s 220 (Procedure of court)	279
473	Amendment of s 221 (Appeals)	280
474	Amendment of sch 6 (Appeals against administrative decisions to Magistrates Court)	280
475	Amendment of sch 9 (Dictionary)	280
Part 22	Amendment of Exotic Diseases in Animals Act 1981	
476	Act amended	281
477	Amendment of s 33 (Mode of valuation)	281
478	Omission of ss 33A–33D	281
479	Amendment of s 34 (When title doubtful, Minister may retain compensation or make payment into court)	282
Part 23	Amendment of Exotic Diseases in Animals Regulation 1998	
480	Regulation amended	282
481	Replacement of s 11 (Notice of application to District Court)	282

Contents

	11	Notice of application to QCAT	283
Part 24		Amendment of Explosives Act 1999	
482		Act amended	283
483		Amendment of s 17 (How chief inspector may deal with application)	283
484		Amendment of s 24 (Procedure for suspension or cancellation) .	284
485		Amendment of s 25 (Procedure for urgent suspension or cancellation of authority)	284
486		Amendment of s 27 (Replacement of authority)	284
487		Amendment of s 28 (Amendment of authority on application) . . .	285
488		Amendment of s 29 (Amendment of authority without application)	285
489		Amendment of s 58 (Investigation by chief inspector or authority holder)	285
490		Amendment of pt 7, hdg (Review of decisions and appeals)	286
491		Amendment of pt 7, div 1, hdg (Review of decisions)	286
492		Amendment of s 107 (Application for review of decision under s 56, 102 or 103)	286
493		Amendment of s 108 (Application for review of action under s 104)	286
494		Amendment of s 109 (Applying for review)	286
495		Amendment of s 110 (Stay of operation of decision)	287
496		Replacement of pt 7, div 2, hdg (Appeals)	288
497		Amendment of s 111 (Appeals to Magistrates Court)	288
498		Omission of ss 112–116	288
499		Amendment of sch 2 (Dictionary)	289
Part 25		Amendment of Explosives Regulation 2003	
500		Regulation amended	289
501		Amendment of s 14 (Advice of chief inspector's decision)	289
502		Amendment of s 17 (How chief inspector may deal with application)	289
503		Amendment of s 62 (How chief inspector must deal with explosives limits document)	290
504		Amendment of s 64 (Chief inspector may impose interim explosives limits)	290
505		Amendment of s 109 (Requirements for chief inspector exercising powers)	290
506		Amendment of s 148 (Approval by chief inspector of collectors associations)	290

507	Amendment of sch 7 (Dictionary)	290
Part 26	Amendment of Fair Trading Act 1989	
508	Act amended	291
509	Amendment of s 5 (Definitions)	291
510	Amendment of s 110 (Preservation of secrecy)	291
Part 27	Amendment of Fisheries Act 1994	
511	Act amended	291
512	Amendment of s 42H (Deciding claim)	291
513	Amendment of s 60 (Notice of refusal of application for issue or renewal etc.)	292
514	Amendment of s 63 (Amendment of authority)	292
515	Amendment of s 68 (Procedure for cancellation or suspension by chief executive)	292
516	Amendment of s 76F (Deciding application for fish movement exemption notice)	292
517	Replacement of pt 9 (Administrative appeals)	292
	Part 9 Review of decisions by QCAT	
	186 Constitution of tribunal	294
518	Omission of pt 12, div 4, sdiv 4 (Effect of commencement on particular appeals)	294
519	Amendment of schedule (Dictionary)	294
Part 28	Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003	
520	Plan amended	295
521	Amendment of s 29 (Requirements for preliminary notice)	295
522	Amendment of s 31 (Chief executive to decide whether reason for reconsideration established)	295
523	Amendment of s 33 (Criteria reapplied if reason for reconsideration established)	296
524	Amendment of s 36B (Application for special reconsideration of particular licences)	296
525	Amendment of s 36C (Chief executive to decide whether licence is special south-east Queensland licence)	296
526	Amendment of s 36E (Criteria reapplied if licence is special south-east Queensland licence)	297
527	Amendment of s 38 (Requirements for amendment notice)	297
528	Amendment of s 61 (Deciding application for issue of line units)	297
529	Amendment of s 66 (Application of div 4)	297
530	Amendment of sch 8 (Dictionary)	298

Contents

Part 29	Amendment of Fisheries (East Coast Trawl) Management Plan 1999	
531	Plan amended	298
532	Amendment of s 81A (Application of sdiv 3)	298
533	Amendment of s 94 (Interim issue of additional effort units for all eligible licences).	298
534	Amendment of s 95 (Further issue of additional effort units for all eligible licences).	299
Part 30	Amendment of Fisheries Regulation 2008	
535	Regulation amended	299
536	Omission of ch 15, pt 4, div 3 (Allowances)	299
537	Amendment of sch 9 (Other fees)	299
538	Amendment of sch 11 (Dictionary).	300
Part 31	Amendment of Food Production (Safety) Act 2000	
539	Act amended	300
540	Amendment of s 48 (Grant or renewal of accreditations)	300
541	Amendment of s 49 (Refusal of applications).	300
542	Amendment of s 55 (Notice and effect of amendment, suspension or cancellation)	300
543	Amendment of s 63 (Grant or renewal of approvals)	301
544	Amendment of s 64 (Refusal of applications).	301
545	Amendment of s 70 (Notice and effect of amendment, suspension or cancellation)	301
546	Replacement of pt 9 (Appeals).	302
	Part 9 Review of decisions	
	126 Who may apply for review	302
547	Amendment of sch 2 (Dictionary).	303
Part 32	Amendment of Funeral Benefit Business Act 1982	
548	Act amended	303
549	Amendment of s 5 (Definitions)	303
550	Amendment of s 52 (Cancellation of registration by court)	303
551	Amendment of s 61 (Provisions as to rules).	304
552	Amendment of s 65 (Control and management of certain accounts of registered corporations)	304
553	Omission of s 87 (Court may give directions).	305
Part 33	Amendment of Funeral Benefit Business Regulation 2000	
554	Regulation amended	305
555	Omission of s 45 (Notice of appeal by corporation)	305

556	Omission of s 47 (Notice of appeal)	306
Part 34	Amendment of Gaming Machine Act 1991	
557	Act amended	306
558	Omission of s 8 (Meaning of information notice)	306
559	Replacement of ss 29–38.	306
	29 Who may apply for a review by tribunal	306
	30 Effect of reconsidering a decision after application to QCAT	308
	31 Tribunal to decide review on evidence before the chief executive or commission	308
	32 Tribunal may give leave for review to be decided on new evidence in particular circumstances	309
	33 Appeals from tribunal only to Court of Appeal on question of law	310
560	Amendment of s 261D (Duration of exclusion direction)	310
561	Omission of s 384 (Continuation of appeals by former listed persons)	310
562	Omission of s 389 (Appeal decisions resulting in persons taken to be licensed dealers)	310
563	Omission of s 407 (Appeals)	311
564	Omission of ss 414–421.	311
565	Amendment of schedule (Dictionary)	311
566	Insertion of new sch 1	311
	Schedule 1 Reviewable decisions	
Part 35	Amendment of Gaming Machine Regulation 2002	
567	Regulation amended	317
568	Amendment of sch 5 (Fees)	317
Part 36	Amendment of Gas Supply Act 2003	
569	Act amended	318
570	Amendment of s 233 (Directions for prices notification)	318
571	Amendment of s 270ZM (Information notice about and taking effect of decision)	318
572	Amendment of ch 6, pt 1, hdg (Reviews and appeals)	318
573	Replacement of ch 6, pt 1, div 1, hdg (Reviews)	318
574	Amendment of s 271 (Who may apply for review)	319
575	Amendment of s 272 (Requirements for making review application)	319
576	Amendment of s 273 (Stay of operation of original decision)	319

Contents

577	Replacement of s 274 (Review decision)	320
	274 Internal review decision	320
578	Amendment of s 275 (Review procedure)	320
579	Amendment of s 276 (Reviewer may seek advice or information)	321
580	Amendment of s 277 (Offence about disclosure of advice or information)	321
581	Amendment of s 278 (Notice of review decision)	321
582	Replacement of ch 6, pt 1, div 2 (Appeals)	322
	Division 2 External reviews by QCAT'.	
	279 External review of internal review decision.	322
583	Amendment of sch 1, hdg (Decisions subject to review)	323
584	Amendment of sch 2 (Dictionary)	323
Part 37	Amendment of Interactive Gambling (Player Protection) Act 1998	
585	Act amended	324
586	Amendment of s 105 (Directions to terminate affecting agents) .	324
587	Amendment of s 137D (Duration of exclusion direction)	324
588	Amendment of s 213 (Forfeiture)	324
589	Replacement of pt 10 (Appeals)	324
	Part 10 Reviews by tribunal	
	249 When licensed providers may apply for review	325
	250 When applicants for key person licences may apply for review	325
	251 When key person licensees may apply for review	325
	252 When agents may apply for review.	325
	253 When other persons may apply for review	325
	254 Tribunal to decide review on evidence before the chief executive	326
	255 Tribunal may give leave for review to be decided on new evidence in particular circumstances	326
	256 Appeals from tribunal only to Court of Appeal on a question of law	327
590	Omission of s 265 (Dealing with show cause notice)	328
591	Omission of s 267 (Appeals to Queensland Gaming Commission)	328
592	Amendment of sch 2 (Decisions of chief executive subject to appeal)	328
593	Amendment of sch 3 (Dictionary)	328

Part 38	Amendment of Interactive Gambling (Player Protection) Regulation 1998	
594	Regulation amended	329
595	Replacement of s 17 (Appeals)	329
	17 Review of decision of chief executive	329
596	Omission of s 20 (Registrar—Act, sch 3)	329
597	Amendment of sch 3 (Fees)	329
Part 39	Amendment of Introduction Agents Act 2001	
598	Act amended	330
599	Amendment of s 24 (Decision on application)	330
600	Amendment of s 27 (Procedure for suspending, cancelling, refusing to renew or imposing conditions on a licence)	330
601	Amendment of s 30 (Replacement licence)	330
602	Replacement of pt 7 (Appeals)	331
	Part 7 External review	
	82 Definition for pt 7	331
	83 Application for review by QCAT	331
603	Amendment of sch 2 (Dictionary)	331
Part 40	Amendment of Keno Act 1996	
604	Act amended	332
605	Amendment of s 101 (Directions to terminate affecting appointed agents)	332
606	Amendment of s 154E (Duration of exclusion direction)	332
607	Amendment of s 190 (Forfeiture of seized things)	332
608	Replacement of pt 11 (Appeals)	332
	Part 11 Reviews by tribunal	
	228 When keno licensees may apply for review	333
	229 When applicants for keno employee licences may apply for review	333
	230 When licensed keno employees may apply for review	333
	231 When keno agents may apply for review	333
	232 When keno subagents may apply for review	333
	233 When other persons may apply for review	334
	234 Tribunal to decide review on evidence before the chief executive	334
	235 Tribunal may give leave for review to be decided on new evidence in particular circumstances	335

Contents

	236	Appeals from tribunal only to Court of Appeal on a question of law	335
609		Omission of s 246 (Dealing with show cause notice)	336
610		Omission of s 248 (Appeals to Gaming Commission)	336
611		Amendment of sch 4 (Dictionary)	336
Part 41		Amendment of Keno Regulation 2007	
612		Regulation amended	337
613		Amendment of sch 3 (Fees)	337
Part 42		Amendment of Liquid Fuel Supply Act 1984	
614		Act amended	337
615		Amendment of s 5 (Interpretation)	337
616		Replacement of s 35 (Rights of appeal)	337
	35	Right of review	338
	35AA	Minister need not give information notice	338
617		Amendment of s 45 (Trade secrets)	339
618		Amendment of s 56 (Injunctions against Minister excluded)	339
Part 43		Amendment of Liquor Act 1992	
619		Act amended	340
620		Amendment of s 3 (Act's objects)	340
621		Amendment of s 4 (Definitions)	340
622		Replacement of pt 2, div 2 (Appeals to tribunal)	340
	Division 2	Review of decisions by tribunal	
	29A	Definitions.	340
	30	Who may apply for review of decisions	341
	31	Failure to notify about decision.	341
	32	Notification of review to interested persons	342
	33	Tribunal to decide review on evidence before the chief executive	342
	34	Tribunal may give leave for review to be decided on new evidence in particular circumstances	343
	35	Appeals from tribunal only to Court of Appeal on a question of law	344
623		Amendment of s 48 (Preservation of confidentiality)	344
624		Amendment of s 134C (Decision about relevant action relating to adult entertainment permit)	344
625		Amendment of s 137B (Notice to be given about chief executive's decision).	345
626		Amendment of s 137C (Urgent suspension)	345

627	Amendment of s 142P (Review decision)	345
628	Replacement of s 142T (Refusal to grant application)	345
	142T Refusal to grant application	345
629	Replacement of s 142X (Refusal to renew approval)	346
	142X Refusal to renew approval	346
630	Amendment of s 142ZE (Suspension or cancellation)	346
631	Amendment of s 208 (Payment of fees)	346
Part 44	Amendment of Liquor Regulation 2002	
632	Regulation amended	347
633	Amendment of s 8 (Obligation to conduct business at detached bottle shop if no appeal)	347
634	Amendment of s 9 (Obligation to conduct business at detached bottle shop after an appeal)	347
635	Amendment of s 13 (Decision by chief executive for application under s 12)	348
636	Amendment of s 15 (Decision by chief executive for application under s 14)	348
637	Amendment of s 18 (Decision by chief executive for application under s 17)	348
638	Amendment of s 22 (Decision by chief executive for application under s 21 other than application for an occasion approval)	349
639	Amendment of s 24 (Decision by chief executive for application under s 21 for an occasion approval)	349
640	Amendment of s 36K (Notice of reassessment of licence fee)	349
641	Amendment of pt 8, div 6, hdg (Appeal to tribunal about failure to pay licence fee)	350
642	Amendment of s 36M (Purpose of div 6)	350
643	Replacement of s 36N (Appeal about failure to pay licence fee or underpaid amount)	350
	36N Application to tribunal about failure to pay licence fee or underpaid amount	350
644	Amendment of s 36O (Powers of tribunal on appeal)	351
Part 45	Amendment of Lotteries Act 1997	
645	Act amended	353
646	Amendment of s 79 (Conditions for entering into agency agreement)	353
647	Amendment of s 88 (Directions to terminate affecting lottery agents)	353
648	Amendment of s 132AA (Former lottery operators)	353
649	Amendment of s 176 (Forfeiture)	354

Contents

650	Replacement of pt 10 (Appeals)	354
	Part 10 Review of decisions by tribunal	
214	When lottery operators may apply for review	354
215	When applicants for key person licences may apply for review	354
216	When licensees under key person licences may apply for review.	354
217	When lottery agents may apply for review	355
218	When other persons may apply for review	355
219	Tribunal to decide review on evidence before the chief executive	355
220	Tribunal may give leave for review to be decided on new evidence in particular circumstances	356
221	Appeals from tribunal only to Court of Appeal on a question of law	356
651	Omission of s 249 (Dealing with show cause notice)	357
652	Omission of s 251 (Appeals to Gaming Commission)	357
653	Amendment of sch 3 (Dictionary)	357
Part 46	Amendment of Lotteries Regulation 2007	
654	Regulation amended	358
655	Amendment of sch 3 (Fees)	358
Part 47	Amendment of Manufactured Homes (Residential Parks) Act 2003	
656	Act amended	358
657	Amendment of s 6 (Definitions)	358
658	Amendment of s 50 (Application to tribunal for order that park owner consent to assignment)	358
659	Amendment of s 134 (Appointments and authority)	359
660	Amendment of s 135 (Evidentiary aids)	359
661	Amendment of s 143 (Protection from liability)	359
662	Amendment of sch 2 (Dictionary)	359
Part 48	Amendment of Petroleum and Gas (Production and Safety) Act 2004	
663	Act amended	360
664	Amendment of s 774 (Dealing with forfeited things)	360
665	Amendment of s 817 (Who may apply for review)	360
666	Amendment of s 818 (Requirements for making application)	361
667	Amendment of s 819 (Stay of operation of original decision)	361

668	Amendment of s 820 (Review decision)	361
669	Amendment of s 821 (Review procedure)	362
670	Amendment of s 822 (Notice of review decision)	362
671	Amendment of ch 12, pt 2, hdg (Appeals)	363
672	Amendment of s 823 (Who may appeal)	363
673	Amendment of s 824 (Period to appeal)	364
674	Amendment of sch 1 (Reviews and appeals)	364
675	Amendment of sch 2 (Dictionary)	364
Part 49	Amendment of Plant Protection Act 1989	
676	Act amended	365
677	Amendment of s 21N (Decision on reconsideration)	365
678	Insertion of new pt 6, div 2A	365
	Division 2A Application for review by QCAT	
	21NA Review of particular decisions by QCAT	365
679	Amendment of s 21O (Right to appeal to the Magistrates Court)	366
680	Amendment of sch 2 (Dictionary)	366
Part 50	Amendment of Plant Protection Regulation 2002	
681	Regulation amended	367
682	Amendment of s 62 (Notice of decision and appeal)	367
Part 51	Amendment of Property Agents and Motor Dealers Act 2000	
683	Act amended	367
684	Amendment of s 70 (Amendment of licence conditions)	367
685	Amendment of s 101 (Amendment of registration certificate conditions)	367
686	Amendment of s 248 (Warrantor's failure to repair)	368
687	Amendment of s 249 (Applications for more than prescribed amount)	368
688	Amendment of s 324 (Warrantor's failure to repair)	369
689	Amendment of s 325 (Applications for more than prescribed amount)	369
690	Amendment of s 472 (General time limit for making claims)	370
691	Amendment of s 472A (Time limit for making particular claims relating to marketeering contraventions and non-investment residential property)	370
692	Amendment of s 476 (Dealing with claims that have not settled)	370
693	Amendment of s 481 (Deciding minor claims)	370
694	Replacement of s 482 (Notifying decision)	371

Contents

	482	Notifying decision	371
695		Amendment of s 483 (Party may ask tribunal to review chief executive's decision).	372
696		Amendment of s 484 (Chief executive's decision binds the parties)	372
697		Omission of s 485 (Registrar to fix hearing date and issue attendance notices)	372
698		Amendment of s 496 (Grounds for starting disciplinary proceedings)	372
699		Amendment of s 500B (How to start a proceeding)	373
700		Insertion of new ch 14, pt 5, div 2.	373
		Division 2 Proceedings involving a claim against the fund	
	512	Chief executive may make submissions.	373
	513	Application of QCAT Act, s 131	373
701		Amendment of ch 14, pt 5, div 6, hdg (Applications for summary order)	373
702		Replacement of s 527 (Application for summary order)	374
	527	Application for reimbursement order	374
703		Amendment of s 528 (Respondent to be advised of application for summary order).	375
704		Insertion of new ss 528B and 528BA.	375
	528B	Procedure before public examination starts	375
	528BA	Person must answer particular questions.	376
705		Amendment of s 529 (Orders tribunal may make on disciplinary charge hearing)	377
706		Insertion of new s 529A	378
	529A	Stopping contraventions.	378
707		Amendment of s 532 (Summary orders)	379
708		Insertion of new s 533 and ch 14, pt 5, div 11	379
	533	When tribunal order takes effect.	379
		Division 11 Chief executive's right of appeal	
	534	Appeal	380
709		Amendment of s 587 (Evidentiary provisions)	380
710		Amendment of sch 2 (Dictionary).	380
Part 52		Amendment of Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001	
711		Regulation amended	381
712		Amendment of schedule (Auctioneering Practice Code of Conduct)	381

Part 53	Amendment of Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001	
713	Regulation amended	381
714	Amendment of schedule (Commercial Agency Practice Code of Conduct)	382
Part 54	Amendment of Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001	
715	Regulation amended	382
716	Amendment of schedule (Motor Dealing Practice Code of Conduct)	382
Part 55	Amendment of Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001	
717	Regulation amended	383
718	Amendment of schedule (Property Developer Practice Code of Conduct)	383
Part 56	Amendment of Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001	
719	Regulation amended	383
720	Amendment of schedule (Real Estate Agency Practice Code of Conduct)	384
Part 57	Amendment of Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001	
721	Regulation amended	384
722	Amendment of schedule (Restricted Letting Agency Practice Code of Conduct)	384
Part 58	Amendment of Racing Act 2002	
723	Act amended	384
724	Replacement of ch 5 (Racing Appeals Tribunal)	385
	Chapter 5 Review of decisions by tribunal	
	150 Decisions that may be reviewed by the tribunal	385
	151 Decisions that may not be reviewed by the tribunal	386
	152 What happens if appeal committee refuses to hear or fails to decide an appeal.	386
	153 Tribunal to hear appeal within 28 days	387
	154 Constitution of tribunal	387
725	Replacement of ch 6, pt 3, div 6 (Appeals relating to eligibility certificates)	388

Contents

	Division 6	Review of decisions relating to eligibility certificates	
	242	Review by QCAT of decisions relating to eligibility certificates	388
726		Amendment of s 351 (Matters must be considered appropriate on grounds that are reasonable in the circumstances)	389
727		Amendment of s 355 (Regulation-making power)	389
728		Amendment of sch 3 (Dictionary)	389
Part 59		Amendment of Racing Regulation 2003	
729		Regulation amended	390
730		Omission of pt 4 (Matters about the Racing Appeals Tribunal) . .	390
731		Amendment of sch 3 (Fees)	390
Part 60		Amendment of Residential Services (Accreditation) Act 2002	
732		Act amended	391
733		Amendment of s 84 (Appointment)	391
734		Amendment of s 85 (Application to tribunal and basis for appointment)	391
735		Amendment of s 86 (Suitability and eligibility of proposed appointee)	391
736		Amendment of s 87 (Terms of appointment)	392
737		Amendment of s 88 (Notice to service provider about appointment)	392
738		Amendment of s 90 (Period of appointment)	392
739		Amendment of s 101 (Service provider who can not be located) .	393
740		Amendment of s 129 (Forfeiture of seized things)	393
741		Amendment of pt 10, hdg (Reviews and appeals)	393
742		Amendment of s 154 (Reviewable decisions)	393
743		Amendment of s 155 (Chief executive must give notice after making reviewable decision)	394
744		Replacement of pt 10, div 2, hdg (Review of decision)	394
745		Amendment of s 156 (Application for review)	394
746		Amendment of s 157 (Stay of operation of original decision) . . .	394
747		Amendment of s 158 (Review decision)	395
748		Replacement of pt 10, div 3 (Appeal against decision)	395
	Division 3	External review of decisions	
	159	External review of review decision	396
749		Amendment of s 177 (Matters arising under other Acts)	396

750	Amendment of sch 1, hdg (Reviewable decisions)	396
751	Amendment of sch 2 (Dictionary)	396
Part 61	Amendment of Retirement Villages Act 1999	
752	Act amended	397
753	Amendment of s 28 (Registration of retirement village scheme) .	397
754	Amendment of s 28A (Deregistration of retirement village scheme)	397
755	Replacement of ss 29–33.	397
	29 Application to QCAT for review	398
756	Omission of pt 10, div 1 (Preliminary)	398
757	Omission of ss 197 and 199.	398
758	Amendment of s 221 (Evidentiary provisions)	398
759	Omission of s 226 (Annual report on operation of Act)	398
760	Amendment of schedule (Dictionary)	399
Part 62	Amendment of Second-hand Dealers and Pawnbrokers Act 2003	
761	Act amended	399
762	Amendment of s 12 (Decision on application for a licence)	399
763	Amendment of s 15 (Decision on application for renewal or restoration of a licence)	400
764	Amendment of s 16 (Licence continues pending decision about renewal)	400
765	Amendment of s 17 (Licence continues pending decision about restoration)	400
766	Amendment of s 20 (Procedure for suspending, cancelling, refusing to renew or restore, or imposing conditions on a licence)	400
767	Amendment of s 25 (Change of authorised place)	400
768	Amendment of s 31 (Replacement of lost, stolen, destroyed or damaged licence)	401
769	Amendment of pt 6, hdg (General offences, legal proceedings and appeals)	401
770	Replacement of pt 6, div 3 (Appeals)	401
	Division 3 Review of decisions	
	107 Application for review of decisions by QCAT	401
771	Amendment of sch 3 (Dictionary)	402
Part 63	Amendment of Security Providers Act 1993	
772	Act amended	402
773	Amendment of s 14 (Decision on application)	402

Contents

774	Amendment of s 17 (Amendment of licence on application)	403
775	Amendment of s 18 (Amendment of licence by chief executive) .	403
776	Amendment of s 22 (Procedure for suspension, cancellation or refusal to renew)	403
777	Amendment of s 25 (Replacement licences)	404
778	Amendment of pt 2, div 6, hdg (Appeals against licence decisions)	404
779	Amendment of s 26 (Right to appeal to the Court)	404
780	Omission of ss 27–31	404
781	Amendment of sch 2 (Dictionary)	405
Part 64	Amendment of Stock Act 1915	
782	Act amended	405
783	Insertion of new ss 35B and 35C	405
	35B External review by QCAT	405
	35C Application of QCAT Act notice requirement	405
784	Amendment of s 36 (Appeals to Magistrates Courts)	406
785	Amendment of s 36A (Who may appeal to the District Court) . . .	406
786	Amendment of sch 2 (Dictionary)	406
Part 65	Amendment of Stock (Cattle Tick) Notice 2005	
787	Notice amended	407
788	Amendment of sch 2 (Dictionary)	407
Part 66	Amendment of Stock Identification Regulation 2005	
789	Regulation amended	407
790	Amendment of schedule (Dictionary)	407
Part 67	Amendment of Stock Regulation 1988	
791	Regulation amended	407
792	Amendment of sch 8 (Dictionary)	408
Part 68	Amendment of Timber Utilisation and Marketing Act 1987	
793	Act amended	408
794	Amendment of s 37 (Appeal)	408
Part 69	Amendment of Timber Utilisation and Marketing Regulation 1998	
795	Regulation amended	409
796	Amendment of s 9 (Prescribed time and manner for appeals—Act, s 37)	409
Part 70	Amendment of Tourism Services Act 2003	
797	Act amended	410

798	Amendment of s 17 (Registration may be granted or renewed on conditions)	410
799	Amendment of s 18 (Changing conditions of registration)	410
800	Amendment of s 21 (Decision on application)	410
801	Amendment of s 23 (Decision on application)	411
802	Amendment of s 24 (Registration continues pending decision about renewal)	411
803	Amendment of s 27 (Replacement of registration certificate)	411
804	Amendment of s 29 (Immediate suspension)	411
805	Amendment of s 56 (Forfeiture of seized thing)	411
806	Amendment of s 85 (Review by tribunal)	412
807	Amendment of pt 14, hdg (Transitional provision)	412
808	Amendment of sch 2 (Dictionary)	412
Part 71	Amendment of Trade Measurement Act 1990	
809	Act amended	413
810	Amendment of s 3 (Definitions)	413
811	Amendment of s 45 (Grounds for refusal)	413
812	Amendment of s 48 (Conditions may be imposed on licences)	413
813	Amendment of s 52B (If weighbridge no longer suitable for use as public weighbridge)	413
814	Amendment of s 54B (Application to change licence holders due to change of partnership)	414
815	Amendment of s 54C (Effect on licence of application under s 54B)	414
816	Amendment of s 55 (Order preventing employment of certain persons)	414
817	Amendment of s 58 (Taking of disciplinary action)	415
818	Replacement of pt 6, div 4, hdg (Appeals)	415
819	Amendment of s 59 (Rights of appeal)	415
Part 72	Amendment of Trade Measurement Administration Act 1990	
820	Act amended	416
821	Omission of pt 5 (Appeals)	416
Part 73	Amendment of Travel Agents Act 1988	
822	Act amended	416
823	Amendment of s 6 (Definitions)	416
824	Amendment of s 18 (Determination of application)	416
825	Amendment of s 25 (Determination of disciplinary measures by the commissioner)	417

Contents

826	Replacement of pt 3, div 3 (Appeals)	417
	Division 3 Review by QCAT of particular decisions	
26	Review of commissioner's decisions	417
26A	QCAT's power on review of particular decisions by the commissioner	418
27	Review of compensation scheme trustees' decisions about participation in the compensation scheme	419
27A	QCAT's power on review of particular compensation scheme trustees' decisions	420
28	Conducting and deciding reviews concurrently	420
827	Amendment of s 37 (Obligation of licensee to be a member of the compensation scheme)	420
828	Amendment of s 41 (Claims)	421
Part 74	Amendment of Veterinary Surgeons Act 1936 commencing on assent	
829	Act amended	421
830	Amendment of s 15G (Registrar of tribunal)	422
831	Amendment of schedule (Dictionary)	422
Part 75	Amendment of Veterinary Surgeons Act 1936 commencing by proclamation	
832	Act amended	422
833	Amendment of s 15 (Funds of board)	422
834	Replacement of pt 2A (The tribunal)	422
	Part 2A Tribunal proceedings	
15A	Jurisdiction	423
15B	Constitution of tribunal	423
15C	Matters tribunal must consider in making particular decisions	423
15D	Costs	424
835	Amendment of s 18 (Registration of veterinary surgeons)	425
836	Amendment of s 18A (Performance of certain acts by approved persons)	425
837	Amendment of s 19E (Special registration)	425
838	Amendment of s 22 (Investigation by board)	425
839	Amendment of s 22A (Board may punish)	426
840	Amendment of s 22B (Board to give notice of its intention to proceed pursuant to s 22A)	426

841	Amendment of s 22E (Orders of tribunal on charge of misconduct in a professional respect)	427
842	Amendment of s 22F (Misconduct in a professional respect).	427
843	Omission of s 22G (Initiation of proceedings)	427
844	Replacement of s 22H (Appeals)	427
	22H Review of particular decisions	428
845	Amendment of s 24 (Restoration of name)	428
846	Amendment of s 25 (Definitions for pt 4A)	428
847	Amendment of s 25O (Directing veterinary surgeon to practise veterinary science)	429
848	Omission of s 28 (Person not to be a member of both the board and the tribunal)	429
849	Amendment of s 29B (Allowances and expenses)	429
850	Amendment of s 32 (Evidence)	429
851	Amendment of s 33A (Reports)	430
852	Amendment of s 33D (Power of entry etc.)	430
853	Amendment of s 37 (Regulation-making power)	430
854	Amendment of schedule (Dictionary)	430
Part 76	Amendment of Wagering Act 1998	
855	Act amended	431
856	Amendment of s 216E (Duration of exclusion direction)	431
857	Amendment of s 255 (Forfeiture)	431
858	Replacement of pt 14, hdg (Appeals and reviews)	431
859	Replacement of pt 14, div 1 (Appeals)	431
	Division 1 Applications for review of decisions by tribunal	
	291 When authority operators may apply for review	432
	292 When licence operators may apply for review	432
	293 When applicants for key person licences may apply for review	432
	294 When key person licensees may apply for review	432
	295 When wagering agents may apply for review	433
	296 When owner of things seized may apply for review	433
	297 When other persons may apply for review	433
	298 Tribunal to decide review on evidence before the chief executive	434
	299 Tribunal may give leave for review to be decided on new evidence in particular circumstances	434

Contents

	300	Appeals from tribunal only to Court of Appeal on a question of law	435
860		Amendment of pt 14, div 2, hdg (Reviews)	436
861		Omission of s 331 (Dealing with show cause notice)	436
862		Omission of s 333 (Appeals to Gaming Commission)	436
863		Amendment of sch 2 (Dictionary)	436
Part 77		Amendment of Wagering Regulation 1999	
864		Regulation amended	437
865		Omission of s 15 (Registrar—Act, sch 2)	437
866		Amendment of sch 3 (Fees)	437
Part 78		Amendment of Wine Industry Act 1994	
867		Act amended	437
868		Amendment of s 28 (Procedure for variation, suspension or cancellation)	437
869		Replacement of pt 2, div 11, hdg (Appeals)	438
870		Amendment of s 33 (Appeals against decisions of chief executive)	438
Part 79		Amendment of Wine Industry Regulation 1995	
871		Regulation amended	438
872		Amendment of s 11 (Requirements of submission by petition) . .	438
Chapter 6		Department of Environment and Resource Management	
Part 1		Amendment of Land Protection (Pest and Stock Route Management) Act 2002	
873		Act amended	439
874		Amendment of s 161 (Overgrazing on stock route network)	439
875		Replacement of ch 9 (Appeals)	440
		Chapter 9 Review of decisions by QCAT	
	296	Who may apply for review by QCAT	440
876		Amendment of sch 1 (Appealable decisions and aggrieved persons)	440
877		Amendment of sch 3 (Dictionary)	441
Part 2		Amendment of Marine Parks Act 2004	
878		Act amended	441
879		Amendment of s 93 (Compliance notice)	441
880		Amendment of s 101 (Removal notice)	442
881		Amendment of s 104 (Removal notice)	442
882		Replacement of pt 8, hdg (Appeals and review)	442

883	Amendment of s 117 (Appeal against particular decisions must be by way of internal review or ADR process)	442
884	Amendment of s 119 (Review decision)	443
885	Amendment of s 120 (Stay of operation of original decision)	443
886	Replacement of pt 8, div 3 (Appeals to Magistrates Court)	444
	Division 3 External reviews by QCAT	
	121 Who may apply for external review	444
887	Amendment of schedule (Dictionary)	444
Part 3	Amendment of Marine Parks Regulation 2006	
888	Regulation amended	445
889	Replacement of pt 8, hdg (Review and appeal provisions)	445
890	Replacement of s 147 (Appeal process starts with internal review)	445
	147 Internal review process before external review	445
891	Amendment of s 148 (Applying for an internal review)	445
892	Amendment of s 149 (Review decision)	446
893	Amendment of s 150 (Stay of operation of appealable decision)	447
894	Replacement of pt 8, div 3 (Appeals)	448
	Division 3 External reviews by QCAT	
	151 Who may apply for external review	448
	152 Extending time for application	448
895	Amendment of sch 6 (Dictionary)	448
Part 4	Amendment of Nature Conservation Act 1992	
896	Act amended	450
897	Insertion of new pt 10, div 4	450
	Division 4 Stay of decisions by QCAT	
	173OA Limitation on stays granted by QCAT for particular decisions	450
Part 5	Amendment of Nature Conservation (Administration) Regulation 2006	
898	Regulation amended	450
899	Replacement of pt 4, hdg (Review and appeal provisions)	451
900	Replacement of s 99 (Appeal process starts with internal review)	451
	99 Internal review process before external review	451
901	Amendment of s 100 (Applying for an internal review)	451
902	Amendment of s 101 (Review decision)	451
903	Amendment of s 102 (Stay of operation of appellable decision)	452

Contents

904	Replacement of pt 4, div 3 (Appeals)	453
	Division 3 External reviews by QCAT	
	103 Who may apply for external review	454
905	Amendment of sch 7 (Dictionary)	454
Part 6	Amendment of Queensland Heritage Act 1992	
906	Act amended	455
907	Replacement of s 97 (Notice about decision)	455
	97 Notice about decision	455
908	Replacement of pt 9, div 2, sdiv 3 (Appeals)	456
	Subdivision 3 External reviews by QCAT	
	98 External review of compensation decisions	456
Part 7	Amendment of Recreation Areas Management Act 2006	
909	Act amended	456
910	Replacement of s 206 (Appeal process starts with internal review)	456
	206 Internal review process before external review	457
911	Amendment of s 207 (Applying for an internal review)	457
912	Amendment of s 208 (Review decision)	457
913	Amendment of s 209 (Stay of operation of appellable decision)	458
914	Replacement of pt 9, div 4 (Appeals)	459
	Division 4 External reviews by QCAT	
	210 Who may apply for external review	459
915	Amendment of schedule (Dictionary)	459
Part 8	Amendment of Surveyors Act 2003	
916	Act amended	460
917	Amendment of s 9 (Functions of board)	460
918	Amendment of s 53 (Failure to decide application)	460
919	Amendment of s 58 (Failure to decide application)	461
920	Amendment of s 89 (Board's decision on investigation)	461
921	Omission of s 93 (Disciplinary action by disciplinary committee)	461
922	Amendment of pt 6, hdg (Surveyors disciplinary committee)	461
923	Replacement of pt 6, divs 1–4	462
	94 Jurisdiction of QCAT	462
924	Omission of pt 6, divs 5–7, hdgs	462
925	Amendment of s 118 (Decision about whether ground for disciplinary action is established)	462

926	Amendment of s 119 (Decision about disciplinary action against registrant, other than former registrant)	463
927	Amendment of s 120 (Decision about disciplinary action against former registrant)	463
928	Amendment of s 121 (Matters disciplinary committee must consider in making decision about disciplinary action)	463
929	Amendment of s 122 (Disciplinary committee's power to order costs)	464
930	Omission of s 123 (Notification of disciplinary committee's decision)	464
931	Amendment of s 124 (Board may notify other persons)	464
932	Omission of ss 125 and 126	465
933	Amendment of s 127 (Disciplinary action to be recorded in register)	465
934	Amendment of s 140 (Entry with consent)	465
935	Replacement of pts 8 and 9	466
	Part 8 Review of decisions by QCAT	
	163 Who may apply for review	466
936	Omission of sch 1 (Decisions for which information notices must be given)	466
937	Amendment of sch 3 (Dictionary)	466
Part 9	Amendment of Valuers Registration Act 1992	
938	Act amended	467
939	Amendment of s 3 (Definitions)	467
940	Amendment of s 12 (Removal from office)	467
941	Amendment of s 33 (Notice of board's decision)	468
942	Amendment of s 39 (Cancellation of registration)	468
943	Amendment of s 40 (Restoration of registration after removal under s 37)	468
944	Amendment of s 42D (Refusal of application)	468
945	Amendment of s 42GA (Removal from list of specialist retail valuers)	469
946	Amendment of s 42H, hdg (Disciplinary charges against specialist retail valuers)	469
947	Replacement of ss 50–58	469
	50 Disciplinary proceedings	469
	51 Board may take disciplinary action	470
	52 Notice of intention to take disciplinary action	470

Contents

948	Amendment of s 59 (Committee may order cancellation of registration, etc.)	471
949	Amendment of s 61 (Appeals)	472
950	Amendment of s 64 (Proceedings on behalf of board)	473
951	Insertion of new pt 6, div 4	473
	Division 4 Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	78 Effect of charge laid under previous section 50	473
Part 10	Amendment of Vegetation Management Act 1999	
952	Act amended	474
953	Amendment of s 55 (Compliance notice)	474
954	Amendment of pt 4, hdg (Appeals and legal proceedings)	474
955	Replacement of pt 4, div 1 (Appeals)	474
	Division 1 Review of decisions by QCAT	
	62 Who may apply for review	474
956	Amendment of schedule (Dictionary)	475
Part 11	Amendment of Water Act 2000	
957	Act amended	475
958	Omission of s 778 (When regulator may give a show cause notice)	475
959	Amendment of s 781 (General requirements for compliance notices)	475
960	Amendment of s 861 (Appeal process starts with internal review)	476
961	Amendment of s 864 (Review decision)	476
962	Amendment of s 865 (Stay of operation of original decision)	477
963	Amendment of ch 6, pt 3, hdg (Appeals)	478
964	Amendment of s 877 (Who may appeal)	478
965	Amendment of s 878 (Starting an appeal)	479
966	Amendment of s 879 (Staying operation of review decision)	479
967	Amendment of sch 4 (Dictionary)	479
Part 12	Amendment of Water Supply (Safety and Reliability) Act 2008	
968	Act amended	480
969	Amendment of s 466 (Compliance notice)	480
970	Replacement of s 511 (Appeal process starts with review)	480

	511	Appeal or external review process starts with internal review	480
971		Amendment of s 512 (Who may apply for review)	481
972		Amendment of s 513 (Requirements for making review application)	481
973		Amendment of s 514 (Review decision)	481
974		Amendment of s 515 (Notice of review decision)	482
975		Amendment of s 516 (Stay of operation of original decision)	483
976		Replacement of ch 7, pt 3, hdg (Appeals)	484
977		Amendment of s 517 (Who may appeal)	484
978		Amendment of s 518 (Starting an appeal)	485
979		Amendment of s 519 (Stay of operation of review decision)	485
980		Amendment of s 524 (Who may apply for arbitration)	486
981		Insertion of new s 524A	486
	524A	Stay of operation of review decision	486
982		Amendment of sch 3 (Dictionary)	486
Chapter 7	Department of Health		
Part 1	Amendment of Chiropractors Registration Act 2001		
983		Act amended	487
984		Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	488
985		Amendment of s 49 (Use of assessment report)	488
986		Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	488
987		Amendment of s 89 (How registrant may start a review)	488
988		Amendment of s 162 (Dealing with forfeited things etc.)	488
989		Replacement of pt 6 (Appeals)	489
	Part 6	Reviews by QCAT	
	176	Who may apply for a review	489
	177	Particular matters relating to powers of QCAT	489
990		Amendment of sch 4 (Dictionary)	490
Part 2	Amendment of Dental Practitioners Registration Act 2001		
991		Act amended	490
992		Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	491
993		Amendment of s 49 (Use of assessment report)	491

Contents

994	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	491
995	Amendment of s 89 (How registrant may start a review)	491
996	Amendment of s 184 (Dealing with forfeited things etc.)	491
997	Replacement of pt 6 (Appeals)	492
	Part 6 Reviews by QCAT	
	198 Who may apply for a review	492
	199 Particular matters relating to powers of QCAT	492
998	Amendment of sch 4 (Dictionary)	493
Part 3	Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001	
999	Act amended	493
1000	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	494
1001	Amendment of s 49 (Use of assessment report)	494
1002	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	494
1003	Amendment of s 90 (How registrant may start a review)	494
1004	Amendment of s 166 (Dealing with forfeited things etc.)	494
1005	Replacement of pt 6 (Appeals)	495
	Part 6 Reviews by QCAT	
	180 Who may apply for a review	495
	181 Particular matters relating to powers of QCAT	495
1006	Amendment of sch 4 (Dictionary)	496
Part 4	Amendment of Food Act 2006	
1007	Act amended	496
1008	Amendment of s 193 (Forfeiture of seized things)	496
1009	Amendment of 220 (Compensation)	497
1010	Amendment of ch 9, hdg (Reviews and appeals)	497
1011	Amendment of s 236 (Appeal process starts with internal review)	497
1012	Amendment of s 239 (Review decision)	497
1013	Omission of s 240 (Stay of operation of decision)	498
1014	Replacement of ch 9, pt 2, hdg (Appeals)	498
1015	Amendment of s 241 (Who may appeal)	498
1016	Omission of ss 242–246	499
1017	Amendment of s 258 (Dealing with forfeited thing)	499

1018	Amendment of sch 3 (Dictionary)	499
Part 5	Amendment of Health (Drugs and Poisons) Regulation 1996	
1019	Regulation amended	500
1020	Amendment of s 18 (How chief executive may deal with applications)	500
1021	Amendment of s 24 (Procedure for suspension or cancellation of endorsement)	501
1022	Amendment of s 25 (Urgent suspension or cancellation of endorsement)	501
1023	Amendment of s 25A (Urgent cancellation of certain approvals)	502
1024	Amendment of s 27 (Replacement of endorsement)	502
1025	Amendment of s 28 (Amendment of endorsement on application)	502
1026	Amendment of s 29 (Amendment of endorsement without application)	502
1027	Replacement of ch 1, pt 6, hdg (Appeals)	503
1028	Amendment of s 33 (Decisions open to appeal)	503
1029	Omission of ss 34–39.	504
1030	Amendment of appendix 9 (Dictionary)	504
Part 6	Amendment of Health Practitioners (Professional Standards) Act 1999	
1031	Act amended	504
1032	Amendment of s 10 (Purposes of pt 2).	504
1033	Replacement of pt 2, div 4, hdg (Health Practitioners Tribunal)	505
1034	Replacement of pt 2, div 4, sdiv 1 (Establishment and membership of tribunal)	505
	Subdivision 1 Constitution of tribunal	
	26 Constitution	505
1035	Amendment of s 30 (Functions)	505
1036	Amendment of s 31 (Assessors to assist tribunal)	506
1037	Amendment of s 32 (Restrictions on appointment of assessors).	506
1038	Amendment of s 33 (Board must advise registrar of specialist and technical issues)	506
1039	Omission of pt 2, div 4, sdiv 4 (Registrar of tribunal)	506
1040	Amendment of s 42 (Procedure for recommending members of panels of assessors)	506
1041	Amendment of s 59 (Immediate suspension or imposition of conditions on registration)	507

Contents

1042	Amendment of s 126 (How disciplinary proceedings may be started)	507
1043	Amendment of s 205 (Notification of decision of panel)	507
1044	Replacement of pt 6, div 6, hdg (Health Practitioners Tribunal) . .	508
1045	Amendment of s 211 (Tribunal's jurisdiction)	508
1046	Amendment of s 212 (Additional disciplinary matters)	508
1047	Replacement of s 213 (Chairperson to allocate matters)	508
	213 President to choose assessors	508
1048	Amendment of s 215 (Notice of intention to conduct hearing) . . .	509
1049	Omission of s 216 (Substituted service on registrant and complainant)	509
1050	Replacement of s 217 (Directions conference)	509
	217 Compulsory conference	509
1051	Replacement of s 219 (Procedure for hearing by tribunal)	509
	219 Procedure for hearing by tribunal	509
1052	Omission of ss 220 and 221	510
1053	Replacement of s 222 (Hearing to be held in public)	510
	222 Hearing of impairment matter	510
1054	Omission of ss 223 and 224	511
1055	Replacement of s 225 (Attendance and right of appearance) . . .	511
	225 Attendance	511
1056	Replacement of s 227 (Questions to be decided by constituting member)	511
	227 Member may have regard to assessor's views	511
1057	Omission of s 227A (Procedure if tribunal member unable to hear matter)	511
1058	Replacement of s 228 (Procedure if tribunal member absent etc.)	512
	228 Procedure if member or assessor unable to take part in proceedings	512
1059	Omission of ss 229 and 230	512
1060	Amendment of s 231 (Interim orders)	512
1061	Omission of s 232 (Inspection of things)	513
1062	Omission of ss 234 and 235	513
1063	Omission of pt 6, div 6, sdiv 3 (Contempt of tribunal)	513
1064	Amendment of s 245 (Notification of decision of tribunal)	513
1065	Amendment of s 249 (Consequences if other disciplinary action while suspended decision)	514

1066	Amendment of s 251 (Tribunal must give notice)	514
1067	Omission of s 252 (Effect of tribunal's decision).	514
1068	Amendment of s 253 (Implementation of decisions)	514
1069	Omission of ss 256–259.	514
1070	Amendment of s 261 (Board may notify other entities)	515
1071	Amendment of s 263 (Records to be kept and made publicly available)	515
1072	Amendment of s 301 (Notification of board's decision)	515
1073	Amendment of s 305 (Conditions or order in force until further decision made).	515
1074	Amendment of s 311 (Board may take action on basis of foreign law)	516
1075	Amendment of s 314 (Purposes of pt 9).	516
1076	Amendment of s 316 (Who may have conditions reviewed).	516
1077	Amendment of pt 9, div 3, hdg (Appeals to tribunal)	516
1078	Amendment of s 325 (Appealable decisions for tribunal)	517
1079	Replacement of ss 326–336.	517
	326 Who may apply for review	517
	327 Notice to be given to commission.	517
	328 Review of decision under s 59(2)	518
	329 Panel making decision under s 324 not a party	518
	330 Reviews by hearing	518
	331 Powers of tribunal on review.	518
1080	Amendment of s 337 (Decisions that may be reviewed)	520
1081	Amendment of s 338 (Who may have decision reviewed)	520
1082	Replacement of ss 339 and 340.	520
	339 Application for review	520
	340 Registrar to give copy of application to particular persons	521
1083	Omission of ss 341 and 342.	521
1084	Amendment of s 343 (Review by hearing)	521
1085	Omission of s 344 (Review by written submissions)	522
1086	Amendment of s 345 (Powers of tribunal on review)	522
1087	Omission of ss 348 and 349.	522
1088	Amendment of s 350 (Appellant to give notice of appeal to particular persons)	522
1089	Omission of ss 351 and 352.	522

Contents

1090	Replacement of s 353 (Powers of court on appeal)	523
	353 Court's decision may be tribunal review decision	523
1091	Amendment of s 367B (Appointments and authority).	523
1092	Amendment of s 392 (Confidentiality)	523
1093	Amendment of s 394 (Board etc. may give combined notice)	523
1094	Amendment of s 395 (Notices if complainant has not revealed identity)	524
1095	Amendment of s 397 (Forms).	524
1096	Amendment of schedule (Dictionary).	524
Part 7	Amendment of Health Quality and Complaints Commission Act 2006	
1097	Act amended	525
1098	Amendment of s 190 (Commission may intervene in disciplinary proceedings)	525
1099	Amendment of sch 5 (Dictionary).	526
Part 8	Amendment of Medical Practitioners Registration Act 2001	
1100	Act amended	526
1101	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	526
1102	Amendment of s 49 (Use of assessment report)	527
1103	Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	527
1104	Amendment of s 99 (How registrant may start a review)	527
1105	Amendment of s 223 (Dealing with forfeited things etc.)	527
1106	Replacement of pt 7 (Appeals).	527
	Part 7 Reviews by QCAT	
	237 Who may apply for a review	528
	238 Particular matters relating to powers of QCAT	528
1107	Amendment of sch 3 (Dictionary).	528
Part 9	Amendment of Medical Radiation Technologists Registration Act 2001	
1108	Act amended	529
1109	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	529
1110	Amendment of s 49 (Use of assessment report)	530
1111	Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	530

1112	Amendment of s 103 (How registrant may start a review)	530
1113	Amendment of s 177 (Dealing with forfeited things etc.)	530
1114	Replacement of pt 6 (Appeals)	530
	Part 6 Reviews by QCAT	
	191 Who may apply for a review	531
	192 Particular matters relating to powers of QCAT	531
1115	Amendment of sch 3 (Dictionary)	531
Part 10	Amendment of Medical Radiation Technologists Registration Regulation 2002	
1116	Regulation amended	532
1117	Replacement of pt 4 (Appeals)	532
	Part 4 Reviews	
	50 Application for review	532
1118	Amendment of sch 4 (Dictionary)	533
Part 11	Amendment of Nursing Act 1992	
1119	Act amended	533
1120	Amendment of s 4 (Definitions)	533
1121	Amendment of s 42A (Minister's power to give directions)	534
1122	Amendment of s 67 (Immediate suspension of registration or enrolment by council)	534
1123	Amendment of s 78 (Definitions for pt 4)	534
1124	Replacement of pt 5, div 1, hdg (Nursing Tribunal)	535
1125	Omission of s 84 (Continuation of Professional Conduct Committee under the name Nursing Tribunal)	535
1126	Amendment of s 85 (Tribunal's functions)	535
1127	Replacement of ss 86–98.	536
	86 Tribunal's constitution	536
	Division 1A Assessors	
	Subdivision 1 Use of assessors in a hearing	
	87 Assessors to assist tribunal	536
	88 Restrictions on appointment of assessors	537
	89 Council must advise president of specialist and technical issues	537
	90 Functions and powers of assessors	538
	91 Payment of assessors	538
	Subdivision 2 Professional panel of assessors	
	92 Establishment of professional panel of assessors	538

Contents

	93	Appointment of individuals to panel	539
	94	Disqualification from membership of panel	539
	95	Procedure for recommending members of panels of assessors	540
	96	Duration of appointment	541
	97	Conditions of appointment	541
	98	Vacation of office	542
1128		Replacement of s 104 (Referral of charge to tribunal)	542
	104	Referral of disciplinary matter to tribunal	542
1129		Omission of ss 105–113	543
1130		Amendment of s 114 (Health assessment)	543
1131		Omission of s 115 (Determinations of questions before tribunal)	543
1132		Amendment of s 116 (Action by tribunal)	543
1133		Amendment of s 117 (Effect of tribunal’s orders)	544
1134		Replacement of s 118 (Notification of tribunal’s orders and reasons)	544
	118	Notification of tribunal’s decision	544
1135		Replacement of pt 8, div 1, hdg (Appeals)	544
1136		Amendment of s 137 (Appeals)	545
1137		Amendment of s 138 (Holders of office to act honestly and with propriety)	545
1138		Amendment of s 139 (Confidentiality of documents and information)	546
1139		Amendment of s 139A (Executive officer or council may notify Commissioner for Children and Young People and Child Guardian about particular information)	546
1140		Amendment of s 148 (Regulation-making power)	546
Part 12		Amendment of Nursing Regulation 2005	
1141		Regulation amended	546
1142		Omission of s 16 and pt 4	547
Part 13		Amendment of Occupational Therapists Registration Act 2001	
1143		Act amended	547
1144		Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	547
1145		Amendment of s 49 (Use of assessment report)	547
1146		Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	547

1147	Amendment of s 89 (How registrant may start a review)	548
1148	Amendment of s 162 (Dealing with forfeited things etc.)	548
1149	Replacement of pt 6 (Appeals)	548
	Part 6 Reviews by QCAT	
176	Who may apply for a review	548
177	Particular matters relating to powers of QCAT	549
1150	Amendment of sch 3 (Dictionary)	549
Part 14	Amendment of Optometrists Registration Act 2001	
1151	Act amended	550
1152	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	550
1153	Amendment of s 49 (Use of assessment report)	550
1154	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	550
1155	Amendment of s 89 (How registrant may start a review)	551
1156	Amendment of s 162 (Dealing with forfeited things etc.)	551
1157	Replacement of pt 6 (Appeals)	551
	Part 6 Reviews by QCAT	
176	Who may apply for a review	551
177	Particular matters relating to powers of QCAT	552
1158	Amendment of sch 4 (Dictionary)	552
Part 15	Amendment of Osteopaths Registration Act 2001	
1159	Act amended	553
1160	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	553
1161	Amendment of s 49 (Use of assessment report)	553
1162	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	553
1163	Amendment of s 89 (How registrant may start a review)	554
1164	Amendment of s 162 (Dealing with forfeited things etc.)	554
1165	Replacement of pt 6 (Appeals)	554
	Part 6 Reviews by QCAT	
176	Who may apply for a review	554
177	Particular matters relating to powers of QCAT	555
1166	Amendment of sch 2 (Dictionary)	555

Contents

Part 16	Amendment of Pest Management Act 2001	
1167	Act amended	556
1168	Amendment of s 14 (Suitability of person to hold licence)	556
1169	Amendment of s 17 (Use of assessment report)	556
1170	Amendment of s 80 (Dealing with forfeited things etc.)	556
1171	Amendment of pt 4, hdg (Reviews and appeals)	557
1172	Amendment of s 103 (Appeal process starts with internal review)	557
1173	Amendment of s 106 (Review decision)	557
1174	Omission of s 107 (Stay of operation of decision)	558
1175	Replacement of pt 4, div 2, hdg (Appeals)	558
1176	Amendment of s 108 (Who may appeal)	558
1177	Omission of ss 109–113.	559
1178	Amendment of sch 3 (Dictionary)	559
Part 17	Amendment of Pharmacists Registration Act 2001	
1179	Act amended	559
1180	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	559
1181	Amendment of s 53 (Use of assessment report)	560
1182	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	560
1183	Amendment of s 93 (How registrant may start a review)	560
1184	Amendment of s 167 (Dealing with forfeited things etc.)	560
1185	Replacement of pt 6 (Appeals)	560
	Part 6 Reviews by QCAT	
	181 Who may apply for a review	561
	182 Particular matters relating to powers of QCAT	561
1186	Amendment of sch 4 (Dictionary)	561
Part 18	Amendment of Physiotherapists Registration Act 2001	
1187	Act amended	562
1188	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	562
1189	Amendment of s 49 (Use of assessment report)	563
1190	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	563
1191	Amendment of s 89 (How registrant may start a review)	563

1192	Amendment of s 162 (Dealing with forfeited things etc.)	563
1193	Replacement of pt 6 (Appeals)	563
	Part 6 Reviews by QCAT	
	176 Who may apply for a review	564
	177 Certain matters relating to powers of QCAT	564
1194	Amendment of sch 4 (Dictionary)	564
Part 19	Amendment of Podiatrists Registration Act 2001	
1195	Act amended	565
1196	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	565
1197	Amendment of s 49 (Use of assessment report)	565
1198	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	566
1199	Amendment of s 89 (How registrant may start a review)	566
1200	Amendment of s 162 (Dealing with forfeited things etc.)	566
1201	Replacement of pt 6 (Appeals)	566
	Part 6 Reviews by QCAT	
	176 Who may apply for a review	566
	177 Particular matters relating to powers of QCAT	567
1202	Amendment of sch 4 (Dictionary)	567
Part 20	Amendment of Private Health Facilities Act 1999	
1203	Act amended	568
1204	Amendment of s 111 (Dealing with forfeited things)	568
1205	Amendment of pt 9, hdg (Reviews and appeals)	568
1206	Replacement of pt 9, div 1, hdg (Reviews)	568
1207	Amendment of s 126 (Appeal process starts with internal review)	569
1208	Amendment of s 129 (Review decision)	569
1209	Omission of s 130 (Stay of operation of decision)	570
1210	Replacement of pt 9, div 2, hdg (Appeals)	570
1211	Amendment of s 131 (Who may appeal)	570
1212	Omission of ss 132–136	570
1213	Amendment of sch 3 (Dictionary)	570
Part 21	Amendment of Psychologists Registration Act 2001	
1214	Act amended	571

Contents

1215	Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	571
1216	Amendment of s 49 (Use of assessment report)	571
1217	Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	571
1218	Amendment of s 104 (How registrant may start a review)	571
1219	Amendment of s 178 (Dealing with forfeited things etc.)	572
1220	Replacement of pt 6 (Appeals)	572
	Part 6 Reviews by QCAT	
	192 Who may apply for a review	572
	193 Particular matters relating to powers of QCAT	572
1221	Amendment of sch 3 (Dictionary)	573
Part 22	Amendment of Psychologists Registration Regulation 2002	
1222	Regulation amended	574
1223	Replacement of pt 4 (Appeals)	574
	Part 4 Reviews	
	49 Application for review	574
1224	Amendment of sch 3 (Dictionary)	574
Part 23	Amendment of Public Health Act 2005	
1225	Act amended	575
1226	Replacement of ch 5, pt 2, div 5 (Appeals against order to close school or child care service)	575
	Division 5 Review of order to close school or child care service	
	182 Review of Minister’s order to close school or child care service	575
1227	Replacement of s 371 (Notice about decision)	575
	371 Notice about decision	575
1228	Replacement of s 372 (Who may appeal)	576
	372 Review of decision	576
1229	Omission of ss 373–375	576
Part 24	Amendment of Public Health (Infection Control for Personal Appearance Services) Act 2003	
1230	Act amended	576
1231	Amendment of pt 7, hdg (Reviews and appeals)	577
1232	Amendment of s 119 (Appeal process starts with internal review)	577

1233	Amendment of s 122 (Review decision)	577
1234	Omission of s 123 (Stay of operation of decision)	578
1235	Replacement of pt 7, div 2, hdg (Appeals)	578
1236	Amendment of s 124 (Who may appeal)	578
1237	Omission of ss 125–130.	578
1238	Amendment of sch 2 (Dictionary)	579
Part 25	Amendment of Radiation Safety Act 1999	
1239	Act amended	579
1240	Amendment of s 136 (Dealing with forfeited things etc.)	579
1241	Amendment of pt 10, hdg (Reviews and appeals)	579
1242	Amendment of s 182 (Appeal process starts with internal review)	580
1243	Amendment of s 186 (Review decision)	580
1244	Omission of s 187 (Stay of operation of decision)	581
1245	Replacement of pt 10, div 2, hdg (Appeals)	581
1246	Amendment of s 188 (Who may appeal)	581
1247	Omission of ss 189–194.	581
1248	Amendment of sch 2 (Dictionary)	581
Part 26	Amendment of Speech Pathologists Registration Act 2001	
1249	Act amended	582
1250	Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)	582
1251	Amendment of s 49 (Use of assessment report)	582
1252	Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)	582
1253	Amendment of s 89 (How registrant may start a review)	583
1254	Amendment of s 162 (Dealing with forfeited things etc.)	583
1255	Replacement of pt 6 (Appeals)	583
	Part 6 Reviews by QCAT	
	176 Who may apply for a review	583
	177 Particular matters relating to powers of QCAT	584
1256	Amendment of sch 3 (Dictionary)	584
Chapter 8	Department of Infrastructure and Planning	
Part 1	Amendment of Animal Management (Cats and Dogs) Act 2008	
1257	Act amended	585

Contents

1258	Amendment of s 127 (Power to destroy seized regulated dog) . . .	585
1259	Amendment of s 131 (Return of regulated dog to registered owner)	586
1260	Amendment of ch 8, hdg (Reviews and appeals)	586
1261	Amendment of ch 8, pt 1, hdg (Review of decisions)	586
1262	Replacement of s 180 (Appeal process starts with review)	587
	180 Internal review process before external review	587
1263	Amendment of s 181 (Who may apply for review)	587
1264	Amendment of s 184 (Stay of operation of original decision)	587
1265	Amendment of s 185 (PID review decision)	588
1266	Amendment of s 186 (Other review decisions)	588
1267	Amendment of s 187 (Notice of PID decision or review decision)	589
1268	Replacement of ch 8, pt 2 (Appeals)	590
	Part 2 External reviews	
	188 Who may apply for external review	590
	189 Condition on stay granted by QCAT for particular decisions	590
1269	Amendment of sch 2 (Dictionary)	591
Part 2	Amendment of Building Act 1975	
1270	Act amended	591
1271	Amendment of s 171 (Power to amend, cancel or suspend licence)	591
1272	Amendment of s 179 (Register of building certifiers)	592
1273	Amendment of s 189 (Appeals to Commercial and Consumer Tribunal about decisions under pt 3)	592
1274	Amendment of s 204 (Decision after investigation or audit completed)	592
1275	Amendment of s 205 (Review of BSA's decision)	593
1276	Amendment of s 206 (Show cause notice)	593
1277	Amendment of s 207 (Representations and decision)	593
1278	Amendment of s 208 (Commercial and Consumer Tribunal may conduct disciplinary proceeding)	593
1279	Replacement of s 209 (Application of Tribunal Act to disciplinary proceeding)	594
	209 Constitution of tribunal for disciplinary proceeding . . .	594
1280	Amendment of s 210 (Notification of disciplinary proceeding) . . .	594
1281	Amendment of s 211 (Orders relating to current building certifier)	595

1282	Amendment of s 212 (Orders relating to former building certifier)	595
1283	Amendment of s 213 (Consequences of failure to comply with Commercial and Consumer Tribunal's orders and directions) . . .	595
1284	Amendment of s 214 (Recording details of orders)	596
1285	Amendment of sch 2 (Dictionary)	596
Part 3	Amendment of Local Government Act 1993	
1286	Act amended	597
1287	Amendment of s 939 (Decision on application for permission) . .	597
1288	Amendment of s 940 (Issue of permit)	597
1289	Replacement of ch 13, pt 5, div 3 (Appeals)	598
	Division 3 Review by QCAT	
	942 Who may apply for review	598
1290	Amendment of s 996 (Amendment of land record)	598
1291	Replacement of ch 14, pt 4, div 2 (Appeal against amendment of land record)	598
	Division 2 Review of decisions by QCAT to amend land record	
	999 Who may apply for review	599
	1000 Powers of QCAT on review	599
1292	Amendment of s 1130 (Personnel practices)	599
1293	Insertion of new ch 16, pt 3A	599
	Part 3A Equal opportunity of employment	
	Division 1 Purpose of part and related matters	
	1137A Purpose and role of EEO	599
	1137B How purpose is to be achieved	600
	1137C Merit principle reinforced	601
	1137D Exemption from compliance with this part	601
	Division 2 Development of equal employment opportunity management plan	
	1137E Local government to develop EEO management plan	601
	Division 3 Implementation of plan	
	1137F Local government to give effect to EEO management plan	602
	1137G Employment powers to be exercised having regard to EEO management plan	602
	Division 4 Supervision by chief executive	
	1137H Chief executive may take action if dissatisfied with EEO management	602

Contents

	1137I	Local government to comply with recommendation unless chief executive notified	603
	1137J	Chief executive's power if local government does not act or give satisfactory reasons	603
	Division 5	Supervision by QCAT	
	1137K	QCAT's powers for an investigation	604
	1137L	End of reference.	604
	1137M	Recommendation may be to amend EEO management plan	604
	1137N	Local government to comply with recommendation	605
	Division 6	Tabling of reports and review of division	
	1137O	Minister may table report	605
1294		Amendment of sch 2 (Dictionary).	605
Part 4		Amendment of Local Government Regulation 2005	
1295		Regulation amended	606
1296		Replacement of pt 14, div 1 (Equal opportunity of employment)	606
	Division 1	Equal opportunity of employment	
	51	Steps to be followed in ongoing development of EEO management plan—Act, s 1137E(3)	606
	52	Local government's activities to implement EEO management plan	608
1297		Amendment of sch 7 (Dictionary).	609
Part 5		Amendment of Plumbing and Drainage Act 2002	
1298		Act amended	609
1299		Amendment of s 20 (Times and places of meetings).	609
1300		Amendment of s 29 (Officers, employees and agents)	609
1301		Amendment of s 29A (Delegation by secretary).	609
1302		Amendment of s 30 (Authentication of documents)	610
1303		Amendment of s 55 (How licensee may start review)	610
1304		Insertion of new pt 3, div 7, sdiv 1, hdg	610
1305		Amendment of s 64 (Grounds for discipline)	610
1306		Insertion of new pt 3, div 7, sdiv 2, hdg	610
1307		Replacement of s 65 (Disciplinary action that may be taken).	611
	65	Disciplinary action that may be taken by board	611
1308		Amendment of s 66 (Show cause notice).	611
1309		Amendment of s 68 (Board must decide action to be taken)	612
1310		Amendment of s 69 (Board must advise licensee of its decision)	612

1311	Amendment of s 70 (When suspension or cancellation takes effect)	612
1312	Insertion of new pt 3, div 7, sdiv 3	613
	Subdivision 3 Referral to QCAT of particular proposed suspensions or proposed cancellations	
	70A Board to refer particular disciplinary matters to QCAT	613
	70B Constitution of QCAT	613
	70C Disciplinary orders by QCAT	614
1313	Insertion of new pt 3, div 7, sdiv 4, hdg	614
1314	Amendment of s 71 (Returning suspended or cancelled licence to board)	614
1315	Amendment of s 129 (Applying for a review)	614
1316	Replacement of s 130 (Review of decision)	615
	130 Requirement for particular review decision	615
1317	Omission of s 131 (Powers of Commercial and Consumer Tribunal when reviewing)	615
1318	Amendment of s 135 (Appointments and authority)	615
1319	Amendment of s 136 (Signatures)	615
1320	Amendment of s 137 (Evidentiary provisions)	616
1321	Insertion of new pt 10, div 5	616
	Division 5 Transitional provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	174 Definitions for div 5	616
	175 Application of s 70A	616
	176 Registrar of Plumbers and Drainers Board.	617
1322	Amendment of schedule (Dictionary)	617
Chapter 9	Department of Justice and Attorney-General	
Part 1	Amendment of Acts Interpretation Act 1954	
1323	Act amended	618
1324	Amendment of s 36 (Meaning of commonly used words and expressions)	618
Part 2	Amendment of Anti-Discrimination Act 1991	
1325	Act amended	619
1326	Amendment of s 113 (Tribunal)	619
1327	Insertion of new s 113A	619
	113A Appeal from tribunal decision	619
1328	Amendment of s 124 (Unnecessary information)	620

Contents

1329	Amendment of s 125 (Act's freedom from associated highly objectionable conduct purpose and how it is to be achieved) . . .	620
1330	Amendment of s 140 (Commissioner may reject or stay complaints dealt with elsewhere)	620
1331	Amendment of s 144 (Interim orders protecting complainant's interests (before reference to tribunal))	620
1332	Amendment of s 155 (Requirement to initiate investigation)	621
1333	Insertion of new s 164AA	621
	164AA Confidentiality of conciliation	621
1334	Amendment of s 164A (Right of complainant to seek referral to tribunal after conciliation conference).	621
1335	Amendment of s 166 (Complainant may obtain referral of unconciliated complaint).	622
1336	Amendment of s 167 (Complainant or respondent may seek referral after 6 months).	622
1337	Amendment of ch 7, pt 2, hdg (What the Anti-Discrimination Tribunal may do).	622
1338	Insertion of new ch 7, pt 2, div 1A	622
	Division 1A Tribunal's functions	
	174A Functions	622
1339	Replacement of ss 176–184.	623
	176 Constitution of tribunal	623
	177 Tribunal may join a person as a party.	623
	178 Complaints may be amended.	623
1340	Omission of ss 187, 188 and 190.	623
1341	Amendment of s 191 (Anonymity)	624
1342	Omission of s 192 (Publication of evidence may be restricted) . .	624
1343	Omission of ss 201–203.	624
1344	Amendment of s 207 (Commissioner may provide investigation reports)	624
1345	Amendment of s 208 (Evaluation of evidence).	624
1346	Amendment of s 209 (Orders the tribunal may make if complaint is proven).	625
1347	Omission of ss 211–213.	625
1348	Omission of ch 7, pt 2, divs 3A and 4 and pt 3.	625
1349	Amendment of s 220 (Improper communication of official information)	625
1350	Amendment of ch 7, pt 4, div 3, hdg (Offences against the commissioner, the tribunal and their staff)	626

1351	Omission of ss 224 and 226B	626
1352	Insertion of new s 228A	627
	228A Constitution of tribunal for this chapter	627
1353	Amendment of s 233 (Appeal from opinion)	627
1354	Omission of ch 9, pt 2 (The Anti-Discrimination Tribunal)	627
1355	Amendment of s 263 (Arrangement to prevail)	627
1356	Amendment of s 263C (General requirement for address of service)	628
1357	Omission of s 263D (Advice to tribunal of address for service)	628
1358	Amendment of s 263E (Change of address for service)	628
1359	Amendment of s 263F (Use of address for service)	628
1360	Amendment of s 263G (Communication effected by giving of document)	628
1361	Amendment of s 264 (No communication of official information to court)	628
1362	Amendment of s 265 (Protection from civil actions—exercise of functions etc.)	629
1363	Amendment of s 266 (Protection from civil actions—complaint etc.)	630
1364	Omission of s 266A (Protection and immunity)	630
1365	Amendment of s 267 (Regulation-making power)	630
1366	Amendment of schedule (Dictionary)	630
Part 3	Repeal of Anti-Discrimination Tribunal Rule 2005	
1367	Repeal	631
Part 4	Amendment of Births, Deaths and Marriages Registration Act 2003	
1368	Act amended	631
1369	Amendment of s 11 (Court order relating to birth register)	631
1370	Amendment of s 31 (Court order relating to registration of death)	631
1371	Amendment of s 42 (Correcting the register)	632
1372	Replacement of s 49 (Appealing registrar’s decisions)	632
	49 Reviewing registrar’s decisions	632
1373	Amendment of pt 9, divs 1–3 hdgs	632
1374	Insertion of new pt 9, div 4	633
	Division 4 Provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
62	Application of ss 11(2) and 31(2)	633

Contents

Part 5	Amendment of Classification of Computer Games and Images Act 1995	
1375	Act amended	634
1376	Amendment of s 8 (Review by CCT of classification decision). . .	634
1377	Amendment of pt 7, div 3, hdg (Review by CCT of decision about approval of entity and exemption).	634
1378	Replacement of s 60 (Review by CCT)	635
	60 Review by QCAT.	635
1379	Amendment of sch 2 (Dictionary).	635
Part 6	Repeal of Classification of Computer Games and Images Regulation 2005	
1380	Repeal	635
Part 7	Amendment of Classification of Films Act 1991	
1381	Act amended	636
1382	Replacement of s 59 (Review by CCT)	636
	59 Review by QCAT.	636
Part 8	Repeal of Classification of Films Regulation 1992	
1383	Repeal	637
Part 9	Amendment of Classification of Publications Act 1991	
1384	Act amended	637
1385	Amendment of s 3 (Definitions)	637
1386	Amendment of s 11 (Review by CCT of classification decision by publications classification officer)	637
1387	Amendment of s 11C (Publications for which display order may be made)	638
1388	Amendment of s 11D (Lifting of display order, and review rights and procedure).	638
1389	Amendment of s 37 (Exemptions)	639
Part 10	Repeal of Classification of Publications Regulation 1992	
1390	Repeal	639
Part 11	Amendment of Commercial and Consumer Tribunal Act 2003	
1391	Act amended	639
1392	Amendment of s 20 (Registry established)	640
1393	Insertion of new pt 9, div 4	640
	Division 4 Transitional provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	170 Definitions for div 4.	640

	171	Former registrars and registry staff	641
	172	Things done by or in relation to former registrar.	641
	173	References to former registrar	642
Part 12		Amendment of Commercial and Consumer Tribunal Regulation 2003	
	1394	Regulation amended	642
	1395	Amendment of s 9 (Registry is registry for other tribunals)	642
	1396	Amendment of sch 3 (Registry for other tribunals).	643
Part 13		Amendment of Crime and Misconduct Act 2001	
	1397	Act amended	643
	1398	Amendment of s 49 (Reports about complaints dealt with by the commission).	644
	1399	Amendment of s 50 (Commission may prosecute official misconduct)	644
	1400	Amendment of s 75 (Notice to discover information)	645
	1401	Amendment of s 109 (Definitions for pt 5)	645
	1402	Amendment of s 202 (Publication of names, evidence etc.)	645
	1403	Replacement of ch 5, hdg	645
	1404	Insertion of new ch 5, pt 1, hdg	645
	1405	Insertion of new ch 5, pt 2	646
	Part 2	Disciplinary proceedings relating to misconduct	
	Division 1	Preliminary	
	219A	Purposes of disciplinary proceedings.	646
	219B	Definitions for pt 2.	646
	Division 2	QCAT's jurisdiction	
	219C	Jurisdiction	647
	219D	Jurisdiction relating to allegations of official misconduct against prescribed persons is exclusive	647
	219E	Relationship with Industrial Relations Act 1999	647
	Division 3	Proceedings	
	219F	Proceedings relating to official misconduct	648
	219G	Proceedings relating to reviewable decisions.	648
	219H	Conduct of proceedings relating to reviewable decisions	649
	Division 4	QCAT's powers	
	219I	Powers for official misconduct	649
	219J	Additional power for reviewable decisions	650

Contents

	219K	QCAT may refer matter for investigation.	650
	219L	QCAT's power to suspend orders.	650
	Division 5	Appeals	
	219M	Appeal from QCAT exercising original jurisdiction . . .	651
1406		Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)	652
1407		Amendment of sch 2 (Dictionary)	652
Part 14		Amendment of Dangerous Goods Safety Management Act 2001	
1408		Act amended	653
1409		Amendment of s 31 (Meaning of major hazard facility and possible major hazard facility)	653
1410		Amendment of s 32 (Chief executive may classify facility as major hazard facility)	653
1411		Amendment of s 37 (Obligation to notify chief executive of certain upgrades of facilities)	654
1412		Replacement of pt 9, hdg (Appeals)	654
1413		Replacement of pt 9, div 1 (Appeals against classification as a major hazard facility)	654
	Division 1	Review of decision to classify facility as a major hazard facility	
	148	Review of chief executive decision	654
1414		Replacement of s 154C (Application of ss 150–154 to an appeal under this division)	654
	154C	Starting appeal	655
	154D	Stay of operation of decisions	655
	154E	Hearing procedures	655
	154F	Powers of court on appeal	656
	154G	Appeals to District Court	656
	154H	Application of ss 154C–154G to an appeal under this division	656
Part 15		Amendment of Dangerous Goods Safety Management Regulation 2001	
1415		Regulation amended	657
1416		Amendment of s 89 (Failure to decide application for licence) . . .	657
1417		Replacement of pt 4, div 9, hdg (Reviews and appeals)	657
1418		Amendment of s 111 (Appeal process starts with internal review)	657
1419		Amendment of s 112 (Application for review to be made to the chief executive officer)	658

1420	Amendment of s 113 (Applying for review)	658
1421	Amendment of s 114 (Review decision)	658
1422	Amendment of s 115 (Stay of operation of decision)	659
1423	Replacement of pt 4, div 9, sdiv 2 (Appeals)	660
	Subdivision 2 External review by QCAT	
	116 External review of internal review decision.	660
1424	Amendment of sch 5 (Dictionary)	660
Part 16	Amendment of Dispute Resolution Centres Act 1990	
1425	Act amended	661
1426	Amendment of s 2 (Interpretation)	661
Part 17	Amendment of Dividing Fences Act 1953	
1427	Act amended	661
1428	Amendment of s 6 (Definitions)	661
1429	Amendment of s 9 (Proceedings consequent on notice to fence)	662
1430	Amendment of s 10 (Proceedings on failure to carry out agreement or order)	662
1431	Amendment of s 11 (Cases where owner or whereabouts of owner are not known)	662
1432	Amendment of s 14 (Failure to carry out an order to repair)	662
1433	Amendment of s 16 (Procedure to compel contribution)	663
1434	Amendment of s 18 (Jurisdiction of and proceedings in Magistrates Courts or Small Claims Tribunals)	663
1435	Amendment of s 19 (Recovery of money payable)	663
1436	Amendment of s 23 (Notices)	663
Part 18	Amendment of Guardianship and Administration Act 2000	
1437	Act amended	664
1438	Amendment of long title	664
1439	Amendment of s 7 (Way purpose achieved)	664
1440	Amendment of s 9 (Range of substitute decision makers)	664
1441	Amendment of s 80E (Relationship with ch 7)	665
1442	Amendment of s 80F (Members constituting tribunal)	665
1443	Amendment of s 80J (Tribunal advises persons concerned of hearing)	665
1444	Amendment of s 80ZN (Relationship with ch 7)	666
1445	Replacement of ch 6 (Guardianship and Administration Tribunal)	666
	Chapter 6 Queensland Civil and Administrative Tribunal	
	81 Tribunal's functions for this Act	666

Contents

	82	Jurisdiction	667
	83	Annual report by president	668
1446		Replacement of ch 7, pt 1 (General)	668
	Part 1	General	
	99	Definitions for pt 1.	668
	100	Types of limitation order	669
	101	Relationship with the QCAT Act	669
	102	Members constituting tribunal	670
	103	Access	670
	104	Basis of consideration for limitation order.	671
	105	Open.	671
	106	Adult evidence order.	671
	107	Closure order	672
	108	Non-publication order.	672
	109	Confidentiality order	673
	110	Non-publication or confidentiality order made before hearing	674
	111	Standing for limitation order	674
	112	Making and notifying decision for limitation order.	675
	113	Written reasons for limitation order and copy of reasons	675
	114	Procedural directions	676
	114A	Publication about proceeding that discloses adult's identity	677
	114B	No filing fee payable	678
1447		Amendment of s 115 (Scope of applications).	679
1448		Omission of ss 116 and 117.	679
1449		Amendment of s 118 (Tribunal advises persons concerned of hearing)	679
1450		Replacement of s 122 (Withdrawal by leave)	679
	122	Withdrawal by leave	679
1451		Amendment of s 123 (Right of active party to appear).	680
1452		Amendment of s 127 (Costs)	680
1453		Amendment of s 129 (Interim order)	680
1454		Omission of ss 132–133.	681
1455		Omission of s 135 (Witnesses).	681
1456		Amendment of s 136 (Witness fees and expenses).	681

1457	Amendment of s 137 (Offences by witnesses)	681
1458	Amendment of s 138 (Advice, directions and recommendations)	682
1459	Amendment of s 138AA (Directions to former attorney)	682
1460	Replacement of s 138A (Tribunal may dismiss frivolous etc. applications)	682
	138A Repeated applications for orders	682
1461	Omission of ss 139–145.	683
1462	Omission of ch 7, pt 4A (Dispute resolution)	683
1463	Amendment of s 148 (Application for entry and removal warrant)	683
1464	Replacement of ch 7, pt 6 (Decision)	683
	Part 6 Decision	
	156 Making and notifying decision	683
	157 Order postponing giving copy of decision.	684
	158 Copy of reasons to be given.	685
1465	Omission of ch 7, pt 7 (Review of registrar’s decision)	685
1466	Replacement of ss 163–165.	685
	163 Appellant	685
1467	Omission of ch 7, pt 10 (Other provisions about proceedings) . . .	687
1468	Amendment of s 246 (Definitions for pt 4)	687
1469	Amendment of s 247 (Whistleblowers’ protection)	687
1470	Amendment of s 248 (Protection from liability if honest and not negligent)	688
1471	Amendment of sch 4 (Dictionary)	688
Part 19	Repeal of Guardianship and Administration Tribunal Rule 2004	
1472	Repeal	690
Part 20	Amendment of Judicial Review Act 1991	
1473	Act amended	690
1474	Amendment of sch 1 (Operation of other laws)	691
1475	Amendment of sch 2 (Decisions for which reasons need not be given)	691
Part 21	Amendment of Legal Profession Act 2007	
1476	Act amended	691
1477	Amendment of s 10 (Information notices)	691
1478	Amendment of s 13 (Inherent jurisdiction of Supreme Court) . . .	692
1479	Amendment of s 15 (Appeal period for appeal to Supreme Court or tribunal)	692

Contents

1480	Amendment of s 26 (Associates who are disqualified or convicted persons)	693
1481	Amendment of s 32 (Early consideration of suitability)	693
1482	Amendment of s 33 (Involvement of Supreme Court whether by referral or on appeal)	693
1483	Amendment of s 35 (Role of Supreme Court relating to application for admission).	693
1484	Amendment of s 51 (Grant or renewal of local practising certificate)	694
1485	Amendment of s 54 (Applications relating to conditions)	694
1486	Amendment of s 61 (Amending, suspending or cancelling a local practising certificate)	694
1487	Amendment of s 62 (Operation of amendment, suspension or cancellation of local practising certificate)	695
1488	Amendment of s 63 (Immediate amendment or suspension of local practising certificate)	695
1489	Amendment of s 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause)	695
1490	Amendment of s 70 (Restriction on making further application)	696
1491	Amendment of s 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction)	696
1492	Amendment of s 87 (Health assessment)	696
1493	Amendment of s 91 (Use of health assessment report)	697
1494	Amendment of s 98 (Law society and bar association to notify other jurisdictions about particular matters)	697
1495	Amendment of s 183 (Grant or renewal of local registration)	697
1496	Amendment of s 185 (Refusal to grant or renew registration)	697
1497	Amendment of s 188 (Amending, suspending or cancelling registration)	698
1498	Amendment of s 189 (Operation of amendment, suspension or cancellation of registration)	698
1499	Amendment of s 194 (Refusal, amendment, suspension or cancellation of local registration—failure to show cause)	698
1500	Amendment of s 195 (Restriction on making further applications)	699
1501	Amendment of s 197 (Immediate suspension of registration)	699
1502	Amendment of s 208 (Additional conditions on practice of interstate-registered foreign lawyers)	699
1503	Amendment of s 278 (Disqualification of person as external examiner)	700

1504	Amendment of s 328 (Setting aside costs agreements)	700
1505	Amendment of s 375 (Time limit for making claims)	700
1506	Amendment of s 377 (Time limit for making claims following advertisement)	701
1507	Amendment of ch 3, pt 3.6, div 7, hdg (Appeals)	701
1508	Replacement of ss 392 and 393	701
	392 Review of decision on claim	701
	393 Review of failure to decide claim within 1 year	702
1509	Amendment of s 394 (Proceedings on appeal)	703
1510	Amendment of s 396 (Caps on payments)	703
1511	Amendment of s 451 (Duty to inform complainant about action taken for complaint)	704
1512	Amendment of s 454 (Joinder)	704
1513	Amendment of s 455 (Variation of discipline application)	704
1514	Amendment of s 456 (Decisions of tribunal about an Australian legal practitioner)	704
1515	Replacement of s 457 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)	705
	457 Enforcement of orders etc.	705
1516	Amendment of s 458 (Decisions of committee about discipline application)	706
1517	Amendment of s 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)	706
1518	Amendment of s 462 (Costs)	706
1519	Insertion of new s 462A	707
	426A Institution of proceedings by the commissioner	707
1520	Amendment of s 468 (Appeal may be made to Court of Appeal from tribunal's decision)	707
1521	Replacement of s 469 (Appeal to tribunal against committee's decision)	707
	469 Application to tribunal for review of committee's decision	708
1522	Amendment of s 471 (Definition for pt 4.11)	708
1523	Amendment of s 477 (General provisions about disclosure of information)	708
1524	Amendment of s 491 (Confidentiality of client communications)	708
1525	Replacement of ch 7, pt 7.2, hdg and ch 7, pt 7.2, divs 1 and 2 and div 3, hdg.	709
	Part 7.2 Provisions about proceedings before tribunal	

Contents

	Division 1	Constitution of tribunal	
	598	Constitution of tribunal	709
	Division 2	Panels, panel members and related matters	
	599	Panel to help the tribunal hear and decide discipline application	710
1526		Amendment of s 607 (Establishment of panels for helping the tribunal)	711
1527		Replacement of ch 7, pt 7.2, divs 4–6	711
	612	Disclosure of interests	711
	613	Protection of panel members	711
1528		Amendment of s 640 (Conduct of committee for hearing and deciding discipline applications)	712
1529		Amendment of s 641 (Disclosure of interests)	712
1530		Replacement of ch 7, pt 7.4, hdg and div 1, hdg	712
1531		Amendment of s 643 (Parties)	712
1532		Amendment of s 644 (Public hearings)	713
1533		Amendment of s 645 (Procedure for hearing by a disciplinary body)	713
1534		Amendment of s 646 (Recording evidence)	713
1535		Amendment of s 647 (Disciplinary body may proceed in absence of party or may adjourn hearing)	714
1536		Amendment of s 648 (Matter may be decided on affidavit evidence)	714
1537		Amendment of s 649 (Standard of proof)	714
1538		Amendment of s 650 (Prohibited publication about hearing of a disciplinary application)	715
1539		Amendment of ch 7, pt 7.4, div 3, hdg (Powers of disciplinary body)	715
1540		Amendment of s 651 (Power to disregard procedural lapses)	715
1541		Amendment of s 652 (Directions for hearings)	716
1542		Amendment of s 653 (Attendance notice)	716
1543		Replacement of s 654 (Authentication of documents)	717
	654	Authentication of documents	717
1544		Insertion of new ch 7, pt 7.4A.	717
	Part 7.4A	Provisions applying to tribunal for discipline applications	
	656A	Application of pt 7.4A	717
	656B	Entitlement to appear at hearing	718
	656C	Standard of proof	718

	656D	Prohibited publication about hearing of a discipline application	718
	656E	Power to disregard procedural lapses	719
1545		Amendment of s 704 (Disclosure of information by commissioner, regulatory authorities and other entities)	720
1546		Amendment of s 707 (Protection from liability)	720
1547		Amendment of s 711 (Signatures)	720
1548		Amendment of s 714 (Approved forms)	720
1549		Amendment of s 715 (Regulation-making power)	721
1550		Omission of ch 9, pt 9.9, hdg (Regulation-making power for transitional purposes)	721
1551		Replacement of ch 10, hdg (Other transitional provision)	721
1552		Insertion of new s 771 and ch 10, pt 2	721
	771	Expiry of pt 1, hdg	721
	Part 2	Transitional provisions for QCAT Amendment Act	
	772	Definitions for pt 2.	722
	773	Acts Interpretation Act 1954, section 20 not limited	722
	774	Particular court decisions continue.	722
	775	Particular notification giving requirement continues	723
	776	Particular orders taken to be orders of QCAT.	723
	777	Authentication of documents continues	723
1553		Amendment of sch 2 (Dictionary)	723
Part 22		Repeal of Legal Profession (Tribunal and Committee) Rule 2007	
1554		Repeal	724
Part 23		Amendment of Magistrates Act 1991	
1555		Act amended	725
1556		Amendment of s 53J (Practice direction)	725
1557		Amendment of s 53K (Referring application or matter)	725
1558		Amendment of s 53L (Decision of judicial registrar taken to be decision of magistrate)	725
Part 24		Amendment of Magistrates Courts Act 1921	
1559		Act amended	726
1560		Amendment of s 2 (Definitions)	726
1561		Amendment of s 45A (Limitation on appeal if minor debt claim)	726
1562		Omission of s 52 (Publication of particulars of minor debt claims)	726

Contents

Part 25	Amendment of Misconduct Tribunals Act 1997	
1563	Act amended	727
1564	Amendment of ss 11, 17, 18 and 19	727
1565	Omission of s 40 (Registrar and tribunal staff)	727
1566	Amendment of s 44 (Confidentiality)	727
1567	Amendment of schedule (Dictionary)	728
Part 26	Amendment of Powers of Attorney Act 1998	
1568	Act amended	728
1569	Amendment of s 109A (Guardianship and Administration Tribunal also has jurisdiction and powers about enduring documents)	728
1570	Amendment of sch 3 (Dictionary)	729
Part 27	Amendment of Retail Shop Leases Act 1994	
1571	Act amended	729
1572	Amendment of s 14 (Continued application of certain provisions of former Act to existing retail shop leases)	729
1573	Amendment of s 22E (Effect of failure to comply with sections 22A–22D)	729
1574	Amendment of s 26 (Lessor not to disclose turnover information)	729
1575	Amendment of s 32 (Valuer to give determination to lessor and lessee)	730
1576	Amendment of s 46B (Matters tribunal may consider in deciding if a party’s conduct is unconscionable)	730
1577	Amendment of s 57 (Limited right of representation)	730
1578	Replacement of pt 8, div 3, hdg (Reference of retail tenancy disputes to tribunal)	731
1579	Amendment of s 63 (Reference of dispute—by mediator)	731
1580	Replacement of s 64 (Reference of dispute—by party)	731
	64 Application to QCAT—by party	732
1581	Omission of pt 8, div 4 (Retail tenancy disputes hearings)	732
1582	Replacement of pt 8, div 5, hdg (Provisions about tribunal orders)	732
1583	Amendment of s 83 (Tribunals’ orders)	733
1584	Omission of ss 84–88A; pt 8, div 6; and pt 8, div 7, hdg	733
1585	Replacement of ss 91–93	733
	91 Withdrawal of disputes	733
1586	Amendment of s 94 (Exclusion of other jurisdictions)	734
1587	Amendment of s 97 (Mediators’ jurisdiction)	735

1588	Replacement of pt 9, div 2 (Retail shop leases tribunals)	735
	Division 2 Provisions for QCAT proceedings	
	102 Constitution of QCAT	735
	103 QCAT's jurisdiction	736
1589	Amendment of s 113 (Mediators and tribunal members to maintain secrecy)	737
1590	Amendment of s 114 (Ordinary protection and immunity allowed)	738
1591	Amendment of s 115 (Admissions made during dispute resolution process)	738
1592	Amendment of s 116 (Register)	739
1593	Amendment of s 117 (Delegations)	740
1594	Amendment of s 119 (Chief executive's responsibility)	740
1595	Amendment of s 120 (Evidentiary provisions)	740
1596	Amendment of s 121 (Regulation-making power)	740
1597	Replacement of pt 12, divs 1–3, hdgs	740
1598	Insertion of new pt 12, div 4	741
	Division 4 Provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	130 Definitions for div 4	741
	131 Application of s 64	741
	132 Existing referrals of and applications about retail tenancy disputes to chief executive	742
	133 Existing referrals of retail tenancy disputes to former tribunal legal member	743
1599	Amendment of schedule (Dictionary)	743
Part 28	Amendment of Supreme Court of Queensland Act 1991	
1600	Act amended	744
1601	Amendment of sch 1 (Subject matter for rules)	744
1602	Amendment of sch 2 (Dictionary)	745
Chapter 10	Department of Police	
Part 1	Amendment of Police Service Administration Act 1990	
1603	Act amended	745
1604	Amendment of s 4.5 (Removal and suspension of commissioner)	745
1605	Amendment of s 7.4 (Disciplinary action)	745
1606	Amendment of s 9.1 (Operation of part)	746

Contents

Part 2	Amendment of Prostitution Act 1999	
1607	Act amended	747
1608	Replacement of pt 4, divs 3–8	747
	Division 3 Review by QCAT	
	64A Review of decisions about code assessment.	747
	64B Review of decisions about impact assessment	748
	64C Procedures for review.	749
	64D No appeal from QCAT's decision under the Integrated Planning Act	750
	64E Development approval suspended until review decided	750
1609	Amendment of s 132 (Evidentiary provision)	751
1610	Amendment of s 133 (Disclosure of information)	751
1611	Amendment of s 134 (Protection of officials from liability)	751
1612	Replacement of pt 9, divs 1–4, hdgs	751
1613	Insertion of new pt 9, div 5	752
	Division 5 Provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	152 Definition for div 5.	752
	153 Independent assessor goes out of office	752
	154 Application of particular QCAT Act provisions to former independent assessor and former assessor's registrar	753
1614	Amendment of sch 4 (Dictionary)	753
Part 3	Amendment of Prostitution Regulation 2000	
1615	Regulation amended	754
1616	Amendment of sch 2 (Fees)	754
Part 4	Amendment of Weapons Act 1990	
1617	Act amended	754
1618	Amendment of pt 6, hdg (Appeals and rights of review).	754
1619	Amendment of s 142 (Right to appeal against decisions)	754
1620	Insertion of new s 142AA	755
	142AA Notices must be QCAT information notices	755
1621	Amendment of s 142A (Particular provision for appeals against or reviews of decisions based on criminal intelligence)	755
1622	Omission of ss 143 and 144.	756

1623	Amendment of s 145 (Appellant may carry on business pending appeal)	756
1624	Omission of ss 146–149	756
1625	Amendment of sch 2 (Dictionary)	756
Chapter 11	Department of the Premier and Cabinet	
Part 1	Amendment of Public Sector Ethics Act 1994	
1626	Act amended	757
1627	Amendment of schedule (Dictionary)	757
Part 2	Amendment of Public Service Act 2008	
1628	Act amended	758
1629	Amendment of sch 2 (Statutory office holders who are not term appointees)	758
Part 3	Amendment of South Bank Corporation Act 1989	
1630	Act amended	758
1631	Amendment of s 7 (Establishment of corporation)	759
1632	Amendment of s 83 (Power to exclude persons causing public nuisance)	759
1633	Amendment of s 87 (Certain exclusion directions may be reviewed)	759
1634	Replacement s 89 (Procedure for review)	760
	89 Review may be expedited hearing	760
1635	Replacement of s 90 (Decision on review)	760
	90 Monetary decision can not be made on review	760
Part 4	Amendment of Whistleblowers Protection Act 1994	
1636	Act amended	760
1637	Amendment of s 55 (Preservation of confidentiality)	760
1638	Amendment of sch 6 (Dictionary)	761
Chapter 12	Department of Public Works	
Part 1	Amendment of Architects Act 2002	
1639	Act amended	761
1640	Amendment of s 106 (Board to reimburse tribunal costs)	761
1641	Omission of pt 8, div 1 (Preliminary)	761
1642	Renumbering of pt 8, div 2 (Reviews)	762
1643	Amendment of s 121 (Review of particular decisions)	762
1644	Omission of s 123 (Stay of operation of decision)	762
1645	Renumbering of pt 8, div 3 (Disciplinary proceedings)	762
1646	Amendment of sch 2 (Dictionary)	762

Contents

Part 2	Amendment of Building and Construction Industry Payments Act 2004	
1647	Act amended	763
1648	Amendment of s 95 (Review decision)	763
1649	Amendment of 96 (Stay of operation of decision)	763
1650	Replacement of pt 5, div 2, hdg (Review by tribunal)	763
1651	Amendment of s 97 (Who may apply to tribunal for a review) . . .	763
1652	Omission of s 98 (Stay of operation of decision)	764
1653	Amendment of sch 2 (Dictionary)	764
Part 3	Amendment of Domestic Building Contracts Act 2000	
1654	Act amended	764
1655	Amendment of s 18 (Effective completion date or period)	764
1656	Amendment of s 55 (Cost plus contracts)	765
1657	Amendment of s 60 (Effect of improper statements)	765
1658	Amendment of s 84 (Right of building contractor to recover amount for variation)	765
1659	Amendment of sch 2 (Dictionary)	765
Part 4	Amendment of Professional Engineers Act 2002	
1660	Act amended	766
1661	Amendment of s 106 (Board to reimburse tribunal costs)	766
1662	Omission of pt 8, div 1 (Preliminary)	766
1663	Renumbering of pt 8, div 2 (Reviews)	766
1664	Amendment of s 122 (Review of particular decisions)	766
1665	Omission of s 124 (Stay of operation of decision)	766
1666	Renumbering of pt 8, div 3 (Disciplinary proceedings)	767
1667	Omission of s 128 (Starting disciplinary proceeding)	767
1668	Amendment of sch 2 (Dictionary)	767
Part 5	Amendment of Queensland Building Services Authority Act 1991	
1669	Act amended	767
1670	Amendment of s 44H (Procedure for cancellation or suspension)	768
1671	Amendment of s 49 (Procedure for cancellation or suspension)	768
1672	Amendment of s 49A (Immediate suspension of licence)	768
1673	Amendment of s 67 (Notice that not a fit and proper person to individual who is not a licensee)	768
1674	Amendment of s 67AH (Notice of cancellation and that not a fit and proper person to individual who is a licensee)	769

1675	Amendment of s 67AI (Notice that not a fit and proper person to individual who is not a licensee)	769
1676	Amendment of s 67AL (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)	769
1677	Amendment of s 67AM (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)	770
1678	Amendment of s 67AP (Relationship of this part with pt 7, div 4)	770
1679	Amendment of s 67AQ (Definitions for pt 3E)	770
1680	Amendment of s 67AZF (Notice of cancellation and that not a fit and proper person to individual who is a licensee)	770
1681	Amendment of s 67AZG (Notice that not a fit and proper person to individual who is not a licensee)	771
1682	Amendment of s 67AZJ (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)	771
1683	Amendment of s 67AZK (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)	771
1684	Amendment of s 77 (Tribunal may decide building dispute)	772
1685	Amendment of s 84 (Tribunal to decide about rectification or completion work)	772
1686	Amendment of s 87 (Application for review)	772
1687	Amendment of s 88 (Tribunal has jurisdiction to conduct disciplinary proceeding)	772
1688	Replacement of s 91 (Orders for disciplinary action)	773
	91 Orders for disciplinary action	773
1689	Insertion of new s 92A	774
	92A Procedure before public examination starts	774
1690	Replacement of pt 7, div 7 (Transfer of proceedings)	775
	Division 7 Tribunal proceedings	
	93A Representation of parties	775
	94 Transfer of proceedings between tribunal and the courts	775
1691	Omission of pt 7, div 8, hdg (Expedited hearings)	775
1692	Amendment of s 95 (Expedited hearing of domestic building disputes)	775
1693	Omission of s 97 (Judicial Review excluded for minor domestic building disputes)	776
1694	Insertion of new pt 7, div 8	776

Contents

	Division 8	Other powers of the tribunal	
	97	Entry and inspection of property by member of tribunal	776
	97A	Procedure before entry.	777
	97B	Stop orders.	777
	97C	Suspension orders	778
1695		Amendment of s 99 (Licensee register)	779
1696		Amendment of s 107 (Power to enter and inspect building site)	779
1697		Amendment of sch 2 (Dictionary).	779
Chapter 13	Department of Transport and Main Roads		
Part 1	Amendment of Adult Proof of Age Card Act 2008		
1698		Act amended	780
1699		Amendment of pt 6, hdg (Review and appeal)	780
1700		Amendment of s 39 (Review of original decision)	780
1701		Replacement of s 40 (Appeal against reviewed decision)	781
	40	External review of decisions	781
1702		Amendment of s 49 (Regulation-making power)	781
1703		Amendment of schedule (Dictionary).	782
Part 2	Amendment of Tow Truck Act 1973		
1704		Act amended	782
1705		Amendment of s 21B (Immediate suspension of authority)	782
1706		Amendment of s 21D (Amending, suspending or cancelling authority)	783
1707		Amendment of pt 6, hdg (Review of and appeals against decisions)	783
1708		Replacement of s 28 (Review of and appeals against decisions)	783
	28	Internal review of decisions	783
	29	External review of decisions	784
1709		Amendment of s 43 (Regulation-making power)	784
1710		Amendment of sch 2 (Dictionary).	784
Part 3	Amendment of Traffic Regulation 1962		
1711		Regulation amended	785
1712		Amendment of ss 104A, 117 and 134A	785
1713		Amendment of s 134C (Reconsideration of decision by chief executive or commissioner)	785
Part 4	Amendment of Transport Infrastructure Act 1994		
1714		Act amended	786

1715	Replacement of s 56 (Information in s 54 gazette notice about a declaration)	786
	56 Information in s 54 gazette notice about a declaration	786
1716	Amendment of s 57 (Information in s 54 gazette notice about new or replacement policy)	787
1717	Amendment of s 58 (Amendment of policy for a limited access road in limited circumstances)	787
1718	Amendment of s 67 (Notice of decision under s 62(1))	787
1719	Amendment of s 289F (Decision by port authority in relation to approval)	788
1720	Replacement of s 289G (Review of and appeals against decisions)	788
	289G Internal review of decisions	789
	289GA External review of decisions	789
1721	Replacement of s 485 (Review of and appeals against decisions)	790
	485 Internal review of decisions	790
	485A External review of decisions	790
	485B Appeals against decisions	791
1722	Amendment of sch 3 (Reviews and appeals)	792
1723	Amendment of sch 6 (Dictionary)	793
Part 5	Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008	
1724	Regulation amended	794
1725	Amendment of pt 18, hdg (Review and appeal of decisions)	794
1726	Replacement of s 177 (Review of and appeals against decisions)	794
	177 Internal review of decisions	794
	177A External review of decisions	795
1727	Amendment of sch 3 (Dictionary)	795
Part 6	Amendment of Transport Infrastructure (Gold Coast Waterways) Management Plan 2000	
1728	Waterway transport management plan amended	796
1729	Amendment of s 18 (Take off and landing approval)	796
1730	Amendment of s 20 (Procedure for amending, suspending or cancelling approval)	796
1731	Amendment of s 21 (Procedure for urgent suspension of approval)	796
1732	Replacement of s 22 (Section 196 of Act applies for review and appeal)	797
	22 Act, ss 485 and 485A apply for reviews	797

Contents

1733	Amendment of sch 6 (Dictionary)	797
Part 7	Amendment of Transport Infrastructure (Public Marine Facilities) Regulation 2000	
1734	Regulation amended	798
1735	Amendment of s 41 (Procedure if approval refused or granted on condition)	798
1736	Amendment of pt 3, div 6, hdg (Amending, suspending or cancelling approvals and review or appeal)	798
1737	Amendment of s 43 (Amending suspending or cancelling approval without application)	799
1738	Replacement of pt 3, div 6, sdiv 2, hdg (Review and appeal) . . .	799
1739	Amendment of s 44 (Review of and appeal against decisions) . .	799
1740	Amendment of sch 4 (Dictionary)	799
Part 8	Amendment of Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000	
1741	Waterway transport management plan amended	800
1742	Amendment of s 23 (Granting or refusing application for approval)	800
1743	Amendment of s 25 (Procedure for amending, suspending or cancelling approval)	801
1744	Amendment of s 26 (Procedure for urgent suspension of approval of take off and landing approval)	801
1745	Replacement of s 27 (Section 196 of Act applies for review and appeal)	801
	27 Act, ss 485 and 485A apply for reviews	801
1746	Amendment of sch 5 (Dictionary)	802
Part 9	Amendment of Transport Operations (Marine Pollution) Act 1995	
1747	Act amended	802
1748	Amendment of s 115 (Recovery of discharge expenses)	802
1749	Replacement of s 116 (Appeals)	803
	116 External review of decisions under s 115	803
1750	Omission of s 117 (Hearing procedures)	803
1751	Insertion of new pt 13B	803
	Part 13B Review of decisions	
	117M Internal review of decisions	804
	117N External review of decisions	805
1752	Amendment of schedule (Dictionary)	805

Part 10	Amendment of Transport Operations (Marine Pollution) Regulation 2008	
1753	Regulation amended	806
1754	Omission of pt 12, div 1, sdiv 4 (Review of and appeals against particular decisions)	806
Part 11	Amendment of Transport Operations (Marine Safety) Act 1994	
1755	Act amended	806
1756	Amendment of s 203 (Definitions for pt 16)	806
1757	Amendment of s 203A (Main purposes of pt 16)	807
1758	Amendment of s 203B (Review of original decision)	807
1759	Replacement of s 203C (Appeal against reviewed decision)	808
	203C External review of decisions	808
1760	Omission of s 203E (Appropriate appeal court)	808
1761	Amendment of schedule (Dictionary)	808
Part 12	Amendment of Transport Operations (Marine Safety) Regulation 2004	
1762	Regulation amended	809
1763	Amendment of s 154 (Refusal of application for authority)	809
1764	Amendment of s 164 (Procedure for suspension or cancellation)	809
1765	Amendment of s 165 (Action by general manager after marine incident)	809
1766	Amendment of s 215 (Removal of buoy mooring on expiry, cancellation or surrender of approval)	810
1767	Amendment of sch 15 (Dictionary)	810
Part 13	Amendment of Transport Operations (Passenger Transport) Act 1994	
1768	Act amended	811
1769	Amendment of ch 10, hdg (Review of and appeals against decisions)	811
1770	Replacement of s 102 (Review of and appeals against decisions)	811
	102 Internal review of decisions	811
	103 External review of decisions	812
	104 Commissioner for Children and Young People and Child Guardian	813
1771	Amendment of s 126NA (Dangerous situation notice)	813
1772	Replacement of sch 2 (Reviewable decisions)	814
	Schedule 2 Reviewable decisions	

Contents

1773	Amendment of sch 3 (Dictionary)	815
Part 14	Amendment of Transport Operations (Passenger Transport) Regulation 2005	
1774	Regulation amended	816
1775	Amendment of pt 10, hdg (Review of, and appeals against, decisions not provided for under Act, chapter 10)	816
1776	Replacement of s 134 (Review of decisions)	816
	134 Review of decisions	816
1777	Replacement of sch 7 (Review and appeals against decisions)	816
	Schedule 7 Reviewable decisions	
Part 15	Amendment of Transport Operations (Road Use Management) Act 1995	
1778	Act amended	818
1779	Amendment of s 19 (Procedure for amending, suspending or cancelling approvals)	818
1780	Amendment of s 19A (Cancelling suspended approval for failing to take remedial action)	819
1781	Amendment of s 43 (Forfeiture of seized things)	819
1782	Amendment of ch 4, hdg (Review of and appeals against decisions)	819
1783	Replacement of s 65 (Review of and appeals against decisions)	819
	65 Internal review of decisions	820
	65A External review of decisions	820
1784	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	821
1785	Amendment of s 87 (Issue of restricted licence to disqualified person)	821
1786	Amendment of s 122E (Notice to be given about refusal or imposition of condition)	821
1787	Amendment of s 122L (Notice to be given to crossing supervisor)	822
1788	Amendment of s 122N (Procedure for immediate suspension of authority)	822
1789	Amendment of s 131 (Appeals with respect to issue of licences etc.)	822
1790	Amendment of s 153 (Exemptions)	823
1791	Amendment of s 153E (Decision on proposed action)	823
1792	Amendment of s 153G (Immediate suspension in the public interest)	824

1793	Amendment of s 153H (Cancelling suspended exemption for failing to take remedial action)	824
1794	Amendment of s 161B (Improvement notices)	824
1795	Amendment of s 161H (Dangerous situation notice)	824
1796	Amendment of s 168AA (Effect of other administrative action in relation to fatigue regulated heavy vehicle)	824
1797	Replacement of sch 3 (Reviewable decisions)	825
	Schedule 3 Reviewable decisions	
1798	Amendment of sch 4 (Dictionary)	826
Part 16	Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005	
1799	Regulation amended	827
1800	Amendment of s 7 (Refusing application)	827
1801	Amendment of s 41 (Notice of granting of accreditation)	827
1802	Amendment of s 43 (Notice of refusal to grant accreditation)	828
1803	Amendment of s 73 (Granting registration)	828
1804	Amendment of s 74 (Notice of refusal to grant registration)	828
1805	Replacement of s 112 (Review of decisions)	828
	112 Review of decisions	828
1806	Replacement of sch 7 (Reviewable decisions)	829
	Schedule 7 Reviewable decisions	
1807	Amendment of sch 9 (Dictionary)	829
Part 17	Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008	
1808	Regulation amended	830
1809	Amendment of pt 19, hdg (Review and appeal of decisions)	830
1810	Replacement of s 220 (Review of and appeals against decisions)	830
	220 Internal and external review of decisions	830
1811	Amendment of sch 4 (Dictionary)	831
Part 18	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999	
1812	Regulation amended	831
1813	Amendment of s 14AJ (Taking of practical driving test to be eligible for class C P1 provisional licence)	832
1814	Amendment of ss 16, 33 and 33A	832
1815	Amendment of s 30G (Persons who are eligible, or not eligible, to apply for order)	832

Contents

1816	Amendment of s 30U (Persons who are eligible, or not eligible, to apply for order)	832
1817	Amendment of s 38 (Reconsideration of decision by chief executive)	832
Part 19	Amendment of Transport Operations (Road Use Management—Fatigue Management) Regulation 2008	
1818	Regulation amended	835
1819	Amendment of s 155 (Amendment, suspension or cancellation of class work and rest hours exemption)	835
1820	Amendment of pt 7, div 4, hdg (Review and appeal of decisions)	836
1821	Amendment of s 185 (Review of original decision)	836
1822	Replacement of s 186 (Appeal against reviewed decision)	836
	186 External review of decisions	836
1823	Replacement of sch 4, hdg (Review and appeal)	837
1824	Amendment of sch 6 (Dictionary)	837
Part 20	Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999	
1825	Regulation amended	838
1826	Replacement of s 66 (Review of decisions)	838
	66 Review of decisions	838
Part 21	Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999	
1827	Regulation amended	839
1828	Replacement of s 44 (Review of decisions)	839
	44 Review of decisions	839
Part 22	Amendment of Transport Planning and Coordination Act 1994	
1829	Act amended	840
1830	Amendment of s 29 (What part applies to)	840
1831	Amendment of s 30 (Definitions)	840
1832	Amendment of s 32 (Stay of operation of original decision)	840
1833	Amendment of s 34 (Decision on review)	841
1834	Insertion of new s 34A	842
	34A Application of div 3	842
1835	Omission of s 36DA (Commissioner for Children and Young People and Child Guardian)	842

Chapter 14	Department of Treasury	
Part 1	Amendment of Community Ambulance Cover Act 2003	
1836	Act amended	843
1837	Amendment of s 92B (Special provision for notification of hot water system exemption for power card arrangement instead of s 92(3) and (4)).	843
1838	Amendment of s 131 (Notice of decision)	843
1839	Replacement of pt 9, div 2 (Appeals)	843
	Division 2 Reviews by QCAT	
	132 Applications for review of decisions	844
	133 QCAT to decide review on evidence before the commissioner	844
	134 Representation of parties before QCAT	845
1840	Amendment of s 139 (Effect of a non-reviewable decision)	845
1841	Amendment of s 148 (Evidentiary provision for statements of levy liability)	845
Part 2	Amendment of Debits Tax Repeal Act 2005	
1842	Act amended	846
1843	Amendment of s 5 (Saving provision for pre-repeal debits)	846
1844	Insertion of new ss 8–10	846
	8 Effect of making reassessment after review started.	847
	9 Proceedings for a review by QCAT	847
	10 Transfer of appeals from Supreme Court only with consent	848
Part 3	Amendment of Duties Act 2001	
1845	Act amended	849
1846	Amendment of s 5 (Relationship of Act with Administration Act)	849
1847	Amendment of s 411 (Application for exemption for dutiable transaction or relevant acquisition).	849
1848	Replacement of ch 13, hdg (Review and appeals).	849
1849	Amendment of ch 13, pt 1, hdg (Reviews)	850
1850	Amendment of s 474 (Notice of review decision)	850
1851	Replacement of ch 13, pt 2 (Appeals)	850
	Part 2 Reviews by QCAT	
	475 Applying for review by QCAT of a review decision	850
	476 QCAT to decide external review on evidence given in the proceeding for the review	850
	477 Representation of parties before QCAT	851

Contents

Part 4	Amendment of Financial Intermediaries Act 1996	
1852	Act amended	852
1853	Amendment of pt 12, hdg (Review of decisions and appeals) . . .	852
1854	Amendment of pt 12, div 1, hdg (Review of decisions)	852
1855	Amendment of s 203 (Affected person may apply for review) . . .	852
1856	Amendment of s 205 (Decision on review).	852
1857	Replacement of pt 12, div 2 (Appeals against review decisions) .	853
	Division 2 External review of decisions by QCAT	
206	Affected person may apply for external review by QCAT	853
207	Tribunal to decide review on evidence before the chief executive	853
208	Tribunal may give leave for review to be decided on new evidence in particular circumstances	854
Part 5	Amendment of First Home Owner Grant Act 2000	
1858	Act amended	855
1859	Amendment of s 50 (Effect of writing off liability)	855
1860	Amendment of pt 5, hdg (Objections and appeals)	855
1861	Amendment of s 58 (Notice of decision)	855
1862	Replacement of pt 5, div 2 (Appeals)	855
	Division 2 Review of decision on objections	
59	Right of review by QCAT.	856
60	QCAT to decide review on evidence before the commissioner	856
61	Representation of parties before QCAT	857
1863	Amendment of s 68 (Offence to disclose confidential information)	857
Part 6	Amendment of Fuel Subsidy Act 1997	
1864	Act amended	857
1865	Amendment of ch 5, pt 4, hdg (Reviews and appeals).	857
1866	Replacement of ch 5, pt 4, div 2, hdg (Reviews and appeals under this Act)	858
1867	Amendment of s 117 (Definitions for div 2)	858
1868	Amendment of s 120 (Who may apply for review)	858
1869	Amendment of s 122 (Review decision)	858
1870	Replacement of ch 5, pt 4, div 2, sdiv 3 (Appeals)	858
	Subdivision 3 External review of decision	
123	Who may apply for review by QCAT	859

	124	No stay of operations of decisions	859
	125	QCAT to decide review on evidence before the commissioner	859
	126	Representation of parties before QCAT	860
1871		Amendment of s 141A (Refusal to disclose particular information)	860
1872		Replacement of sch 1 (Decisions subject to review and appeal) .	860
		Schedule 1 Decisions subject to review	
Part 7		Amendment of Motor Accident Insurance Act 1994	
1873		Act amended	862
1874		Replacement of s 68 (Appeals against the commission's decisions)	862
	68	Review of the commission's decisions by QCAT	863
Part 8		Amendment of Pay-roll Tax Act 1971	
1875		Act amended	863
1876		Amendment of s 8 (Relationship of Act with Administration Act) .	863
1877		Amendment of s 104 (This Act as a revenue law for the Administration Act)	863
1878		Amendment of schedule (Dictionary)	864
Part 9		Amendment of Taxation Administration Act 2001	
1879		Act amended	864
1880		Amendment of s 17 (Commissioner's general power to make reassessments)	864
1881		Amendment of s 19 (When commissioner must make reassessment—objections or court decisions)	865
1882		Amendment of s 20 (Legal interpretations and practices applying to particular reassessments)	865
1883		Amendment of s 23 (Limitation period does not apply to particular reassessments)	865
1884		Amendment of s 61 (Interest on particular overpayments following court's decision)	866
1885		Amendment of pt 6, hdg (Objections and appeals against assessments)	866
1886		Amendment of s 68 (Notice of decision)	866
1887		Replacement of pt 6, div 2 (Appeals)	867
		Division 2 Appeals and reviews	
		Subdivision 1 Right of appeal or review	
	69	Right of appeal or review	867

Contents

	69A	Effect of making reassessment after appeal or review started	867
	Subdivision 2	Appeals to the Supreme Court	
	70	How to start appeal to the Supreme Court.	868
	70A	Onus on appeal	869
	70B	Admissibility of new evidence.	869
	70C	Deciding appeal	870
	Subdivision 3	Reviews by QCAT	
	71	QCAT to decide review on evidence before the commissioner	870
	72	Representation of parties before QCAT	871
	73	Onus on review.	871
1888		Amendment of s 76 (Effect of non-reviewable decisions).	871
1889		Amendment of s 113 (Refusal of disclosure of particular information)	871
1890		Amendment of s 132 (Evidentiary provisions for assessments).	872
1891		Amendment of s 157 (Repealed Stamp Act is revenue law for particular provisions)	872
1892		Insertion of new pt 14.	872
	Part 14	Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009	
	165	Transfer of appeals from Supreme Court only with consent	872
Part 10		Amendment of Taxation Administration Regulation 2002	
1893		Regulation amended	873
1894		Amendment of s 11 (Non-application of s 147 of Act)	873



Queensland

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

Act No. 24 of 2009

**An Act to make consequential and other amendments of various Acts that
relate to the jurisdiction of the Queensland Civil and Administrative Tribunal
[Assented to 26 June 2009]**

[s 1]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*.

2 Commencement

This Act, other than the following provisions, commences on a day to be fixed by proclamation—

- (a) chapter 5, part 74;
- (b) chapter 9, parts 11 and 12;
- (c) chapter 9, part 25.

Chapter 2 Department of Communities

Part 1 Amendment of Adoption of Children Act 1964

3 Act amended

This part amends the *Adoption of Children Act 1964*.

4 Amendment of s 6 (Definitions)

Section 6, definition *tribunal*—

omit, insert—

‘*tribunal* means QCAT.’.

5 Amendment of s 13AA (Application for adoption of a special needs child or a child who is a relative)

Section 13AA(7)—

omit, insert—

‘(7) The notice mentioned in subsection (6) must comply with the QCAT Act, section 157(2).’.

6 Amendment of s 13AC (Inclusion of person’s name in expression of interest register)

Section 13AC(4)—

omit, insert—

‘(4) The notice mentioned in subsection (3) must comply with the QCAT Act, section 157(2).’.

7 Amendment of s 13D (What happens after favourable assessment)

Section 13D(1)(b), ‘under the *Children Services Tribunal Act 2000*, section 38(1)(b),’—

omit, insert—

‘under the QCAT Act, section 23(2)(b),’.

8 Amendment of s 13E (Ineligibility after person’s name entered in assessment register)

Section 13E(4)—

omit, insert—

[s 9]

‘(4) The notice mentioned in subsection (3) must comply with the QCAT Act, section 157(2).’.

9 Amendment of s 14D (Reviews by tribunal about adoption lists, expression of interest register, assessment register and assessments)

Section 14D(2), ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

10 Amendment of s 33 (Making of interim orders)

(1) Section 33(1), ‘or the tribunal’—

omit.

(2) Section 33(1), ‘or tribunal’—

omit.

11 Insertion of new pt 3A

After section 35—

insert—

‘Part 3A Tribunal proceedings

‘Division 1 Preliminary

‘36 Application of pt 3A

‘This part applies to a proceeding before the tribunal that relates to the adoption of children.

‘36A Definitions for pt 3A

‘In this part—

president means the president under the QCAT Act.

registrar means the principal registrar under the QCAT Act.

review application means an application made, as provided under the QCAT Act, for review of a reviewable decision by the tribunal.

separate representative see section 36H(2).

support person means a person allowed by the tribunal under the QCAT Act, section 91 to attend a hearing for the purpose of supporting a party or witness.

‘36B Object of pt 3A

‘The object of this part is to provide for the tribunal—

- (a) to make decisions, in a review about the eligibility or suitability of a prospective adoptive parent, that promote the welfare and interests of children who may be adopted by them; and
- (b) to conduct proceedings in a way that uses adversarial and inquisitorial procedures, as appropriate, to arrive at the best possible decision in the circumstances; and
- (c) to foster an atmosphere of review that enhances the delivery of adoption services to children.

‘36C Principles for tribunal in matters relating to this Act

‘When exercising its jurisdiction, functions or powers in relation to this Act, the tribunal must have regard to the principle mentioned in section 10.

[s 11]

‘Division 2 Notice of proceedings

‘36D Government entity may nominate decision-maker

‘The department may give the registrar a notice nominating an officer or employee of the department, or the holder for the time being of an office in the department, as the decision-maker for an assessment or decision to be reviewed by the tribunal.

‘Division 3 Tribunal proceedings

‘36E Constitution of tribunal

- ‘(1) The tribunal must be constituted by 3 members with at least 1 legally qualified member.
- ‘(2) However, if the tribunal is constituted for a compulsory conference, the tribunal may be constituted by only 2 members, with at least 1 legally qualified member.
- ‘(3) If a child to which a proceeding before the tribunal relates is Aboriginal or Torres Strait Islander, the tribunal hearing the proceeding must include, if practicable, a member who is Aboriginal or Torres Strait Islander.
- ‘(4) The president may choose a member to constitute the tribunal for a proceeding before the tribunal only if the president considers the member—
 - (a) is committed to the principle mentioned in section 10; and
 - (b) has extensive professional knowledge and experience of children; and
 - (c) has demonstrated a knowledge of and has experience in 1 or more of the fields of administrative review, child care, child protection, child welfare, community

services, education, health, indigenous affairs, law, psychology or social work.

- ‘(5) A member is ineligible to be a constituting member for a review of a reviewable decision if the member—
- (a) has been refused a certificate of approval, or a renewal of a certificate of approval, as an approved carer; or
 - (b) has had a certificate of approval as an approved carer cancelled.

- ‘(6) In this section—

legally qualified member has the meaning given by the QCAT Act.

member has the meaning given by the QCAT Act.

‘36F Hearing must usually be held in private

- ‘(1) A hearing of a proceeding before the tribunal to which this part applies must be held in private.
- ‘(2) However, the following are entitled to be present at the proceeding—
- (a) each party to the proceeding;
 - (b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;
 - (c) a separate representative representing a child in the proceeding;
 - (d) a witness while giving evidence;
 - (e) a support person for a witness, while the witness is giving evidence;
 - (f) a person allowed to be present by the tribunal.
- ‘(3) This section is subject to section 36M(3) and the QCAT Act, section 220.

[s 11]

Editor's note—

QCAT Act, section 220 (Tribunal may exclude person)

‘Division 4 Children in tribunal proceedings

‘36G Requirements about ensuring proper understanding of tribunal proceedings

‘In addition to the QCAT Act, section 29 the tribunal must take all reasonable steps to ensure each child taking part in a proceeding before the tribunal understands the tribunal’s procedures.

‘36H Separate representation of children

- ‘(1) This section applies if a proceeding before the tribunal is about the suitability of a person to be an adoptive parent of a particular child.
- ‘(2) The tribunal must consider whether it would be in the child’s best interests for the child to be separately represented before the tribunal by a lawyer (a *separate representative*).
- ‘(3) If the tribunal considers it would be in the child’s best interests for the child to be separately represented before the tribunal by a lawyer, the tribunal must order that the child be represented by a separate representative.
- ‘(4) A separate representative may represent more than 1 child in the same proceeding before the tribunal.
- ‘(5) A separate representative must—
 - (a) act in the child’s best interests having regard to any expressed views or wishes of the child; and
 - (b) as far as possible, present the child’s views and wishes to the tribunal.
- ‘(6) For the QCAT Act, a separate representative has the same rights and obligations as a party to the review.

‘36I Children must not be compelled to give evidence

- ‘(1) A child must not be compelled to give evidence in a proceeding before the tribunal.
- ‘(2) Without limiting subsection (1), the tribunal may not require a child to do either of the following under the QCAT Act, section 97(1)—
 - (a) attend a hearing of a proceeding to give evidence;
 - (b) produce a stated document or other thing to the tribunal.
- ‘(3) Before a child gives evidence in a proceeding before the tribunal, the tribunal must satisfy itself that the child is willing to give the evidence.

‘36J Child’s right to express views to tribunal

- ‘(1) This section applies if a proceeding before the tribunal is about the suitability of a person to be an adoptive parent of a particular child.
- ‘(2) Whether or not the child appears as a witness before the tribunal, the child has the right to express his or her views to the tribunal about matters relevant to the review.

‘36K Children giving evidence or expressing views to tribunal

- ‘(1) This section applies if a child is giving evidence or expressing the child’s views to the tribunal.
- ‘(2) Only the following persons may be present while the child gives evidence or expresses the child’s views—
 - (a) the constituting members;
 - (b) the lawyer, if any, representing the child;
 - (c) the separate representative, if any, for the child;
 - (d) the child’s support person if the child has a support person and agrees to that person’s presence.

[s 11]

- ‘(3) Despite subsection (2), the child may elect to give evidence or express the child’s views in the presence of the parties and their representatives if the child—
- (a) is 12 years or more; and
 - (b) is represented by a lawyer or a separate representative.

‘36L Questioning of children

- ‘(1) A child giving evidence or expressing the child’s views in a proceeding before the tribunal must not be cross-examined.
- ‘(2) Also, only the following persons may ask questions of a child giving evidence or expressing the child’s views in a proceeding—
- (a) the constituting members;
 - (b) the lawyer, if any, representing the child;
 - (c) the separate representative, if any, for the child.

‘Division 5 Confidentiality

‘36M Confidentiality order

- ‘(1) The tribunal may, by order (a *confidentiality order*), prohibit or restrict the disclosure to a party to a proceeding before the tribunal all or some of the evidence given before the tribunal, or of the whole or part of the contents of a document given to, or received in evidence by, the tribunal for the review.
- ‘(2) Subsection (3) applies for the purpose of the tribunal—
- (a) deciding whether to make a confidentiality order; or
 - (b) giving effect to a confidentiality order.
- ‘(3) The tribunal may—
- (a) exclude a party, and any representative of the party, from part of the proceeding before the tribunal; or

- (b) deal with a document in a way that ensures it is not disclosed to a party.
- ‘(4) The tribunal may make a confidentiality order only if it is satisfied that if it does not do so—
 - (a) a child is likely to be harmed; or
 - (b) the safety of another person is likely to be endangered; or
 - (c) there would be undue interference with the privacy of a child or another person.
- ‘(5) The tribunal may act under subsection (1) on its own initiative or on application by a party to the proceeding before the tribunal.
- ‘(6) A confidentiality order does not act to prohibit or limit the disclosure of material to a separate representative in a proceeding before the tribunal.

‘36N Limited access to tribunal’s register of proceedings

- ‘(1) This section applies to the register of proceedings kept by the principal registrar under the QCAT Act, section 229(1).
- ‘(2) Despite the QCAT Act, section 229(2) the principal registrar must ensure that part of the register which relates to proceedings before the tribunal to which this part applies is not available for inspection by the public.
- ‘(3) The QCAT Act, section 229(4) does not apply to that part of the register which relates to proceedings before the tribunal to which this part applies.

‘36O Limited access to tribunal’s record of proceedings

- ‘(1) This section applies to a record kept under the QCAT Act, section 230 for a proceeding before the tribunal to which this part applies.

[s 11]

- ‘(2) Despite the QCAT Act, section 230(3) a person who is not a party to the proceeding may not inspect, or obtain a copy of, the record or a part of the record.

‘36P Certain information not to be published

- ‘(1) A person must not publish—
- (a) information given in evidence or otherwise in a proceeding before the tribunal; or
 - (b) information that is likely to identify a person who—
 - (i) appears as a witness before the tribunal in a proceeding; or
 - (ii) is a party to the proceeding; or
 - (iii) is mentioned, or otherwise involved, in the proceeding.

Maximum penalty—

- (a) for a corporation—1000 penalty units; or
 - (b) for an individual—100 penalty units or 2 years imprisonment.
- ‘(2) Subsection (1)(a) does not apply to—
- (a) a person if the tribunal or the president of the tribunal consents to the publication of the information by the person; or
 - (b) the tribunal publishing its final decision in a proceeding, with or without the reasons for the decision.
- ‘(3) The tribunal or the president may only consent to the publication as mentioned in subsection (2) if the tribunal or the president is satisfied the publication of the information—
- (a) is in the public interest; and
 - (b) does not conflict with the best interests of the child.

‘(4) In this section—

information includes—

- (a) a matter contained in a document filed with, or received by, the tribunal; and
- (b) the tribunal’s decision or reasons for a decision.

publish, for information, means to publish it to the public by way of the internet, newspaper, radio, television or other form of communication.’.

12 Amendment of s 58 (Hearings to be in camera)

(1) Section 58, ‘or the tribunal’—

omit.

(2) Section 58, ‘or tribunal’—

omit.

Part 2 Amendment of Child Protection Act 1999

13 Act amended

This part amends the *Child Protection Act 1999*.

14 Amendment of s 78 (Chief executive’s powers)

(1) Section 78(2)—

omit, insert—

‘(2) The notice mentioned in subsection (1) must comply with the QCAT Act, section 157(2).’.

[s 15]

(2) Section 78(4)—

omit, insert—

‘(4) The tribunal may not stay the operation of the decision under the QCAT Act, section 22(3).’.

15 Amendment of s 86 (Chief executive to notify parents of placing child in care—child protection order)

(1) Section 86(2)(c) and (d)—

omit, insert—

‘(c) the child or child’s parent may apply to the tribunal to have the decision reviewed;

(d) how, and the time within which, the child or child’s parent may apply to have the decision reviewed;

(e) any right the child or child’s parent has to have the operation of the decisions stayed.’.

(2) Section 86(5)(c) and (d)—

omit, insert—

‘(c) the child or child’s parent may apply to the tribunal to have the decision reviewed;

(d) how, and the time within which, the child or child’s parent may apply to have the decision reviewed;

(e) any right the child or child’s parent has to have the operation of the decisions stayed.’.

16 Amendment of s 87 (Chief executive to provide contact between child and child’s parents)

Section 87(4)—

omit, insert—

‘(4) The notice mentioned in subsection (3) must comply with the QCAT Act, section 157(2).’.

17 Amendment of s 90 (Notice of removal from care)

(1) Section 90(3)(b)(ii) and (iii)—

omit, insert—

‘(ii) how, and the time within which, the carer may apply to have the decision reviewed; and

(iii) any right the carer has to have the operation of the decisions stayed.’.

(2) Section 90(4)(c) and (d)—

omit, insert—

‘(c) how, and the time within which, the child may apply to have the decision reviewed; and

(d) any right the child has to have the operation of the decisions stayed.’.

18 Insertion of new ch 2A

After section 99—

insert—

‘Chapter 2A Tribunal proceedings

‘Part 1 Preliminary

‘99A Application of ch 2A

‘This chapter applies to a proceeding before the tribunal that relates to this Act.

‘99B Definitions for ch 2A

‘In this chapter—

president means the president under the QCAT Act.

[s 18]

registrar means the principal registrar under the QCAT Act.

reviewable decision includes a reviewable decision under the *Commission for Children and Young People and Child Guardian Act 2000*, section 140A.

review application means an application made, as provided under the QCAT Act, for review of a reviewable decision by the tribunal.

separate representative see section 99Q(3).

support person means a person allowed by the tribunal under the QCAT Act, section 91 to attend a hearing for the purpose of supporting a party or witness.

‘99C Object of ch 2A

‘The object of this chapter is to provide for the tribunal—

- (a) to make decisions in a review that promote the welfare and best interests of the child about whom the reviewable decision was made; and
- (b) to conduct proceedings in a way that uses adversarial and inquisitorial procedures, as appropriate, to arrive at the best possible decision in the circumstances; and
- (c) to foster an atmosphere of review that enhances the delivery of services to children.

‘99D Principles for tribunal in matters relating to this Act

‘In exercising its jurisdiction, functions or powers in relation to this Act, the tribunal must have regard to the principles mentioned in section 5.

‘Part 2 Tribunal proceedings

‘99E Registrar to give notice of review application

- ‘(1) The registrar must give notice of a review application to the decision-maker.
- ‘(2) Within 7 days after receiving the notice, the decision-maker must give the registrar notice of the names and addresses of all persons, apart from the applicant—
 - (a) who are entitled to apply for a review of the reviewable decision concerned; and
 - (b) of whom the decision-maker is aware.
- ‘(3) The tribunal may shorten the period for giving the decision-maker’s notice to the registrar.
- ‘(4) The tribunal may act under subsection (3) only if satisfied that not to do so will result in a child’s interests being adversely affected or another party to the review suffering hardship.
- ‘(5) For subsection (2), a person’s entitlement to apply for a review is taken to be unaffected by the ending of the period of 28 days mentioned in the QCAT Act, section 33(3).
- ‘(6) Immediately on receipt of the decision-maker’s notice, the registrar must give an information notice to each person named in the decision-maker’s notice.
- ‘(7) The information notice must state—
 - (a) details of the review application; and
 - (b) that the person may elect to become a party to the review and the period within which the notice of election must be filed under section 99ZB; and
 - (c) how the person may elect to become a party to the review.

[s 18]

‘99F Review applications by commissioner

- ‘(1) This section applies if the applicant for a review application is the commissioner.
- ‘(2) The review application must be made within 28 days after the commissioner gives notice under the *Commission for Children and Young People and Child Guardian Act 2000*, section 140B(4) to the chief executive about the reviewable decision.
- ‘(3) In this section—
commissioner means the Commissioner for Children and Young People and Child Guardian established under the *Commission for Children and Young People and Child Guardian Act 2000*.

‘99G Government entity may nominate decision-maker

‘The department may give the registrar a notice nominating an officer or employee of the department, or the holder for the time being of an office in the department, as the decision-maker for a review.

‘99H Constitution of tribunal

- ‘(1) The tribunal must be constituted by 3 members with at least 1 legally qualified member.
- ‘(2) However, if the tribunal is constituted for a compulsory conference, the tribunal may be constituted by only 2 members, with at least 1 legally qualified member.
- ‘(3) If a child to which a proceeding before the tribunal relates is Aboriginal or Torres Strait Islander, the tribunal hearing the proceeding must include, if practicable, a member who is Aboriginal or Torres Strait Islander.
- ‘(4) The president may choose a member to constitute the tribunal for a proceeding to which this part applies only if the president considers the member—

-
- (a) is committed to the principles mentioned in section 5; and
 - (b) has extensive professional knowledge and experience of children; and
 - (c) has demonstrated a knowledge of and has experience in 1 or more of the fields of administrative review, child care, child protection, child welfare, community services, education, health, indigenous affairs, law, psychology or social work.
- ‘(5) A member is ineligible to be a constituting member for a review of a reviewable decision if the member—
- (a) has been refused a certificate of approval, or a renewal of a certificate of approval, as an approved carer; or
 - (b) has had a certificate of approval as an approved carer cancelled.

‘(6) In this section—

legally qualified member has the meaning given by the QCAT Act.

member has the meaning given by the QCAT Act.

‘99I Power of tribunal to stay operation of decision limited in particular circumstances

- ‘(1) This section applies if the tribunal is constituted by less than 3 members for a compulsory conference.
- ‘(2) The tribunal may, under the QCAT Act, section 22(3), only make an order staying the operation of a reviewable decision if the relevant decision-maker for the reviewable decision does not oppose the staying of the decision’s operation.

[s 18]

‘99J Proceedings relating to this Act must usually be held in private

- ‘(1) A hearing of a proceeding before the tribunal to which this part applies must be held in private.
- ‘(2) However, the following are entitled to be present at the proceeding—
 - (a) each party to the proceeding;
 - (b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;
 - (c) a separate representative representing a child in the proceeding;
 - (d) a witness while giving evidence;
 - (e) a support person for a witness, while the witness is giving evidence;
 - (f) a person allowed to be present by the tribunal.
- ‘(3) This section is subject to the QCAT Act, section 220.

Editor’s note—

QCAT Act, section 220 (Tribunal may exclude person)

‘99K When proceeding may be held in public

‘Despite section 99J, the tribunal may allow a proceeding before the tribunal to be held in public if information identifying, or likely to lead to the identification of, a particular child will not be given in the proceeding.

‘99L Adjournments

- ‘(1) In considering whether to adjourn a proceeding before the tribunal involving a child, the tribunal must take into account any impact that adjourning the proceeding will have on the child.

-
- ‘(2) When it adjourns a proceeding, the tribunal must—
- (a) give reasons for the adjournment; and
 - (b) state any matters it requires a party to the proceeding to address during the adjournment; and
 - (c) give directions and make orders it considers necessary or desirable.

‘99M When matter before court

- ‘(1) Subsection (2) applies if—
- (a) a review application is before the tribunal; and
 - (b) some or all the matters to which the reviewable decision relates are also before a court.
- ‘(2) The president must suspend the tribunal’s review if the president considers—
- (a) the court’s decision about the matters would effectively decide the same issues to be decided by the tribunal; and
 - (b) the matters will be dealt with quickly by the court.
- ‘(3) If the president acts under subsection (2), the court decides the matters and the decision effectively decides the issues before the tribunal, the president must dismiss the review application.
- ‘(4) Subsection (5) applies if—
- (a) the president has suspended the tribunal’s review; and
 - (b) the matters have not been decided by the court.
- ‘(5) The president may cancel the suspension and the tribunal may continue to deal with the review application.
- ‘(6) The president may act under subsection (2), (3) or (5) on the president’s own initiative or on application by a party to the review.

[s 18]

‘99N Compulsory conferences

- ‘(1) This section applies to a compulsory conference under the QCAT Act to which the parties to a proceeding before the tribunal have been directed to attend by the tribunal or principal registrar.
- ‘(2) In addition to anything the person presiding over the conference may do under the QCAT Act, the person may do 1 or more of the following—
 - (a) identify information to be given to the tribunal by the parties;
 - (b) give the parties information about the tribunal’s practice and procedures;
 - (c) refer the parties to alternative dispute resolution.
- ‘(3) Also, the person presiding over the conference may meet with a party separately—
 - (a) if the person considers doing so may avoid the escalation of conflict between the parties; or
 - (b) if the party is a child and the person considers doing so is in the child’s best interests having regard to the child’s views and wishes.

‘Part 3 Children in tribunal proceedings

‘99O Requirements about ensuring proper understanding of tribunal proceedings

- ‘(1) In addition to the QCAT Act, section 29 the tribunal must take all reasonable steps to ensure each child taking part in a proceeding before the tribunal, who is not a party to the proceedings, understands the tribunal’s procedures.

-
- ‘(2) Also, a child entitled to start, or participate in, a proceeding before the tribunal—
- (a) should be given the information and help necessary for the child to do so; and
 - (b) should have access to appropriate representation.

‘99P Review applications on behalf of children

- ‘(1) A person may file a review application on behalf of a child only with the president’s permission.
- ‘(2) The president may give permission only if the president considers—
- (a) the person is not, on the person’s own behalf, entitled to apply for the decision to be reviewed by the tribunal; and
 - (b) it is in the child’s best interests that the application be made; and
 - (c) it would be inappropriate for, or unreasonable to require, the child to make the application himself or herself.
- ‘(3) An applicant may withdraw a review application filed on behalf of a child only with the permission of the president or the tribunal.
- ‘(4) The president or tribunal may give permission under subsection (3) only if the president or tribunal considers that, having regard to the child’s views or wishes, if any, it is in the child’s best interests that the application be withdrawn.

‘99Q Separate representation of children

- ‘(1) This section applies if a reviewable decision is about a child and the decision is the subject of a review application.
- ‘(2) Also, this section applies whether or not the child—
- (a) is a party to a proceeding before the tribunal; or

[s 18]

- (b) is represented by a lawyer or someone else under the QCAT Act, section 43.
- ‘(3) The tribunal must consider whether it would be in the child’s best interests for the child to be separately represented under this section before the tribunal by a lawyer (a *separate representative*).
- ‘(4) If the tribunal considers it would be in the child’s best interests for the child to be separately represented under this section before the tribunal by a lawyer, the tribunal must order that the child be represented by a separate representative.
- ‘(5) A separate representative may represent more than 1 child in the same proceeding before the tribunal.
- ‘(6) A separate representative must—
 - (a) act in the child’s best interests having regard to any expressed views or wishes of the child; and
 - (b) as far as possible, present the child’s views and wishes to the tribunal.
- ‘(7) For the QCAT Act, a separate representative has the same rights and obligations as a party to the review.

‘99R Separate representative must not be called to give evidence

‘A separate representative must not, in any proceeding before the tribunal, be called to give evidence, and if called must not give evidence, about a communication between the representative and the child for whom the representative was appointed.

‘99S Representation of children

- ‘(1) This section applies if a party to a proceeding before the tribunal is a child who is represented by a separate representative under section 99Q.

-
- ‘(2) In the proceeding, the party may also be represented by a lawyer or someone else under the QCAT Act, section 43.

‘99T Children must not be compelled to give evidence

- ‘(1) A child must not be compelled to give evidence in a proceeding before the tribunal.
- ‘(2) Without limiting subsection (1), the tribunal may not require a child to do either of the following under the QCAT Act, section 97(1)—
- (a) attend a hearing of a proceeding to give evidence;
 - (b) produce a stated document or other thing to the tribunal.
- ‘(3) Before a child gives evidence in a proceeding, the tribunal must satisfy itself that the child is willing to give the evidence.

‘99U Child’s right to express views to tribunal

- ‘(1) This section applies if a reviewable decision is about a child and the decision is being reviewed by the tribunal.
- ‘(2) Whether or not the child is a party to the review or appears as a witness before the tribunal, the child has the right to express his or her views to the tribunal about matters relevant to the review.

‘99V Children giving evidence or expressing views to tribunal

- ‘(1) This section applies if a child is giving evidence or expressing the child’s views to the tribunal.
- ‘(2) Only the following persons may be present while the child gives evidence or expresses the child’s views—
- (a) the constituting members;
 - (b) the lawyer, if any, representing the child;
 - (c) the separate representative, if any, for the child;

[s 18]

- (d) the child's support person if the child has a support person and agrees to that person's presence.
- '(3) Despite subsection (2), the child may elect to give evidence or express the child's views in the presence of the parties and their representatives if the child—
 - (a) is 12 years or more; and
 - (b) is represented by a lawyer or a separate representative.

'99W Questioning of children

- '(1) A child giving evidence or expressing the child's views in a proceeding before the tribunal must not be cross-examined.
- '(2) Also, only the following persons may ask questions of a child giving evidence or expressing the child's views in a proceeding—
 - (a) the constituting members;
 - (b) the lawyer, if any, representing the child;
 - (c) the separate representative, if any, for the child.

'99X Provisions applying if party to review is a child who is a parent of the child about whom the reviewable decision was made

- '(1) This section applies if—
 - (a) a party to a proceeding before the tribunal to have a reviewable decisions reviewed is—
 - (i) a child; and
 - (ii) a parent of the child about whom the reviewable decision was made; and
 - (b) in the proceeding the parent elects to give evidence.
- '(2) Sections 99V and 99W do not apply to the parent.
- '(3) Before the parent gives evidence, the tribunal must tell the parent that—

-
- (a) he or she may be cross-examined by the tribunal or a party to the proceeding; and
 - (b) he or she may, at any time while the cross-examination is continuing, refuse to be further cross-examined; and
 - (c) if he or she acts under paragraph (b), this may affect the weight given by the tribunal to his or her evidence.

‘Part 4 Medical examinations

‘99Y President or tribunal may authorise medical examination of child

- ‘(1) For a review, the president or the tribunal may, by order, authorise a medical examination of a child and require a report of the examination to be filed with the registrar.
- ‘(2) The order must state the particular issues the report must address.
- ‘(3) The president or tribunal must not make the order unless the president or tribunal is satisfied—
 - (a) the medical information, if any, available to the tribunal about the child is insufficient to allow the tribunal to decide the review; and
 - (b) the child’s interests will be best served by making the order.
- ‘(4) In deciding whether the child’s interests will be best served by making the order, the president or tribunal must consider the child’s views and wishes, if any, and the effect the medical examination may have on the child having regard to the number and frequency of any previous medical examinations the child has undergone.

[s 18]

‘99Z Carrying out medical examinations

- ‘(1) This section applies if an order under section 99Y authorises a child’s medical examination.
- ‘(2) A doctor may medically examine the child.
- ‘(3) Subsection (2) applies even though the child’s parents or guardian has not consented to the examination.
- ‘(4) However, subsection (2) is subject to the rights the child has in relation to the examination.
- ‘(5) For deciding any liability in relation to the carrying out of the examination, the doctor is taken to have the consent of the child’s parents or guardian to the examination.

‘Part 5 Parties

‘99ZA Parties to review

‘The parties to a review are—

- (a) the applicant for the review; and
- (b) the decision-maker; and
- (c) a person who elects to become a party under section 99ZB; and
- (d) a person joined as a party under section 99ZC.

‘99ZB Certain persons may elect to become parties

- ‘(1) This section applies to a person who is given an information notice under section 99E(6).
- ‘(2) The person may elect to become a party to the review to which the notice relates by filing a notice of election with the registrar.

-
- ‘(3) The notice of election must be filed with the registrar within 7 days after the person receives the information notice.
 - ‘(4) The tribunal may shorten the period for filing the notice of election.
 - ‘(5) The tribunal may act under subsection (4) only if satisfied that not to do so will result in a child’s interests being adversely affected or another party to the review suffering hardship.

‘99ZC Joinder of person as party to review

- ‘(1) The tribunal may join a person as a party to a review if it is satisfied the person is genuinely concerned in the subject matter of the review.
- ‘(2) However, if the review concerns a child, the tribunal may not join a person as a party unless it is satisfied that to do so would be in the child’s best interests.
- ‘(3) The tribunal may join a person as a party to the review on its own initiative or on application by the person.
- ‘(4) The tribunal may join a person as a party to the review at any time before the review application is finally decided by the tribunal.

‘Part 6 Confidentiality

‘99ZD Confidentiality order

- ‘(1) The tribunal may, by order (a *confidentiality order*), prohibit or restrict the disclosure to a party to a proceeding before the tribunal of all or some of the evidence given before the tribunal, or of the whole or part of the contents of a document given to, or received in evidence by, the tribunal for the review.
- ‘(2) Subsection (3) applies for the purpose of the tribunal—

[s 18]

- (a) deciding whether to make a confidentiality order; or
 - (b) giving effect to a confidentiality order.
- ‘(3) The tribunal may—
- (a) exclude a party, and any representative of the party, from part of the proceeding before the tribunal; or
 - (b) deal with a document in a way that ensures it is not disclosed to a party.
- ‘(4) The tribunal may make a confidentiality order only if it is satisfied that if it does not do so—
- (a) a child is likely to be harmed; or
 - (b) the safety of another person is likely to be endangered; or
 - (c) there would be undue interference with the privacy of a child or another person.
- ‘(5) The tribunal may act under subsection (1) on its own initiative or on application by a party to the proceeding before the tribunal.
- ‘(6) A confidentiality order does not act to prohibit or limit the disclosure of material to a separate representative in a proceeding before the tribunal.

‘99ZE Limited access to tribunal’s register of proceedings

- ‘(1) This section applies to the register of proceedings kept by the principal registrar under the QCAT Act, section 229(1).
- ‘(2) Despite the QCAT Act, section 229(2) the principal registrar must ensure that part of the register which relates to proceedings before the tribunal to which this part applies is not available for inspection by the public.
- ‘(3) The QCAT Act, section 229(4) does not apply to that part of the register which relates to proceedings before the tribunal to which this part applies.

‘99ZF Limited access to tribunal’s record of proceedings

- ‘(1) This section applies to a record kept under the QCAT Act, section 230 for a proceeding before the tribunal to which this part applies.
- ‘(2) Despite the QCAT Act, section 230(3) a person who is not a party to the proceeding may not inspect, or obtain a copy of, the record or a part of the record.

‘99ZG Certain information not to be published

- ‘(1) A person must not publish—
 - (a) information given in evidence or otherwise in a proceeding before the tribunal; or
 - (b) information that is likely to identify a person who—
 - (i) appears as a witness before the tribunal in a proceeding; or
 - (ii) is a party to the proceeding; or
 - (iii) is mentioned, or otherwise involved, in the proceeding.

Maximum penalty—

- (a) for a corporation—1000 penalty units; or
 - (b) for an individual—100 penalty units or 2 years imprisonment.
- ‘(2) Subsection (1)(a) does not apply to—
 - (a) a person if the tribunal or the president of the tribunal consents to the publication of the information by the person; or
 - (b) the tribunal publishing its final decision in a proceeding, with or without the reasons for the decision.
 - ‘(3) The tribunal or the president may only consent to the publication as mentioned in subsection (2) if the tribunal or the president is satisfied the publication of the information—

-
- (b) of the steps taken to give effect to the tribunal's recommendations and, if no steps have been taken, the reasons for this.

'99ZJ What happens if decision not given effect etc.

- '(1) This section applies if the president, after considering the response of the chief executive given under section 99ZI, is of the opinion that—
 - (a) the tribunal's decision has not been given effect; or
 - (b) no steps have been taken to give effect to the tribunal's recommendations or the steps taken are inadequate or inappropriate.
- '(2) The president may report on the matter to the Minister responsible for the department.
- '(3) The president must attach the following to the report—
 - (a) if the report is about the tribunal's decision—copies of the decision and response;
 - (b) if the report is about the tribunal's recommendations—copies of the recommendations and response.'

19 Amendment of s 129 (Refusal of application)

Section 129(2)(c)(i) and (ii)—

omit, insert—

- '(i) state the applicant may apply to the tribunal to have the decision reviewed; and
- (ii) state how, and the time within which, the applicant may apply to have the decision reviewed; and
- (iii) state any right the applicant has to have the operation of the decisions stayed.'

[s 20]

20 Amendment of s 136 (Refusal of application)

Section 136(2)(c)(i) and (ii)—

omit, insert—

- ‘(i) state the applicant may apply to the tribunal to have the decision reviewed; and
- (ii) state how, and the time within which, the applicant may apply to have the decision reviewed; and
- (iii) state any right the applicant has to have the operation of the decisions stayed.’.

21 Amendment of s 137 (Amendment of authority on application of holder)

Section 137(7)(c) and (d)—

omit, insert—

- ‘(c) state the applicant may apply to the tribunal to have the decision reviewed; and
- (d) state how, and the time within which, the applicant may apply to have the decision reviewed; and
- (e) state any right the applicant has to have the operation of the decisions stayed.’.

22 Amendment of s 138 (Amendment of authority by the chief executive)

Section 138(6)(c) and (d)—

omit, insert—

- ‘(c) state the holder may apply to the tribunal to have the decision reviewed; and
- (d) state how, and the time within which, the holder may apply to have the decision reviewed; and
- (e) state any right the holder has to have the operation of the decisions stayed.’.

23 Amendment of s 140 (Procedure for suspension or cancellation)

Section 140(5)(b) and (c)—

omit, insert—

- ‘(b) the holder may apply to the tribunal to have the decision reviewed; and
- (c) how, and the time within which, the holder may apply to have the decision reviewed; and
- (d) any right the holder has to have the operation of the decisions stayed.’.

24 Amendment of s 140AI (Notice of cancellation)

Section 140AI(2)(c)(i) and (ii)—

omit, insert—

- ‘(i) the person may apply to the tribunal to have the decision reviewed; and
- (ii) how, and the time within which, the person may apply to have the decision reviewed; and
- (iii) any right the person has to have the operation of the decisions stayed.’.

25 Amendment of s 247 (Reviews of reviewable decisions)

- (1) Section 247, after ‘apply’—

insert—

‘, as provided under the QCAT Act.’.

- (2) Section 247, editor’s note—

omit, insert—

‘*Note—*

Aggrieved persons and reviewable decisions are in schedule 2.’.

[s 26]

26 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *reviewable decision*—
omit, insert—
‘reviewable decision means—
(a) for chapter 2A—see section 99B; or
(b) otherwise—a decision stated in schedule 2.’.
- (2) Schedule 3, definition *tribunal*—
omit. insert—
‘tribunal means QCAT.’.

**Part 3 Amendment of Child Protection
(International Measures) Act
2003**

27 Act amended

This part amends the *Child Protection (International Measures) Act 2003*.

28 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *Children Services Tribunal* and *Guardianship and Administration Tribunal*—
omit.
- (2) Schedule 4, definition *Queensland court*, paragraphs (e) and (f)—
omit, insert—
‘(e) QCAT.’.

31 Amendment of s 89ZG (Government entity may enter into arrangement with commissioner)

Section 89ZG(4)(a), ‘the Children Services Tribunal’—
omit, insert—
‘QCAT’.

32 Amendment of s 102B (Actions of commissioner after making decision on application)

Section 102B(2)(b) to (d)—

omit, insert—

- ‘(b) if the reasons do not include investigative information, a statement that the relevant person may apply, as provided under the QCAT Act, to QCAT for a review of only a decision of the commissioner about whether there is an exceptional case as mentioned in section 102(4) or (7);
- (c) if the reasons include investigative information, a statement that the relevant person—
 - (i) may appeal as mentioned in section 121C(2) to a Magistrates Court about only the investigative information; or
 - (ii) may decide not to appeal under section 121C(2) but apply, as provided under the QCAT Act, to QCAT for a review of only a decision of the commissioner about whether there is an exceptional case as mentioned in section 102(4) or (7);
- (d) the period within which the person must apply to QCAT for the review, or appeal to a Magistrates Court;
- (e) how the person may apply for the review to QCAT, or appeal to a Magistrates Court.’

33 Amendment of s 121 (Person may apply for review of decision)

(1) Section 121(1), ‘the Children Services Tribunal’—

omit, insert—

‘QCAT’.

(2) Section 121(1)—

insert—

‘*Note—*

See sections 128E and 128F for particular provisions about applications for review made on behalf of a child.’.

(3) Section 121(2)—

omit, insert—

‘(2) If a person applies under subsection (1) to have a decision reviewed, QCAT may not—

(a) stay the operation of the decision; or

(b) grant an injunction in the proceeding for the review.’.

34 Amendment of s 121AA (Effect of applicant under s 121 becoming a disqualified person)

Section 121AA(2)(b) and (3), ‘the Children Services Tribunal’—

omit, insert—

‘QCAT’.

35 Amendment of s 121C (Decision by police commissioner that information is investigative information)

Section 121C(5), ‘The Children Services Tribunal’—

omit, insert—

‘QCAT’.

36 Amendment of s 121E (Consequence of decision on appeal)

Section 121E(2), from ‘state’—

omit, insert—

‘state—

- (a) that within 28 days after the date the person is given the notice, the person may apply, as provided under the QCAT Act, to QCAT for a review of the commissioner’s decision to issue the negative notice; and
- (b) how the person may apply for the review.’

37 Insertion of new pts 6A and 6B

After part 6—

insert—

‘Part 6A QCAT proceedings about child-related employment review

‘128A Definitions for pt 6A

‘In this part—

child-related employment decision means a decision mentioned in section 121(1)(a) or (b).

constituting members means the member or members of QCAT constituting it for the proceeding concerned.

QCAT child-related employment review means a review by QCAT of a child-related employment decision.

QCAT president means the president of QCAT.

‘128B Application of pt 6A

‘This part applies for a child-related employment review.

Note—

The QCAT Act also applies for the review.

‘128C Principle for reviewing child-related employment decision

‘A child-related employment decision is to be reviewed under the principle that the welfare and best interests of a child are paramount.

‘128D Proceeding must always be held in private

- ‘(1) A hearing of a proceeding for a QCAT child-related employment review must be held in private.
- ‘(2) However, the following are entitled to be present at the proceeding—
- (a) each party to the proceeding;
 - (b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;
 - (c) a witness while giving evidence;
 - (d) a person allowed to be present to support a party;
 - (e) a person allowed to be present to support a witness, while the witness is giving evidence;
 - (f) a person allowed to be present by QCAT.
- ‘(3) This section is subject to the QCAT Act, section 220.

Editor’s note—

QCAT Act, section 220 (Tribunal may exclude person)

‘128E Applications on behalf of children

- ‘(1) An application for a child-related employment review may be made on behalf of a child only with the permission of the QCAT president.
- ‘(2) The QCAT president may give permission only if the president considers—
 - (a) the person is not, on the person’s own behalf, entitled to apply for the child-related employment review; and
 - (b) it is in the child’s best interests that the application be made; and
 - (c) it would be inappropriate for, or unreasonable to require, the child to make the application himself or herself.

‘128F Withdrawal of application for review

- ‘(1) An applicant may withdraw an application made on behalf of a child under section 128E only with leave of the QCAT president or QCAT.
- ‘(2) The QCAT president or QCAT may give leave under subsection (1) only if the president or QCAT considers that, having regard to the child’s views or wishes, if any, it is in the child’s best interests that the application be withdrawn.

‘128G Children must not be compelled to give evidence

- ‘(1) A child must not be compelled to give evidence in a proceeding for a QCAT child-related employment review.
- ‘(2) Without limiting subsection (1), QCAT may not require a child to do the either of the following under the QCAT Act, section 97(1)—
 - (a) attend a hearing of a proceeding to give evidence;
 - (b) produce a stated document or other thing to QCAT.
- ‘(3) Before a child gives evidence in a proceeding, QCAT must satisfy itself that the child is willing to give the evidence.

‘128H Children giving evidence

- ‘(1) This section applies if, in a proceeding for a QCAT child-related employment review—
 - (a) a child is giving evidence; and
 - (b) section 128J does not apply.
- ‘(2) Only the following persons may be present while the child gives evidence—
 - (a) the constituting members;
 - (b) the child’s support person if the child has a support person and agrees to that person’s presence.

‘128I Questioning of children

- ‘(1) This section applies if, in a proceeding for a QCAT child-related employment review—
 - (a) a child is giving evidence; and
 - (b) section 128J does not apply.
- ‘(2) The child must not be cross-examined.
- ‘(3) Also, only the constituting members may ask questions of the child.

‘128J Provisions for QCAT child-related employment reviews

- ‘(1) This section applies if—
 - (a) a child applies to QCAT for review of a child-related employment decision or a person makes the application on the child’s behalf; and
 - (b) in a proceeding for the review, the child elects to give evidence.
- ‘(2) Before the child gives evidence, QCAT must tell the child that—

- (a) he or she may be cross-examined by QCAT or a party to the proceeding; and
 - (b) he or she may, at any time while the cross-examination is continuing, refuse to be further cross-examined; and
 - (c) if he or she acts under paragraph (b), the application is taken to have been withdrawn and the review stops.
- ‘(3) If the child acts under subsection (2)(b), the application is taken to have been withdrawn and the review stops.

‘Part 6B QCAT to give statistical information to commissioner

‘128K QCAT’s principal registrar to give statistical information to commissioner

- ‘(1) QCAT’s principal registrar must, from time to time, give the commissioner statistical information about all of the following—
- (a) the number and types of prescribed reviewable decisions for which applications were made to QCAT for review;
 - (b) QCAT’s decisions on the applications;
 - (c) recommendations mentioned in the *Child Protection Act 1999*, section 99ZH(2).
- ‘(2) The information must not identify the parties (other than the decision-maker) to, or other persons taking part in, a review.
- ‘(3) In this section—
- prescribed reviewable decision*** means any of the following decisions—
- (a) a child-related employment decision;

- (b) a decision or assessment mentioned in the *Adoption of Children Act 1964*, section 13AA, 13AC, 13E or 14D;
- (c) a decision mentioned in the *Child Care Act 2002*, section 163;
- (d) a decision that is a reviewable decision under the *Child Protection Act 1999*.

review means a review by QCAT.’.

38 Amendment of s 140B (Commissioner may apply for review of reviewable decisions)

Section 140B(2) to (4), ‘the Children Services Tribunal’—
omit, insert—
‘QCAT’.

39 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *Children Services Tribunal*—
omit.
- (2) Schedule 4—
insert—
‘*child-related employment decision* see section 128A.
constituting members, for part 6A, see section 128A.
QCAT child-related employment review, for part 6A, see section 128A.
QCAT president, for part 6A, see section 128A.’.

- (2) Section 95(6), ‘appeal against’—
omit, insert—
‘apply to the tribunal for a review of’.

45 Amendment of s 96 (Review decision)

- Section 96(4), from ‘a notice’—
omit, insert—
‘a QCAT information notice about the decision.’.

46 Replacement of pt 9, div 3, hdg (Appeal against review decision)

- Part 9, division 3, heading—
omit, insert—

‘Division 3 Review of review decision by tribunal’.

47 Replacement of s 97 (Appeal against review decision)

- Section 97—
omit, insert—

‘97 Review of review decision

- ‘(1) Subsection (2) applies to an interested person for a review decision, whether or not the interested person has received a QCAT information notice for the review decision.
- ‘(2) An interested person for a review decision may apply, as provided under the QCAT Act, to the tribunal for a review of the review decision.
- ‘(3) If the interested person has received a QCAT information notice about the review decision, the application to the tribunal for a review of the decision must be accompanied by a copy of the QCAT information notice.’.

[s 48]

48 Omission of s 98 (Appeal is by way of rehearing)

Section 98—

omit.

49 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions *appeal* and *tribunal*—

omit.

(2) Schedule 4—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).

tribunal means QCAT.’.

Part 6 Amendment of Disability Services Act 2006

50 Act amended

This part amends the *Disability Services Act 2006*.

51 Amendment of s 87 (Actions of chief executive after making decision on application)

Section 87(2)(b) to (d)—

omit, insert—

‘(b) if the reasons do not include investigative information, a statement that the engaged person may apply, as provided under the QCAT Act, to the tribunal for a review of only a decision of the chief executive about

-
- whether there is an exceptional case as mentioned in section 85(4) or (7);
- (c) if the reasons include investigative information, a statement that the engaged person—
 - (i) may appeal under section 111(2) to a Magistrates Court about only the investigative information; or
 - (ii) may decide not to appeal under section 111(2) but apply, as provided under the QCAT Act, to the tribunal for a review of only a decision of the chief executive about whether there is an exceptional case as mentioned in section 85(4) or (7);
 - (d) the period within which the engaged person must apply for the appeal or review;
 - (e) how the person may apply for the appeal or review.’.

52 Amendment of s 102 (Cancellation if conviction for excluding offence and imprisonment or disqualification order)

- (1) Section 102(3)(a) and (5), ‘appeal’—
omit, insert—
‘review’.
- (2) Section 102(6)—
omit.

53 Amendment of s 108 (Person may apply for review of decision)

- (1) Section 108(1), after ‘apply’—
insert—
‘, as provided under the QCAT Act.’.

[s 54]

- (2) Section 108(4), ‘no appeal, or review,’—
omit, insert—
‘no appeal or review’.

54 Amendment of s 113 (Consequence of decision on appeal)

Section 113(2)—
omit, insert—

- ‘(2) If the court confirms the decision appealed against—
- (a) the person who appealed the decision may apply, within 28 days after receiving the notice under section 112(4) and as otherwise provided under the QCAT Act, to the tribunal for a review of only the decision of the chief executive about whether there is an exceptional case as mentioned in section 85(4) or (7); and
 - (b) the notice under section 112(4) must comply with the QCAT Act, section 157(2).’.

55 Amendment of s 123D (Explanation of operation of pt 10A)

Section 123D(2)(a)(ii), ‘guardianship’—
omit.

56 Amendment of s 123E (Definitions for pt 10A)

- (1) Section 123E, definition *guardianship tribunal*—
omit.
- (2) Section 123E, definition *containment or seclusion approval*, ‘guardianship’—
omit.

-
- 57 Amendment of s 123X (Requirements for chief executive's decision about whether change should be made)**
Section 123X(4), 'guardianship'—
omit.
- 58 Amendment of s 123Y (Action of chief executive after deciding whether change should be made)**
- (1) Section 123Y(3)(a), 'guardianship'—
omit.
- (2) Section 123Y(5)(a), note, 'guardianship'—
omit.
- (3) Section 123Y(6), definition *GAA application*, 'guardianship'—
omit.
- 59 Amendment of s 123ZE (Application of sdiv 2)**
Section 123ZE(b), note, paragraph (b), 'guardianship'—
omit.
- 60 Amendment of s 123ZK (Short term approval for use of restrictive practices other than containment or seclusion)**
Section 123ZK(8), from 'apply'—
omit, insert—
'apply, as provided under the QCAT Act, to the tribunal for a review of the decision.'

[s 61]

61 Amendment of s 123ZL (Period for which short term approval has effect)

Section 123ZL(3), ‘guardianship’—
omit.

62 Amendment of s 123ZN (Chief executive’s decision about approving short term plan)

Section 123ZN(5), from ‘plan’—
omit, insert—

‘plan, the relevant service provider may apply, as provided under the QCAT Act, to the tribunal for a review of the decision not to approve the plan.’.

63 Amendment of s 123ZZ (Application for review)

Section 123ZZ, heading, after ‘review’—
insert—
‘by chief executive’.

64 Amendment of pt 14, hdg (Reviews and appeals)

Part 14, heading, ‘and appeals’—
omit.

65 Amendment of s 208 (Chief executive must give notice after making reviewable decision)

Section 208(1)(d), from ‘appeal’—
omit, insert—

‘apply, as provided under the QCAT Act, to the tribunal for a further review of the decision.’.

66 Amendment of pt 14, div 2, hdg (Review of decision)

Part 14, division 2, heading, ‘of decision’—

omit, insert—

‘by chief executive’.

67 Amendment of s 210 (Stay of operation of original decision)

(1) Section 210(5), ‘appeal to’—

omit, insert—

‘review by’.

(2) Section 210(7), from ‘to enable’—

omit, insert—

‘for the review of the review decision.’.

(3) Section 210(8), after ‘stayed’—

insert—

‘by the chief executive or the tribunal’.

68 Amendment of s 211 (Review decision)

Section 211(4), from ‘a notice stating’—

omit, insert—

‘a notice complying with the QCAT Act, section 157(2) for the decision.’.

69 Replacement of pt 14, div 3, hdg (Appeal against decision)

Part 14, division 3, heading—

omit, insert—

‘Division 3 Review by tribunal’.

[s 70]

70 Replacement of s 212 (Appeal against review decision)

Section 212—

omit, insert—

‘212 Review of review decision

- ‘(1) Subsection (2) applies to an interested person for a review decision, whether or not the interested person has received a review decision notice for the review decision.
- ‘(2) The interested person for the review decision may apply, as provided under the QCAT Act, to the tribunal for a review of the review decision.
- ‘(3) If the interested person has received a review decision notice for the review decision, the application filed in the tribunal to start the review must be accompanied by a copy of the review decision notice.
- ‘(4) In this section—
review decision notice means a notice complying with the QCAT Act, section 157(2).’.

71 Omission of s 213 (Appeal is by way of rehearing)

Section 213—

omit.

72 Amendment of s 248 (Circumstances in which subdivision stops applying)

Section 248(2)(a), ‘guardianship’—

omit.

73 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *appeal, guardianship tribunal* and *tribunal*—
omit.

- (2) Schedule 7—
insert—
‘tribunal means QCAT.’.

Part 7 **Amendment of Domestic and Family Violence Protection Act 1989**

74 Act amended

This part amends the *Domestic and Family Violence Protection Act 1989*.

75 Amendment of s 38 (Conferral of jurisdiction)

- (1) Section 38(4), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.
- (2) Section 38(4)(a) and (5), ‘the *Small Claims Tribunals Act 1973*’—
omit, insert—
‘the QCAT Act’.

76 Amendment of s 62A (Procedural provisions for tenancy application)

- (1) Section 62A(1), (2), (5) and (6), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

[s 77]

- (2) Section 62A(3), ‘despite the *Small Claims Tribunals Act 1973*, section 17’—
omit.
 - (3) Section 62A(4), ‘the *Small Claims Tribunals Act 1973*’—
omit, insert—
‘the QCAT Act’.
 - (4) Section 62A—
insert—
- ‘(4A) However, a Magistrates Court hearing a tenancy application under this section must not be open to the public.’.

77 Amendment of schedule (Dictionary)

- (1) Schedule, definition *small claims tribunal*—
omit.
- (2) Schedule, definition *tenancy application*, ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 8 Amendment of Guide, Hearing and Assistance Dogs Act 2009

78 Act amended

This part amends the *Guide, Hearing and Assistance Dogs Act 2009*.

79 Amendment of pt 7, hdg (Reviews and appeals)

Part 7, heading, ‘and appeals’—

omit.

80 Amendment of s 67 (Definitions for pt 7)

Section 67, definition *reviewed decision notice*—

omit.

81 Replacement of pt 7, div 3, hdg (Review of decision)

Part 7, division 3, heading—

omit, insert—

‘Division 3 Review by chief executive’.

82 Amendment of s 70 (Stay of operation of original decision)

(1) Section 70(5), ‘appeal to’—

omit, insert—

‘review by’.

(2) Section 70(7), from ‘to enable’—

omit, insert—

‘for the review of the reviewed decision.’.

83 Amendment of s 71 (Review decision)

(1) Section 71, heading, ‘Review’—

omit, insert—

‘**Reviewed**’.

(2) Section 71(4), from ‘person a notice’—

omit, insert—

[s 84]

‘person a notice complying with the QCAT Act, section 157(2) for the decision.’.

84 Replacement of pt 7, div 4, hdg (Appeal against reviewed decision)

Part 7, division 4, heading—

omit, insert—

‘Division 4 Review by tribunal’.

85 Replacement of ss 72 and 73

Sections 72 and 73—

omit, insert—

‘72 Review of reviewed decision

‘(1) Subsection (2) applies to an interested person for a reviewed decision, whether or not the interested person has received a reviewed decision notice for the decision.

‘(2) The interested person for the reviewed decision may apply, as provided under the QCAT Act, to the tribunal for a review of the reviewed decision.

‘(3) If the interested person has received a reviewed decision notice for the reviewed decision, the application filed in the tribunal to start the review must be accompanied by a copy of the reviewed decision notice.

‘(4) In this section—

reviewed decision notice means a notice complying with the QCAT Act, section 157(2).’.

86 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions *reviewed decision notice* and *tribunal*—

omit.

[s 90]

90 Insertion of new s 414A

Chapter 6, part 2, division 2—

insert—

‘414A Applications to the tribunal

‘An application to the tribunal under this Act must be made in the way provided under the QCAT Act.’.

91 Insertion of new 433A

Chapter 6, part 2, division 3—

insert—

‘433A Particular applications to be heard in private

‘(1) A proceeding before the tribunal about an application made to the tribunal must be held in private if—

- (a) the application is made under section 245 or 321; or
- (b) the application is made under section 312 and the applicant is the domestic associate of the other cotenant or another cotenant; or
- (c) the application is made under section 323 and the applicant is the domestic associate of the tenant.

‘(2) In this section—

‘*domestic associate* means a person in any of the following relationships—

- (a) a spousal relationship;
- (b) an intimate personal relationship;
- (c) a family relationship;
- (d) an informal care relationship.

‘(3) A term used in subsection (2)(a) to (d) has the same meaning as in the *Domestic and Family Violence Protection Act 1989* and a reference in that Act to a court deciding whether a

relationship exists includes a reference to the tribunal deciding that issue for this section.’.

92 Amendment of s 504 (Other evidentiary aids)

Section 504(2)—

omit.

93 Amendment of s 516 (Applications for more than prescribed amount)

Section 516(1)(b), from ‘*Small*’—

omit, insert—

‘QCAT Act.’.

94 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *registrar*, *registry* and *tribunal*—

omit.

(2) Schedule 2—

insert—

‘*registrar* means the principal registrar under the QCAT Act.

registry means the registry under the QCAT Act.

tribunal means QCAT.’.

[s 95]

Chapter 3 Department of Community Safety

Part 1 Amendment of Building Fire Safety Regulation 2008

95 Regulation amended

This part amends the *Building Fire Safety Regulation 2008*.

96 Omission of s 73 (Fee for an objection—Fire Service Act, s 104SB)

Section 73—

omit.

Part 2 Amendment of Corrective Services Act 2006

97 Act amended

This part amends the *Corrective Services Act 2006*.

98 Amendment of s 319A (Definitions)

Section 319A, definition *tribunal*—

omit, insert—

‘tribunal means QCAT.’.

- (e) that the occupier may apply to QCAT for a review of the occupancy notice;
 - (f) how, and the period within which, the occupier may apply to QCAT for the review;
 - (g) any right the occupier has to have the operation of the occupancy notice stayed under the QCAT Act.
- ‘(2) Also, to the extent that it specifies that an alteration is to be made to the structure of a building, notice under subsection (1) is not valid unless the commissioner first consults the local government in whose area the building is situated.’.

105 Amendment of s 104I (Certificate of compliance)

- (1) Section 104I(8A)—

omit, insert—

- ‘(8A) The notice under subsection (8) must state the following—

- (a) the grounds of the refusal;
- (b) any steps required to be taken by the applicant before any further application will be granted;
- (c) that the applicant may apply to QCAT for a review of the refusal;
- (d) how, and the period within which, the applicant may apply to QCAT for the review.’.

- (2) Section 104I(10), ‘division 4’—

omit, insert—

‘part 9B’.

106 Amendment of s 104KF (Commissioner may give occupancy notice to occupier)

Section 104KF(f) and (g)—

omit, insert—

[s 107]

- ‘(f) that the occupier may apply to QCAT for a review of the occupancy notice;
- (g) how, and the period within which, the occupier may apply to QCAT for the review;
- (h) any right the occupier has to have the operation of the occupancy notice stayed under the QCAT Act.’.

107 Amendment of s 104KI (Re-assessment of risk of overcrowding)

Section 104KI(4)(c) and (d)—

omit, insert—

- ‘(c) that the occupier may apply to QCAT for a review of the occupancy notice;
- (d) how, and the period within which, the occupier may apply to QCAT for the review.’.

108 Amendment of pt 9B, hdg (Objections to notices)

Part 9B, heading, ‘Objections to’—

omit, insert—

‘**Review of**’.

109 Omission of s 104SA (Application of pt 9B to notices under s 69)

Section 104SA—

omit.

110 Amendment of s 104SB (Persons aggrieved by notice may object)

- (1) Section 104SB, heading, ‘object’—

omit, insert—

‘apply for review’.

(2) Section 104SB(1), from ‘within 21 days’—

omit, insert—

‘may apply, as provided under the QCAT Act, to QCAT for a review of the notice.’.

(3) Section 104SB(2)—

omit.

111 Omission of s 104SC (Panel of referees to be convened)

Section 104SC—

omit.

112 Omission of s 104SD (Membership of panel of referees)

Section 104SD—

omit.

113 Omission of s 104SE (Determination of objection)

Section 104SE—

omit.

114 Replacement of s 104SF (Relief from penalty pending determination of objection)

Section 104SF—

omit, insert—

‘104SF Relief from penalty pending determination of review by QCAT

‘(1) This section applies if a person applies, as provided under the QCAT Act, to QCAT for a review of a notice given under section 104G or 104I(8) or an occupancy notice.

[s 115]

- ‘(2) The person is not liable to a penalty under this Act—
- (a) in the case of a notice given under section 104G or an occupancy notice—for any failure on the person’s part to comply with the notice on and before the date on which the person is given notice of the determination of the review by QCAT; and
 - (b) in the case of a notice given under section 104I(8)—for any use of a building, being a building use to which the notice relates, on and from the date the person is given the notice to and including the date the person is given notice of the determination of the review by QCAT.’

115 Omission of s 104SG (Stay of operation of s 69 notice)

Section 104SG—

omit.

116 Omission of s 104SH (Appeal from panel of referees)

Section 104SH—

omit.

117 Amendment of s 154 (Regulation-making power)

- (1) Section 154(2)(d)—

omit.

- (2) Section 154(2)(e) and (f)—

renumber as section 154(2)(d) and (e).

[s 122]

122 Amendment of s 163 (Reviewable decisions)

Section 163(1) and (2), ‘to the Children Services Tribunal’—
omit, insert—
‘, as provided under the QCAT Act, to QCAT’.

123 Amendment of s 164 (Chief executive must give notice after making reviewable decision)

Section 164(1)—
omit, insert—

- ‘(1) Immediately after making a decision mentioned in section 163, the chief executive must give the person a notice for the decision complying with the QCAT Act, section 157(2).’

124 Insertion of new s 164A

Part 9, division 1—
insert—

‘164A Constitution of QCAT

- ‘(1) For a review under this Act, QCAT must be constituted, to the extent practicable, with at least 1 member with specialist knowledge and expertise relevant to the matter the subject of the review.
- ‘(2) However, for subsection (1), QCAT must not be constituted by a member who—
- (a) is, or was when the decision being reviewed was made, an employee or officer of the department; or
 - (b) has been refused a licence under this Act or the repealed Act; or
 - (c) has had a licence under this Act or the repealed Act revoked.’

[s 130]

‘(ii) if the student has previously been granted 2 further semesters under this part—give the student a notice complying with the QCAT Act, section 157(2).’.

130 Amendment of s 139 (Regulation may provide for membership)

Section 139(4), ‘appeal to a Magistrates Court’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the decision to refuse membership’.

131 Amendment of s 154 (Dealing with submissions against removal)

Section 154(3), from ‘give’—

omit, insert—

‘give a notice complying with the QCAT Act, section 157(2).’.

132 Amendment of s 197 (Cancellation)

(1) Section 197(5)(b)(i) and (ii)—

omit, insert—

‘(i) the last day to apply under chapter 15, part 2 for a review of the decision; or

(ii) if a review of the decision is applied for—the day the review is decided.’.

(2) Section 197(6), definition *appeal*—

omit.

133 Amendment of s 200 (Child’s exclusion or suspension)

Section 200(3), ‘part 4’—

omit, insert—

‘part 3’.

134 Amendment of s 226 (Return of cancelled certificate of registration to chief executive)

(1) Section 226(3)(b)(i) and (ii)—

omit, insert—

‘(i) the last day to apply under chapter 15, part 2 for a review of the decision; or

(ii) if a review of the decision is applied for—the day the review is decided.’.

(2) Section 226(4), definition *appeal*—

omit.

135 Amendment of s 237 (Suspension or exclusion)

Section 237(2), ‘part 4’—

omit, insert—

‘part 3’.

136 Omission of ch 12, pt 1 (Preliminary)

Chapter 12, part 1—

omit.

137 Renumbering of ch 12, pts 2, 3 and 4

Chapter 12, parts 2, 3 and 4—

renumber as chapter 12, parts 1, 2 and 3.

[s 138]

138 Amendment of s 302 (Exclusion of student by chief executive)

Section 302(4)—

omit, insert—

- ‘(4) If the chief executive is reasonably satisfied a ground exists to exclude the student from all State schools, the chief executive must give the student a notice—
- (a) stating that the student is excluded from all State schools for a stated period of not more than 1 year or permanently; and
 - (b) complying with the QCAT Act, section 157(2).’.

139 Amendment of s 309 (Exclusion)

Section 309(6)—

omit, insert—

- ‘(6) If the decision relates to all State schools, the chief executive must give the prospective student a notice—
- (a) stating that the prospective student is excluded from all State schools for a stated period of not more than 1 year or permanently; and
 - (b) complying with the QCAT Act, section 157(2).’.

140 Renumbering of ch 12, pts 5 and 6

Chapter 12, parts 5 and 6—

renumber as chapter 12, parts 4 and 5.

141 Amendment of s 340 (Prohibition from entering premises)

- (1) Section 340(3)(e) and (f)—

omit.

(2) After section 340(3)—

insert—

‘(3A) The direction must state the matters mentioned in the QCAT Act, section 157(2)(a) to (e) as if a reference in the section to decision were a reference to the direction.’.

142 Amendment of s 341 (Prohibition from entering premises)

(1) Section 341(1), ‘a court’—

omit, insert—

‘QCAT’.

(2) Section 341(3), from ‘The court’ to ‘the court’—

omit, insert—

‘QCAT may make the order if QCAT’.

143 Omission of s 342 (Appeal to District Court)

Section 342—

omit.

144 Renumbering of ch 12, pt 7 (Directions and orders about conduct or movement at, or entry to, premises of non-State schools)

Chapter 12, part 7—

renumber as chapter 12, part 6.

145 Amendment of s 349 (Prohibition from entering premises)

(1) Section 349(3)(e) and (f)—

omit.

[s 146]

(2) After section 349(3)—

insert—

‘(3A) The direction must state the matters mentioned in the QCAT Act, section 157(2)(a) to (e) as if a reference in the section to decision were a reference to the direction.’.

146 Amendment of s 350 (Prohibition from entering premises)

(1) Section 350(1), ‘a court’—

omit, insert—

‘QCAT’.

(2) Section 350(3), from ‘The court’ to ‘the court’—

omit, insert—

‘QCAT may make the order if QCAT’.

147 Omission of s 351 (Appeal to District Court)

Section 351—

omit.

148 Renumbering of ch 12, pt 8 (Prohibition from entering premises of all State instructional institutions and non-State schools for up to 1 year)

Chapter 12, part 8—

renumber as chapter 12, part 7.

149 Amendment of s 352 (Prohibition from entering premises of all State instructional institutions and non-State schools)

(1) Section 352(1), ‘a court’—

omit, insert—

‘QCAT’.

- (2) Section 352(3), from ‘The court’ to ‘the court’—
omit, insert—
‘QCAT may make the order if QCAT’.

150 Amendment of s 353 (Prohibition from entering premises of all State instructional institutions)

- (1) Section 353(1), ‘a court’—
omit, insert—
‘QCAT’.
- (2) Section 353(3), from ‘The court’ to ‘the court’—
omit, insert—
‘QCAT may make the order if QCAT’.

151 Omission of s 354 (Appeal to District Court)

Section 354—
omit.

152 Replacement of ch 12, pt 9, hdg (Provisions relating to parts 6 to 8)

Chapter 12, part 9, heading—
omit, insert—

‘Part 8 Provisions relating to parts 5 to 7’.

153 Replacement of s 355 (Non-application of pts 6 and 7 to particular persons)

Section 355—
omit, insert—

[s 154]

‘355 Non-application of pts 5 and 6 to particular persons

‘Parts 5 and 6 do not apply to a person in relation to the exercise by the person of the person’s powers under an Act at the premises of a State instructional institution or non-State school.’.

154 Amendment of s 357 (Noncompliance with court order)

(1) Section 357, heading, ‘court’—

omit, insert—

‘QCAT’.

(2) Section 357(1), ‘a court’—

omit, insert—

‘QCAT’.

(3) Section 357(2), ‘a court’—

omit, insert—

‘QCAT’.

155 Amendment of s 362 (Noncompliance with dress code)

Section 362(3), ‘Part 4’—

omit, insert—

‘Part 3’.

156 Renumbering of ch 12, pts 10 and 11

Chapter 12, parts 10 and 11—

renumber as chapter 12, parts 9 and 10.

157 Replacement of ch 15, hdg and ch 15, pt 1, hdg

Chapter 15, heading and chapter 15, part 1, heading—

omit, insert—

‘Chapter 15 Internal and external reviews

‘Part 1 Internal reviews of decisions by chief executive’.

158 Amendment of s 392 (Review decision)

Section 392(5)—

omit, insert—

‘(5) If the review decision is not the decision sought by the applicant, the notice must comply with the QCAT Act, section 157(2).’.

159 Replacement of ch 15, pt 2, hdg (Appeal against review decisions)

Chapter 15, part 2, heading—

omit, insert—

‘Part 2 External reviews by QCAT’.

160 Replacement of s 394 (Appeal to Magistrates Court)

Section 394—

omit, insert—

‘394 External review by QCAT

‘The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

[s 161]

161 Omission of s 395 (Conduct of appeal)

Section 395—

omit.

162 Amendment of ch 15, pt 3, hdg (Appeals against directions under section 340 or 349)

Chapter 15, part 3, heading, ‘Appeals against’—

omit, insert—

‘**External reviews of**’.

163 Omission of s 396 (Definition for pt 3)

Section 396—

omit.

164 Replacement of s 397 (Who may appeal)

Section 397—

omit, insert—

‘397 Who may apply for external review of direction given

‘A person who is given a direction under section 340 or 349 (the *original direction*) may apply to QCAT for a review of the original direction.’.

165 Replacement of s 398 (Starting an appeal)

Section 398—

omit, insert—

‘398 Starting an external review

‘The application under section 397 must be made as provided under the QCAT Act.’.

166 Omission of ss 399 and 400

Sections 399 and 400—

omit.

167 Amendment of ch 15, pt 4, hdg (Appeal against decision under section 69, 72, 154, 302(4) or 309(6))

Chapter 15, part 4, heading, ‘Appeal against’—

omit, insert—

‘External review of’.

168 Amendment of s 401 (Definitions for pt 4)

(1) Section 401, heading, ‘Definitions’—

omit, insert—

‘Definition’.

(2) Section 401, definition *court*—

omit.

169 Amendment of s 402 (Appeal)

(1) Section 402, heading, ‘Appeal’—

omit, insert—

‘Review’.

(2) Section 402(1), from ‘appeal’ to ‘against’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of’.

(3) Section 402(2) to (6)—

omit.

[s 170]

170 Amendment of s 453 (Behaviour plans)

Section 453(1), ‘part 2’—

omit, insert—

‘part 1’.

171 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *accepted representations*, paragraphs (d) and (e), ‘part 4’—

omit, insert—

‘part 3’.

- (2) Schedule 4, definition *appropriately qualified*, ‘part 4’—

omit, insert—

‘part 3’.

- (3) Schedule 4, definition *approved behaviour plan*, ‘part 2’—

omit, insert—

‘part 1’.

- (4) Schedule 4, definition *behaviour improvement condition*, ‘part 4’—

omit, insert—

‘part 3’.

- (5) Schedule 4, definition *behaviour management program*, ‘part 4’—

omit, insert—

‘part 3’.

- (6) Schedule 4, definition *challenging behaviour*, ‘part 4’—

omit, insert—

‘part 3’.

- (7) Schedule 4, definition *court*—
omit.
- (8) Schedule 4, definition *employee*, paragraph (a), ‘part 6’—
omit, insert—
‘part 5’.
- (9) Schedule 4, definition *employee*, paragraph (b), ‘part 7’—
omit, insert—
‘part 6’.
- (10) Schedule 4, definition *employee*, paragraph (c), ‘part 11’—
omit, insert—
‘part 10’.
- (11) Schedule 4, definition *exempt person*, paragraph (a), ‘part 6’—
omit, insert—
‘part 5’.
- (12) Schedule 4, definition *exempt person*, paragraph (b), ‘part 7’—
omit, insert—
‘part 6’.
- (13) Schedule 4, definition *parent*, paragraph (b), ‘part 4’—
omit, insert—
‘part 3’.
- (14) Schedule 4, definition *review body*, ‘part 7’—
omit, insert—
‘part 6’.

174 Replacement of pt 3, hdg (Appeals)

Part 3, heading—

omit, insert—

‘Part 3 Review of decisions’.

175 Amendment of s 19 (Appeals to court)

(1) Section 19, heading—

omit, insert—

‘Review by QCAT’.

(2) Section 19, from ‘appeal’ to ‘Court’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the decision’.

176 Omission of ss 20–25

Sections 20 to 25—

omit.

**Part 4 Amendment of Education
(Queensland College of
Teachers) Act 2005**

177 Act amended

This part amends the *Education (Queensland College of Teachers) Act 2005*.

[s 178]

178 Amendment of s 44 (Amending or replacing certificate of registration or certificate of permission to teach)

Section 44(4)(b), from ‘or 164’ to ‘Committee’—
omit, insert—
‘stating QCAT’.

179 Amendment of s 50 (Requirement to give notice of suspension)

- (1) Section 50(2)(b), after ‘decision’—
insert—
‘and the evidence or other material on which the decision was based’.
- (2) Section 50(2)(c), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (3) Section 50(3)(b), after ‘decision’—
insert—
‘and the evidence or other material on which the decision was based’.
- (4) Section 50(3)(c), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (5) Section 50(4)(b), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (6) Section 50—
insert—
‘(5) The college must refer the continuation of the suspension of an approved teacher to QCAT for review under section 53.’.

180 Amendment of s 52 (When suspension ends)

Section 52(a), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

181 Replacement of s 53 (Requirement to review continuation of suspension under s 48)

Section 53—
omit, insert—

‘53 Requirement to decide whether to continue suspension under s 48

- ‘(1) QCAT must decide whether to continue the suspension of an approved teacher under section 48.
- ‘(2) The matter is to be decided in QCAT’s original jurisdiction.
- ‘(3) The purpose of the decision is for QCAT to decide whether it is an exceptional case in which the best interests of children would not be harmed if the suspension were ended.’.

182 Amendment of s 54 (Committee to give notice inviting submissions to approved teacher)

- (1) Section 54, heading, ‘Committee’—
omit, insert—
‘QCAT’.
- (2) Section 54(1), ‘The Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (3) Section 54(3), ‘the committee’—
omit, insert—
‘QCAT’.

[s 183]

183 Amendment of s 55 (Committee's decision about continuation of suspension)

- (1) Section 55, heading, 'Committee's'—
omit, insert—
'QCAT's'.
- (2) Section 55(1), 'the Teachers Disciplinary Committee'—
omit, insert—
'QCAT'.
- (3) Section 55(2), 'the committee'—
omit, insert—
'QCAT'.
- (4) Section 55(3), 'The committee's'—
omit, insert—
'QCAT's'.
- (5) Section 55(3)(a), 'the committee'—
omit, insert—
'QCAT'.
- (6) Section 55(4), 'the committee'—
omit, insert—
'QCAT'.
- (7) Section 55(5)—
omit, insert—
- '(5) QCAT must, as soon as practicable, give notice of its decision to the approved teacher and the college.'
- (8) Section 55(6)(a), 'the committee's'—
omit, insert—
'QCAT's'.

(9) Section 55(6)(b)—

omit, insert—

‘(b) if the decision is that it is not an exceptional case—that the teacher may apply, within 28 days after the notice is given and as otherwise provided under the QCAT Act, to QCAT for a review of QCAT’s decision.’

184 Amendment of s 56 (Cancellation if conviction for disqualifying offence and imprisonment or disqualification order imposed)

(1) Section 56(4)(a), after ‘this Act’—

insert—

‘or the QCAT Act’.

(2) Section 56(6), after ‘this Act’—

insert—

‘or the QCAT Act’.

185 Amendment of s 64 (Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation)

Section 64(1), ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

186 Amendment of s 67 (Effect of suspension on registration or permission to teach)

(1) Section 67(1), ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

[s 187]

- (2) Section 67(4)(a), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

187 Amendment of s 82 (Only approved teachers may be employed as teachers)

- Section 82(2), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

188 Amendment of s 97 (Requirement for college to start disciplinary proceedings)

- (1) Section 97(1), ‘disciplinary committee’—
omit, insert—
‘disciplinary body’.
- (2) Section 97(2)—
omit, insert—
- ‘(2) The disciplinary body to which the matter must be referred is—
- (a) for a show cause matter or general matter—QCAT; or
- (b) for a PP&C matter—the PP&C committee.’.
- (3) Section 97(3), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (4) Section 97—
insert—
- ‘(4) If a matter is referred to QCAT—

- (a) the college must inform QCAT about the grounds for the disciplinary matter and the facts and circumstances forming the basis for the grounds; and
- (b) QCAT must conduct a hearing and make decisions about the disciplinary matter referred to QCAT having regard to the information provided by the college.’

189 Amendment of ch 5, pt 2, hdg (Show cause matters dealt with by Teachers Disciplinary Committee)

Chapter 5, part 2, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

190 Replacement of s 100 (Application of pt 2)

Section 100—

omit, insert—

‘100 Application of pt 2

‘This part applies to a show cause matter referred to QCAT by—

- (a) the college; or
- (b) the PP&C committee under chapter 6, part 1.’

191 Amendment of s 101 (Teachers Disciplinary Committee to give show cause notice)

(1) Section 101, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

[s 192]

- (2) Section 101(1), ‘The Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (3) Section 101(1)(a), ‘the committee’—
omit, insert—
‘QCAT’.

192 Amendment of s 102 (Disciplinary action by Teachers Disciplinary Committee—approved teachers)

- (1) Section 102, heading, ‘Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (2) Section 102(2), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (3) Section 102(2)(b), ‘the committee’—
omit, insert—
‘QCAT’.
- (4) Section 102(3), from ‘The committee’ to ‘the committee’—
omit, insert—
‘QCAT must decide to cancel the teacher’s registration or permission to teach, unless QCAT’.
- (5) Section 102(4), ‘the committee’—
omit, insert—
‘QCAT’.
- (6) Section 102(5), from ‘If the committee’ to ‘following’—
omit, insert—

‘If QCAT decides not to order the cancellation of the teacher’s registration or permission to teach, QCAT may do 1 or more of the following’.

(7) Section 102(5)(e)—

omit, insert—

‘(e) make an order requiring the teacher to pay to the college, by way of costs, an amount QCAT considers appropriate having regard to—

- (i) any expenses incurred by the college in investigating the matter; and
- (ii) the expenses incurred by the college in the proceedings before QCAT;’.

(8) Section 102(5)(f) and (i), ‘the committee’—

omit, insert—

‘QCAT’.

193 Amendment of s 103 (Disciplinary action by Teachers Disciplinary Committee—former approved teachers)

(1) Section 103, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

(2) Section 103(2), ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

194 Amendment of s 104 (Notice and effect of committee’s decision)

(1) Section 104, heading, ‘committee’s’—

omit, insert—

‘QCAT’s’.

[s 195]

(2) Section 104(1) to (4)—

omit, insert—

‘(1) If QCAT makes a decision under section 102 or 103 and the disciplinary action originated from a complaint, the college must give to the complainant notice of the decision of QCAT and the reasons for the decision.

‘(2) If QCAT decides to cancel the teacher’s registration or permission to teach, the college must also give to the employing authority for, and the principal of, each school at which the teacher is employed notice of the decision of QCAT.’.

(3) Section 104(5), ‘The committee’s’—

omit, insert—

‘QCAT’s’.

(4) Section 104(6), ‘the committee’s’—

omit, insert—

‘QCAT’s’.

(5) Section 104(5) and (6)—

renumber as section 104(3) and (4).

195 Amendment of ch 5, pt 3, hdg (General matters and PP&C matters dealt with by Teachers Disciplinary Committee)

Chapter 5, part 3, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

196 Replacement of s 105 (Application of pt 3)

Section 105—

omit, insert—

‘105 Application of pt 3

‘This part applies in relation to—

- (a) a general matter referred to QCAT by the college under section 97; or
- (b) a PP&C matter referred to QCAT by the PP&C Committee under chapter 6, part 1.’.

197 Amendment of s 106 (Teachers Disciplinary Committee may authorise investigation)

- (1) Section 106, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

- (2) Section 106(1), ‘The Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

- (3) Section 106(2), ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

- (4) Section 106(2)(a), ‘the committee’—

omit, insert—

‘QCAT’.

198 Amendment of s 107 (Application of ch 6, pt 2, div 2)

Section 107, ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

[s 199]

199 Amendment of s 112 (Reporting of offences)

- (1) Section 112(1), ‘Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.
- (2) Section 112(2), ‘or committee may’—
omit, insert—
‘or the President of QCAT may’.
- (3) Section 112(2)(b), ‘committee’—
omit, insert—
‘QCAT’.

200 Amendment of ch 6, hdg (Disciplinary committees)

Chapter 6, heading, ‘committees’—
omit, insert—
‘bodies’.

201 Amendment of s 115 (Functions of PP&C committee)

Section 115(1)(b), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

202 Amendment of s 123 (Disciplinary action by PP&C committee)

- (1) Section 123(2)(b)—
omit, insert—
‘(b) refer the matter to QCAT if the committee believes disciplinary action mentioned in section 160(2)(d) to (h) or (j) should be taken against the teacher;’.

(2) After section 123(4)—

insert—

‘(4A) If the committee decides to refer the disciplinary matter to QCAT—

- (a) the college must inform QCAT about the grounds for the disciplinary matter and the facts and circumstances forming the basis for the grounds; and
- (b) QCAT must conduct a hearing and make decisions about the disciplinary matter referred to QCAT having regard to the information provided by the college.’

203 Replacement of ch 6, pt 2, hdg (Teachers Disciplinary Committee)

Chapter 6, part 2, heading—

omit, insert—

‘Part 2 Disciplinary proceedings of QCAT’.

204 Replacement of ch 6, pt 2, div 1 (Establishment, membership and functions)

Chapter 6, part 2, division 1—

omit, insert—

‘Division 1 Constitution of QCAT for disciplinary proceedings

‘124 Constitution of QCAT for disciplinary proceedings

‘For disciplinary proceedings under this Act, QCAT must be constituted by —

- (a) a legally qualified member who is familiar with school environments; and

[s 205]

- (b) 2 other members, of whom—
 - (i) 1 must be a registered teacher; and
 - (ii) 1 must be a person who is not a registered teacher.

‘125 Presiding member of QCAT

‘For a disciplinary proceeding under this Act, the legally qualified member mentioned in section 124 is the presiding member of QCAT.’

205 Amendment of ch 6, pt 2, div 2, hdg (Disciplinary proceedings conducted by Teachers Disciplinary Committee)

Chapter 6, part 2, division 2, heading, ‘Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

206 Amendment of s 130 (Application of div 2)

- (1) Section 130, ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

- (2) Section 130(b)—

omit, insert—

‘(b) a PP&C matter referred to QCAT by the PP&C committee under section 123(2)(b).’.

207 Omission of s 131 (Parties to disciplinary proceedings)

Section 131—

omit.

208 Amendment of ch 6, pt 2, div 2, sdiv 2, hdg (Proceedings of Teachers Disciplinary Committee)

Chapter 6, part 2, division 2, subdivision 2, heading, 'Teachers Disciplinary Committee'—

omit, insert—

'QCAT'.

209 Omission of s 132 (Time and place of hearing)

Section 132—

omit.

210 Amendment of s 133 (Notice of intention to conduct hearing)

(1) Section 133(1)—

omit, insert—

'(1) QCAT must give notice of its intention to conduct a proceeding or hearing to—

(a) each party; and

(b) any other person the tribunal directs to be given notice.'

(2) Section 133(2)—

omit, insert—

'(2) If the matter originated from a complaint, the college must give the complainant a notice that complies with subsection (3).'

(3) Section 133(3)(a), after 'teacher'—

insert—

'given to QCAT under section 97 or 123'.

[s 211]

- (4) Section 133(3)(b), after ‘ground’—
insert—
‘given to QCAT under section 97 or 123’.
- (5) Section 133(3)(d)—
omit.
- (6) Section 133(3)(e) and (f)—
renumber as section 133(3)(d) and (e).

211 Omission of ss 134 and 135

Sections 134 and 135—

omit.

212 Amendment of s 136 (Committee may require health assessment)

- (1) Section 136, heading, ‘Committee’—
omit, insert—
‘QCAT’.
- (2) Section 136(1), ‘the committee’—
omit, insert—
‘QCAT’.
- (3) Section 136(2), ‘The committee’—
omit, insert—
‘QCAT’.
- (4) Section 136(3), ‘The committee’—
omit, insert—
‘QCAT’.

-
- (5) Section 136(3), ‘the committee’—
omit, insert—
‘QCAT’.
- (6) Section 136(4)(b), ‘the committee’—
omit, insert—
‘QCAT’.

213 Omission of s 137 (Hearing open to the public)

Section 137—
omit.

214 Amendment of s 138 (Attendance and appearance at hearing)

- (1) Section 138(1)—
omit.
- (2) Section 138(2), ‘the committee’—
omit, insert—
‘QCAT’.
- (3) Section 138(4)—
omit.
- (4) Section 138(2) and (3)—
renumber as section 138(1) and (2).

215 Omission of ss 139–146

Sections 139 to 146—
omit.

[s 216]

216 Amendment of s 147 (Receiving or adopting findings etc. in other proceedings)

Section 147, ‘the committee’—

omit, insert—

‘QCAT’.

217 Omission of ss 148–151

Sections 148 to 151—

omit.

218 Amendment of s 152 (Interim orders)

(1) Section 152(1)—

omit, insert—

‘(1) This section applies if QCAT reasonably believes it is necessary to make an interim order exercising a power conferred on QCAT under section 160 or 161.’.

(2) Section 152(2), ‘The committee’—

omit, insert—

‘QCAT’.

(3) Section 152(3), ‘the committee’—

omit, insert—

‘QCAT’.

(4) Section 152(4)(c), ‘the committee’—

omit, insert—

‘QCAT’.

(5) Section 152(5)—

omit, insert—

‘(5) The college must give effect to an interim order made by QCAT.

‘(6) In this section—

interim order means an interim order under the QCAT Act, section 58.’.

219 Omission of s 153 (Committee to make record of proceedings)

Section 153—

omit.

220 Omission of ch 6, pt 2, div 2, sdiv 3 (Offences about disciplinary proceedings dealt with by Teachers Disciplinary Committee)

Chapter 6, part 2, division 2, subdivision 3—

omit.

221 Amendment of ch 6, pt 2, div 2, sdiv 4 (Decision on completion of disciplinary proceedings)

Chapter 6, part 2, division 2, subdivision 4—

renumber as chapter 6, part 2, division 2, subdivision 3.

222 Amendment of s 158 (Decision about whether ground for disciplinary action is established)

(1) Section 158(1), ‘the committee’—

omit, insert—

‘QCAT’.

(2) Section 158(2), ‘the committee’—

omit, insert—

‘QCAT’.

[s 223]

(3) Section 158(3), ‘the committee’—

omit, insert—

‘QCAT’.

(4) Section 158—

insert—

‘(4) In this section—

disciplinary committee includes the former Teachers Disciplinary Committee.

former Teachers Disciplinary Committee means the Teachers Disciplinary Committee established under this Act before its abolition by the QCAT Act.’.

223 Amendment of s 159 (Ending of suspension if ground for disciplinary action not established)

(1) Section 159(1)(a), ‘the committee’—

omit, insert—

‘QCAT’.

(2) Section 159(2), ‘The Committee’—

omit, insert—

‘QCAT’.

224 Amendment of s 160 (Decision about disciplinary action against approved teacher)

(1) Section 160(2), from ‘If the’ to ‘committee may’—

omit, insert—

‘If QCAT decides a ground for disciplinary action against the relevant teacher has been established, QCAT may’.

(2) Section 160(2)(f)—

omit, insert—

-
- ‘(f) make an order requiring the teacher to pay to the college, by way of costs, an amount QCAT considers appropriate having regard to—
- (i) any expenses incurred by the college in investigating the matter; and
 - (ii) the expenses incurred by the college in the proceedings before QCAT;’.
- (3) Section 160(2)(g), (j) and (k), ‘the committee’—
omit, insert—
‘QCAT’.

225 Amendment of s 161 (Decision about disciplinary action against former approved teacher)

- (1) Section 161(2), from ‘If the’ to ‘committee may’—
omit, insert—
‘If QCAT decides a ground for disciplinary action against the relevant teacher has been established, QCAT may’.
- (2) Section 161(2)(b)—
omit, insert—
‘(b) make an order requiring the teacher to pay to the college, by way of costs, an amount QCAT considers appropriate having regard to—
- (i) any expenses incurred by the college in investigating the matter; and
 - (ii) the expenses incurred by the college in the proceedings before QCAT;’.
- (3) Section 161(2)(c), ‘the committee’—
omit, insert—
‘QCAT’.

[s 226]

- 226 Omission of s 162 (Committee may make an order prohibiting publication of particular information)**
Section 162—
omit.
- 227 Amendment of ch 6, pt 2, div 2, sdiv 5 (Action after decision about disciplinary action)**
Chapter 6, part 2, division 2, subdivision 5—
renumber as chapter 6, part 2, division 2, subdivision 4.
- 228 Omission of s 163 (Notification of committee's decision)**
Section 163—
omit.
- 229 Amendment of s 164 (College may notify other persons)**
(1) Section 164(1), 'the committee'—
omit, insert—
'QCAT'.
(2) Section 164(1)(a) and (b), 'the committee's'
omit, insert—
'QCAT's'.
(3) Section 164(3), 'the committee'—
omit, insert—
'QCAT'.
- 230 Amendment of s 165 (Requirement to notify particular interstate regulatory authorities about decision)**
Section 165, 'the committee'—

omit, insert—

‘QCAT’.

231 Amendment of s 166 (Publication of information about disciplinary proceedings by college)

(1) Section 166(1), ‘the committee’—

omit, insert—

‘QCAT’.

(2) Section 166(4), from ‘the committee’—

omit, insert—

‘QCAT under the QCAT Act.’.

232 Amendment of ch 6, pt 2, div 2, sdiv 6 (Effect of decision)

Chapter 6, part 2, division 2, subdivision 6—

renumber as chapter 6, part 2, division 2, subdivision 5.

233 Amendment of s 167 (Effect of committee’s decision)

(1) Section 167, heading, ‘committee’s’—

omit, insert—

‘QCAT’s’.

(2) Section 167, ‘The committee’s’—

omit, insert—

‘QCAT’s’.

234 Amendment of s 168 (Implementation of decision)

Section 168, ‘the committee’s’—

omit, insert—

‘QCAT’s’.

[s 235]

235 Omission of ch 6, pt 2, div 2, sdiv 7 (Immunities)

Chapter 6, part 2, division 2, subdivision 7—

omit.

236 Amendment of s 170 (Office to keep record of disciplinary proceedings)

(1) Section 170(1), after ‘proceedings’—

insert—

‘before the PP&C committee’.

(2) Section 170(2)(a), ‘committee’—

omit, insert—

‘PP&C committee’.

237 Omission of s 171 (Payment of costs or penalty)

Section 171—

omit.

238 Amendment of s 201 (Investigator’s report)

Section 201(2)(b), ‘the Teachers Disciplinary Committee’—

omit, insert—

‘QCAT’.

239 Replacement of ch 8, hdg and ch 8, pt 1, hdg

Chapter 8, heading and chapter 8, part 1, heading—

omit, insert—

‘Chapter 8 Internal and external reviews

‘Part 1 Internal reviews’.

240 Amendment of s 209 (Appeal process for particular decisions starts with internal review)

(1) Section 209, heading, ‘Appeal’—

omit, insert—

‘Review’.

(2) Section 209(1), ‘appeal against’—

omit, insert—

‘apply for a review of’.

(3) Section 209(3), ‘appeal’—

omit, insert—

‘review’.

241 Amendment of s 212 (College’s decision)

Section 212(2), ‘an appeal’—

omit, insert—

‘a review under part 2’.

242 Amendment of s 213 (Notice of review decision)

Section 213(2)—

omit, insert—

‘(2) If the review decision is not the decision sought by the applicant, the college must give the applicant a review notice that complies with the QCAT Act, section 157(2).’.

[s 243]

243 Replacement of ch 8, pt 2, hdg (Appeals)

Chapter 8, part 2, heading—

omit, insert—

‘Part 2 External reviews’.

244 Omission of s 214 (Definitions for pt 2)

Section 214—

omit.

245 Replacement of s 215 (Who may appeal)

Section 215—

omit, insert—

‘215 Who may apply for external review

‘A person who has applied for a review of an original decision under part 1 and is dissatisfied with the review may apply to QCAT for a review of the original decision.’

246 Omission of ss 216–219

Sections 216 to 219—

omit.

247 Replacement of s 220 (Application of pt 1)

Section 220—

omit, insert—

‘220 Application of pt 1

‘This part applies to—

- (a) a disciplinary proceeding in QCAT; and

-
- (b) another proceeding under this Act, including other disciplinary proceedings.’

248 Amendment of s 221 (Appointments and authority)

- (1) Section 221(a)(vi), ‘a disciplinary committee’—
omit, insert—
‘the PP&C committee’.
- (2) Section 221(b)(vii), ‘a disciplinary committee’—
omit, insert—
‘the PP&C committee’.

249 Amendment of s 222 (Signatures)

- (1) Section 222(d)—
omit.
- (2) Section 222(e) and (f)—
renumber as section 222(d) and (e).

250 Amendment of s 288 (Register of approved teachers to be kept)

- Section 288(5), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

251 Amendment of s 294 (Protection from liability)

- Section 294(1)(g), ‘the Teachers Disciplinary Committee’—
omit, insert—
‘QCAT’.

[s 252]

252 Amendment of s 296 (Administrative support for college etc.)

- (1) Section 296(1), ‘, the office and the Teachers Disciplinary Committee’—

omit, insert—

‘and the office’.

- (2) Section 296(2), ‘, the office or the Teachers Disciplinary Committee’—

omit, insert—

‘or the office’.

253 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *appealable decision* and *Teachers Disciplinary Committee*—

omit.

- (2) Schedule 3, definition *disciplinary committees*, from ‘and the’—

omit, insert—

‘and QCAT when undertaking disciplinary action under this Act.’.

**Part 5 Amendment of Education
(Queensland Studies Authority)
Regulation 2002**

254 Regulation amended

This part amends the *Education (Queensland Studies Authority) Regulation 2002*.

255 Amendment of s 3R (Failure to decide an application)

Section 3R(2), ‘appeal against the decision’—

omit, insert—

‘apply for a review of the decision’.

256 Amendment of s 3ZE (Failure to decide an application for renewal of accreditation)

Section 3ZE(2), ‘appeal against the decision’—

omit, insert—

‘apply for a review of the decision’.

257 Amendment of s 3ZL (Failure to decide an application for a change to a syllabus or guideline)

Section 3ZL(2), ‘appeal against the decision’—

omit, insert—

‘apply for a review of the decision’.

258 Replacement of pt 9, hdg (Reviews and appeals)

Part 9, heading—

omit, insert—

‘Part 9 Internal and external reviews’.

259 Replacement of pt 9, div 1, hdg (Review of decisions)

omit, insert—

‘Division 1 Internal review’.

[s 260]

260 Amendment of s 59 (Appeal process starts with internal review)

- (1) Section 59, heading, ‘Appeal’—
omit, insert—
‘**Review**’.
- (2) Section 59(1), ‘appeal against’—
omit, insert—
‘apply for a review of’.
- (3) Section 59(2), ‘appeal’—
omit, insert—
‘review’.

261 Amendment of s 62 (Review decision)

- (1) Section 62(2), ‘an appeal’—
omit, insert—
‘a review’.
- (2) Section 62(3), ‘an appeal’—
omit, insert—
‘a review’.
- (3) Section 62(4), ‘an appeal’—
omit, insert—
‘a review’.

262 Amendment of s 63 (Notice of review decision)

- Section 63(2)—
omit, insert—

‘(2) If the review decision is not the decision sought by the applicant, the review notice must comply with the QCAT Act, section 157(2).’.

263 Replacement of pt 9, div 2, hdg (Appeals)

Part 9, division 2, heading—

omit, insert—

‘Division 2 External reviews’.

264 Replacement of s 64 (Who may appeal)

Section 64—

omit, insert—

‘64 Who may seek an external review

‘A person who has applied for a review of an original decision under division 1 and is dissatisfied with the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

265 Omission of ss 65–68

Sections 65 to 68—

omit.

269 Amendment of s 32 (Accreditation taken to be in force while application is considered)

- (1) Section 32(1)(b)(i), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 32(1)(b)(ii)—
omit, insert—
‘(ii) if an application for review by QCAT is made—the day the review is decided.’.

270 Amendment of s 35 (Changing conditions of accreditation)

- (1) Section 35(4)(a), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 35(4)(b)—
omit, insert—
‘(b) if an application for review by QCAT is made—the day the review is decided.’.

271 Amendment of s 54 (Self-accrediting authority taken to be in force while application is considered)

- (1) Section 54(1)(b)(i), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 54(1)(b)(ii)—
omit, insert—
‘(ii) if an application for review by QCAT is made—the day the review is decided.’.

[s 272]

272 Amendment of s 56 (Changing conditions of self-accrediting authority)

- (1) Section 56(4)(a), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 56(4)(b)—
omit, insert—
‘(b) if an application for review by QCAT is made—the day the review is decided.’.

273 Amendment of s 97 (Approval taken to be in force while application is considered)

- (1) Section 97(1)(b)(i), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 97(1)(b)(ii)—
omit, insert—
‘(ii) if an application for review by QCAT is made—the day the review is decided.’.

274 Amendment of s 99 (Changing conditions of approval)

- (1) Section 99(4)(a), ‘appeal against’—
omit, insert—
‘apply to QCAT under part 6 for a review of’.
- (2) Section 99(4)(b)—
omit, insert—
‘(b) if an application for review by QCAT is made—the day the review is decided.’.

275 Replacement of pt 6, hdg (Appeals)

Part 6, heading—

omit, insert—

‘Part 6 Review of decisions’.

276 Replacement of s 106 (Who may appeal)

Section 106 and note—

omit, insert—

‘106 Who may apply for review

‘A person who is given, or is entitled to be given, an information notice for a decision of the Minister (the *original decision*) may apply, as provided under the QCAT Act, to QCAT for a review of the original decision.’.

277 Omission of s 107 (Starting appeals)

Section 107—

omit.

278 Replacement of s 108 (Hearing procedures)

Section 108—

omit, insert—

‘108 Hearing procedures

‘The review of a decision by QCAT is by way of rehearing on the material before the Minister and any further evidence allowed by QCAT.’.

279 Omission of s 109 (Powers of court on appeal)

Section 109—

omit.

‘141BA Ombudsman may refuse to deal with matters before QCAT

‘The ombudsman may refuse to deal with, or refuse to continue to deal with, an application for review of an adverse decision about an employment exemption if—

- (a) an application is made for review of the adverse decision under the QCAT Act; or
- (b) the adverse decision has been reviewed by QCAT.’.

284 Amendment of s 141D (Ombudsman to review decision and report findings)

Section 141D(2)—

omit, insert—

- ‘(2) The notice must state that the person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

285 Insertion of new s 144A

After section 144—

insert—

‘144A Arrangements between the ombudsman and QCAT

‘The ombudsman and QCAT may enter into arrangements for—

- (a) the transfer of matters from the ombudsman to QCAT that are the subject of complaint, investigation or inquiry by the ombudsman and could also be the subject of an application for review before QCAT; and
- (b) the transfer of matters from QCAT to the ombudsman that are the subject of an application for review before QCAT and could also be the subject of a complaint, investigation or inquiry by the ombudsman; and
- (c) dealing with matters that are the subject of an application to QCAT and that are also the subject of a

[s 286]

complaint, investigation or inquiry or other action by the ombudsman.’.

286 Amendment of s 183B (Decision about employment exemption)

Section 183B(4)(d) and (e)—

omit, insert—

- ‘(d) that the young person or parent of the young person may—
- (i) within 30 days after receiving the notice, apply to have the decision reviewed by the ombudsman; or
 - (ii) apply, as provided under the QCAT Act, to QCAT for a review of the decision;
- (e) how to apply for a review;
- (f) any right the young person or parent of the young person has to have the operation of the decision stayed.’.

287 Amendment of s 183C (Amending or cancelling employment exemption)

Section 183C(5)(d) and (e)—

omit, insert—

- ‘(d) that the young person or parent of the young person may—
- (i) within 30 days after receiving the notice, apply to have the decision reviewed by the ombudsman; or
 - (ii) apply, as provided under the QCAT Act, to QCAT for a review of the decision;
- (e) how to apply for a review;
- (f) any right the young person or parent of the young person has to have the operation of the decision stayed.’.

288 Replacement of ch 8, hdg (Appeals)

Chapter 8, heading—

omit, insert—

‘Reviews and appeals’.

289 Replacement of s 224 (Appeal to Magistrates Court)

Section 224—

omit, insert—

‘224 Review by QCAT

‘(1) A person aggrieved by any of the following decisions may apply to QCAT for a review of the decision—

- (a) a decision about the registration of a training organisation;
- (b) a decision about the accreditation of a course;
- (c) a decision about the recognition of a group training organisation or principal employer organisation;
- (d) a decision about an employment exemption for a young person in the compulsory participation phase.

‘(2) The application must be made—

- (a) for a decision mentioned in subsection (1)(d) that is reviewed by the ombudsman—within 28 days after being given a notice under section 141D and as otherwise provided under the QCAT Act; or
- (b) otherwise—as provided under the QCAT Act.’.

290 Omission of ss 225–229

Sections 225 to 229—

omit.

[s 291]

291 Omission of s 340 (Remission of matters by magistrates court to board)

Section 340—

omit.

292 Amendment of sch 3 (Dictionary)

Schedule 3, definition *information notice*, paragraphs (d) and (e)—

omit, insert—

- ‘(d) for a decision appealable under section 230, the person to whom the notice is given may appeal the decision within 21 days;
- (e) for a decision reviewable under section 224, that the person to whom the notice is given may apply, as provided under the QCAT Act, to QCAT for a review of the decision;
- (f) how the person may appeal or apply for the review;
- (g) any right the person has to have the operation of the decision stayed;
- (h) other information required under this Act to be stated in the notice.’.

Part 8 **Amendment of Vocational Education, Training and Employment Regulation 2000**

293 Regulation amended

This part amends the *Vocational Education, Training and Employment Regulation 2000*.

294 Amendment of s 6D (Cancellation of transfer approval)

Section 6D(5)(a) and (b)—

omit, insert—

- ‘(a) the last day that the holder may apply to QCAT for a review of the decision; or
- (b) if an application for review is made—until the end of the review.’.

Chapter 5 Department of Employment, Economic Development and Innovation

Part 1 Amendment of Agricultural Chemicals Distribution Control Act 1966

295 Act amended

This part amends the *Agricultural Chemicals Distribution Control Act 1966*.

296 Amendment of s 22 (Right of appeal to Magistrates Court)

- (1) Section 22, heading—

omit, insert—

‘22 Right of review by QCAT’.

- (2) Section 22(2)—

omit, insert—

301 Amendment of s 12 (Cancellation of result and re-examination)

- (1) Section 12(4), ‘written notice of’—
omit, insert—
‘an information notice for’.
- (2) Section 12(5)—
omit.
- (3) Section 12(6)—
omit, insert—
‘(6) The candidate may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.
- (4) Section 12(7)—
omit.
- (5) Section 12(8), ‘the court’—
omit, insert—
‘QCAT’.
- (6) Section 12(6) and (8)—
renumber as section 12(5) and (6).

302 Amendment of s 15 (Notice of refusal)

- (1) Section 15(1), ‘notice of the decision’—
omit, insert—
‘an information notice for the decision’.
- (2) Section 15(2)—
omit.

[s 303]

303 Amendment of s 16 (Notice of suspension by standards officer)

- (1) Section 16(1), ‘notice’—
omit, insert—
‘an information notice for the decision’.
- (2) Section 16(2)—
omit.

304 Replacement of s 17 (Right of appeal)

Section 17—
omit, insert—

‘17 Right of review

- ‘(1) This section applies if the standards officer gives the holder of a suspended licence an information notice for the officer’s decision to suspend the licence.
- ‘(2) The holder may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

305 Replacement of s 18 (Substituted decision on appeal)

Section 18—
omit, insert—

‘18 Substituted decision on review

‘Sections 16 and 17 do not apply to a decision that QCAT substitutes for the decision that was reviewed.’.

306 Amendment of s 19 (Surrender of licence suspended by standards officer)

- (1) Section 19(1), ‘A notice’—
omit, insert—
‘An information notice’.

(2) Section 19(2), ‘notice’—

omit, insert—

‘information notice’.

(3) Section 19(3), ‘an appeal’—

omit, insert—

‘a review’.

307 Amendment of s 19A (Surrender of licence suspended or cancelled by chief executive)

Section 19A(3), ‘an appeal’—

omit, insert—

‘a review’.

308 Amendment of s 39 (Application for a distribution permit)

Section 39(5)(b), ‘a notice under section 42 refusing the application’—

omit, insert—

‘an information notice for the refusal’.

309 Amendment of s 41 (Distribution permit conditions)

(1) Section 41(2), ‘written notice’—

omit, insert—

‘an information notice for the decision’.

(2) Section 41(3)—

omit.

[s 310]

310 Amendment of s 42 (Notice of refusal)

(1) Section 42(1), ‘written’—

omit, insert—

‘an information’.

(2) Section 42(2)—

omit.

311 Amendment of s 43 (Right of appeal)

(1) Section 43, heading, ‘appeal’—

omit, insert—

‘**review**’.

(2) Section 43(1)(a), ‘notice of’—

omit, insert—

‘an information notice for’.

(3) Section 43(2)—

omit, insert—

‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the decision to refuse the application or impose the permit condition.’.

(4) Section 43(3)—

omit.

(5) Section 43(4), ‘the court’—

omit, insert—

‘QCAT’.

(6) Section 43(4)—

renumber as section 43(3).

[s 316]

316 Replacement of s 49 (Chief executive’s decision on review)

Section 49—

omit, insert—

‘49 Chief executive’s decision on internal review

- ‘(1) The chief executive must make a decision on an application for internal review, and must give the applicant an information notice for the decision, within 28 days after the application is made.
- ‘(2) If a decision under subsection (1) is not made within the 28 day period, the chief executive is taken to have made a decision at the end of the period confirming the original decision.’.

317 Replacement of s 50 (Stay of operation of original decision etc.)

Section 50—

omit, insert—

‘50 Stay of operation of original decision etc.

- ‘(1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.
- ‘(2) QCAT may stay the decision to secure the effectiveness of the internal review and any later application to QCAT for external review of the decision.
- ‘(3) A stay—
- (a) may be given on conditions QCAT considers appropriate; and
 - (b) operates for the period fixed by QCAT; and
 - (c) may be revoked or amended by QCAT.
- ‘(4) The period of a stay under this section must not extend past the time when the chief executive reviews the decision and

any later period QCAT allows the applicant to enable the applicant to apply to QCAT for external review of the chief executive's decision.

- '(5) The making of an application under this part for internal review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.'

318 Replacement of pt 6 (Appeals)

Part 6—

omit, insert—

'Part 6 External reviews by QCAT

'51 Who may apply for review

'A person who is given, or is entitled to be given, an information notice for a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.'

319 Amendment of schedule (Dictionary)

Schedule—

insert—

'*external review*, for a decision, means a review of the decision by QCAT under the QCAT Act.

information notice means a notice complying with the QCAT Act, section 157(2).'

‘194 Who may apply for internal review

‘An interested person for an original decision may apply to the chief executive for an internal review of the decision (an *internal review application*).’.

324 Amendment of s 195 (Requirements for making application)

(1) Section 195(1), ‘A review’—

omit, insert—

‘An internal review’.

(2) Section 195(2), ‘a review’—

omit, insert—

‘an internal review’.

325 Amendment of s 196 (Stay of operation of original decision)

(1) Section 196(1) and (6), ‘A review’—

omit, insert—

‘An internal review’.

(2) Section 196(2), ‘Magistrates Court’—

omit, insert—

‘relevant body’.

(3) Section 196(3)—

omit, insert—

‘(3) The relevant body may stay the original decision to secure the effectiveness of the internal review and a later appeal to the court or external review by QCAT.’.

[s 326]

(4) Section 196(4), ‘court’—

omit, insert—

‘relevant body’.

(5) Section 196(5), from ‘a review’—

omit, insert—

‘an internal review decision about the original decision and any later period the relevant body allows the applicant to enable the applicant to appeal against, or apply for an external review of, the internal review decision.’.

(6) Section 196—

insert—

‘(7) In this section—

relevant body means—

(a) for an original decision to seize or forfeit an animal or other thing—the Magistrates Court; or

(b) for another original decision—QCAT.’.

326 Amendment of s 197 (Review decision)

(1) Section 197, heading—

omit, insert—

‘197 Internal review’.

(2) Section 197(1), ‘a review’—

omit, insert—

‘an internal review’.

(3) Section 197(1)(b), ‘(the *review decision*)’—

omit, insert—

‘(the *internal review decision*)’.

(4) Section 197(4) and (5)—

omit, insert—

‘(4) If the internal review decision confirms the original decision, for the purpose of an appeal or external review, the original decision is taken to be the internal review decision.

‘(5) If the internal review decision amends the original decision, for the purpose of an appeal or external review, the original decision as amended is taken to be the internal review decision.’.

327 Replacement of s 198 (Notice of review decision)

Section 198—

omit, insert—

‘198 Notice of internal review decision

‘(1) The chief executive must, within 10 days after making an internal review decision, give the applicant notice (the *internal review notice*) of the decision.

‘(2) If the internal review decision is not the decision sought by the applicant, the internal review notice must—

(a) for an original decision to seize or forfeit an animal or other thing, state the following—

(i) the reasons for the decision;

(ii) that the applicant may, within 28 days after the notice is given, appeal against the decision to the Magistrates Court;

(iii) how to appeal;

(iv) that the applicant may apply to the court for a stay of the decision; or

(b) for another decision—be accompanied by a QCAT information notice for the decision.

[s 328]

- ‘(3) If the chief executive does not give the internal review notice within the 10 days, the chief executive is taken to have made an internal review decision confirming the original decision.
- ‘(4) For a decision mentioned in subsection (2)(b), the chief executive must give an information notice only if this Act so requires.’.

328 Insertion of new ch 7, pt 4, div 1A

Chapter 7, part 4—

insert—

‘Division 1A External reviews by QCAT

‘198A Who may apply for external review

‘If an interested person has applied for an internal review of an original decision, other than an original decision to seize or forfeit an animal or other thing, any interested person for the decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

329 Replacement of s 199 (Who may appeal)

Section 199—

omit, insert—

‘199 Who may appeal

‘If an interested person has applied for an internal review of an original decision to seize or forfeit an animal or other thing, any interested person for the decision may appeal against the internal review decision to the Magistrates Court.’.

330 Amendment of s 200 (Starting appeal)

Section 200(2), ‘review’—

omit, insert—

‘internal review’.

331 Amendment of s 201 (Stay of operation of review decision)

(1) Section 201, heading, ‘review’—

omit, insert—

‘**internal review**’.

(2) Section 201(1), ‘a review’—

omit, insert—

‘an internal review’.

332 Amendment of s 202 (Hearing procedures)

Section 202, ‘review’—

omit, insert—

‘internal review’.

333 Amendment of s 203 (Court’s powers on appeal—general)

Section 203, ‘review’—

omit, insert—

‘internal review’.

334 Amendment of s 204 (Further powers for appeal about seizure or forfeiture)

(1) Section 204, heading, ‘Further powers for appeal’—

omit, insert—

[s 335]

‘Particular powers’.

- (2) Section 204(1)—
omit.
- (3) Section 204(2), ‘the forfeiture’—
omit, insert—
‘an internal review decision about forfeiture’.
- (4) Section 204(3), ‘the seizure’—
‘an internal review decision about seizure’.
- (5) Sections 204(2) to (4)—
renumber as sections 204(1) to (3).

335 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *review application* and *review decision*—
omit.
- (2) Schedule—
insert—
‘**external review**, for a decision, means a review of the decision by QCAT under the QCAT Act.
internal review application see section 194.
internal review decision see section 197(1)(b).
QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.
- (3) Schedule, definition *information notice*, ‘a review’—
omit, insert—
‘an internal review’.

[s 340]

340 Amendment of s 17A (Notice of refusal of permission)

- (1) Section 17A(1), ‘written notice’—
omit, insert—
‘an information notice for the decision’.
- (2) Section 17A(2)—
omit.

341 Replacement of pt 4, hdg (Appeals)

Part 4, heading—
omit, insert—

‘Part 4 Reviews’.

342 Amendment of s 18 (Appeals against certain decisions)

- (1) Section 18, heading, ‘Appeals against certain’—
omit, insert—
‘**Review of particular**’.
- (2) Section 18, from ‘(an *appellant*)’ to ‘(the *decision-maker*)’—
omit, insert—
‘may apply, as provided under the QCAT Act, to QCAT for a review of the decision stated for the person’.

343 Omission of ss 19–23

Sections 19 to 23—
omit.

[s 348]

- (c) may be revoked or amended by QCAT.
- ‘(4) The period of a stay under this section must not extend past the time when the chief executive reviews the disputed decision and any later period QCAT allows the applicant to enable the applicant to apply for a review of the chief executive’s decision (the *reviewable decision*).
- ‘(5) The making of an application for review of a reviewable decision affects the reviewable decision, or the carrying out of the reviewable decision, only if the reviewable decision is stayed.’.

348 Amendment of s 112 (Decision on reconsideration)

- (1) Section 112(1), from ‘this part’—
omit, insert—
‘this division for review of a disputed decision.’.
- (2) Section 112(4)—
omit, insert—
- ‘(4) If the decision (the *reviewable decision*) is not the decision sought by the applicant, the chief executive must give the applicant a QCAT information notice for the decision.
- ‘(5) In this section—
‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’.

349 Replacement of pt 12, div 2 (Appeals against reconsidered decisions)

- Part 12, division 2—
omit, insert—

‘Division 2 External review of decisions

‘113 Who may seek external review

‘A person whose interests are affected by a reviewable decision under section 112 may apply, as provided under the QCAT Act, to QCAT for a review of the reviewable decision.’.

Part 7 Amendment of Biodiscovery Act 2004

350 Act amended

This part amends the *Biodiscovery Act 2004*.

351 Amendment of s 21 (Procedure for amendment, suspension or cancellation)

- (1) Section 21(4), ‘an information notice’—
omit, insert—
‘a QCAT information notice about the decision’.
- (2) Section 21(5)(a) and (b), ‘information’—
omit, insert—
‘QCAT information’.

352 Amendment of 22 (Returning collection authority on cancellation)

Section 22, ‘an information’—
omit, insert—
‘a QCAT information’.

[s 353]

353 Amendment of s 86 (Return of seized things)

Section 86(1)(b), after ‘any’—

insert—

‘review or’.

354 Replacement of pt 9, hdg (Review of decisions)

Part 9, heading—

omit, insert—

‘Part 9 Internal reviews’.

355 Replacement of pt 10 (Appeals)

Part 10—

omit, insert—

‘Part 10 External reviews

‘103 Review of decision by QCAT

‘A person who is given a QCAT information notice about a decision of the EPA chief executive under section 21 may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

356 Amendment of schedule (Dictionary)

(1) Schedule, definition *information notice*—

omit.

(2) Schedule—

insert—

‘*information notice*, about a decision of the EPA chief executive under section 14, means a written notice stating each of the following—

[s 359]

359 Amendment of s 49 (Criteria for deciding just and equitable circumstances)

Section 49(1) to (5), ‘the CCT’—

omit, insert—

‘QCAT’.

360 Amendment of s 62 (Body corporate to consent to recording of new statement)

Section 62(4)(b), ‘the CCT’—

omit, insert—

‘QCAT’.

361 Amendment of s 133 (Disputes arising out of review)

(1) Section 133(2)(b)—

omit, insert—

‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.

(2) Section 133(3), ‘the CCT’—

omit, insert—

‘QCAT’.

362 Amendment of s 135 (Other provisions about review)

Section 135(2)(b), ‘the CCT’—

omit, insert—

‘QCAT’.

363 Amendment of s 149A (Specialist adjudication or CCT jurisdiction)

- (1) Section 149A, heading, ‘CCT’—

omit, insert—

‘QCAT’.

- (2) Section 149A(b)—

omit, insert—

‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.

364 Amendment of s 149B (Specialist adjudication or CCT jurisdiction)

- (1) Section 149B, heading, ‘CCT’—

omit, insert—

‘QCAT’.

- (2) Section 149B(2)(b)—

omit, insert—

‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.

365 Amendment of s 178 (Review of exclusive use by-law)

Section 178(2)(b)—

omit, insert—

‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.

[s 366]

366 Amendment of s 229 (Exclusivity of dispute resolution provisions)

(1) Section 229(2)(a)(ii)—

omit, insert—

‘(ii) an order of QCAT exercising the tribunal’s original jurisdiction under the QCAT Act; or’.

(2) Section 229(2)(b)—

omit, insert—

‘(b) an order of the appeal tribunal on appeal from a specialist adjudicator or QCAT on a question of law.’.

(3) Section 229(3)(b)—

omit, insert—

‘(b) an order of the appeal tribunal on appeal from an adjudicator on a question of law.’.

(4) Section 229—

insert—

‘(5) Also, subsections (2) and (3) do not limit—

(a) the powers of QCAT under the QCAT Act to—

(i) refer a question of law to the Court of Appeal; or

(ii) transfer a proceeding, or a part of a proceeding, to the Court of Appeal; or

(b) the right of a party to make an appeal from QCAT to the Court of Appeal under the QCAT Act.’.

367 Amendment of s 230 (Structure of arrangements)

Section 230(3), sixth dot point, ‘District Court and the CCT’—

omit, insert—

‘appeal tribunal’.

368 Amendment of s 239C (Continuation of application if standing of party changes)

- (1) Section 239C(5) and (6)—
renumber as section 239C(6) and (7).
- (2) Section 239C—
insert—
- ‘(5) If the commissioner substitutes another person (the *substitute person*) as the relevant person for the application, the commissioner must give a QCAT information notice to—
 - (a) the applicant for the application; and
 - (b) the substitute person.’.

369 Amendment of s 241A (Applicant to be given notice of decision to reject application)

Section 241A, from ‘written’—
omit, insert—
‘QCAT information notice.’.

370 Amendment of s 245 (Change or withdrawal of application)

- (1) Section 245(3)—
renumber as section 245(4).
- (2) Section 245—
insert—
- ‘(3) If the commissioner withholds permission to change the application, or imposes conditions on the permission to change the application, the commissioner must give the applicant a QCAT information notice.’.

[s 371]

371 Amendment of s 288A (Definitions for pt 11)

- (1) Section 288A, heading, ‘Definitions’—
omit, insert—
‘Definition’.
- (2) Section 288A, definition *appeal body*—
omit.

372 Amendment of s 289 (Right to appeal to District Court or CCT)

- (1) Section 289, heading, ‘District Court or CCT’—
omit, insert—
‘appeal tribunal’.
- (2) Section 289(2), ‘appeal body’—
omit, insert—
‘appeal tribunal’.

373 Amendment of s 290 (Appeal)

- (1) Section 290(1), ‘appeal body’—
omit, insert—
‘appeal tribunal’.
- (2) Section 290(2)—
omit.
- (3) Section 290(3), ‘relevant official of the appeal body’—
omit, insert—
‘principal registrar’.
- (4) Section 290(3) and (4), ‘relevant official’—
omit, insert—

‘principal registrar’.

(5) Section 290(4) and (5), ‘appeal body’—

omit, insert—

‘appeal tribunal’.

(6) Section 290(6)—

omit.

(7) Section 290(3) to(5)—

renumber as section 290(2) to (4).

374 Omission of s 291 (Stay of operation of order)

Section 291—

omit.

375 Amendment of s 292 (Referral back to commissioner)

Section 292, ‘appeal body’—

omit, insert—

‘appeal tribunal’.

376 Omission of ss 293–293A

Sections 293 to 293A—

omit.

377 Replacement of s 294 (Powers of appeal body on appeal)

Section 294—

omit, insert—

‘294 Jurisdiction and powers of appeal tribunal on appeal

‘(1) In deciding an appeal, in addition to the jurisdiction and powers of the appeal tribunal under the QCAT Act, the

[s 378]

tribunal may also exercise all the jurisdiction and powers of an adjudicator under this Act.

- ‘(2) The appeal tribunal may amend or substitute an order only if the adjudicator, who made the order being appealed, would have had jurisdiction to make the amended or substituted order or decision.
- ‘(3) Subsection (2) does not limit any power of the appeal tribunal to award costs for a proceeding under the QCAT Act.’.

378 Amendment of s 294A (Power to stay application and proceeding)

- (1) Section 294A(1)(b), from ‘under’ to ‘CCT’, second mention—

omit, insert—

‘under the QCAT Act for an order of QCAT’.

- (2) Section 294A(2), ‘the chairperson of the CCT’—

omit, insert—

‘the president’.

379 Amendment of s 295 (Replacing statement to be lodged with registrar)

Section 295(1), ‘the CCT’—

omit, insert—

‘QCAT’.

380 Amendment of ch 7, pt 1, hdg (Appeals)

Chapter 7, part 1, heading—

omit, insert—

‘Part 1 External review of decisions’.

381 Replacement of ss 304 and 305

Sections 304 and 305—

omit, insert—

‘304 External review of decisions

‘The aggrieved person for a decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’

382 Amendment of s 306 (Time for making appeal)

(1) Section 306, heading, ‘making appeal’—

omit, insert—

‘applying for external review’.

(2) Section 306(1)—

omit.

(3) Section 306(2)—

omit, insert—

‘An application for review to QCAT must be made within 6 weeks after the aggrieved person receives a QCAT information notice.’

(4) Section 306(3)—

omit.

383 Omission of ss 307 and 308

Sections 307 and 308—

omit.

384 Amendment of s 313A (Application under ch 6 or CCT Act by group of lot owners or occupiers)

(1) Section 313A, heading, ‘CCT’—

omit, insert—

‘365 Appeal from order of an adjudicator that could have been made to the former tribunal

- ‘(1) This section applies if a proceeding for an appeal from an order of an adjudicator is started, or is to be started, under the QCAT Act, section 255.
- ‘(2) For applying the QCAT Act, section 255(3)(b) and (4) to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.
- ‘(3) Subsection (2) applies despite the QCAT Act, section 255(5).

‘366 Appeal from order of an adjudicator that could have been made to the District Court

- ‘(1) This section applies if a proceeding for an appeal from an order of an adjudicator is started, or is to be started, before QCAT under the QCAT Act, section 267.
- ‘(2) For applying the QCAT Act, section 267(4)(b) and (5) to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.
- ‘(3) Subsection (2) applies despite the QCAT Act, section 267(6).

‘367 Existing appeal taken to be before QCAT or transferred to QCAT

- ‘(1) This section applies to—
 - (a) an existing tribunal proceeding that is taken under the QCAT Act, chapter 7, part 2, division 3 to be a proceeding before QCAT; or
 - (b) an existing court proceeding that is transferred to QCAT under the QCAT Act, section 268(4).
- ‘(2) For applying the QCAT Act, section 271 to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.

[s 386]

‘(3) Subsection (2) applies despite the QCAT Act, section 271(3).

‘(4) In this section—

existing court proceeding means an existing court proceeding within the meaning of the QCAT Act, section 244 that is for an appeal from an order of an adjudicator to the District Court.

existing tribunal proceeding means an existing tribunal proceeding within the meaning of the QCAT Act, section 244 that is for an appeal from an order of an adjudicator to the former tribunal.’.

386 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *appeal body*, *CCT* and *CCT Act*—

omit.

(2) Schedule 6—

insert—

‘appeal tribunal means the appeal tribunal under the QCAT Act.

president means the president under the QCAT Act.

principal registrar means the principal registrar under the QCAT Act.

QCAT information notice, for a decision, means a notice complying with the QCAT Act, section 157(2) for the decision.’.

Part 9 Amendment of Casino Control Act 1982

387 Act amended

This part amends the *Casino Control Act 1982*.

388 Replacement of pt 9A (Appeals)

Part 9A—

omit, insert—

‘Part 9A Review of decisions by tribunal

‘91A Who may apply for review

- ‘(1) A person who is or was an applicant for, or a holder of, a casino key employee licence or a casino employee licence may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—
- (a) a decision, under section 38(1), refusing to grant an application for the licence;
 - (b) a decision, under section 39, imposing a condition on the licence;
 - (c) a decision, under section 39C(1), changing a condition of the licence;
 - (d) a decision, under section 39E(3), refusing to grant an application to replace the licence;
 - (e) a decision, under section 45B, immediately suspending the licence;
 - (f) a decision, under section 45C, suspending or cancelling the licence;
 - (g) a decision, under section 45E, censuring the holder of the licence;
 - (h) a decision, under section 45F, directing the holder of the licence to rectify a matter.
- ‘(2) Also, a person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—

[s 388]

- (a) a decision of a casino operator or a casino manager, under section 93A, to give the person an exclusion direction;
 - (b) a decision of a casino operator, under section 99, refusing to revoke an exclusion direction given to the person.
- ‘(3) Also, a person receiving a direction in writing pursuant to section 92 prohibiting the person from entering or remaining in a casino may apply, within 3 months after the day the person receives the direction and as otherwise provided under the QCAT Act, to the tribunal for a review of the direction.

‘91B Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—
- original decision* means the decision of the chief executive to which the proceeding for the review relates.

‘91C Tribunal may give leave for review to be decided on new evidence in particular circumstances

- ‘(1) Despite section 91B, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—
- (a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and
 - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

‘91D Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision or direction mentioned in section 91A.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

[s 389]

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal’.

389 Omission of s 93 (Appeal to Minister)

Section 93—

omit.

390 Amendment of s 97 (Duration of exclusion direction)

Section 97(b)(i) and (iii), ‘appeal under part 9A’—

omit, insert—

‘a review of the decision by the tribunal’.

391 Omission of ss 135 and 136

Sections 135 and 136—

omit.

392 Omission of s 138 (Appeals to gaming commission)

Section 138—

omit.

393 Amendment of schedule (Dictionary)

(1) Schedule, definitions *gaming commission* and *registrar*—

omit.

(2) Schedule—

insert—

‘*tribunal* means QCAT.’.

(3) Schedule, definition *information notice*—

omit, insert—

'information notice means a written notice complying with the QCAT Act, section 157(2).'

Part 10 Amendment of Casino Control Regulation 1999

394 Regulation amended

This part amends the *Casino Control Regulation 1999*.

395 Amendment of sch 4 (Fees)

Schedule 4, item 7—

omit.

Part 11 Amendment of Charitable and Non-Profit Gaming Act 1999

396 Act amended

This part amends the *Charitable and Non-Profit Gaming Act 1999*.

397 Amendment of s 153 (Forfeiture on payment of infringement notice penalty)

Section 153(4) and (5)—

omit.

[s 398]

398 Replacement of pt 8 (Appeals)

Part 8—

omit, insert—

‘Part 8 Review of decisions by tribunal

‘174 Who may apply for review

- ‘(1) Subsection (2) applies if the chief executive makes a decision—
- (a) refusing an application for a general licence; or
 - (b) imposing a condition on a general licence; or
 - (c) changing a condition on a general licence; or
 - (d) suspending or cancelling a general licence; or
 - (e) refusing an application for renewal of a general licence; or
 - (f) refusing an application to amend a general licence; or
 - (g) appointing an administrator to conduct a general licensee’s operations under a general licence; or
 - (h) refusing to approve regulated general gaming equipment; or
 - (i) refusing to approve a modification of regulated general gaming equipment; or
- ‘(2) The applicant or licensee may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.
- ‘(3) Subsection (4) applies if chief executive orders, under section 153(2), the forfeiture to the State of—
- (a) anything used to commit the alleged offence; or
 - (b) anything else the subject of the alleged offence.
- ‘(4) The owner of the thing may apply, as provided under the QCAT Act, to the tribunal for a review of the chief executive’s decision to make the order.

-
- ‘(5) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 134 to forfeit the thing.

‘175 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—
- original decision* means the decision of the chief executive to which the proceeding for the review relates.

‘176 Tribunal may give leave for review to be decided on new evidence in particular circumstances

- ‘(1) Despite section 175, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

[s 398]

- (a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and
 - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

‘177 Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in section 174.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

399 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *decision maker* and *Gaming Commission*—
omit.
- (2) Schedule 2—
insert—
‘tribunal means QCAT.’.
- (3) Schedule 2, definition *information notice*—
omit, insert—
‘information notice means a written notice complying with the QCAT Act, section 157(2).’.

Part 12 Amendment of Charitable and Non-Profit Gaming Regulation 1999

400 Regulation amended

This part amends the *Charitable and Non-Profit Gaming Regulation 1999*.

401 Amendment of sch 2 (Fees)

Schedule 2, item 10—
omit.

[s 402]

Part 13 Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988

402 Act amended

This part amends the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

403 Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)

Section 16—

insert—

‘(5B) A notice given under this section must be accompanied by an information notice for the decision to give the direction.’.

404 Amendment of s 17 (Approval to use etc. agricultural produce etc. or cultivate plants on land)

Section 17—

insert—

‘(4A) If the standards officer refuses an application made under subsection (1), the standards officer must, as soon as practicable after making the decision, give the person an information notice for the decision.’.

405 Insertion of new s 21A

After section 21—

insert—

‘21A Review of particular decisions

‘(1) This section applies to the following decisions—

(a) a direction contained in a notice under section 16;

-
- (b) a decision of an inspector to refuse an application under section 17.
- ‘(2) A person who is dissatisfied with the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- ‘(3) A standards officer or inspector must give a person an information notice for a decision only if this Act so requires.’.

406 Amendment of s 22 (Right of appeal to Magistrates Court)

- (1) Section 22, heading, after ‘Court’—
insert—
‘for decision to seize’.
- (2) Section 22(1)—
omit, insert—
- ‘(1) This section applies to a decision of an inspector to seize a thing under section 20.’.

407 Amendment of schedule (Dictionary)

- Schedule—
insert—
‘information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 14 Amendment of Clean Energy Act 2008

408 Act amended

This part amends the *Clean Energy Act 2008*.

[s 409]

409 Amendment of pt 9, hdg (Appeal and review of decisions)

Part 9, heading, ‘Appeal and review’—

omit, insert—

‘Review’.

410 Amendment of s 30 (Review decision)

Section 30(2)—

omit, insert—

- ‘(2) If the review decision is not the decision sought by the applicant, the review notice must comply with the QCAT Act, section 157(2).’.

411 Replacement of pt 9, div 2, hdg (Appeals)

Part 9, division 2, heading—

omit, insert—

‘Division 2 External reviews’.

412 Amendment of s 31 (Who may appeal)

- (1) Section 31, heading, ‘appeal’—

omit, insert—

‘apply for external review’.

- (2) Section 31, from ‘appeal’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

413 Omission of ss 32–35

Sections 32 to 35—

omit.

**Part 15 Amendment of Consumer
Credit (Queensland) Act 1994**

414 Act amended

This part amends the *Consumer Credit (Queensland) Act 1994*.

415 Amendment of s 7 (Conferral of judicial functions)

Section 7(2), definition *court*, ‘a Small Claims Tribunal’—

omit, insert—

‘QCAT’.

**Part 16 Amendment of Cooperatives
Act 1997**

416 Act amended

This part amends the *Cooperatives Act 1997*.

417 Replacement of pt 2, div 7 (Appeals)

Part 2, division 7—

omit, insert—

[s 417]

‘Division 7 Review of registrar’s refusals

‘29 Refusal to approve disclosure statement

‘A person who submitted a draft disclosure statement to the registrar under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to approve the statement.

Note—

Under the QCAT Act, section 157, the registrar must give the person a notice complying with that section for the registrar’s failure to approve the statement.

‘30 Refusal to approve draft rules

‘A person who submitted draft rules to the registrar under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to approve the rules.

Note—

Under the QCAT Act, section 157, the registrar must give the person a notice complying with that section for the registrar’s failure to approve the rules.

‘31 Review of refusal to register

‘The applicants for registration of a proposed cooperative under this part may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to register the cooperative.

Note—

Under the QCAT Act, section 157, the registrar must give the applicants a notice complying with that section for the registrar’s failure to register the cooperative.’.

418 Replacement of ss 110–112

Sections 110 to 112—

omit, insert—

‘110 Review of refusal to approve, or refusal to register, an alteration

‘A cooperative may apply, as provided under the QCAT Act, to QCAT for a review of either or both of the following—

- (a) the registrar’s failure to approve an alteration of the cooperative’s rules;
- (b) the registrar’s failure to register an alteration of the cooperative’s rules.

Note—

Under the QCAT Act, section 157, the registrar must give the cooperative a notice complying with that section for the registrar’s failure to approve or register the alteration.’.

Part 17 Amendment of Credit Act 1987

419 Act amended

This part amends the *Credit Act 1987*.

420 Amendment of s 8 (Jurisdiction of courts)

- (1) Section 8(a), ‘(including a Small Claims Tribunal)’—

omit.

- (2) Section 8—

insert—

- ‘(2) In this section—

court includes QCAT.’.

[s 421]

Part 18 **Amendment of Credit (Rural Finance) Act 1996**

421 Act amended

This part amends the *Credit (Rural Finance) Act 1996*.

422 Amendment of s 6 (Courts with jurisdiction under this Act)

Section 6(2), definition *court*, ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 19 **Amendment of Drugs Misuse Act 1986**

423 Act amended

This part amends the *Drugs Misuse Act 1986*.

424 Amendment of s 46 (Definitions for pt 5B)

Section 46, definition *information notice*—
omit, insert—

‘*information notice* means a notice complying with the QCAT Act, section 157(2).’.

425 Replacement of pt 5B, div 10 (Appeals)

Part 5B, division 10—
omit, insert—

‘Division 10 Review of decisions by QCAT

‘85 Application for review

- ‘(1) A person who is dissatisfied with a decision of the chief executive under this part may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- ‘(2) The chief executive must give a person an information notice for a decision only if this Act so requires.’.

426 Omission of s 115 (Review)

Section 115—

omit.

Part 20 Amendment of Electricity Act 1994

427 Act amended

This part amends the *Electricity Act 1994*.

428 Amendment of s 135FQ (Evidentiary provisions)

Section 135FQ(2)(b), ‘appeal against’—

omit, insert—

‘application for external review of’.

[s 429]

429 Amendment of s 152K (Forfeiture of seized thing)

Section 152K(5), ‘or appeal’—

omit.

430 Amendment of s 181 (Notice of refusal to issue generation authority)

Section 181, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

431 Amendment of s 184C (Notice of refusal to transfer generation authority)

Section 184C, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

432 Amendment of s 190 (Notice of refusal to issue transmission authority)

Section 190, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

433 Amendment of s 193C (Notice of refusal to transfer transmission authority)

Section 193C, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

434 Amendment of s 198 (Notice of refusal to issue authority)

Section 198, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

435 Amendment of s 201C (Notice of refusal to transfer distribution authority)

Section 201C, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

436 Amendment of s 206 (Notice of refusal to issue authority)

Section 206, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

437 Amendment of s 211 (Notice of refusal to give special approval)

Section 211, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

438 Amendment of s 212C (Notice of refusal to transfer special approval)

Section 212C, ‘of appeal’—

omit, insert—

‘to seek an internal review of the refusal’.

[s 439]

439 Replacement of ch 10, hdg (Review of and appeals against decisions)

Chapter 10, heading—

omit, insert—

‘Chapter 10 Internal and external reviews’.

440 Amendment of ch 10, pt 1, hdg (Review of decisions)

Chapter 10, part 1, heading, ‘Review’—

omit, insert—

‘Internal review’.

441 Amendment of s 214 (Who may apply for review etc.)

(1) Section 214, heading, after ‘for’—

insert—

‘internal’.

(2) Section 214, ‘a review’—

omit, insert—

‘internal review’.

442 Amendment of s 215 (Applying for review)

Section 215, ‘review’—

omit, insert—

‘internal review’.

443 Amendment of s 216 (Stay of operation of decision etc.)

(1) Section 216(1) and (2)—

omit, insert—

-
- ‘(1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.
- ‘(2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application to QCAT for external review.’.
- (2) Section 216(3) and (4), ‘the court’—
omit, insert—
‘QCAT’.
- (3) Section 216(4), ‘appeal against’—
omit, insert—
‘apply for an external review of’.
- (4) Section 216(5), ‘review’—
omit, insert—
‘internal review’.

444 Amendment of s 217 (Review panels, arbitration and mediation)

Section 217(1), ‘for review’—
omit, insert—
‘for internal review’.

445 Amendment of s 218 (Decision on reconsideration)

- (1) Section 218(1), ‘review’—
omit, insert—
‘internal review’.
- (2) Section 218(6), from ‘state’ to ‘28 days’—
omit, insert—
‘be a QCAT information notice’.

[s 446]

446 Replacement of ch 10, pt 2 (Appeals)

Chapter 10, part 2—

omit, insert—

‘Part 2 External reviews

‘219 Who may apply for external review

- ‘(1) A person whose interests are affected by a decision of the reviewer under section 218 may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.
- ‘(2) However, a regulation may provide that a person can not apply under subsection (1) for an external review of a decision giving effect to a resolution by mediation or a decision by arbitration.

‘220 Application of QCAT Act notice requirement

‘The reviewer must give a QCAT information notice for a decision only if this Act so requires.’.

447 Amendment of sch 1 (Appeals against administrative decisions)

- (1) Schedule 1, heading, ‘appeals against’—
omit, insert—
‘Review of’.
- (2) Schedule 1, parts 1–3, column headed ‘Court’—
omit.

448 Amendment of sch 5 (Dictionary)

- (1) Schedule 5—
insert—

[s 452]

‘(2) In this section—

review expiration day, for a decision, means—

- (a) if an application for internal review of the decision is not made within the 28 days mentioned in section 209(1) or (2) or within any extended period under section 209(3)—the day the 28 days or extended period ends; or
- (b) if an application for internal review is made—the day all proceedings under chapter 9 and any external review proceedings relating to the decision end.’.

452 Amendment of s 88 (Dispute resolution)

Section 88(6), ‘an information’—

omit, insert—

‘a QCAT information’.

453 Amendment of s 90 (Parties to maintain secrecy of advice or information)

Section 90(3)(b), ‘appeal against’—

omit, insert—

‘external review of’.

454 Amendment of s 139 (Requirements for registration)

Section 139(2), ‘an information’—

omit, insert—

‘a QCAT information’.

455 Amendment of s 141 (Steps after registration)

Section 141(3), ‘an information’—

omit, insert—

‘a QCAT information’.

456 Amendment of s 145 (Refusal to change energy efficiency label)

Section 145, ‘an information’—

omit, insert—

‘a QCAT information’.

457 Amendment of s 147 (Transfer of registration)

Section 147(3), ‘an information’—

omit, insert—

‘a QCAT information’.

458 Amendment of s 149 (Cancellation of registration)

Section 149(3), ‘an information’—

omit, insert—

‘a QCAT information’.

459 Amendment of s 150 (Procedure before cancellation)

Section 150(3), ‘an information’—

omit, insert—

‘a QCAT information’.

[s 460]

460 Amendment of s 151 (Notice, by holder, of cancellation of registration)

Section 151(1), ‘an information’—

omit, insert—

‘a QCAT information’.

461 Replacement of ch 9, hdg (Review of and appeals against decisions)

Chapter 9, heading—

omit, insert—

‘Chapter 9 Internal and external reviews’.

462 Amendment of s 208 (Who may apply for review etc.)

(1) Section 208, heading, after ‘for’—

insert—

‘internal’.

(2) Section 208, ‘a review’—

omit, insert—

‘an internal review’.

463 Amendment of s 209 (Applying for review)

Section 209, ‘review’—

omit, insert—

‘internal review’.

464 Amendment of s 210 (Stay of operation of decision etc.)

- (1) Section 210(1) and (5), ‘review’—
omit, insert—
‘internal review’.
- (2) Section 210(1), from ‘apply’—
omit, insert—
‘apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.
- (3) Section 210(2)—
omit, insert—
‘(2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application for external review to QCAT.’.
- (4) Section 210(3), ‘the court’—
omit, insert—
‘QCAT’.
- (5) Section 210(4), from ‘the court’ to ‘against’—
omit, insert—
‘QCAT allows the applicant to enable the applicant to apply for an external review of’.

465 Amendment of s 211 (Decision on review)

- (1) Section 211, ‘review’—
omit, insert—
‘internal review’.
- (2) Section 211(4), ‘an information’—
omit, insert—
‘a QCAT information’.

[s 466]

466 Amendment of ch 9, pt 2, hdg (Appeals)

Chapter 9, part 2, heading, after ‘Appeals’—

insert—

‘**and external review**’.

467 Replacement of ch 9, pt 2, div 1 (Appeals against decisions on what is fair and reasonable)

Chapter 9, part 2, division 1—

omit, insert—

‘Division 1 External reviews by QCAT

‘212 Who may apply for external review

‘The following persons may apply, as provided under the QCAT Act, to QCAT for an external review of the decision mentioned for the person—

- (a) for a decision by QCA under section 88—any party to the dispute;
- (b) for a decision by the regulator or QCA mentioned in schedule 6—a person whose interests are affected by the decision.’.

468 Replacement of ch 9, pt 2, div 2, hdg (Other appeals)

Chapter 9, part 2, division 2, heading—

omit, insert—

‘Division 2 Appeals about recognition of previous service’.

469 Amendment of s 214 (Who may appeal)

Section 214(1)—

omit.

470 Amendment of s 215 (Making appeals)

(1) Section 215(1)—

omit, insert—

‘(1) An appeal under this part must be made within 3 months after written notice for the decision is given to the person.’.

(2) Section 215(2)(a), ‘subsection (1)(b)’—

omit, insert—

‘subsection (1)’.

(3) Section 215(2)(b), ‘appropriate’—

omit.

471 Amendment of s 216 (Starting appeals)

Section 216(3), ‘Magistrates Court or’—

omit.

472 Amendment of s 220 (Procedure of court)

(1) Section 220(1), ‘a court under its authorising Act’—

omit, insert—

‘an Industrial Magistrates Court under the *Industrial Relations Act 1999*’.

(2) Section 220(2)(b), ‘a magistrate or’—

omit, insert—

‘an’.

(3) Section 220(4)—

omit.

[s 473]

473 Amendment of s 221 (Appeals)

Section 221(1)—

omit.

474 Amendment of sch 6 (Appeals against administrative decisions to Magistrates Court)

(1) Schedule 6, heading—

omit, insert—

‘Schedule 6 External reviews of administrative decisions by QCAT

section 212(b)’.

(2) Schedule 6, table, entry for section 211, column 2, ‘review’—

omit, insert—

‘internal review’.

475 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definition *information notice*, paragraph (c), ‘a review or appeal’—

omit, insert—

‘an internal review’.

(2) Schedule 9, definition *information notice*, paragraph (d), ‘all rights of review or appeal’—

omit, insert—

‘the rights of internal review’.

- (3) Schedule 9, definition *information notice*, paragraphs (e) and (f), ‘review or appeal’—

omit, insert—

‘internal review’.

Part 22 Amendment of Exotic Diseases in Animals Act 1981

476 Act amended

This part amends the *Exotic Diseases in Animals Act 1981*.

477 Amendment of s 33 (Mode of valuation)

- (1) Section 33(1)(c), ‘a District Court judge on application made to the judge’—

omit, insert—

‘QCAT on application made to QCAT’.

- (2) Section 33(1A), (2), (4) and (5)—

omit, insert—

- ‘(2) An application under subsection (1)(c) must be made within the time prescribed under a regulation and as otherwise provided under the QCAT Act.

- ‘(3) The Minister may delegate the Minister’s powers under subsection (1) to a government veterinary officer.’.

478 Omission of ss 33A–33D

Sections 33A to 33D—

omit.

[s 479]

479 Amendment of s 34 (When title doubtful, Minister may retain compensation or make payment into court)

(1) Section 34(1)(b)—

omit, insert—

‘(b) pay the amount of compensation to QCAT, and QCAT must deal with and apply the compensation amount in the way QCAT, on application by a claimant, orders.’.

(2) Section 34(2)—

omit, insert—

‘(2) If the Minister pays the amount of compensation to QCAT under subsection (1)(b)—

(a) the amount must be held in the trust account maintained by QCAT under the QCAT Act, section 231; and

(b) the Minister must give the claimant for the compensation written notice of the payment; and

(c) an application by the claimant must be made as provided under the QCAT Act.’.

Part 23 Amendment of Exotic Diseases in Animals Regulation 1998

480 Regulation amended

This part amends the *Exotic Diseases in Animals Regulation 1998*.

481 Replacement of s 11 (Notice of application to District Court)

Section 11—

omit, insert—

‘11 Notice of application to QCAT

- ‘(1) The Minister must give an applicant for compensation written notice if, under section 33(1) of the Act, the Minister and the applicant can not agree about—
- (a) the market value of the animal or property; or
 - (b) the appointment of a valuer; or
 - (c) the amount fixed by a valuer as the value of the animal or property.
- ‘(2) The notice must state—
- (a) that the applicant may, within 60 days after receiving the notice, apply to QCAT for the market value to be fixed by QCAT; and
 - (b) how to apply.
- ‘(3) The time for filing an application under section 33(2) of the Act is 60 days after the applicant receives the notice under subsection (1).’.

Part 24 Amendment of Explosives Act 1999

482 Act amended

This part amends the *Explosives Act 1999*.

483 Amendment of s 17 (How chief inspector may deal with application)

- (1) Section 17(2)(b)—
- omit, insert—*
- ‘(b) if the authority is subject to conditions, an information notice for the decision to impose conditions.’.

[s 484]

(2) Section 17(3)(a)—

omit, insert—

‘(a) give the applicant an information notice for the decision;
and’.

484 Amendment of s 24 (Procedure for suspension or cancellation)

Section 24(5)—

omit, insert—

‘(5) If the chief inspector decides to suspend or cancel the authority, the chief inspector must give the authority holder an information notice for the decision.’.

485 Amendment of s 25 (Procedure for urgent suspension or cancellation of authority)

(1) Section 25(3), ‘written notice’—

omit, insert—

‘giving an information notice for the decision’.

(2) Section 25(4) and (5)—

omit, insert—

‘(4) The decision takes effect on the day the information notice is given to the authority holder or, if a later day of effect is stated in the information notice, the later day.’.

486 Amendment of s 27 (Replacement of authority)

Section 27(4)—

omit, insert—

‘(4) If the chief inspector decides to refuse to replace the authority, the chief inspector must give the authority holder an information notice for the decision.’.

487 Amendment of s 28 (Amendment of authority on application)

Section 28(7)—

omit, insert—

- ‘(7) If the chief inspector decides not to amend the authority, the chief inspector must give the authority holder an information notice for the decision.’.

488 Amendment of s 29 (Amendment of authority without application)

(1) Section 29(5)—

omit, insert—

- ‘(5) If the chief inspector decides to amend the authority, the chief executive must give the authority holder an information notice.’.

(2) Section 29(7), from ‘written notice’—

omit, insert—

‘giving the authority holder an information notice for the decision to amend the authority.’.

489 Amendment of s 58 (Investigation by chief inspector or authority holder)

Section 58(2)—

omit, insert—

- ‘(2) The notice given under subsection (1)(b) must include or be accompanied by an information notice for the decision to give the notice.’.

[s 490]

490 Amendment of pt 7, hdg (Review of decisions and appeals)

Part 7, heading, ‘and appeals’—
omit.

491 Amendment of pt 7, div 1, hdg (Review of decisions)

Part 7, division 1, heading, ‘Review’—
omit, insert—
‘Internal review’.

492 Amendment of s 107 (Application for review of decision under s 56, 102 or 103)

Section 107, heading, after ‘for’—
insert—
‘internal’.

493 Amendment of s 108 (Application for review of action under s 104)

Section 108, heading, after ‘for’—
insert—
‘internal’.

494 Amendment of s 109 (Applying for review)

- (1) Section 109, heading, after ‘for’—
insert—
‘internal’.
- (2) Section 109(1), ‘a review’—
omit, insert—
‘an internal review’.

-
- (3) Section 109(1)(b), (c) and (4), ‘review’—
omit, insert—
‘internal review’.
- (4) Section 109(1)(d)—
omit, insert—
‘(d) must state an address for service of the decision on the internal review (the *internal review decision*).’.
- (5) Section 109(5) and (6)—
omit, insert—
- ‘(5) Within 7 days after making the internal review decision, the chief inspector must give the applicant an information notice’.
- (6) Section 109(7)—
renumber as section 109(6).

495 Amendment of s 110 (Stay of operation of decision)

- (1) Section 110, ‘review’—
omit, insert—
‘internal review’.
- (2) Section 110(1), from ‘apply’—
omit, insert—
‘apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.
- (3) Section 110(2)—
omit, insert—
- ‘(2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application for external review to QCAT.’.

[s 496]

(4) Section 110(3), ‘the court’—

omit, insert—

‘QCAT’.

(5) Section 110(4), from ‘the court’ to ‘review decision’—

omit, insert—

‘QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision’.

496 Replacement of pt 7, div 2, hdg (Appeals)

Part 7, division 2, heading—

omit, insert—

‘Division 2 External reviews by QCAT’.

497 Amendment of s 111 (Appeals to Magistrates Court)

(1) Section 111, heading—

omit, insert—

‘111 Application for external review’.

(2) Section 111, ‘appeal to a Magistrates Court against’—

omit, insert—

‘apply, as provided under the QCAT Act, for an external review of’.

498 Omission of ss 112–116

Sections 112 to 116—

omit.

499 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*external review*, for a decision, means a review of the decision by QCAT under the QCAT Act.

information notice means a notice complying with the QCAT Act, section 157(2).’

Part 25 Amendment of Explosives Regulation 2003

500 Regulation amended

This part amends the *Explosives Regulation 2003*.

501 Amendment of s 14 (Advice of chief inspector’s decision)

Section 14(b), ‘a decision notice’—

omit, insert—

‘an information notice’.

502 Amendment of s 17 (How chief inspector may deal with application)

Section 17(2)(b) and (3), ‘a decision notice’—

omit, insert—

‘an information notice’.

[s 503]

503 Amendment of s 62 (How chief inspector must deal with explosives limits document)

Section 62(2)(b) and (3), ‘a decision notice’—
omit, insert—
‘an information notice’.

504 Amendment of s 64 (Chief inspector may impose interim explosives limits)

Section 64(3), ‘a decision notice’—
omit, insert—
‘an information notice’.

505 Amendment of s 109 (Requirements for chief inspector exercising powers)

- (1) Section 109(2), ‘a notice’—
omit, insert—
‘an information notice’.
- (2) Section 109(2)(d)—
omit.

506 Amendment of s 148 (Approval by chief inspector of collectors associations)

Section 148(3)(b), ‘a decision notice’—
omit, insert—
‘an information notice’.

507 Amendment of sch 7 (Dictionary)

Schedule 7, definition *decision notice*—
omit.

Part 26 **Amendment of Fair Trading Act 1989**

508 Act amended

This part amends the *Fair Trading Act 1989*.

509 Amendment of s 5 (Definitions)

Section 5, definition *small claims tribunal*—
omit.

510 Amendment of s 110 (Preservation of secrecy)

Section 110(2)(a), ‘a Small Claims Tribunal’—
omit, insert—
‘QCAT’.

Part 27 **Amendment of Fisheries Act 1994**

511 Act amended

This part amends the *Fisheries Act 1994*.

512 Amendment of s 42H (Deciding claim)

Section 42H(2), from ‘a written notice’—
omit, insert—
‘an information notice for the decision.’.

[s 513]

513 Amendment of s 60 (Notice of refusal of application for issue or renewal etc.)

Section 60(a), from ‘a written notice’ to ‘28 days’—
omit, insert—
‘an information notice for the refusal’.

514 Amendment of s 63 (Amendment of authority)

Section 63(3), from ‘a written notice’—
omit, insert—
‘an information notice for the decision.’.

515 Amendment of s 68 (Procedure for cancellation or suspension by chief executive)

Section 68(4), from ‘state’—
omit, insert—
‘be an information notice for the decision.’.

516 Amendment of s 76F (Deciding application for fish movement exemption notice)

Section 76F(5), from ‘a written notice’—
omit, insert—
‘an information notice for the refusal.’.

517 Replacement of pt 9 (Administrative appeals)

Part 9—
omit, insert—

[s 518]

‘(4) The chief executive must give an information notice for a decision only if this Act so requires.’.

‘186 Constitution of tribunal

‘(1) For a proceeding for a matter under this Act, the tribunal is to be constituted by—

- (a) 1 legally qualified member; and
- (b) 2 other members, at least 1 of whom must have extensive knowledge of and experience in the fishing industry and other fisheries issues.

‘(2) The person mentioned in subsection (1)(a) is the presiding member for the proceedings.

‘(3) In this section—

legally qualified member means a legally qualified member under the QCAT Act.’.

518 Omission of pt 12, div 4, sdiv 4 (Effect of commencement on particular appeals)

Part 12, division 4, subdivision 4—

omit.

519 Amendment of schedule (Dictionary)

(1) Schedule, definitions *continuing appeal, development authority* and *tribunal*—

omit.

(2) Schedule—

insert—

‘information notice means a notice complying with the QCAT Act, section 157(2).

tribunal means QCAT.’.

Part 28 Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003

520 Plan amended

This part amends the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

521 Amendment of s 29 (Requirements for preliminary notice)

(1) Section 29, ‘state, in writing,’—

omit, insert—

‘be accompanied by an information notice for the decision and state’.

(2) Section 29(f)(ii), from ‘appeal’ to ‘tribunal’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the decision’.

(3) Section 29(f)(iii)—

omit, insert—

‘(iii) how to apply for a review.’.

522 Amendment of s 31 (Chief executive to decide whether reason for reconsideration established)

Section 31(2), ‘a decision’—

omit, insert—

‘an information’.

[s 523]

523 Amendment of s 33 (Criteria reapplied if reason for reconsideration established)

Section 33(6)(b), ‘a decision’—

omit, insert—

‘an information’.

524 Amendment of s 36B (Application for special reconsideration of particular licences)

(1) Section 36B(2)(c), ‘lodged an appeal against’—

omit, insert—

‘applied for a review of’.

(2) Section 36B(5)(a), ‘appeal against’—

omit, insert—

‘apply for a review of’.

(3) Section 36B(5)(b), from ‘lodged’—

omit, insert—

‘applied for a review of a decision of the chief executive under subdivision 3 or 5—the review.’.

525 Amendment of s 36C (Chief executive to decide whether licence is special south-east Queensland licence)

Section 36C(2), ‘a decision’—

omit, insert—

‘an information’.

526 Amendment of s 36E (Criteria reapplied if licence is special south-east Queensland licence)

Section 36E(8)(b), ‘a decision’—

omit, insert—

‘an information’.

527 Amendment of s 38 (Requirements for amendment notice)

(1) Section 38, ‘state, in writing,’—

omit, insert—

‘be accompanied by an information notice about the amendment and state’.

(2) Section 38(e) and (f)—

omit.

528 Amendment of s 61 (Deciding application for issue of line units)

Section 61(8)(b), ‘a decision’—

omit, insert—

‘an information’.

529 Amendment of s 66 (Application of div 4)

Section 66(2), definition *relevant day*, paragraphs (b) to (d)—

omit, insert—

‘(b) the period to apply for a review of all decisions about the issue of line units or amending a licence by writing the fishery symbol ‘RQ’ on it has ended; and

(c) all reviews mentioned in paragraph (b) are ended or fully decided; and

[s 530]

- (d) if, in deciding an application for review, the tribunal gave the chief executive directions—the directions have been complied with.’.

530 Amendment of sch 8 (Dictionary)

Schedule 8, definition *decision notice*—
omit.

Part 29 Amendment of Fisheries (East Coast Trawl) Management Plan 1999

531 Plan amended

This part amends the *Fisheries (East Coast Trawl) Management Plan 1999*.

532 Amendment of s 81A (Application of sdiv 3)

Section 81A(a), ‘appeals to the tribunal against’—
omit, insert—
‘applies to the tribunal for a review of’.

533 Amendment of s 94 (Interim issue of additional effort units for all eligible licences)

Section 94(1)(b), ‘appeals against’—
omit, insert—
‘applications for review of’.

534 Amendment of s 95 (Further issue of additional effort units for all eligible licences)

Section 95(3)—

omit, insert—

- ‘(3) However, the chief executive must not issue the additional units before—
- (a) the end of the period to apply for a review of all decisions about effort unit applications (*effort unit reviews*); and
 - (b) all effort unit reviews are ended or finally decided; and
 - (c) if, in deciding an effort unit review, the tribunal gave the chief executive directions—the directions have been complied with.’.

Part 30 Amendment of Fisheries Regulation 2008

535 Regulation amended

This part amends the *Fisheries Regulation 2008*.

536 Omission of ch 15, pt 4, div 3 (Allowances)

Chapter 15, part 4, division 3—

omit.

537 Amendment of sch 9 (Other fees)

Schedule 9, table 4, item 14—

omit.

[s 538]

538 Amendment of sch 11 (Dictionary)

Schedule 11, part 2, definition *information notice*—
omit.

**Part 31 Amendment of Food
Production (Safety) Act 2000**

539 Act amended

This part amends the *Food Production (Safety) Act 2000*.

540 Amendment of s 48 (Grant or renewal of accreditations)

Section 48(1)(b)—
omit, insert—

‘(b) if Safe Food decides to impose conditions on the accreditation, an information notice for the decision.’.

541 Amendment of s 49 (Refusal of applications)

Section 49, from ‘a written’—
omit, insert—

‘an information notice for the decision.’.

542 Amendment of s 55 (Notice and effect of amendment, suspension or cancellation)

(1) Section 55(1), from ‘notice’—
omit, insert—

‘Safe Food must give the accreditation holder an information notice for the decision to amend, suspend or cancel the accreditation.’.

- (2) Section 55(2)—
omit.
- (3) Section 55(3), (5) and (6), ‘the notice’—
omit, insert—
‘the information notice’.
- (4) Sections 55(3) to (6)—
renumber as sections 55(2) to (5).

543 Amendment of s 63 (Grant or renewal of approvals)

Section 63(b), from ‘a written’—
omit, insert—
‘an information notice for the decision.’.

544 Amendment of s 64 (Refusal of applications)

Section 64, from ‘a written’—
omit, insert—
‘an information notice for the decision.’.

545 Amendment of s 70 (Notice and effect of amendment, suspension or cancellation)

- (1) Section 70(1), from ‘notice’—
omit, insert—
‘Safe Food must give the approval holder an information notice for the decision to amend, suspend or cancel the approval.’.

[s 546]

- (2) Section 70(2)—
omit.
- (3) Section 70(3), (5) and (6), ‘the notice’—
omit, insert—
‘the information notice’.
- (4) Sections 70(3) to (6)—
renumber as sections 70(2) to (5).

546 Replacement of pt 9 (Appeals)

Part 9—

omit, insert—

‘Part 9 Review of decisions

‘126 Who may apply for review

‘The following persons may apply, as provided under the QCAT Act, to QCAT for a review of the decision stated for the person—

- (a) a person whose application for an accreditation, or renewal of an accreditation, under part 5 has been granted subject to a condition or refused;
- (b) a person whose accreditation is amended, suspended or cancelled under section 53(4);
- (c) a person whose application for an approval, or renewal of an approval, as an auditor under part 6 has been granted subject to a condition or refused;
- (d) a person whose approval as an auditor is amended, suspended or cancelled under section 68(4).’

547 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 32 Amendment of Funeral Benefit Business Act 1982

548 Act amended

This part amends the *Funeral Benefit Business Act 1982*.

549 Amendment of s 5 (Definitions)

Section 5—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

550 Amendment of s 52 (Cancellation of registration by court)

(1) Section 52, heading, ‘court’—

omit, insert—

‘QCAT’.

(2) Section 52(1), (3), (6), (8) and (9), ‘the court’—

omit, insert—

‘QCAT’.

[s 551]

- (3) Section 52(7), ‘The court’—
omit, insert—
‘QCAT’.

551 Amendment of s 61 (Provisions as to rules)

- (1) Section 61(5)—
omit, insert—
- ‘(5) If the registrar refuses to register a rule or an amendment of a rule, the registrar must give the registered corporation a QCAT information notice for the decision (the *reviewable decision*).’.
- (2) Section 61(6), from ‘may appeal’—
omit, insert—
‘may apply, as provided under the QCAT Act, to QCAT for a review of the reviewable decision.’.
- (3) Section 61(7) and (8)—
omit.

552 Amendment of s 65 (Control and management of certain accounts of registered corporations)

- (1) Section 65—
insert—
- ‘(3A) When serving the notice mentioned in subsection (2), the registrar must also give the registered corporation, member of the governing body or the secretary being served a QCAT information notice for the decision to serve the notice.’.
- (2) Section 65(9), from ‘may appeal’—
omit, insert—

‘may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s decision to serve the notice (the *reviewable decision*)’.

(3) Section 65(10) and (11)—

omit.

(4) Section 65(12)(b), ‘if the court on appeal’—

omit, insert—

‘if QCAT on reviewing the reviewable decision’.

(5) Section 65(12)(b), ‘by the court’—

omit, insert—

‘by QCAT’.

553 Omission of s 87 (Court may give directions)

Section 87—

omit.

Part 33 Amendment of Funeral Benefit Business Regulation 2000

554 Regulation amended

This part amends the *Funeral Benefit Business Regulation 2000*.

555 Omission of s 45 (Notice of appeal by corporation)

Section 45—

omit.

[s 556]

556 Omission of s 47 (Notice of appeal)

Section 47—

omit.

**Part 34 Amendment of Gaming
Machine Act 1991**

557 Act amended

This part amends the *Gaming Machine Act 1991*.

558 Omission of s 8 (Meaning of *information notice*)

Section 8—

omit.

559 Replacement of ss 29–38

Sections 29 to 38—

omit, insert—

‘29 Who may apply for a review by tribunal

- ‘(1) A person who is or was an applicant for, or a holder of, a licence under this Act and is aggrieved by a decision or determination of the commission stated in schedule 1, part 1 may apply, as provided under the QCAT Act, to the tribunal for a review of the decision or determination.
- ‘(2) A person who is or was an applicant for, or a holder of, a licence under this Act and is aggrieved by a decision or determination of the chief executive stated in schedule 1, part 3 may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.

-
- ‘(3) An applicant for a supplier’s licence may apply, as provided under the QCAT Act, to the tribunal for a review of the commission’s decision under section 122 to refuse to grant the application for the licence.
 - ‘(4) A licensed supplier may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the commission stated in schedule 1, part 4.
 - ‘(5) A person may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of a licensee stated in schedule 1, part 5.
 - ‘(6) A person who is or was an applicant for, or a holder of, a licence under this Act may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive stated in schedule 1, part 2.
 - ‘(7) A person who may be adversely affected by an approval under section 54(7) and to whom a notice has been given under section 54(8) may apply, as provided under the QCAT Act, to the tribunal for a review of the decision or determination.
 - ‘(8) A person who seeks the chief executive’s approval for section 231 or 287 may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive refusing to give the approval.
 - ‘(9) A person who submits a gaming machine type or game to the chief executive under section 281 for evaluation may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive rejecting the gaming machine type or game.
 - ‘(10) The owner of an article, record or other thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 331 resulting in the thing being forfeited.

[s 559]

‘30 Effect of reconsidering a decision after application to QCAT

- ‘(1) This section applies if the chief executive, commission or an inspector amends, or sets aside and substitutes another decision for, an original decision (the *reconsidered decision*) as a consequence of—
- (a) reconsidering an original decision at the invitation of QCAT under the QCAT Act, section 23(1); or
 - (b) reconsidering an original decision in accordance with any direction of QCAT in relation to reconsidering the original decision.
- ‘(2) Section 29 does not apply to the reconsidered decision.
- ‘(3) A proceeding for a review of the original decision by the tribunal ends.
- ‘(4) In this section—
- original decision* means a decision or determination mentioned in section 29.

‘31 Tribunal to decide review on evidence before the chief executive or commission

- ‘(1) In a proceeding for a review by the tribunal of a decision of the chief executive or commission, the tribunal must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive or commission when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—

- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
- (b) decided in accordance with the same law that applied to the making of the original decision.

‘(3) In this section—

original decision means the decision of the chief executive or commission to which the proceeding for the review relates.

‘32 Tribunal may give leave for review to be decided on new evidence in particular circumstances

‘(1) Despite section 31, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive or commission (the *decision*) leave to present new evidence if the tribunal is satisfied—

- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

‘(2) If the tribunal gives leave under subsection (1), the tribunal must—

- (a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or
- (b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.

‘(3) In this section—

new evidence means evidence that was not before the chief executive when the decision was made.

[s 560]

‘33 Appeals from tribunal only to Court of Appeal on question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision or determination mentioned in section 29.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

560 Amendment of s 261D (Duration of exclusion direction)

Section 261D(b)(i) and (iii), ‘appeal under part 2’—

omit, insert—

‘a review of the decision by the tribunal’.

561 Omission of s 384 (Continuation of appeals by former listed persons)

Section 384—

omit.

562 Omission of s 389 (Appeal decisions resulting in persons taken to be licensed dealers)

Section 389—

omit.

563 Omission of s 407 (Appeals)

Section 407—

omit.

564 Omission of ss 414–421

Sections 414 to 421—

omit.

565 Amendment of schedule (Dictionary)

(1) Schedule, definitions *appeal authority* and *registrar*—

omit.

(2) Schedule—

insert—

‘tribunal means QCAT.’.

(3) Schedule, definition *decision-maker*—

omit, insert—

‘decision-maker, for a review by the tribunal, means the entity who made the decision being reviewed.’.

(4) Schedule, definition *information notice*—

omit, insert—

‘information notice means a written notice complying with the QCAT Act, section 157(2).’.

(5) Schedule—

number as schedule 2.

566 Insertion of new sch 1

After section 446—

insert—

[s 566]

‘Schedule 1 Reviewable decisions

section 29

‘Part 1 Decisions or determinations of the commission affecting applicant for, or holder of, a licence

Section	Description of decision
55	refusing to grant a gaming machine licence
59(2)	fixing a number of gaming machines for premises that is— (a) for premises mentioned in section 56(2)(c)—less than the number sought in the relevant application for the premises and less than the number approved for the premises at the time the application is made; or (b) for other premises—less than the number sought in the relevant application for the premises
59(2)(a)(ii)	fixing hours of gaming for premises that differ from the hours of gaming sought in the relevant application for the premises
59(2)(a)(iii)	fixing the number of operating authorities to be transferred to premises if that number is less than the number sought in the application relating to the premises

Section	Description of decision
63	refusing to approve additional premises as premises to which a category 2 licensee's gaming machine licence relates
64(2)	fixing a number of gaming machines for additional premises that is less than the number sought in the additional premises application
64(2)(b)	fixing hours of gaming for additional premises that differ from the hours of gaming sought in the relevant additional premises application
73(1)(b)	imposing conditions on a gaming machine licence
74(1)	imposing conditions or further conditions, or varying conditions on a gaming machine licence
83(1)(a)	approving an increase in the approved number of gaming machines for a licensee's licensed premises that is less than the increase sought in the relevant application
83(1)(b)	refusing to approve an increase in the approved number of gaming machines for a licensee's licensed premises
85C(1)(b)	approving an increase in the approved hours of gaming for a licensee's licensed premises that differs from an increase sought in the relevant application
85C(1)(c)	refusing to approve an increase in approved hours of gaming for a licensee's licensed premises
90C(1)(a)	approving, for a decrease proposal that is a request or a report, a decrease in the approved hours of gaming for a licensee's licensed premises

[s 566]

Section	Description of decision
90C(1)(b)	approving, for a decrease proposal that is an application, a decrease in the approved hours of gaming for a licensee's licensed premises that is a modification of the proposal contained in the relevant application
90C(1)(c)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved hours of gaming for a licensee's licensed premises
97(16)(d)	cancelling or suspending a gaming machine licence
97(17)	cancelling or suspending a gaming machine licence for failing to comply with a direction from the commission
98(1)	suspending a gaming machine licence

‘Part 2 **Decisions of the chief executive affecting applicants for, or holders of, licences**

Section	Description of decision
87(1)(a)	approving, for a decrease proposal that is an application, a decrease in the approved number of gaming machines for a licensee’s licensed premises that is less than the decrease sought in the application
87(1)(a)	approving, for a decrease proposal that is a request or report, a decrease in the approved number of gaming machines for a licensee’s licensed premises
87(1)(b)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved number of gaming machines for a licensee’s licensed premises
196, 197, 201(1)	refusing to grant an application for the licence
205	imposing a condition on the licence
206(1)	changing a condition of the licence
207	refusing to renew the licence
214D	immediately suspending the licence
214E	suspending or cancelling the licence
214G	censuring the holder of the licence
214H	directing the holder of the licence to rectify a matter

‘Part 5 **Decisions of a licensee affecting persons**

Section	Description of decision
261C	give a person an exclusion direction
261F	refusing to revoke an exclusion direction given to a person’.

Part 35 **Amendment of Gaming Machine Regulation 2002**

567 **Regulation amended**

This part amends the *Gaming Machine Regulation 2002*.

568 **Amendment of sch 5 (Fees)**

- (1) Schedule 5, items 1 and 2—
omit.
- (2) Schedule 5, items 3 to 53—
renumber as items 1 to 51.

[s 569]

Part 36 **Amendment of Gas Supply Act 2003**

569 Act amended

This part amends the *Gas Supply Act 2003*.

570 Amendment of s 233 (Directions for prices notification)

Section 233(2), ‘an information notice about’—

omit, insert—

‘a QCAT information notice for’.

571 Amendment of s 270ZM (Information notice about and taking effect of decision)

(1) Section 270ZM(1), ‘an information’—

omit, insert—

‘a QCAT information’.

(2) Section 270ZM(2)(a), ‘the information’—

omit, insert—

‘the QCAT information’.

572 Amendment of ch 6, pt 1, hdg (Reviews and appeals)

Chapter 6, part 1, heading, ‘and appeals’—

omit.

573 Replacement of ch 6, pt 1, div 1, hdg (Reviews)

Chapter 6, part 1, division 1, heading—

omit, insert—

‘Division 1 Internal reviews’.

574 Amendment of s 271 (Who may apply for review)

- (1) Section 271, heading, after ‘for’—
insert—
‘**internal**’.
- (2) Section 271(1), ‘a review of the decision (a *review application*)’—
omit, insert—
‘an internal review of the decision (an *internal review application*)’.
- (3) Section 271(2), ‘A review’—
omit, insert—
‘An internal review’.

575 Amendment of s 272 (Requirements for making review application)

- (1) Section 272, heading, after ‘making’—
insert—
‘**internal**’.
- (2) Section 272(1), ‘A review’—
omit, insert—
‘An internal review’.

576 Amendment of s 273 (Stay of operation of original decision)

- Section 273 ‘review’—
omit, insert—
‘internal review’.

[s 577]

577 Replacement of s 274 (Review decision)

Section 274—

omit, insert—

‘274 Internal review decision

- ‘(1) The reviewer must, within 20 business days after the internal review application is made—
- (a) review the original decision; and
 - (b) make a decision (the *internal review decision*) to—
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision.
- ‘(2) If the internal review decision confirms the original decision, for the purpose of an application for external review, the original decision is taken to be the internal review decision.
- ‘(3) If the internal review decision amends the original decision, for the purpose of an application for external review, the original decision as amended is taken to be the internal review decision.’.

578 Amendment of s 275 (Review procedure)

- (1) Section 275, heading, ‘Review’—

omit, insert—

‘Internal review’.

- (2) Section 275(1), ‘A review’—

omit, insert—

‘An internal review’.

- (3) Section 275(3), ‘the review’—
omit, insert—
‘the internal review’.

579 Amendment of s 276 (Reviewer may seek advice or information)

- Section 276, ‘review’—
omit, insert—
‘internal review’.

580 Amendment of s 277 (Offence about disclosure of advice or information)

- (1) Section 277(1), ‘review’—
omit, insert—
‘internal review’.
- (2) Section 277(3), ‘review or an appeal against the review’—
omit, insert—
‘internal review or an external review of the internal review’.

581 Amendment of s 278 (Notice of review decision)

- (1) Section 278, heading, ‘review’—
omit, insert—
‘**internal review**’.
- (2) Section 278(1), ‘a review decision, give the applicant notice (a *review notice*) of’—
omit, insert—
‘an internal review decision, give the applicant notice (an *internal review notice*) for’.

[s 582]

(3) Section 278(2)—

omit, insert—

‘(2) If the internal review decision is not the decision sought by the applicant, the internal review notice must also include, or be accompanied by, a QCAT information notice for the decision.’.

(4) Section 278(3), from ‘the review’ to ‘a review’—

omit, insert—

‘the internal review notice within the 10 business days, the reviewer is taken to have made an internal review’.

582 Replacement of ch 6, pt 1, div 2 (Appeals)

Chapter 6, part 1, division 2—

omit, insert—

‘Division 2 External reviews by QCAT’.

‘279 External review of internal review decision

‘(1) A person who has been given, or is entitled to be given, an internal review notice for an internal review decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

‘(2) A person who has been given, or is entitled to be given, a QCAT information notice for a decision under section 233 may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

Editor’s note—

Section 233 (Directions for prices notification)

‘(3) A distributor or retailer who, under section 270ZM, has been given, or is entitled to be given, a QCAT information notice for a decision under section 270ZL to impose a civil penalty may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

583 Amendment of sch 1, hdg (Decisions subject to review)

Schedule 1, heading, ‘review’—

omit, insert—

‘**internal review**’.

584 Amendment of sch 2 (Dictionary)

- (1) Schedule 5, definitions *review application*, *review decision* and *review notice*—

omit.

- (2) Schedule 5—

insert—

‘**external review**, for a decision, means a review of the decision by QCAT under the QCAT Act.

internal review application see section 271(1).

internal review decision see section 274(1)(b).

internal review notice see section 278(1).

QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

- (3) Schedule 2, definition *information notice*, ‘review or appeal’—

omit, insert—

‘**internal review**’.

[s 585]

Part 37 **Amendment of Interactive Gambling (Player Protection) Act 1998**

585 Act amended

This part amends the *Interactive Gambling (Player Protection) Act 1998*.

586 Amendment of s 105 (Directions to terminate affecting agents)

Section 105(5)—

omit, insert—

‘(5) A notice under subsection (3) or (4) must comply with the QCAT Act, section 157(2).’.

587 Amendment of s 137D (Duration of exclusion direction)

Section 137D(b)(i) and (iii), ‘appeal under part 10’—

omit, insert—

‘a review of the decision by the tribunal’.

588 Amendment of s 213 (Forfeiture)

Section 213(5)—

omit, insert—

‘(5) The notice must comply with the QCAT Act, section 157(2).’.

589 Replacement of pt 10 (Appeals)

Part 10—

omit, insert—

‘Part 10 Reviews by tribunal

‘249 When licensed providers may apply for review

‘A licensed provider may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.

‘250 When applicants for key person licences may apply for review

‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 66 to refuse to grant the application.

‘251 When key person licensees may apply for review

‘A key person licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.

‘252 When agents may apply for review

‘An agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.

‘253 When other persons may apply for review

- ‘(1) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 213 to forfeit the thing.
- ‘(2) A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—
 - (a) a decision of a licensed provider, under section 137C, to give the person an exclusion direction;

[s 589]

- (b) a decision of a licensed provider, under section 137F, refusing to revoke an exclusion direction given to the person.

‘254 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

‘255 Tribunal may give leave for review to be decided on new evidence in particular circumstances

- ‘(1) Despite section 254, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

-
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
 - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

‘256 Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in sections 249 to 253.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

[s 590]

590 Omission of s 265 (Dealing with show cause notice)

Section 265—

omit.

591 Omission of s 267 (Appeals to Queensland Gaming Commission)

Section 267—

omit.

592 Amendment of sch 2 (Decisions of chief executive subject to appeal)

Schedule 2, heading, ‘appeal’—

omit, insert—

‘**review**’.

593 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *Queensland Gaming Commission* and *registrar*—

omit.

(2) Schedule 3—

insert—

‘**tribunal** means QCAT.’.

(3) Schedule 3, definition *information notice*—

omit, insert—

‘**information notice** means a written notice complying with the QCAT Act, section 157(2).’.

Part 38 **Amendment of Interactive Gambling (Player Protection) Regulation 1998**

594 **Regulation amended**

This part amends the *Interactive Gambling (Player Protection) Regulation 1998*.

595 **Replacement of s 17 (Appeals)**

Section 17—

omit, insert—

‘17 **Review of decision of chief executive**

- ‘(1) This section applies to a licensed provider or claimant given an information notice for a decision of the chief executive under section 15 or 16.
- ‘(2) The licensed provider or claimant may apply, as provided under the QCAT Act, to QCAT for a review of the decision of the chief executive.
- ‘(3) Sections 254 to 256 of the Act apply to a proceeding for the review.’.

596 **Omission of s 20 (Registrar—Act, sch 3)**

Section 20—

omit.

597 **Amendment of sch 3 (Fees)**

Schedule 3, item 5—

omit.

602 Replacement of pt 7 (Appeals)

Part 7—

omit, insert—

‘Part 7 External review

‘82 Definition for pt 7

‘In this part—

reviewable decision means—

- (a) for an applicant for a licence—
 - (i) a decision of the chief executive to impose a condition on a licence under section 24(1)(a); or
 - (ii) a decision of the chief executive under section 24(1)(b); or
- (b) for a licensee—a decision of the chief executive under section 27(2) or 30(3)(b).

‘83 Application for review by QCAT

‘An applicant for a licence or a licensee may apply, as provided under the QCAT Act, to QCAT for a review of a reviewable decision.’.

603 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).

reviewable decision, for part 7, see section 82.’.

[s 604]

Part 40 Amendment of Keno Act 1996

604 Act amended

This part amends the *Keno Act 1996*.

605 Amendment of s 101 (Directions to terminate affecting appointed agents)

Section 101(6)—

omit, insert—

‘(6) A notice under subsection (3), (4) or (5) must comply with the QCAT Act, section 157(2).’.

606 Amendment of s 154E (Duration of exclusion direction)

Section 154E(b)(i) and (iii), ‘appeal under part 11’—

omit, insert—

‘a review of the decision by the tribunal’.

607 Amendment of s 190 (Forfeiture of seized things)

Section 190(5)—

omit, insert—

‘(5) The notice must comply with the QCAT Act, section 157(2).’.

608 Replacement of pt 11 (Appeals)

Part 11—

omit, insert—

‘Part 11 Reviews by tribunal

‘228 When keno licensees may apply for review

‘A keno licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.

‘229 When applicants for keno employee licences may apply for review

‘An applicant for a keno employee licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 50 to refuse to grant the application.

‘230 When licensed keno employees may apply for review

‘A licensed keno employee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.

‘231 When keno agents may apply for review

‘A keno agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.

‘232 When keno subagents may apply for review

‘A keno subagent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 4.

[s 608]

‘233 When other persons may apply for review

- ‘(1) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the inspector under section 190 to forfeit the thing.
- ‘(2) A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—
 - (a) a decision of an appointed agent, under section 154D, to give the person an exclusion direction;
 - (b) a decision of an appointed agent, under section 154G, refusing to revoke an exclusion direction given to the person.

‘234 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—
original decision means the decision of the chief executive to which the proceeding for the review relates.

‘235 Tribunal may give leave for review to be decided on new evidence in particular circumstances

- ‘(1) Despite section 234, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
 - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must—
- (a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or
 - (b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

‘236 Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in sections 228 to 233.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.

[s 609]

- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

609 Omission of s 246 (Dealing with show cause notice)

Section 246—

omit.

610 Omission of s 248 (Appeals to Gaming Commission)

Section 248—

omit.

611 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *Gaming Commission* and *registrar*—

omit.

- (2) Schedule 4—

insert—

‘**tribunal** means QCAT.’.

- (3) Schedule 4, definition *information notice*—

omit, insert—

‘**information notice** means a written notice complying with the QCAT Act, section 157(2).’.

Part 41 **Amendment of Keno Regulation 2007**

612 **Regulation amended**

This part amends the *Keno Regulation 2007*.

613 **Amendment of sch 3 (Fees)**

Schedule 3, item 4—

omit.

Part 42 **Amendment of Liquid Fuel Supply Act 1984**

614 **Act amended**

This part amends the *Liquid Fuel Supply Act 1984*.

615 **Amendment of s 5 (Interpretation)**

Section 5—

insert—

‘information notice means a notice complying with the QCAT Act, section 157(2).’.

616 **Replacement of s 35 (Rights of appeal)**

Section 35—

omit, insert—

[s 616]

‘35 Right of review

- ‘(1) A person about whom any of the following decisions is made may apply, as provided under the QCAT Act, to QCAT for a review of the decision—
- (a) a refusal of a permit under this part;
 - (b) a cancellation of a permit under this part;
 - (c) a refusal to identify a person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind;
 - (d) a revocation of an instrument identifying a person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind;
 - (e) a refusal to identify a person or association of persons as a bulk customer of a relevant person for a particular refined liquid petroleum product;
 - (f) a revocation of an instrument identifying a person or association of persons as a bulk customer of a relevant person for a particular refined liquid petroleum product.
- ‘(2) Costs must not be awarded to either party to a review by QCAT.

‘35AA Minister need not give information notice

- ‘(1) This section applies to a decision mentioned in section 35(1).
- ‘(2) The Minister need not give an information notice for the decision if the Minister considers—
- (a) it is impracticable to give an information notice to each person in an association of persons or a class of persons; or
 - (b) publication of the information notice might disclose confidential information or personal confidential information; or

- (c) it is impracticable to give an information notice for any other reason.

‘(3) In this section—

personal confidential information means confidential information that—

- (a) is not publicly available; and
(b) identifies, or is likely to identify, a person or discloses matters about a person’s affairs.

reviewable decision means a reviewable decision under the QCAT Act.’.

617 Amendment of s 45 (Trade secrets)

(1) Section 45(2A) to (5)—

omit, insert—

‘(3) The Minister must give the person who objected—

- (a) a copy of the instrument; and
(b) an information notice for the Minister’s decision.’.

‘(4) A person who has objected under subsection (1) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

(2) Section 45(6)—

renumber as section 45(5).

618 Amendment of s 56 (Injunctions against Minister excluded)

Section 56, ‘appeals against’—

omit, insert—

‘the review of’.

[s 619]

Part 43 Amendment of Liquor Act 1992

619 Act amended

This part amends the *Liquor Act 1992*.

620 Amendment of s 3 (Act's objects)

Section 3(c), 'appeals authorised by'—

omit, insert—

'reviews of certain decisions under'.

621 Amendment of s 4 (Definitions)

(1) Section 4, definitions *chairperson* and *director*—

omit.

(2) Section 4, definitions *tribunal* and *tribunal Act*—

omit, insert—

'*tribunal* means QCAT.

tribunal Act means the QCAT Act.'

622 Replacement of pt 2, div 2 (Appeals to tribunal)

Part 2, division 2—

omit, insert—

'Division 2 Review of decisions by tribunal

'29A Definitions

'In this division—

submission does not include a submission made under section 118A.

tribunal registrar means the principal registrar under the tribunal Act.

‘30 Who may apply for review of decisions

- ‘(1) A person may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive if—
- (a) the person—
 - (i) made an application, submission or objection in the proceeding in which the decision was made; or
 - (ii) if the decision is to take disciplinary action relating to, or the urgent suspension of, a licence, to cancel or suspend a permit or to impose or vary the conditions of a permit—is the licensee or permittee; and
 - (b) the person is aggrieved by the decision.
- ‘(2) However, if, under section 111(2), the chief executive decides to vary conditions of a licence or permit relating to a restricted area, a person who made a submission or objection in the proceeding for the variation is not entitled to apply to the tribunal for a review of the chief executive’s decision.

‘31 Failure to notify about decision

- ‘(1) This section applies if the chief executive fails to notify an applicant of the grant or refusal of an application within 30 days after the end of the time within which all steps required or permitted by this Act to be taken relating to the application must be taken.
- ‘(2) For the purposes of a review by the tribunal, the chief executive is taken to have given to the applicant notice of a decision to refuse the application at the end of the period of 30 days.

[s 622]

‘32 Notification of review to interested persons

- ‘(1) As soon as practicable after receiving notice of an application for a review under section 30, the chief executive must give to the principal registrar written notice of the names and addresses (as last known to the chief executive) of all persons who made an application, submission or objection in the proceeding relevant to the review.
- ‘(2) The principal registrar must give to each person whose name and address have been notified to the principal registrar under subsection (1), other than the person who applied for the review, written notice that a review has been started.
- ‘(3) At least 3 days before a hearing of a review is to start, the principal registrar must give written notice of the time and place of the hearing to the following persons—
 - (a) the person who applied for the review;
 - (b) the chief executive;
 - (c) as far as is practicable—each person whose name and address have been given to the principal registrar under section 32(1).

‘33 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—

- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
- (b) decided in accordance with the same law that applied to the making of the original decision.

‘(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

‘34 **Tribunal may give leave for review to be decided on new evidence in particular circumstances**

‘(1) Despite section 33, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

- (a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.

‘(3) In this section—

new evidence means evidence that was not before the chief executive when the decision was made.

[s 623]

‘35 Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision of the chief executive.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

623 Amendment of s 48 (Preservation of confidentiality)

Section 48(2)(d)—

omit, insert—

- ‘(d) disclosing information about the status of an application to the tribunal for a review and the names of the parties to the review; or’.

624 Amendment of s 134C (Decision about relevant action relating to adult entertainment permit)

Section 134C(3)—

omit, insert—

- ‘(3) Also, if the chief executive decides to take the relevant action the notice under subsection (2) must comply with the tribunal Act, section 157(2).’.

625 Amendment of s 137B (Notice to be given about chief executive's decision)

Section 137B(3), from 'state—'—

omit, insert—

'comply with the tribunal Act, section 157(2).'

626 Amendment of s 137C (Urgent suspension)

Section 137C(2)—

omit, insert—

'(2) The chief executive may immediately suspend the licence (an ***urgent suspension***) by written notice which must—

- (a) be given to the licensee; and
- (b) state the licence is suspended; and
- (c) comply with the tribunal Act, section 157(2).'

627 Amendment of s 142P (Review decision)

Section 142P(6)—

omit, insert—

'(6) The written notice must comply with the tribunal Act, section 157(2).'

628 Replacement of s 142T (Refusal to grant application)

Section 142T—

omit, insert—

'142T Refusal to grant application

'(1) If the chief executive decides to refuse to grant the application, the chief executive must as soon as practicable give the applicant written notice of the decision.

[s 629]

- ‘(2) The written notice must comply with the tribunal Act, section 157(2).’.

629 Replacement of s 142X (Refusal to renew approval)

Section 142X—

omit, insert—

‘142X Refusal to renew approval

- ‘(1) If the chief executive decides to refuse to renew the approval, the chief executive must as soon as practicable give the applicant written notice of the decision.
- ‘(2) The written notice must comply with the tribunal Act, section 157(2).’.

630 Amendment of s 142ZE (Suspension or cancellation)

Section 142ZE(4)—

omit, insert—

- ‘(4) The chief executive must as soon as practicable give the holder of the approval a written notice of the decision.
- ‘(4A) The written notice must comply with the tribunal Act, section 157(2).’.

631 Amendment of s 208 (Payment of fees)

Section 208(3)(b)—

omit, insert—

- ‘(b) the application by a person to the tribunal, and the powers of the tribunal, in relation to the failure to pay the fee.’.

Part 44 Amendment of Liquor Regulation 2002

632 Regulation amended

This part amends the *Liquor Regulation 2002*.

633 Amendment of s 8 (Obligation to conduct business at detached bottle shop if no appeal)

- (1) Section 8, heading, ‘appeal’—

omit, insert—

‘**review**’.

- (2) Section 8(1)(c)—

omit, insert—

‘(c) no application is made for a review of the chief executive’s decision to grant the approval.’.

- (3) Section 8(2) to (4)—

omit, insert—

‘(2) The licensee must start to conduct business under the approval within 60 days after the last day on which an application for a review of the chief executive’s decision to grant the approval may be made.

‘(3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 60 days after the last day on which an application for a review of the chief executive’s decision to grant the approval may be made.’.

634 Amendment of s 9 (Obligation to conduct business at detached bottle shop after an appeal)

- (1) Section 9, heading, ‘an appeal’—

omit, insert—

[s 635]

‘**review**’.

(2) Section 9(1)(b)—

omit, insert—

‘(b) an application has been made for a review of the chief executive’s decision to grant the approval; and’.

635 Amendment of s 13 (Decision by chief executive for application under s 12)

Section 13(2)—

omit, insert—

‘(2) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal.

‘(3) The written notice must comply with the tribunal Act, section 157(2).’.

636 Amendment of s 15 (Decision by chief executive for application under s 14)

Section 15(2)—

omit, insert—

‘(2) If the chief executive refuses the joint application, the chief executive must as soon as practicable give each applicant written notice of the refusal.

‘(3) The written notice must comply with the tribunal Act, section 157(2).’.

637 Amendment of s 18 (Decision by chief executive for application under s 17)

Section 18(2)—

omit, insert—

- ‘(2) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal.
- ‘(3) The written notice must comply with the tribunal Act, section 157(2).’.

638 Amendment of s 22 (Decision by chief executive for application under s 21 other than application for an occasion approval)

Section 22(4)—

omit, insert—

- ‘(4) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal.
- ‘(5) The written notice must comply with the tribunal Act, section 157(2).’.

639 Amendment of s 24 (Decision by chief executive for application under s 21 for an occasion approval)

Section 24(3)—

omit, insert—

- ‘(3) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal.
- ‘(4) The written notice must comply with the tribunal Act, section 157(2).’.

640 Amendment of s 36K (Notice of reassessment of licence fee)

Section 36K(3)(b)(iv) and (v)—

omit, insert—

[s 641]

- (iv) the licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a reassessment;
- (v) how, and the time within which, the licensee may apply, as provided under the QCAT Act, to the tribunal for a review;
- (vi) any right the licensee has to have the operation of the decision stayed under the QCAT Act, section 22(3).'

641 Amendment of pt 8, div 6, hdg (Appeal to tribunal about failure to pay licence fee)

Part 8, division 6, heading, 'Appeal'—

omit, insert—

'Application'.

642 Amendment of s 36M (Purpose of div 6)

Section 36M, 'an appeal by a licensee'—

omit, insert—

'a licensee to apply'.

643 Replacement of s 36N (Appeal about failure to pay licence fee or underpaid amount)

Section 36N—

omit, insert—

'36N Application to tribunal about failure to pay licence fee or underpaid amount

- (1) This section applies if a person is aggrieved by the suspension and impending cancellation of a licence because of a failure to pay the licence fee for the licence for a licence period, or an underpaid amount, under section 36L(2) (the *outstanding amount*).

- ‘(2) The person may apply, as provided under the QCAT Act, to the tribunal for an extension of time to pay the outstanding amount on the ground the failure was due to—
- (a) the business conducted under authority of the licence having been adversely affected by a natural disaster; or
 - (b) the licensee ceasing to conduct business on the licensed premises under authority of the licence; or
 - (c) the owner, lessee or mortgagee of the licensed premises starting a proceeding for possession of the premises; or
 - (d) a personal hardship for the licensee.
- ‘(3) Financial hardship is not a personal hardship for subsection (2)(d).
- ‘(4) The application to the tribunal under subsection (2) may only be made during the suspension period.
- ‘(5) If an application is made to the tribunal under subsection (2), the licence will not be cancelled under section 36L(2)(b), but continues to be suspended until the suspension ends, or licence is cancelled, under section 36O.
- ‘(6) In this section—
suspension period see section 36L(2)(a).’

644 Amendment of s 36O (Powers of tribunal on appeal)

- (1) Section 36O, heading, ‘appeal’—
omit, insert—
‘applications under this division’.
- (2) Section 36O(1) to (4)—
omit, insert—
- ‘(1) In deciding the application, the tribunal may—
- (a) grant the application on condition that the licence fee or underpaid amount is paid to the department within a period stated by the tribunal (the *time allowed*); or

[s 644]

- (b) refuse the application.
- ‘(2) The time allowed must be at least 7 days, and not more than 28 days, after the day on which the application is granted.’.
- (3) Section 36O(5), ‘36N(4)’—
omit, insert—
‘36N(5)’.
- (4) Section 36O(5)(a) and (6)(a), ‘appeal is allowed’—
omit, insert—
‘application is granted’.
- (5) Section 36O(5)(b)—
omit, insert—
‘(b) the application is refused and the licence fee or underpaid amount is paid within 1 day of the application being refused.’.
- (6) Section 36O(6)(b)—
omit, insert—
‘(b) the application is refused and the licence fee or underpaid amount is not paid within 1 day of the application being refused.’.
- (7) Section 36O(7), ‘subsection (6)’—
omit, insert—
‘subsection (4)’.
- (8) Section 36O(5) to (7)—
renumber as section 36O(3) to (5).

Part 45 Amendment of Lotteries Act 1997

645 Act amended

This part amends the *Lotteries Act 1997*.

646 Amendment of s 79 (Conditions for entering into agency agreement)

Section 79(5)(d)—

omit, insert—

‘(d) that the lottery operator or lottery agent may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to require the amendment.’.

647 Amendment of s 88 (Directions to terminate affecting lottery agents)

Section 88(5)—

omit, insert—

‘(5) A notice under subsection (3) or (4) must comply with the QCAT Act, section 157(2).’.

648 Amendment of s 132AA (Former lottery operators)

Section 132AA(4)(b)(v)—

omit, insert—

‘(v) that the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision about the likely claims amount; and’.

[s 649]

649 Amendment of s 176 (Forfeiture)

Section 176(5)—

omit, insert—

‘(5) The notice must comply with the QCAT Act, section 157(2).’.

650 Replacement of pt 10 (Appeals)

Part 10—

omit, insert—

‘Part 10 Review of decisions by tribunal

‘214 When lottery operators may apply for review

‘A lottery operator may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.

‘215 When applicants for key person licences may apply for review

‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 48 to refuse to grant the application.

‘216 When licensees under key person licences may apply for review

‘A licensee under a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.

‘217 When lottery agents may apply for review

‘A lottery agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.

‘218 When other persons may apply for review

- ‘(1) Within 28 days after receiving a notice under section 132AA(4)(b), a person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision under section 132AA(4)(a).
- ‘(2) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 176 to forfeit the thing.

‘219 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.

[s 650]

‘(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

‘220 Tribunal may give leave for review to be decided on new evidence in particular circumstances

‘(1) Despite section 219, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.

‘(3) In this section—

new evidence means evidence that was not before the chief executive when the decision was made.

‘221 Appeals from tribunal only to Court of Appeal on a question of law

‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in sections 214 to 218.

‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.

- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

651 Omission of s 249 (Dealing with show cause notice)

Section 249—

omit.

652 Omission of s 251 (Appeals to Gaming Commission)

Section 251—

omit.

653 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *Gaming Commission* and *registrar*—

omit.

- (2) Schedule 3—

insert—

‘**tribunal** means QCAT.’.

- (3) Schedule 3, definition *information notice*—

omit, insert—

‘**information notice** means a written notice complying with the QCAT Act, section 157(2).’.

[s 654]

Part 46 **Amendment of Lotteries Regulation 2007**

654 **Regulation amended**

This part amends the *Lotteries Regulation 2007*.

655 **Amendment of sch 3 (Fees)**

Schedule 3, item 5—

omit.

Part 47 **Amendment of Manufactured Homes (Residential Parks) Act 2003**

656 **Act amended**

This part amends the *Manufactured Homes (Residential Parks) Act 2003*.

657 **Amendment of s 6 (Definitions)**

Section 6, ‘schedule 2’—

omit, insert—

‘the schedule’.

658 **Amendment of s 50 (Application to tribunal for order that park owner consent to assignment)**

Section 50(6)—

omit.

659 Amendment of s 134 (Appointments and authority)

Section 134(1)(c), ‘, the director’—

omit.

660 Amendment of s 135 (Evidentiary aids)

Section 135, ‘or director’—

omit.

661 Amendment of s 143 (Protection from liability)

Section 143(3), definition *official*—

omit, insert—

‘*official* means—

- (a) the chief executive; or
- (b) an inspector.’

662 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *director* and *tribunal*—

omit.

- (2) Schedule 2—

insert—

‘*tribunal* means QCAT.’

- (3) Schedule 2—

renumber as schedule.

[s 663]

Part 48 Amendment of Petroleum and Gas (Production and Safety) Act 2004

663 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

664 Amendment of s 774 (Dealing with forfeited things)

Section 774(3), after ‘appeal’—
insert—
‘or review’.

665 Amendment of s 817 (Who may apply for review)

- (1) Section 817, heading, after ‘for’—
insert—
‘**internal**’.
- (2) Section 817(1), ‘may apply for a review of the decision (a **review application**)’—
omit, insert—
‘may apply for an internal review of the decision (an **internal review application**)’.
- (3) Section 817(2), ‘A review’—
omit, insert—
‘An internal review’.
- (4) Section 817(3), ‘review’—
omit, insert—
‘internal review’.

666 Amendment of s 818 (Requirements for making application)

- (1) Section 818, 'A review'—
omit, insert—
'An internal review'.
- (2) Section 818(c)(i), after 'lodging'—
insert—
'internal'.

667 Amendment of s 819 (Stay of operation of original decision)

- Section 819, 'review'—
omit, insert—
'internal review'.

668 Amendment of s 820 (Review decision)

- (1) Section 820, heading, 'Review'—
omit, insert—
'Internal review'.
- (2) Section 820(1) and (2), 'the review'—
omit, insert—
'the internal review'.
- (3) Section 820(1)(b), 'the *review*'—
omit, insert—
'the *internal review*'.
- (4) Section 820(3) and (4)—
omit, insert—

[s 669]

- ‘(3) If the internal review decision confirms the original decision, for the purpose of an external review, the original decision is taken to be the internal review decision.
- ‘(4) If the internal review decision amends the original decision, for the purpose of an external review, the original decision as amended is taken to be the internal review decision.’.

669 Amendment of s 821 (Review procedure)

- (1) Section 821, heading, ‘Review’—

omit, insert—

‘Internal review’.

- (2) Section 821(2), ‘the review’—

omit, insert—

‘the internal review’.

670 Amendment of s 822 (Notice of review decision)

- (1) Section 822, heading, after ‘of’—

insert—

‘internal’.

- (2) Section 822(1), ‘a review’—

omit, insert—

‘an internal review’.

- (3) Section 822(2)—

omit, insert—

- ‘(2) If the internal review decision is not the decision sought by the applicant, the review notice must—
- (a) for an internal review decision about seizure or forfeiture of a thing—include, or be accompanied by, an information notice for the decision; or

- (b) for another internal review decision—include, or be accompanied by, a QCAT information notice for the decision.’.
- (4) Section 822(3), ‘a review’—
omit, insert—
‘an internal review’.

671 Amendment of ch 12, pt 2, hdg (Appeals)

Chapter 12, part 2, heading, after ‘Appeals’—
insert—
‘**and external review**’.

672 Amendment of s 823 (Who may appeal)

- (1) Section 823, heading, after ‘appeal’—
insert—
‘**or apply for external review**’.
- (2) Section 823(1) and (2)—
omit, insert—
- ‘(1) A person who is given, or is entitled to be given, a QCAT information notice for an internal review decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.
- ‘(2) A person who is given, or is entitled to be given, an information notice about seizure or forfeiture of a thing, may appeal against the internal review decision to the District Court (the *appeal body*).’.
- (3) Section 823(4), ‘this section’—
omit, insert—
‘subsection (3)’.

[s 673]

673 Amendment of s 824 (Period to appeal)

Section 824(1)—

omit, insert—

- ‘(1) An appeal from an internal review decision made under section 823 (2) or (3) must be started within 20 business days after—
- (a) if the person has been given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.’

674 Amendment of sch 1 (Reviews and appeals)

Schedule 1, table 2, heading, ‘, other than review decisions,’—

omit.

675 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *review application* and *review decision*—

omit.

- (2) Schedule 2—

insert—

‘*external review*, for a decision, means a review of the decision by QCAT under the QCAT Act.

internal review application, for chapter 12, see section 817(1).

internal review decision see section 820(1)(b).

QCAT information notice means a notice complying with the QCAT Act, section 157(2).’

Part 49 Amendment of Plant Protection Act 1989

676 Act amended

This part amends the *Plant Protection Act 1989*.

677 Amendment of s 21N (Decision on reconsideration)

Section 21N(3)—

omit, insert—

- ‘(3) If the decision is not the decision sought by the applicant, the notice must—
- (a) for a decision to seize a matter or thing, state the following—
 - (i) the reasons for the decision;
 - (ii) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the notice is given; or
 - (b) for another decision—be accompanied by a QCAT information notice for the decision.’

678 Insertion of new pt 6, div 2A

Part 6—

insert—

‘Division 2A Application for review by QCAT

‘21NA Review of particular decisions by QCAT

- ‘(1) This section applies to a decision by the chief executive under section 21N, other than a decision to seize a matter or thing under this Act.

[s 679]

- ‘(2) A person who is given, or is entitled to be given, a QCAT information notice for the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

679 Amendment of s 21O (Right to appeal to the Magistrates Court)

- (1) Section 21O, before subsection (1)—

insert—

- ‘(1AA) This section applies to a decision by the chief executive under section 21N about a decision to seize a matter or thing under this Act.’.

- (2) Section 21O(1), ‘a decision of the chief executive under section 21N’—

omit, insert—

‘the decision’.

- (3) Section 21O(1AA) to (2)—

renumber as section 21O(1) to (3).

680 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘***QCAT information notice*** means a notice complying with the QCAT Act, section 157(2).’.

Part 50 **Amendment of Plant Protection Regulation 2002**

681 **Regulation amended**

This part amends the *Plant Protection Regulation 2002*.

682 **Amendment of s 62 (Notice of decision and appeal)**

Section 62, heading, ‘appeal’—

omit, insert—

‘**reconsideration**’.

Part 51 **Amendment of Property Agents and Motor Dealers Act 2000**

683 **Act amended**

This part amends the *Property Agents and Motor Dealers Act 2000*.

684 **Amendment of s 70 (Amendment of licence conditions)**

Section 70(1), note, ‘charge’—

omit.

685 **Amendment of s 101 (Amendment of registration certificate conditions)**

Section 101(1), note, ‘charge’—

omit.

[s 686]

686 Amendment of s 248 (Warrantor's failure to repair)

- (1) Section 248(2), 'to a small claims tribunal'—
omit, insert—
' , as provided under the QCAT Act, to the tribunal'.
- (2) Section 248(3), from 'A small' to 'section 20,'—
omit, insert—
'Without limiting the orders the tribunal may make under the QCAT Act, section 13, the tribunal may'.
- (3) Section 248(5), 'small claims tribunal'—
omit, insert—
'tribunal'.
- (4) Section 248(6), 'a small claims tribunal'—
omit, insert—
'the tribunal'.

687 Amendment of s 249 (Applications for more than prescribed amount)

- (1) Section 249(1)(a) and (2)(a), 'a small claims tribunal'—
omit, insert—
'the tribunal'.
- (2) Section 249(2)(b), 'the small claims tribunal'—
omit, insert—
'the tribunal'.
- (3) Section 249(3), definition *prescribed amount*—
omit, insert—
'***prescribed amount*** means the prescribed amount as defined under the QCAT Act.'

688 Amendment of s 324 (Warrantor's failure to repair)

- (1) Section 324(2), 'to a small claims tribunal'—
omit, insert—
' , as provided under the QCAT Act, to the tribunal'.
- (2) Section 324(3), from 'A small' to 'section 20,'—
omit, insert—
'Without limiting the orders the tribunal may make under the QCAT Act, section 13, the tribunal may'.
- (3) Section 324(5), 'small claims tribunal'—
omit, insert—
'tribunal'.
- (4) Section 324(6), 'a small claims tribunal'—
omit, insert—
'the tribunal'.

689 Amendment of s 325 (Applications for more than prescribed amount)

- (1) Section 325(1)(a) and (2)(a), 'a small claims tribunal'—
omit, insert—
'the tribunal'.
- (2) Section 325(2)(b), 'the small claims tribunal'—
omit, insert—
'the tribunal'.
- (3) Section 325(3), definition *prescribed amount*—
omit, insert—
'***prescribed amount*** means the prescribed amount as defined under the QCAT Act.'

[s 690]

690 Amendment of s 472 (General time limit for making claims)

Section 472(5), definition *court*—

omit, insert—

‘*court* includes the tribunal.’.

691 Amendment of s 472A (Time limit for making particular claims relating to marketeering contraventions and non-investment residential property)

(1) Section 472A(3)—

renumber as section 472A(4).

(2) Section 472A—

insert—

‘(3) The QCAT Act, section 61 does not apply to empower the tribunal to extend the time permitted to do a thing mentioned in subsection (1)(a) or (b).’.

692 Amendment of s 476 (Dealing with claims that have not settled)

Section 476(3)—

omit, insert—

‘(3) If a notice under subsection (1) relates to a claim other than a minor claim—

(a) the chief executive must refer the claim to the tribunal;
and

(b) the tribunal is to decide the claim.’.

693 Amendment of s 481 (Deciding minor claims)

Section 481(4)—

omit.

694 Replacement of s 482 (Notifying decision)

Section 482—

omit, insert—

‘482 Notifying decision

- ‘(1) The chief executive must give the parties an information notice for the chief executive’s decision under section 481(1) (the *reviewable decision*).
- ‘(2) The information notice must include the following additional information—
- (a) the chief executive’s findings in relation to the facts of the case;
 - (b) if the decision is that an amount be paid to the claimant from the fund—
 - (i) that the respondent named in the decision is liable to reimburse the fund to the extent of the amount paid to the claimant from the fund; and
 - (ii) if more than 1 person is named as being liable to reimburse the fund, that the liability of the persons named is joint and several;
 - (c) that if no application is made to have the decision reviewed within the time allowed under the QCAT Act—
 - (i) the decision is binding on the parties; and
 - (ii) if the decision is to allow the claim and authorise payment from the fund, the respondent named in the decision as liable to reimburse the fund is liable to reimburse the fund to the extent of the amount paid to the claimant from the fund.’.

[s 695]

695 Amendment of s 483 (Party may ask tribunal to review chief executive's decision)

Section 483, from 'apply'—

omit, insert—

'apply, as provided under the QCAT Act, to the tribunal for a review of the decision.'

696 Amendment of s 484 (Chief executive's decision binds the parties)

Section 484, 'under section 483'—

omit, insert—

'under the QCAT Act'.

697 Omission of s 485 (Registrar to fix hearing date and issue attendance notices)

Section 485—

omit.

698 Amendment of s 496 (Grounds for starting disciplinary proceedings)

(1) Section 496(1)(f), 'the small claims tribunal,'—

omit.

(2) Section 496(1)(g)(vi), 'that the tribunal finds guilty of a disciplinary charge'—

omit, insert—

'in relation to whom the tribunal finds grounds exist to take disciplinary action'.

699 Amendment of s 500B (How to start a proceeding)

Section 500B(2) to (5)—

omit.

700 Insertion of new ch 14, pt 5, div 2

After section 511—

insert—

‘Division 2 Proceedings involving a claim against the fund

‘512 Chief executive may make submissions

- ‘(1) This section applies if a proceeding before the tribunal involves a claim against the fund.
- ‘(2) The chief executive may make submissions to the tribunal, including submissions about liability for the claimant’s financial loss.
- ‘(3) Subsection (2) applies whether or not the chief executive is a party to the proceeding.

‘513 Application of QCAT Act, s 131

‘To remove any doubt, it is declared that the reference in the QCAT Act, section 131(2) to a person includes a reference to the chief executive.’.

701 Amendment of ch 14, pt 5, div 6, hdg (Applications for summary order)

Chapter 14, part 5, division 6, heading, ‘summary’—

omit, insert—

‘reimbursement’.

[s 702]

702 Replacement of s 527 (Application for summary order)

Section 527—

omit, insert—

‘527 Application for reimbursement order

- ‘(1) This section applies if—
- (a) the chief executive decides to allow, wholly or partly, a claim against the fund under section 481; and
 - (b) the respondent to the claim named in the decision as liable to reimburse the fund has not done so as required under a letter of demand given to the respondent under section 490(4).
- ‘(2) The chief executive may apply, as provided under the QCAT Act, to the tribunal for an order that a respondent reimburse the fund.
- ‘(3) The application must be accompanied by the following documents—
- (a) a copy of the claim against the fund in relation to which the application is made;
 - (b) copies of the written notice of the chief executive’s decision, the decision and the information notice given under section 482;
 - (c) a copy of the letter of demand given under section 490(4);
 - (d) a statutory declaration by the chief executive stating—
 - (i) the amount paid from the fund in settlement of the claim; and
 - (ii) the amount of any payment received from the respondent in satisfaction of the claim.’.

703 Amendment of s 528 (Respondent to be advised of application for summary order)

- (1) Section 528, heading, ‘summary’—
omit, insert—
‘reimbursement’.
- (2) Section 528(1)(c), ‘summary’—
omit, insert—
‘reimbursement’.
- (3) Section 528(1)(c)(iii) and (iv)—
omit, insert—
 - ‘(iii) an information notice under section 482 was given to the respondent; and
 - ‘(iv) the respondent did not apply to the tribunal under section 483 to have the decision reviewed; and’.

704 Insertion of new ss 528B and 528BA

Chapter 14, part 5, division 8, after section 528A—

insert—

‘528B Procedure before public examination starts

- ‘(1) Before the start of a public examination, the tribunal must be satisfied each person to be examined has received written grounds for the public examination.
- ‘(2) On being satisfied under subsection (1), the tribunal must—
 - (a) decide a time and place for the public examination; and
 - (b) issue an attendance notice to each person to be examined.
- ‘(3) If a person to be examined is a corporation, for the purposes of the public examination, the tribunal must issue the attendance notice requiring a named executive officer of the corporation to attend the tribunal for examination.

[s 704]

- ‘(4) The attendance notice must state—
 - (a) the time and place for the public examination decided by the tribunal; and
 - (b) the person may make oral and written submissions at the public examination.
- ‘(5) The chief executive must serve the attendance notice on the person to whom it was issued.

‘528BA Person must answer particular questions

- ‘(1) This section applies if a person being examined at a public examination refuses to answer any question put to the person.
- ‘(2) If the tribunal requires the person to answer the question, the tribunal must advise the person of the following—
 - (a) that if the answer might incriminate the person, the person may claim, before giving the answer, that giving the answer might incriminate the person;
 - (b) the effect that making the claim will have on the admissibility of the answer in any proceeding against the person.
- ‘(3) The person must answer the question, unless the person has a reasonable excuse.
Maximum penalty—500 penalty units.
- ‘(4) It is not a reasonable excuse to fail to answer the question that answering might tend to incriminate the person.
- ‘(5) The answer is not admissible in any criminal or civil proceeding against the person, other than—
 - (a) the public examination of a person; or
 - (b) a proceeding to review a reviewable decision; or
 - (c) an appeal against the tribunal’s decision to require the answer; or
 - (d) a perjury proceeding.

‘(6) In this section—

perjury proceeding means a proceeding in which the falsity or misleading nature of the answer is relevant.

reviewable decision means a decision of the chief executive—

- (a) under section 481(1); or
- (b) mentioned in schedule 1.’.

705 Amendment of s 529 (Orders tribunal may make on disciplinary charge hearing)

(1) Section 529, heading, ‘charge’—

omit.

(2) Section 529(1), ‘the tribunal finds guilty of a disciplinary charge brought’—

omit, insert—

‘in relation to whom the tribunal finds grounds exist to take disciplinary action’.

(3) Section 529(1)(b), from ‘200 penalty units’—

omit, insert—

‘—

- (i) for an individual—200 penalty units; or
- (ii) for a corporation—1000 penalty units;’.

(4) Section 529(1)—

insert—

‘(ba) an order that the person pay compensation (inclusive of any commission to which the person is not entitled) to someone else who has suffered loss or damage because of the act or omission that resulted in the finding;’.

(5) Section 529(2), ‘charge’—

omit, insert—

[s 706]

‘proceeding’.

(6) Section 529—

insert—

‘(3) The chief executive may recover a fine, ordered by the tribunal to be paid by the person to the chief executive, as a debt owing to the chief executive in a court with jurisdiction to recover debts up to the amount of the fine.’.

706 Insertion of new s 529A

After section 529—

insert—

‘529A Stopping contraventions

‘(1) This section applies if the tribunal is satisfied, on application by the chief executive, that a person is doing, or is about to do, something in contravention of this Act.

‘(2) This section does not apply if section 528C applies.

‘(3) The tribunal may, by order, prohibit the person who is doing, or is about to do, the thing (the ***prohibited person***) from starting or continuing the thing.

‘(4) The tribunal may make an order under this section on the chief executive’s application made without notice to the prohibited person but, in that case, the tribunal must allow the prohibited person a reasonable opportunity to show cause why the order should not be confirmed.

‘(5) If the tribunal, after considering the prohibited person’s evidence and submissions, if any, and any further evidence or submissions of the chief executive, is not satisfied the order should continue in force, the tribunal must rescind the order.

‘(6) A person must not contravene an order under this section.

Maximum penalty—540 penalty units.

‘(7) An order under this section has effect on the giving of a copy of the order to the prohibited person.’.

707 Amendment of s 532 (Summary orders)

- (1) Section 532, heading, ‘Summary’—
omit, insert—
‘Reimbursement’.
- (2) Section 532(1), (2) and (3), ‘summary’—
omit, insert—
‘reimbursement’.
- (3) Section 532(2)(c), from ‘a review notice’—
omit, insert—
‘an information notice under section 482 was given to the respondent; and’.
- (4) Section 532(2)(d)—
omit, insert—
‘(d) the respondent did not apply to the tribunal to have the chief executive’s decision reviewed under section 483; and’.

708 Insertion of new s 533 and ch 14, pt 5, div 11

Chapter 14, part 5—

insert—

‘533 When tribunal order takes effect

- ‘(1) A tribunal decision or order in a proceeding involving the claim fund takes effect—
 - (a) if all parties to the proceeding are present when the decision or order is made—when the decision or order is made; or
 - (b) otherwise—when the decision or order is published.
- ‘(2) A decision or order involving the claim fund must be published under the QCAT Act, section 125.

[s 709]

‘Division 11 Chief executive’s right of appeal

‘534 Appeal

- ‘(1) The chief executive may appeal to the appeal tribunal against any decision of the tribunal, but only on the ground of error of law.
- ‘(2) In this section—
appeal tribunal means the tribunal as constituted under the QCAT Act, section 166 for the purposes of an appeal.’.

709 Amendment of s 587 (Evidentiary provisions)

Section 587(3), ‘, the presiding case manager’—
omit.

710 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *information notice*, *presiding case manager*, *registrar* and *tribunal*—
omit.
- (2) Schedule 2—
insert—
‘information notice means a notice complying with the QCAT Act, section 157(2).
registrar, other than in chapter 19, means the principal registrar under the QCAT Act.
tribunal means QCAT.’.

Part 52 **Amendment of Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001**

711 **Regulation amended**

This part amends the *Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001*.

712 **Amendment of schedule (Auctioneering Practice Code of Conduct)**

Schedule, section 42(8)(c)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 53 **Amendment of Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001**

713 **Regulation amended**

This part amends the *Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001*.

714 Amendment of schedule (Commercial Agency Practice Code of Conduct)

Schedule, section 37(8)(c)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 54 Amendment of Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001

715 Regulation amended

This part amends the *Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001*.

716 Amendment of schedule (Motor Dealing Practice Code of Conduct)

Schedule, section 34(8)(c)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 55 **Amendment of Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001**

717 **Regulation amended**

This part amends the *Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001*.

718 **Amendment of schedule (Property Developer Practice Code of Conduct)**

Schedule, section 21(8)(d)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 56 **Amendment of Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001**

719 **Regulation amended**

This part amends the *Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001*.

720 Amendment of schedule (Real Estate Agency Practice Code of Conduct)

Schedule, section 43(8)(c)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 57 Amendment of Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001

721 Regulation amended

This part amends the *Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001*.

722 Amendment of schedule (Restricted Letting Agency Practice Code of Conduct)

Schedule, section 38(8)(c)(ii), ‘a small claims tribunal’—
omit, insert—
‘QCAT’.

Part 58 Amendment of Racing Act 2002

723 Act amended

This part amends the *Racing Act 2002*.

724 Replacement of ch 5 (Racing Appeals Tribunal)

Chapter 5—

omit, insert—

‘Chapter 5 Review of decisions by tribunal

‘150 Decisions that may be reviewed by the tribunal

- ‘(1) Subject to subsection (3), a person aggrieved by any of the following decisions may apply, as provided under the QCAT Act, to the tribunal for a review of the decision—
- (a) a control body’s decision to—
 - (i) refuse to grant or renew a licence; or
 - (ii) take disciplinary action relating to a licence; or
 - (iii) take an exclusion action against a person; or
 - (iv) impose a monetary penalty on a person;
 - (b) a decision of an appeal committee made in relation to an appeal against a monetary penalty imposed by, or other decision of, a steward;
 - (c) the imposition of a monetary penalty by, or other decision of, a steward of a control body if there is no right of appeal to an appeal committee against the decision;
 - (d) another decision of a control body prescribed under a regulation.
- ‘(2) A steward of a control body may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an appeal committee made on an appeal against the steward’s decision.
- ‘(3) An application for a review under subsection (1) or (2) must be made within 14 days of the applicant receiving notice of the decision to be reviewed.

[s 724]

‘151 Decisions that may not be reviewed by the tribunal

‘Despite section 150(1), a person aggrieved by any of the following decisions may not apply to the tribunal for a review of the decision—

- (a) a decision relating to the eligibility of an animal to race or the conditions under which an animal can race;

Example for paragraph (a)—

A steward’s decision requiring an animal to pass a stated examination or test before being allowed to race.

- (b) a decision cancelling or suspending the licence for an animal, unless the cancellation or suspension relating to that licence relates to—
 - (i) a decision to take disciplinary action relating to the licence of a licence holder; or
 - (ii) a decision to take an exclusion action, under the control body’s rules of racing, against a person;
- (c) a decision about a protest or objection against placed animals relating to an incident that happened during a race or trial;
- (d) a decision imposing a penalty of not more than \$250;
- (e) a decision relating to a dispute between a racing bookmaker licensed by a control body and a person who placed a bet with the bookmaker for a race at a race meeting held under the control of the control body;
- (f) a decision to stop, restart, rerun, postpone or abandon a race.

‘152 What happens if appeal committee refuses to hear or fails to decide an appeal

- ‘(1) Subject to an order under subsection (3), an appeal committee is taken to have decided to dismiss an appeal if—

-
- (a) the appeal committee refuses to hear the appeal from a decision of a steward of the control body that established the committee; or
 - (b) within 6 weeks after lodging the appeal mentioned in paragraph (a), the appeal has not been decided by the appeal committee.
- ‘(2) Subsection (3) applies if an appeal committee is taken under subsection (1) to have decided to dismiss an appeal (the *dismissal decision*) and the appeal committee lodges a written application with the QCAT registrar for an order that the time for consideration of the appeal by the appeal committee be extended.
- ‘(3) The tribunal may make the order.

‘153 Tribunal to hear appeal within 28 days

- ‘(1) The tribunal must start the hearing of a review under this chapter within 28 days after the application for review is made under section 150.
- ‘(2) However, the tribunal may, by order, extend the period mentioned in subsection (1) if it considers the special circumstances of the review require it to do so.

‘154 Constitution of tribunal

- ‘(1) This section applies to a proceeding of the tribunal relating to a review under this Act.
- ‘(2) The president must not choose a person to be a tribunal member if the person is a relevant person.
- ‘(3) Also, a person must not continue to be a tribunal member if the person is a relevant person.
- ‘(4) In this section—

president means the president under the QCAT Act.

relevant person means—

[s 725]

- (a) an executive officer, or an official or other member of staff, of a control body; or
- (b) a licence holder of a control body or an executive officer of a licence holder; or
- (c) a committee member; or
- (d) a member of a committee, or an employee, of an association formed to promote the interests of 1 or more participants in a code of racing; or
- (e) an individual who has any of the following convictions other than a spent conviction—
 - (i) a conviction under this Act;
 - (ii) a conviction under the repealed Act;
 - (iii) a conviction under a law of another State, that is prescribed under a regulation as a law about racing or betting;
 - (iv) a conviction for an offence that involved dishonesty, fraud, stealing or unlawful betting.

tribunal member means a member of QCAT under the QCAT Act.’.

725 Replacement of ch 6, pt 3, div 6 (Appeals relating to eligibility certificates)

Chapter 6, part 3, division 6—

omit, insert—

‘Division 6 Review of decisions relating to eligibility certificates

‘242 Review by QCAT of decisions relating to eligibility certificates

- ‘(1) This section applies if the gaming executive makes a decision (a *gaming executive’s decision*)—

- (a) refusing an application for an eligibility certificate; or
 - (b) cancelling an eligibility certificate; or
 - (c) censuring a certificate holder.
- ‘(2) The applicant or certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the gaming executive’s decision.’.

726 Amendment of s 351 (Matters must be considered appropriate on grounds that are reasonable in the circumstances)

- (1) Section 351(1)(b)—
omit.
- (2) Section 351(1)(c) to (e)—
renumber as section 351(1)(b) to (d).

727 Amendment of s 355 (Regulation-making power)

Section 355(2)(d), ‘129, 168, 178, 207 and 243’—
omit, insert—
‘129 and 207’.

728 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *deputy tribunal chairperson, director, gaming commission, presiding case manager, Racing Appeals Tribunal, registrar, tribunal, tribunal chairperson* and *tribunal member*—
omit.
- (2) Schedule 3—
insert—
‘**QCAT registrar** means the principal registrar under the QCAT Act.’

[s 729]

tribunal means QCAT.’.

- (3) Schedule 3, definition *information notice*, ‘Racing Appeals Tribunal’—

omit, insert—

‘tribunal’.

- (4) Schedule 3, definition *information notice*, paragraph (e)—

omit, insert—

‘(e) if, under this Act, a person may apply for a review of the decision—how the person applies for the review and the time within which the application must be made.’.

Part 59 **Amendment of Racing Regulation 2003**

729 **Regulation amended**

This part amends the *Racing Regulation 2003*.

730 **Omission of pt 4 (Matters about the Racing Appeals Tribunal)**

Part 4—

omit.

731 **Amendment of sch 3 (Fees)**

Schedule 3, item 7—

omit.

Part 60 **Amendment of Residential Services (Accreditation) Act 2002**

732 Act amended

This part amends the *Residential Services (Accreditation) Act 2002*.

733 Amendment of s 84 (Appointment)

Section 84, ‘The Commercial and Consumer Tribunal’—
omit, insert—
‘QCAT’.

734 Amendment of s 85 (Application to tribunal and basis for appointment)

- (1) Section 85(1), ‘the Commercial and Consumer Tribunal’—
omit, insert—
‘QCAT’.
- (2) Section 85(2) and (4), ‘the tribunal’—
omit, insert—
‘QCAT’.
- (3) Section 85(3), ‘The tribunal’—
omit, insert—
‘QCAT’.

735 Amendment of s 86 (Suitability and eligibility of proposed appointee)

- (1) Section 86(1), ‘the Commercial and Consumer Tribunal’—

[s 736]

omit, insert—

‘QCAT’.

- (2) Section 86(3) and (4), ‘the tribunal’—

omit, insert—

‘QCAT’.

736 Amendment of s 87 (Terms of appointment)

- (1) Section 87(1), ‘the Commercial and Consumer Tribunal’—

omit, insert—

‘QCAT’.

- (2) Section 87(2)(f), ‘the tribunal’—

omit, insert—

‘QCAT’.

737 Amendment of s 88 (Notice to service provider about appointment)

Section 88, ‘the Commercial and Consumer Tribunal’—

omit, insert—

‘QCAT’.

738 Amendment of s 90 (Period of appointment)

- (1) Section 90(2), ‘the Commercial and Consumer Tribunal’—

omit, insert—

‘QCAT’.

- (2) Section 90(3), ‘The tribunal’—

omit, insert—

‘QCAT’.

739 Amendment of s 101 (Service provider who can not be located)

Section 101(1)(b), '*Commercial and Consumer Tribunal Act 2003*'—

omit, insert—

'QCAT Act'.

740 Amendment of s 129 (Forfeiture of seized things)

(1) Section 129(5)(a)—

omit, insert—

'(a) a review by QCAT of a decision in relation to the thing under this division; or'.

(2) Section 129(5)(b), 'another'—

omit, insert—

'an'.

741 Amendment of pt 10, hdg (Reviews and appeals)

Part 10, heading, 'and appeals'—

omit.

742 Amendment of s 154 (Reviewable decisions)

(1) Section 154, heading, after 'decisions'—

insert—

'**for this Act**'.

(2) Section 154(a), after 'reviewable decisions'—

insert—

'for this Act'.

[s 743]

743 Amendment of s 155 (Chief executive must give notice after making reviewable decision)

Section 155(1)(b) to (d)—

omit, insert—

- ‘(b) that, within 28 days after receiving the notice, the interested person may apply to the chief executive for internal review of the decision; and
- (c) how the interested person may apply for internal review; and
- (d) that, if the interested person applies for internal review of the decision and the matter is not resolved on the internal review, the interested person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

744 Replacement of pt 10, div 2, hdg (Review of decision)

Part 10, division 2, heading—

omit, insert—

‘Division 2 Internal review of decisions’.

745 Amendment of s 156 (Application for review)

Section 156, heading, ‘review’—

omit, insert—

‘internal review’.

746 Amendment of s 157 (Stay of operation of original decision)

- (1) Section 157(4), ‘the Commercial and Consumer Tribunal’—

omit, insert—

‘QCAT’.

-
- (2) Section 157(5)—
omit, insert—
- ‘(5) QCAT may stay the decision to secure the effectiveness of the review and any later review by QCAT.’.
- (3) Section 157(6), ‘the tribunal’—
omit, insert—
‘QCAT’.
- (4) Section 157(7)—
omit, insert—
- ‘(7) The period of the stay must not extend past the time when the chief executive makes the review decision and any later period within which the applicant may apply to QCAT for a review of the review decision.’.

747 Amendment of s 158 (Review decision)

- (1) Section 158(1), after ‘a decision’—
insert—
‘by the chief executive’.
- (2) Section 158(4)—
omit, insert—
- ‘(4) Immediately after deciding the application, the chief executive must give the interested person a QCAT information notice for the review decision.’.

748 Replacement of pt 10, div 3 (Appeal against decision)

- Part 10, division 3—
omit, insert—

[s 749]

‘Division 3 External review of decisions

‘159 External review of review decision

‘An interested person for a review decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

749 Amendment of s 177 (Matters arising under other Acts)

Section 177(3), definition *prescribed Act*—

insert—

‘(e) the *Queensland Civil and Administrative Tribunal Act 2009*.’.

750 Amendment of sch 1, hdg (Reviewable decisions)

Schedule 1, heading, after ‘decisions’—

insert—

‘for this Act’.

751 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *Commercial and Consumer Tribunal*—
omit.

(2) Schedule 2—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 61 Amendment of Retirement Villages Act 1999

752 Act amended

This part amends the *Retirement Villages Act 1999*.

753 Amendment of s 28 (Registration of retirement village scheme)

Section 28(5) and (6)—

omit, insert—

- ‘(5) If the chief executive refuses to register the scheme, the chief executive must promptly give the applicant a QCAT information notice for the decision.
- ‘(6) If the chief executive fails to decide the application in the time required under subsection (2), the chief executive is taken to have refused the application.

Note—

See section 29 about applying to the tribunal to review a refusal decision made, or taken to have been made, by the chief executive under this section.’.

754 Amendment of s 28A (Deregistration of retirement village scheme)

Section 28A(3)—

omit, insert—

- ‘(3) The chief executive must also give the scheme operator a QCAT information notice for the decision.’.

755 Replacement of ss 29–33

Sections 29 to 33—

omit, insert—

[s 756]

‘29 Application to QCAT for review

- ‘(1) A person whose application to register a retirement village scheme has been refused, or is taken to have been refused, may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.
- ‘(2) However, if the chief executive is taken to have refused the application under section 28, the period within which the person may apply to the tribunal for a review of the decision is 88 days after the application to register the scheme was made.
- ‘(3) The scheme operator may apply, as provided under the QCAT Act, to the tribunal for a review of the chief executive’s decision to deregister a retirement village scheme.’.

756 Omission of pt 10, div 1 (Preliminary)

Part 10, division 1—

omit.

757 Omission of ss 197 and 199

Sections 197 and 199—

omit.

758 Amendment of s 221 (Evidentiary provisions)

Section 221(2), ‘, the registrar, the presiding case manager’—

omit.

759 Omission of s 226 (Annual report on operation of Act)

Section 226—

omit.

760 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *chairperson*, *presiding case manager*, *registrar* and *tribunal*—

omit.

- (2) Schedule—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).

registrar means the principal registrar under the QCAT Act.

tribunal means QCAT.’.

Part 62 Amendment of Second-hand Dealers and Pawnbrokers Act 2003

761 Act amended

This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

762 Amendment of s 12 (Decision on application for a licence)

Section 12(4), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

[s 763]

763 Amendment of s 15 (Decision on application for renewal or restoration of a licence)

Section 15(4), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

764 Amendment of s 16 (Licence continues pending decision about renewal)

Section 16(1)(b), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

765 Amendment of s 17 (Licence continues pending decision about restoration)

Section 17(1)(b), ‘an information notice about’—

omit, insert—

‘a QCAT information notice for’.

766 Amendment of s 20 (Procedure for suspending, cancelling, refusing to renew or restore, or imposing conditions on a licence)

Section 20(3), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

767 Amendment of s 25 (Change of authorised place)

Section 25(5), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

768 Amendment of s 31 (Replacement of lost, stolen, destroyed or damaged licence)

Section 31(5), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

769 Amendment of pt 6, hdg (General offences, legal proceedings and appeals)

Part 6, heading, ‘appeals’—

omit, insert—

‘**review of decisions**’.

770 Replacement of pt 6, div 3 (Appeals)

Part 6, division 3—

omit, insert—

‘Division 3 Review of decisions

‘107 Application for review of decisions by QCAT

‘(1) A person affected by a reviewable decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

‘(2) In subsection (1)—

reviewable decision means any of the following decisions of the chief executive—

- (a) a decision to grant a licence with a condition or to refuse to grant a licence;
- (b) a decision to renew or restore a licence with a condition or to refuse to grant the renewal or restoration of the licence;

[s 771]

- (c) a decision to suspend or cancel a licence or impose a condition on a licence;
- (d) a decision to refuse to approve a place as an authorised place for the licensee's licence, other than a condition imposed as mentioned in paragraph (a) or (b);
- (e) a decision to refuse to replace a licence that is lost, stolen, destroyed or damaged in a way that requires its replacement.'

771 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definition *information notice*—
omit.

(2) Schedule 3—
insert—

'*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).'

Part 63 Amendment of Security Providers Act 1993

772 Act amended

This part amends the *Security Providers Act 1993*.

773 Amendment of s 14 (Decision on application)

(1) Section 14(3)(b), from 'written'—
omit, insert—

'QCAT information notice for the decision to impose the condition.'

(2) Section 14(4), from ‘written’—

omit, insert—

‘QCAT information notice for the decision.’

(3) Section 14(5), from ‘written’—

omit, insert—

‘QCAT information notice for the decision to defer making a decision to grant or to refuse to grant the licence.’

774 Amendment of s 17 (Amendment of licence on application)

Section 17(4), from ‘written’—

omit, insert—

‘QCAT information notice for the decision.’

775 Amendment of s 18 (Amendment of licence by chief executive)

Section 18(4), from ‘written’—

omit, insert—

‘QCAT information notice for the decision.’

776 Amendment of s 22 (Procedure for suspension, cancellation or refusal to renew)

Section 22(4), from ‘state’—

omit, insert—

‘be a QCAT information notice for the decision.’

[s 777]

777 Amendment of s 25 (Replacement licences)

Section 25(4), from ‘written’—

omit, insert—

‘QCAT information notice for the decision.’.

778 Amendment of pt 2, div 6, hdg (Appeals against licence decisions)

Part 2, division 6, heading, ‘Appeals against’—

omit, insert—

‘**Review of**’.

779 Amendment of s 26 (Right to appeal to the Court)

(1) Section 26, heading—

omit, insert—

‘26 Review by QCAT of particular decisions of chief executive’.

(2) Section 26(1) and (2), ‘appeal against’—

omit, insert—

‘apply to QCAT for a review of’.

(3) Section 26(3)—

omit, insert—

‘(3) The application must be made as provided under the QCAT Act.’.

780 Omission of ss 27–31

Sections 27 to 31—

omit.

781 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *Court*—

omit.

(2) Schedule 2—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 64 Amendment of Stock Act 1915

782 Act amended

This part amends the *Stock Act 1915*.

783 Insertion of new ss 35B and 35C

After section 35A—

insert—

‘35B External review by QCAT

‘A person who is dissatisfied with an original decision under this Act, other than an original decision to seize a thing, may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

‘35C Application of QCAT Act notice requirement

‘An information notice must be given for a decision only if this Act so requires.’.

[s 784]

784 Amendment of s 36 (Appeals to Magistrates Courts)

Section 36(2)—

omit, insert—

- ‘(2) A person who is dissatisfied with an original decision to seize a thing under this Act may appeal to a Magistrates Court against the decision.’.

785 Amendment of s 36A (Who may appeal to the District Court)

- (1) Section 36A(1)—

omit, insert—

‘A person who has appealed to a Magistrates Court against an original decision to seize a thing under this Act may appeal to the District Court against the decision made by the Magistrates Court.’.

- (2) Section 36A(2)—

omit.

786 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*information notice* means a notice complying with the QCAT Act, section 157(2).’.

Part 65 **Amendment of Stock (Cattle Tick) Notice 2005**

787 **Notice amended**

This part amends the *Stock (Cattle Tick) Notice 2005*.

788 **Amendment of sch 2 (Dictionary)**

Schedule 2, definition *information notice*—
omit.

Part 66 **Amendment of Stock Identification Regulation 2005**

789 **Regulation amended**

This part amends the *Stock Identification Regulation 2005*.

790 **Amendment of schedule (Dictionary)**

Schedule, definition *information notice*—
omit.

Part 67 **Amendment of Stock Regulation 1988**

791 **Regulation amended**

This part amends the *Stock Regulation 1988*.

[s 792]

792 Amendment of sch 8 (Dictionary)

Schedule 8, definition *information notice*—
omit.

**Part 68 Amendment of Timber
Utilisation and Marketing Act
1987**

793 Act amended

This part amends the *Timber Utilisation and Marketing Act 1987*.

794 Amendment of s 37 (Appeal)

(1) Section 37, heading—

omit, insert—

‘37 Internal review’.

(2) Section 37(1), from ‘time and manner prescribed’—

omit, insert—

‘way prescribed under a regulation, apply to the Minister for an internal review of the decision.’.

(3) Section 37(2)(a)—

omit, insert—

‘(a) refuse the application; or’.

(4) Section 37(2)(b), ‘allow the appeal’—

omit, insert—

‘grant the application’.

- (5) Section 37(3), from ‘appeal’ to ‘shall’—
omit, insert—
‘application is final and is binding on the chief executive and the applicant and must’.

Part 69 Amendment of Timber Utilisation and Marketing Regulation 1998

795 Regulation amended

This part amends the *Timber Utilisation and Marketing Regulation 1998*.

796 Amendment of s 9 (Prescribed time and manner for appeals—Act, s 37)

- (1) Section 9, heading—
omit, insert—

‘9 Applications for internal review—Act, s 37’.

- (2) Section 9, ‘an appeal’—
omit, insert—
‘an application for internal review’.
- (3) Section 9(b) and (c), ‘the appeal’—
omit, insert—
‘the internal review’.

[s 797]

Part 70 **Amendment of Tourism Services Act 2003**

797 Act amended

This part amends the *Tourism Services Act 2003*.

798 Amendment of s 17 (Registration may be granted or renewed on conditions)

Section 17(3), ‘an information notice’—

omit, insert—

‘a QCAT information notice for the decision’.

799 Amendment of s 18 (Changing conditions of registration)

(1) Section 18(4) and (6), ‘an information’—

omit, insert—

‘a QCAT information’.

(2) Section 18(7), before ‘information’—

insert—

‘QCAT’.

800 Amendment of s 21 (Decision on application)

Section 21(4)(a), ‘an information notice about’—

omit, insert—

‘a QCAT information notice for’.

801 Amendment of s 23 (Decision on application)

Section 23(4)(a), ‘an information notice about’—
omit, insert—
‘a QCAT information notice for’.

802 Amendment of s 24 (Registration continues pending decision about renewal)

Section 24(1)(b), ‘an information notice about’—
omit, insert—
‘a QCAT information notice for’.

803 Amendment of s 27 (Replacement of registration certificate)

Section 27(5), ‘an information’—
omit, insert—
‘a QCAT information’.

804 Amendment of s 29 (Immediate suspension)

- (1) Section 29(3)(a), ‘an information notice given to the registrant about’—
omit, insert—
‘a QCAT information notice given to the registrant for’.
- (2) Section 29(4), after ‘given the’—
insert—
‘QCAT’.

805 Amendment of s 56 (Forfeiture of seized thing)

- (1) Section 56(3), ‘an information’—
omit, insert—

[s 806]

‘a QCAT information’.

(2) Section 56(4)(b) and (5)(b), before ‘information’—

insert—

‘QCAT’.

806 Amendment of s 85 (Review by tribunal)

Section 85, after ‘apply’—

insert—

‘, as provided under the QCAT Act,’.

807 Amendment of pt 14, hdg (Transitional provision)

Part 14, heading, after ‘provision’—

insert—

‘for Act No. 61 of 2003’.

808 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *information notice* and *tribunal*—
omit.

(2) Schedule 2—

insert—

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).

tribunal means QCAT.’.

[s 814]

‘a QCAT information notice about the decision to cancel the licence.’.

814 Amendment of s 54B (Application to change licence holders due to change of partnership)

Section 54B(6), from ‘notify’, including footnote—

omit, insert—

‘give the partnership a QCAT information notice about the decision to refuse the application.’.

815 Amendment of s 54C (Effect on licence of application under s 54B)

Section 54C(2)(b), from ‘end’, first mention—

omit, insert—

‘end of the period prescribed under the QCAT Act for applying to QCAT for review of the decision, and, if the partnership applies for review, the end of the review.’.

816 Amendment of s 55 (Order preventing employment of certain persons)

Section 55(3), from ‘shall’—

omit, insert—

‘must—

- (a) give a QCAT information notice about the order to the person to whom it relates (if the person’s whereabouts are known to the authority); and
- (b) give a copy of the QCAT information notice to any licensee that the licensing authority knows is employing that person when the order is made.’.

817 Amendment of s 58 (Taking of disciplinary action)

Section 58(2)—

omit, insert—

- ‘(2) The licensing authority takes any action mentioned in subsection (1) by giving a QCAT information notice about the action to the licensee but any action taken is stayed—
- (a) until the end of the period prescribed under the QCAT Act for applying to QCAT for a review of the decision to take the action; and
 - (b) if an application for a review is made—until the end of the review, unless QCAT otherwise orders.’.

818 Replacement of pt 6, div 4, hdg (Appeals)

Part 6, division 4, heading—

omit, insert—

‘Division 4 Application for review’.

819 Amendment of s 59 (Rights of appeal)

- (1) Section 59, heading—

omit, insert—

‘59 Rights of review’.

- (2) Section 59(1), from ‘appeal’ to ‘against’—

omit, insert—

‘apply to QCAT for review of’.

- (3) Section 59(2)—

omit, insert—

- ‘(2) The application must be made as provided under the QCAT Act.’.

[s 820]

Part 72 **Amendment of Trade Measurement Administration Act 1990**

820 Act amended

This part amends the *Trade Measurement Administration Act 1990*.

821 Omission of pt 5 (Appeals)

Part 5—
omit.

Part 73 **Amendment of Travel Agents Act 1988**

822 Act amended

This part amends the *Travel Agents Act 1988*.

823 Amendment of s 6 (Definitions)

Section 6—
insert—

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’.

824 Amendment of s 18 (Determination of application)

Section 18(3)—
omit, insert—

- ‘(3) If the commissioner refuses to approve an application for a licence, the commissioner must refund to the applicant any fee for the licence accompanying the application.’.

825 Amendment of s 25 (Determination of disciplinary measures by the commissioner)

Section 25(5)—

omit, insert—

- ‘(5) If the commissioner suspends or cancels a licence under this section, the suspension or cancellation takes effect on and from the day stated in the QCAT information notice given to the licensee under section 26(2).
- ‘(5A) Subsection (5) applies subject to any decision by QCAT on an application made under section 26(4) for a review of the decision to suspend or cancel the licence.’.

826 Replacement of pt 3, div 3 (Appeals)

Part 3, division 3—

omit, insert—

‘Division 3 Review by QCAT of particular decisions

‘26 Review of commissioner’s decisions

- ‘(1) This section applies if the commissioner decides—
- (a) to refuse to grant an application for a licence; or
 - (b) to impose conditions or restrictions on a licence; or
 - (c) to suspend or cancel a licence; or
 - (d) to impose a disqualification mentioned in section 25(2).

[s 826]

- ‘(2) The commissioner must give the applicant, licensee, former licensee or person disqualified (the *affected person*) a QCAT information notice for the decision.
- ‘(3) If the decision is to suspend or cancel a licence, the QCAT information notice must also state—
 - (a) the day on which the suspension or cancellation takes effect; and
 - (b) for a decision to suspend the licence—the period of the suspension.
- ‘(4) The affected person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- ‘(5) The affected person must also give to the commissioner notice in writing of the application to QCAT.

‘26A QCAT’s power on review of particular decisions by the commissioner

- ‘(1) On the review of a decision mentioned in section 26(1)(b), (c) or (d), QCAT may do any or all of the following—
 - (a) exercise 1 or more of the powers exercisable by the commissioner under section 25(1);
 - (b) fine the applicant for the review an amount equalling not more than 10 penalty units.
- ‘(2) To the extent a power exercisable by QCAT under the QCAT Act is consistent with subsection (1), the power is not limited by the subsection.
- ‘(3) If QCAT exercises a power as mentioned in subsection (1)(a), the power is taken, other than for this division, to have been exercised by the commissioner.
- ‘(4) The amount of a fine imposed on a person under subsection (1)(b) may be recovered by the State as a debt.

**‘27 Review of compensation scheme trustees’
decisions about participation in the compensation
scheme**

- ‘(1) This section applies if the compensation scheme trustees decide—
- (a) to refuse an applicant, or a prospective applicant, for a licence participation in the compensation scheme; or
 - (b) to terminate the participation of a licensee in the compensation scheme.
- ‘(2) The compensation scheme trustees must give the applicant, prospective applicant or licensee (the *affected person*) a QCAT information notice for the decision.
- ‘(3) For a decision mentioned in subsection (1)(b) (*termination decision*), the QCAT information notice must—
- (a) state the day on which, subject to any decision by QCAT on a review of the termination decision, the termination takes effect; and
 - (b) inform the affected person that the person’s participation in the compensation scheme is, subject to any decision by QCAT on a review of the termination decision, suspended from the day the notice is given to the person until the day the termination takes effect.
- ‘(4) The day stated in the QCAT information notice under subsection (3)(a) must be at least 28 days after the notice is given to the affected person.
- ‘(5) An affected person for a decision mentioned in subsection (1) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- ‘(6) The affected person must also give to the commissioner and the compensation scheme trustees notice in writing of the application to QCAT.

[s 827]

‘27A QCAT’s power on review of particular compensation scheme trustees’ decisions

- ‘(1) Without limiting the powers of QCAT under the QCAT Act, QCAT may, on the review of a decision mentioned in section 27(1)—
- (a) dismiss the application; or
 - (b) for a decision mentioned in section 27(1)(a)—admit the applicant or prospective applicant to participation in the compensation scheme on the condition that the applicant or prospective applicant is or becomes licensed; or
 - (c) for a decision mentioned in section 27(1)(b)—set aside the decision.
- ‘(2) A decision of QCAT under subsection (1)(b) or (c) is taken to be a decision made under the law governing the compensation scheme and has effect according to that law.

‘28 Conducting and deciding reviews concurrently

- ‘(1) This section applies if a person applies to QCAT for both—
- (a) a review of a decision mentioned in section 26(1); and
 - (b) a review of a decision mentioned in section 27(1).
- ‘(2) QCAT may conduct and decide the reviews concurrently.’.

827 Amendment of s 37 (Obligation of licensee to be a member of the compensation scheme)

- (1) Section 37(1), ‘shall’—
omit, insert—
‘must’.
- (2) Section 37(2) and (3)—
omit, insert—

-
- ‘(2) A licensee remains a member of the compensation scheme unless the trustees—
- (a) decide to terminate the licensee’s membership in the scheme; and
 - (b) give the licensee a QCAT information notice for the decision as required under section 27.
- ‘(3) The termination takes effect, subject to any decision by QCAT on a review of the decision, on the day stated in the QCAT information notice.
- ‘(4) The person’s participation in the compensation scheme is, subject to any decision by QCAT on a review of the decision, suspended from the date the QCAT information notice is given to the person until the day the termination takes effect.’.

828 Amendment of s 41 (Claims)

Section 41(3) to (4)—

omit, insert—

- ‘(3) The trustees must give the claimant a QCAT information notice for the trustees’ decision on the claim.’.

Part 74 Amendment of Veterinary Surgeons Act 1936 commencing on assent

829 Act amended

This part amends the *Veterinary Surgeons Act 1936*.

‘Part 2A Tribunal proceedings

‘15A Jurisdiction

‘The tribunal has jurisdiction—

- (a) to hear and decide any disciplinary proceedings involving allegations of misconduct in a professional respect referred by the board against any veterinary surgeon; and
- (b) to hear and decide any application made under section 22C; and
- (c) to hear and decide show cause proceedings brought under section 22D.

‘15B Constitution of tribunal

- ‘(1) For a proceeding under section 15A, the tribunal is to be constituted by—
 - (a) 1 legally qualified member under the QCAT Act; and
 - (b) 2 other members who are veterinary surgeons.
- ‘(2) The person mentioned in subsection (1)(a) is the presiding member for the proceedings.

‘15C Matters tribunal must consider in making particular decisions

- ‘(1) This section applies to the tribunal in making a decision about—
 - (a) a disciplinary proceeding alleging misconduct in a professional respect against a veterinary surgeon; or
 - (b) whether or not a veterinary surgeon’s name should be removed from the register of veterinary surgeons because the veterinary surgeon is medically unfit to practise veterinary science.

[s 834]

- ‘(2) In making its decision, the tribunal—
- (a) must have regard to previous decisions about the veterinary surgeon made by any of the following—
 - (i) the tribunal if, in the opinion of the tribunal, the previous decision is relevant to the matter before it;
 - (ii) the board;
 - (iii) a committee; and
 - (b) may have regard to previous decisions about the veterinary surgeon made by a foreign disciplinary body.
- ‘(3) Subsection (2) does not limit the matters the tribunal may consider in making its decision.
- ‘(4) In this section—
- committee* means a committee of medical practitioners appointed under section 22D(1).
- foreign disciplinary body* means an entity, established under the law of another State or country, having functions similar to the functions of the board or tribunal under this Act.

‘15D Costs

- ‘(1) In a proceeding before it, the tribunal may make any decision about costs it considers appropriate.
- ‘(2) However, the costs allowable are only—
- (a) the costs allowable under the QCAT Act; and
 - (b) if the board conducted an investigation of a matter before referring the matter for hearing by the tribunal—the cost to the board of conducting the investigation.
- ‘(3) Without limiting subsection (1), in making a decision about an order for costs, the tribunal—

- (a) must take into consideration the cost of any investigation for the matter the subject of the proceeding; and
- (b) must not take into consideration the amount of a penalty, if any, imposed on a veterinary surgeon in the proceeding.’.

835 Amendment of s 18 (Registration of veterinary surgeons)

Section 18—

insert—

- ‘(4) If the board decides to refuse an application for registration, the board must, as soon as practicable after making the decision, give the applicant an information notice for the decision.’.

836 Amendment of s 18A (Performance of certain acts by approved persons)

Section 18A(5)(c), ‘be guilty of’—

omit, insert—

‘have engaged in’.

837 Amendment of s 19E (Special registration)

Section 19E(4)(a), ‘been guilty of’—

omit, insert—

‘engaged in’.

838 Amendment of s 22 (Investigation by board)

- (1) Section 22(3), from ‘cause’—

omit, insert—

[s 839]

‘refer the matter, as provided under the QCAT Act, to the tribunal to hear and decide the matter.’.

(2) Section 22(4)—

omit, insert—

‘(4) The referral to the tribunal must be accompanied by sufficient particulars to inform the tribunal and the veterinary surgeon of the matter alleged against the veterinary surgeon.’.

839 Amendment of s 22A (Board may punish)

(1) Section 22A, heading, ‘punish’—

omit, insert—

‘take disciplinary action’.

(2) Section 22A(1), from ‘been’ to ‘surgeon—’—

omit, insert—

‘engaged in misconduct in a professional respect, it may, instead of referring the matter to the tribunal—’.

840 Amendment of s 22B (Board to give notice of its intention to proceed pursuant to s 22A)

(1) Section 22B(1)(a), from ‘of which’ to ‘is guilty;’—

omit, insert—

‘in which, in the opinion of the board, the veterinary surgeon has engaged; and’.

(2) Section 22B(1)(b)(iii), ‘charge him or her with being guilty of’—

omit, insert—

‘refer the matter to the tribunal to hear and decide’.

(3) Section 22B(4)—

omit, insert—

- ‘(4) If the veterinary surgeon requires the board to refer the matter to the tribunal, the board must not act under section 22A in relation to the veterinary surgeon.’.

841 Amendment of s 22E (Orders of tribunal on charge of misconduct in a professional respect)

- (1) Section 22E, heading, ‘on charge of’—

omit, insert—

‘for’.

- (2) Section 22E(1), from ‘Where’ to ‘Act’—

omit, insert—

‘If the tribunal decides a veterinary surgeon has engaged in misconduct in a professional respect,’.

842 Amendment of s 22F (Misconduct in a professional respect)

Section 22F, from ‘Without’ to ‘who—’—

omit, insert—

‘Without limiting the ways a veterinary surgeon may engage in misconduct in a professional respect, a veterinary surgeon is engaging in *misconduct in a professional respect* if the veterinary surgeon—’.

843 Omission of s 22G (Initiation of proceedings)

Section 22G—

omit.

844 Replacement of s 22H (Appeals)

Section 22H—

omit, insert—

[s 845]

‘22H Review of particular decisions

‘Each of the following persons may apply, as provided under the QCAT Act, to the tribunal for a review of the decision stated for the person—

- (a) a person whose application to be registered as a veterinary surgeon is refused by the board, on any ground other than that the person does not possess the academic qualifications required to be registered as a veterinary surgeon;
- (b) a person whose application for approval to use premises as veterinary premises has been granted subject to a condition under section 25D, other than a condition mentioned in section 25G(2);
- (c) a person whose application for approval to use premises as veterinary premises has been refused under section 25E;
- (d) a person whose approval to use premises as veterinary premises has been amended, suspended or cancelled under section 25J(3).’.

845 Amendment of s 24 (Restoration of name)

- (1) Section 24(1), ‘a judge of the District Court at Brisbane’—
omit, insert—
‘the tribunal’.
- (2) Section 24(2), ‘a judge of the District Court or of’—
omit.

846 Amendment of s 25 (Definitions for pt 4A)

- (1) Section 25, heading, ‘Definitions’—
omit, insert—
‘**Definition**’.

- (2) Section 25, definition *information notice*—
omit.

847 Amendment of s 25O (Directing veterinary surgeon to practise veterinary science)

Section 25O, from ‘be’ to ‘respect.’—

omit, insert—

‘constitute misconduct in a professional respect.’.

848 Omission of s 28 (Person not to be a member of both the board and the tribunal)

Section 28—

omit.

849 Amendment of s 29B (Allowances and expenses)

- (1) Section 29B(1) and (3), ‘and each member of the tribunal’—

omit.

- (2) Section 29B(2)—

omit, insert—

- ‘(2) A member who is a public service officer must not be paid a fee or allowance if the officer acts as a member during the officer’s ordinary hours of duty as a public service officer.’.

850 Amendment of s 32 (Evidence)

Section 32(3), ‘or the tribunal’—

omit.

[s 851]

851 Amendment of s 33A (Reports)

- (1) Sections 33A(1) and (1A)—
omit.
- (2) Section 33A(3), ‘or (2)’—
omit.
- (3) Sections 33A(2) and (2A)—
renumber as sections 33A(1) and (2).

852 Amendment of s 33D (Power of entry etc.)

Section 33D(1), ‘is guilty of’—
omit, insert—
‘has engaged or is engaging in’.

853 Amendment of s 37 (Regulation-making power)

- (1) Section 37(2)(d), ‘and of the tribunal’—
omit.
- (2) Section 37(2)(k), ‘charges’—
omit, insert—
‘allegations made’.

854 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *tribunal* and *registrar of the tribunal*—
omit.
- (2) Schedule—
insert—
‘*information notice* means a notice complying with the QCAT Act, section 157(2).
tribunal means QCAT.’.

Part 76 Amendment of Wagering Act 1998

855 Act amended

This part amends the *Wagering Act 1998*.

856 Amendment of s 216E (Duration of exclusion direction)

Section 216E(b)(i) and (iii), ‘appeal under part 14, division 1’—

omit, insert—

‘a review of the decision by the tribunal’.

857 Amendment of s 255 (Forfeiture)

Section 255(5)—

omit, insert—

‘(5) The notice must comply with the QCAT Act, section 157(2).’.

858 Replacement of pt 14, hdg (Appeals and reviews)

Part 14, heading—

omit, insert—

‘Part 14 Reviews by QCAT or Minister’.

859 Replacement of pt 14, div 1 (Appeals)

Part 14, division 1—

omit, insert—

[s 859]

‘Division 1 Applications for review of decisions by tribunal

‘291 When authority operators may apply for review

‘An authority operator may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—

- a decision under section 208 refusing to approve regulated wagering equipment
- a decision under section 208 refusing to approve a modification of regulated wagering equipment.

‘292 When licence operators may apply for review

‘A licence operator may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 159 directing the operator to terminate an agency agreement entered into by the operator.

‘293 When applicants for key person licences may apply for review

‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 104 refusing to grant the application.

‘294 When key person licensees may apply for review

‘A key person licensee may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—

- a decision under section 109 imposing a condition on the key person licence

-
- a decision under section 114 changing a condition of the key person licence
 - a decision under section 116 refusing to grant an application to replace the key person licence
 - a decision under section 126 immediately suspending the key person licence
 - a decision under section 127 suspending or cancelling the key person licence
 - a decision under section 129 censuring the key person licensee
 - a decision under section 130 directing the key person licensee to rectify a matter.

‘295 When wagering agents may apply for review

‘A wagering agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 159 directing the licence operator by whom the agent was appointed to terminate the agency agreement.

‘296 When owner of things seized may apply for review

‘The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 255 resulting in the thing being forfeited.

‘297 When other persons may apply for review

‘A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—

- (a) a decision of a general operator, under section 216D, to give the person an exclusion direction;

[s 859]

- (b) a decision of a general operator, under section 216G, refusing to revoke an exclusion direction given to the person.

‘298 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

‘299 Tribunal may give leave for review to be decided on new evidence in particular circumstances

- ‘(1) Despite section 298, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

-
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
 - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must—
- (a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or
 - (b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

‘300 Appeals from tribunal only to Court of Appeal on a question of law

- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision of mentioned in sections 291 to 297.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

[s 860]

860 Amendment of pt 14, div 2, hdg (Reviews)

Part 14, division 2, heading, after ‘Reviews’—

omit, insert—

‘**by Minister**’.

861 Omission of s 331 (Dealing with show cause notice)

Section 331—

omit.

862 Omission of s 333 (Appeals to Gaming Commission)

Section 333—

omit.

863 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *Gaming Commission* and *registrar*—

omit.

(2) Schedule 2—

insert—

‘**tribunal** means QCAT.’.

(3) Schedule 2, definition *information notice*—

omit, insert—

‘**information notice** means a written notice complying with the QCAT Act, section 157(2).’.

Part 77 **Amendment of Wagering Regulation 1999**

864 **Regulation amended**

This part amends the *Wagering Regulation 1999*.

865 **Omission of s 15 (Registrar—Act, sch 2)**

Section 15—

omit.

866 **Amendment of sch 3 (Fees)**

Schedule 3, item 5—

omit.

Part 78 **Amendment of Wine Industry Act 1994**

867 **Act amended**

This part amends the *Wine Industry Act 1994*.

868 **Amendment of s 28 (Procedure for variation, suspension or cancellation)**

Section 28(4)—

omit, insert—

‘(4) If the chief executive decides to vary, suspend or cancel a licence, the notice must comply with the QCAT Act, section 157(2).’.

[s 869]

869 Replacement of pt 2, div 11, hdg (Appeals)

Part 2, division 11, heading—

omit, insert—

‘Division 11 Review of decisions of the chief executive’.

870 Amendment of s 33 (Appeals against decisions of chief executive)

(1) Section 33, heading, ‘Appeals against’—

omit, insert—

‘Review of’.

(2) Section 33(1), ‘appealed against’—

omit, insert—

‘reviewed’.

Part 79 Amendment of Wine Industry Regulation 1995

871 Regulation amended

This part amends the *Wine Industry Regulation 1995*.

872 Amendment of s 11 (Requirements of submission by petition)

Section 11(2)—

omit, insert—

- ‘(2) A notice given by the chief executive, or the tribunal, to the sponsor of the petition is taken to be given to all signatories to the petition.’.

Chapter 6 Department of Environment and Resource Management

Part 1 Amendment of Land Protection (Pest and Stock Route Management) Act 2002

873 Act amended

This part amends the *Land Protection (Pest and Stock Route Management) Act 2002*.

874 Amendment of s 161 (Overgrazing on stock route network)

Section 161(3)—

omit, insert—

- ‘(3) The notice must—
- (a) state the reasonable number to which the stock are to be reduced and the reasonable period in which the reduction must be made; and
 - (b) be accompanied by or include an information notice for the decision to give the notice.’.

[s 875]

875 Replacement of ch 9 (Appeals)

Chapter 9—

omit, insert—

‘Chapter 9 Review of decisions by QCAT

‘296 Who may apply for review by QCAT

‘An aggrieved person for a reviewable decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

Note—

Aggrieved persons and reviewable decisions are in schedule 1.’.

876 Amendment of sch 1 (Appealable decisions and aggrieved persons)

(1) Schedule 1, heading, ‘Appealable’—

omit, insert—

‘Reviewable’.

(2) Schedule 1, authorising section, ‘appealable decision’—

omit, insert—

‘reviewable decision’.

(3) Schedule 1, table, column 1, heading, ‘Appealable decision’—

omit, insert—

‘Reviewable decision’.

877 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *appealable decision* and *information notice*—
omit.
- (2) Schedule 3—
insert—
‘information notice means a notice complying with the QCAT Act, section 157(2).
reviewable decision means a decision stated in schedule 1.’.
- (3) Schedule 3, definition *aggrieved person*, ‘an appealable’—
omit, insert—
‘a reviewable’.

Part 2 Amendment of Marine Parks Act 2004

878 Act amended

This part amends the *Marine Parks Act 2004*.

879 Amendment of s 93 (Compliance notice)

Section 93(3)—

omit, insert—

- ‘(3) The compliance notice must state that the person may—
- (a) apply under part 8 for a review of the decision to give the notice; and
 - (b) apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.

[s 880]

880 Amendment of s 101 (Removal notice)

Section 101(3)—

insert—

- ‘(g) that the person may apply under part 8 for a review of the decision to give the notice;
- (h) that the person may apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.

881 Amendment of s 104 (Removal notice)

Section 104(3)—

insert—

- ‘(h) that the person may apply under part 8 for a review of the decision to give the notice;
- (i) that the person may apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.

882 Replacement of pt 8, hdg (Appeals and review)

Part 8, heading—

omit, insert—

‘Part 8 Review of decisions’.

883 Amendment of s 117 (Appeal against particular decisions must be by way of internal review or ADR process)

- (1) Section 117, heading, ‘Appeal against’—

omit, insert—

‘Review of’.

- (2) Section 117(1), ‘appeal against’—

omit, insert—

‘apply for a review of’.

884 Amendment of s 119 (Review decision)

- (1) Section 119, heading, ‘Review’—
omit, insert—
‘**Internal review**’.
- (2) Section 119(1)(b), ‘(the *review decision*)’—
omit, insert—
‘(the *internal review decision*)’.
- (3) Section 119(2) and (3)—
omit, insert—
‘(2) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) for the decision.’.
- (4) Section 119(5), ‘appeal to a Magistrates Court’—
omit, insert—
‘application to QCAT for external review’.
- (5) Section 119(5), ‘review decision’—
omit, insert—
‘internal review decision’.
- (6) Section 119(4) and (5)—
renumber as section 119(3) and (4).

885 Amendment of s 120 (Stay of operation of original decision)

- (1) Section 120(1) and (2)—
omit, insert—
‘(1) If an application is made for an internal review of an original decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the original decision.

[s 886]

- ‘(2) QCAT may stay the original decision to secure the effectiveness of the internal review and any later application to QCAT for external review.’.
- (2) Section 120(3), ‘the court’—
omit, insert—
‘QCAT’.
- (3) Section 120(4)—
omit, insert—
- ‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the original decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.’.

886 Replacement of pt 8, div 3 (Appeals to Magistrates Court)

Part 8, division 3—

omit, insert—

‘Division 3 External reviews by QCAT

‘121 Who may apply for external review

‘A person who is given, or is entitled to be given, a notice under section 119(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

887 Amendment of schedule (Dictionary)

- (1) Schedule, definition *review decision*—
omit.
- (2) Schedule—
insert—

[s 892]

- (2) Section 148, ‘the appealable decision’—
omit, insert—
‘the reviewable decision’.
- (3) Section 148(2)(c), ‘review decision’—
omit, insert—
‘internal review decision’.

892 Amendment of s 149 (Review decision)

- (1) Section 149, heading, ‘Review’—
omit, insert—
‘Internal review’.
- (2) Section 149, ‘appealable decision’—
omit, insert—
‘reviewable decision’.
- (3) Section 149, ‘the review decision’—
omit, insert—
‘the internal review decision’.
- (4) Section 149(2)(c), ‘review decision’—
omit, insert—
‘internal review decision’.
- (5) Section 149(3) and (4)—
omit, insert—
- ‘(3) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) for the decision.’.
- (6) Section 149(6), ‘appeal to a Magistrates Court’—
omit, insert—
‘application to QCAT for external review’.

- (7) Section 149(5) and (6)—
renumber as section 149(4) and (5).

893 Amendment of s 150 (Stay of operation of appealable decision)

- (1) Section 150, heading, ‘appealable’—
omit, insert—
‘**reviewable**’.
- (2) Section 150(1) and (2)—
omit, insert—
‘(1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision.
(2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and any later application to QCAT for external review.’.
- (3) Section 150(3), ‘the court’—
omit, insert—
‘QCAT’.
- (4) Section 150(4)—
omit, insert—
‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the decision.’.
- (5) Section 150(5), ‘the appealable decision’—
omit, insert—
‘the reviewable decision’.

[s 894]

894 Replacement of pt 8, div 3 (Appeals)

Part 8, division 3—

omit, insert—

‘Division 3 External reviews by QCAT

‘151 Who may apply for external review

‘A person who is given, or is entitled to be given, a notice under section 149(3) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

‘152 Extending time for application

‘QCAT may extend the time for applying for external review if—

- (a) the internal review decision relates to a permission that forms part of a joint permission; and
- (b) a decision about the Commonwealth permission forming the other part of the joint permission is being reviewed under the Commonwealth Act, or has been reviewed and is the subject of an appeal under the Commonwealth Act; and
- (c) the outcome of the review or appeal under the Commonwealth Act is reasonably likely to affect the applicant’s decision about whether or not to pursue, or the chief executive’s decision about whether or not to defend, an application for external review under this division.’.

895 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *appealable decision*, *review decision* and *review notice*—

omit.

(2) Schedule 6—

insert—

‘internal review decision see section 149(1)(b).

reviewable decision means the following decisions of the chief executive—

- (a) a decision for which an information notice must be given;
 - (b) a decision to refuse to give an approval under this regulation or a zoning plan;
 - (c) a decision to impose a condition on an approval given under this regulation or a zoning plan;
 - (d) a decision to refuse to grant an accreditation of a traditional use of marine resources agreement, or an educational or research institution, for the Moreton Bay Marine Park;
 - (e) a decision to amend, suspend or cancel an accreditation of a traditional use of marine resources agreement, or an educational or research institution, for the Moreton Bay Marine Park.’.
- (3) Schedule 6, definition *information notice*, ‘review or appeal’—
- omit, insert—*
- ‘internal review’.
- (4) Schedule 6, definition *information notice*, paragraph (f)—
- omit, insert—*
- ‘(f) that a person may apply, as provided under the QCAT Act, to QCAT for a stay of a decision the subject of an internal review.’.

899 Replacement of pt 4, hdg (Review and appeal provisions)

Part 4, heading—

omit, insert—

‘Part 4 Internal and external reviews’.

900 Replacement of s 99 (Appeal process starts with internal review)

Section 99—

omit, insert—

‘99 Internal review process before external review

‘Every review of a reviewable decision must be, in the first instance, by way of an application for internal review.’.

901 Amendment of s 100 (Applying for an internal review)

(1) Section 100, ‘an appellable decision’—

omit, insert—

‘a reviewable decision’.

(2) Section 100(1)(a)(ii), ‘appellable decision’—

omit, insert—

‘reviewable decision’.

(3) Section 100, ‘the appellable decision’—

omit, insert—

‘the reviewable decision’.

902 Amendment of s 101 (Review decision)

(1) Section 101, heading—

omit, insert—

[s 903]

‘101 Internal review’.

(2) Section 101, ‘the appellable decision’—

omit, insert—

‘the reviewable decision’.

(3) Section 101(1)(b), ‘(the *review decision*)’—

omit, insert—

‘(the *internal review decision*)’.

(4) Section 101(2) and (3)—

omit, insert—

‘(2) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) about the decision.’.

(5) Section 101(5), ‘appeal to a Magistrates Court’—

omit, insert—

‘application to QCAT for external review’.

(6) Section 101(5), ‘the review decision’—

omit, insert—

‘the internal review decision’.

(7) Section 101(4) and (5)—

renumber as section 101(3) and (4).

903 Amendment of s 102 (Stay of operation of appellable decision)

(1) Section 102, heading, ‘appellable decision’—

omit, insert—

‘**reviewable decision**’.

(2) Section 102(1) and (2)—

omit, insert—

- ‘(1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision.

Note—

However, see the Act, section 173OA (Limitation on stays granted by QCAT for particular decisions).

- ‘(2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and a later application to QCAT for external review.’.

- (3) Section 102, ‘the court’—

omit, insert—

‘QCAT’.

- (4) Section 102(4)—

omit, insert—

- ‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the decision.’.

- (5) Section 102(5), ‘appellable’—

omit, insert—

‘reviewable’.

- (6) Section 102(6)—

omit.

904 Replacement of pt 4, div 3 (Appeals)

Part 4, division 3—

omit, insert—

[s 905]

‘Division 3 External reviews by QCAT

‘103 Who may apply for external review

‘A person who is given, or is entitled to be given, a notice under section 101(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

905 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *appellable decision*, *review decision* and *review notice*—

omit.

- (2) Schedule 7—

insert—

‘*external review*, for a decision, means a review of the decision by QCAT under the QCAT Act.

internal review decision see section 101(1)(b).

reviewable decision means the following decisions of the chief executive—

- (a) a decision for which an information notice must be given;
 - (b) a decision to refuse to give an approval or authorisation under a management instrument;
 - (c) a decision to impose a condition on an approval or authorisation given under a management instrument;
 - (d) a decision to give a notice under the Wildlife Management Regulation, section 331(2).’.
- (3) Schedule 7, definition *information notice*, ‘review or appeal’—

omit, insert—

[s 908]

‘(4) In this section—

QCAT information notice means an information notice complying with the QCAT Act, section 157(2).’

908 Replacement of pt 9, div 2, sdiv 3 (Appeals)

Part 9, division 2, subdivision 3—

omit, insert—

‘Subdivision 3 External reviews by QCAT

‘98 External review of compensation decisions

‘An applicant for the payment of compensation under this division who is dissatisfied with the following decisions of the chief executive may apply, as provided under the QCAT Act, to QCAT for a review of the decision—

- (a) a refusal to pay compensation;
- (b) a decision about the amount of compensation.’.

Part 7 Amendment of Recreation Areas Management Act 2006

909 Act amended

This part amends the *Recreation Areas Management Act 2006*.

910 Replacement of s 206 (Appeal process starts with internal review)

Section 206—

omit, insert—

‘206 Internal review process before external review

‘Every review of a reviewable decision must be, in the first instance, by way of an application for internal review.’.

911 Amendment of s 207 (Applying for an internal review)

(1) Section 207(3) and (4), ‘the appellable’—

omit, insert—

‘the reviewable’.

(2) Section 207(5)(b), ‘an appellable’—

omit, insert—

‘a reviewable’.

912 Amendment of s 208 (Review decision)

(1) Section 208, heading, ‘Review’—

omit, insert—

‘Internal review’.

(2) Section 208(1) and (4), ‘the appellable’—

omit, insert—

‘the reviewable’.

(3) Section 208(1)(b), ‘(the *review decision*)’—

omit, insert—

‘(the *internal review decision*)’.

(4) Section 208(2) and (3)—

omit, insert—

‘(2) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) for the decision.’.

(5) Section 208(5)—

[s 913]

omit, insert—

- ‘(5) For an application to QCAT for external review—
- (a) if the internal review decision confirms the reviewable decision, the reviewable decision is taken to be the internal review decision; or
 - (b) if the internal review decision amends the reviewable decision, the reviewable decision, as amended, is taken to be the internal review decision.’
- (6) Section 208(4) and (5)—
renumber as section (3) and (4).

913 Amendment of s 209 (Stay of operation of appellable decision)

- (1) Section 209, heading, ‘appellable’—
omit, insert—
‘reviewable’.
- (2) Section 209(1) and (2)—
omit, insert—
- ‘(1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision.
- ‘(2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and a later application to QCAT for external review.’
- (3) Section 209(3), ‘the court’—
omit, insert—
‘QCAT’.
- (4) Section 209(4)—
omit, insert—

‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.’.

(5) Section 209(5), ‘the appellable’—

omit, insert—

‘the reviewable’.

914 Replacement of pt 9, div 4 (Appeals)

Part 9, division 4—

omit, insert—

‘Division 4 External reviews by QCAT

‘210 Who may apply for external review

‘A person who is given, or is entitled to be given a notice under section 208(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

915 Amendment of schedule (Dictionary)

(1) Schedule, definitions *appellable decision*, *review decision* and *review notice*—

omit.

(2) Schedule—

insert—

‘*external review*, for a decision, means a review of the decision by QCAT under the QCAT Act.

internal review decision see section 208(1)(b).

reviewable decision means a decision of the chief executive for which an information notice must be given.’.

- ‘(3) The board need not give an applicant an information notice for a decision taken to have been made under this section.’.

919 Amendment of s 58 (Failure to decide application)

Section 58—

insert—

- ‘(3) The board need not give an applicant an information notice for a decision taken to have been made under this section.’.

920 Amendment of s 89 (Board’s decision on investigation)

- (1) Section 89(2)(b)(ii), ‘a disciplinary committee’—

omit, insert—

‘QCAT’.

- (2) Section 89—

insert—

- ‘(5) A referral under subsection (2)(b)(ii) must be made as provided under the QCAT Act.’.

921 Omission of s 93 (Disciplinary action by disciplinary committee)

Section 93—

omit.

922 Amendment of pt 6, hdg (Surveyors disciplinary committee)

Part 6, heading—

omit, insert—

‘Part 6 Disciplinary proceedings by QCAT’.

[s 923]

923 Replacement of pt 6, divs 1–4

Part 6, divisions 1 to 4—

omit, insert—

‘94 Jurisdiction of QCAT

‘QCAT has jurisdiction to hear and decide disciplinary proceedings referred by the board under section 89(2)(b)(ii).’.

924 Omission of pt 6, divs 5–7, hdgs

Part 6, divisions 5 to 7, headings—

omit.

925 Amendment of s 118 (Decision about whether ground for disciplinary action is established)

(1) Section 118(1)—

omit.

(2) Section 118(2), ‘its decision, the committee’—

omit, insert—

‘a decision about whether a registrant has engaged in professional misconduct, QCAT’.

(3) Section 118(2)(c) and (3), ‘the committee’—

omit, insert—

‘QCAT’.

(4) Section 118(2) and (3)—

renumber as section 118(1) and (2).

(5) Section 118(2), as renumbered, ‘Subsection (2)’—

omit, insert—

‘Subsection (1)’.

926 Amendment of s 119 (Decision about disciplinary action against registrant, other than former registrant)

- (1) Section 119(2), ‘the disciplinary committee’—
omit, insert—
‘QCAT’.
- (2) Section 119, ‘the committee’—
omit, insert—
‘QCAT’.

927 Amendment of s 120 (Decision about disciplinary action against former registrant)

- (1) Section 120(2) ‘the disciplinary committee’—
omit, insert—
‘QCAT’.
- (2) Section 120, ‘the committee’—
omit, insert—
‘QCAT’.

928 Amendment of s 121 (Matters disciplinary committee must consider in making decision about disciplinary action)

- (1) Section 121, heading, ‘disciplinary committee’—
omit, insert—
‘QCAT’.
- (2) Section 121(1), ‘the disciplinary committee’—
omit, insert—
‘QCAT’.

[s 929]

- (3) Section 121, ‘the committee’—
omit, insert—
‘QCAT’.

929 Amendment of s 122 (Disciplinary committee’s power to order costs)

- (1) Section 122, heading, ‘Disciplinary committee’s’—
omit, insert—
‘QCAT’s’.
- (2) Section 122(1), ‘The disciplinary committee’—
omit, insert—
‘QCAT’.
- (3) Section 122(2)(a)—
omit, insert—
‘(a) the costs that are allowable under the QCAT Act; and’.
- (4) Section 122(3), ‘the committee’—
omit, insert—
‘QCAT’.

930 Omission of s 123 (Notification of disciplinary committee’s decision)

Section 123—
omit.

931 Amendment of s 124 (Board may notify other persons)

- (1) Section 124(1), from ‘the disciplinary committee’ to ‘registrant,’—
omit, insert—

‘QCAT makes a decision about disciplinary proceedings against the registrant, subject to an order made by QCAT.’.

- (2) Section 124(1)(a), ‘on the internet’—

omit.

- (3) Section 124(1)(b), ‘the committee’s’—

omit, insert—

‘QCAT’s’.

932 Omission of ss 125 and 126

Sections 125 and 126—

omit.

933 Amendment of s 127 (Disciplinary action to be recorded in register)

- (1) Section 127(1), ‘the disciplinary committee’—

omit, insert—

‘QCAT’.

- (2) Section 127(2), ‘the committee’—

omit, insert—

‘QCAT’.

934 Amendment of s 140 (Entry with consent)

Section 140(6)(a), ‘the disciplinary committee’—

omit, insert—

‘QCAT’.

[s 935]

935 Replacement of pts 8 and 9

Parts 8 and 9—

omit, insert—

‘Part 8 Review of decisions by QCAT

‘163 Who may apply for review

‘(1) A person who is given, or is entitled to be given, an information notice for a decision under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

‘(2) Also, a person whose application the board is taken, under section 53 or 58, to have decided to refuse to grant may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

Note—

Section 53 deals with applications for registrations and registration endorsements and section 58 deals with applications for renewal of registrations and registration endorsements.’.

936 Omission of sch 1 (Decisions for which information notices must be given)

Schedule 1—

omit.

937 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *disciplinary committee, information notice* and *surveyors disciplinary committee—*

omit.

(2) Schedule 3—

insert—

[s 941]

941 Amendment of s 33 (Notice of board's decision)

Section 33(2), from 'state'—

omit, insert—

'be an information notice.'

942 Amendment of s 39 (Cancellation of registration)

(1) Section 39(1)(d)—

omit.

(2) Section 39(3), from 'a written'—

omit, insert—

'an information notice for the decision.'

943 Amendment of s 40 (Restoration of registration after removal under s 37)

Section 40—

insert—

'(6) If the board decides to refuse to restore the applicant's registration, the board must give the applicant an information notice for the decision.'

944 Amendment of s 42D (Refusal of application)

(1) Section 42D(1)(b)—

omit, insert—

'(b) give the applicant an information notice for the decision to refuse.'

(2) Section 42D(2)—

omit.

945 Amendment of s 42GA (Removal from list of specialist retail valuers)

Sections 42GA(3)—

omit, insert—

- ‘(3) If the board decides to remove a valuer’s particulars under subsection (1), the board must give the valuer an information notice for the decision.’.

946 Amendment of s 42H, hdg (Disciplinary charges against specialist retail valuers)

Section 42H, heading, ‘charges’—

omit, insert—

‘proceedings’.

947 Replacement of ss 50–58

Sections 50 to 58—

omit, insert—

‘50 Disciplinary proceedings

- ‘(1) This section applies if, after considering an investigator’s report, the board reasonably considers that a valuer has engaged in—

- (a) professional misconduct; or
- (b) incompetence or negligence in the person’s performance as a valuer.

- ‘(2) The board may, as it considers appropriate in the circumstances—

- (a) refer the matter to QCAT to decide; or
- (b) if it considers the matter does not warrant referral to QCAT—

[s 947]

- (i) take disciplinary action against the valuer under section 51; or
 - (ii) take no further action.
- ‘(3) A referral under subsection (2)(a) must be made as provided under the QCAT Act.

‘51 Board may take disciplinary action

- ‘(1) Subject to section 52, the board may do 1 or more of the following—
- (a) admonish or reprimand the valuer;
 - (b) order the valuer to give an undertaking to abstain from particular conduct;
 - (c) order the valuer to pay to the board a penalty of an amount equal to not more than 20 penalty units.
- ‘(2) The board must give a valuer an information notice for its decision to take action against the valuer under subsection (1).
- ‘(3) The board may publish, in the newspaper or on its website, notice of any action taken under subsection (1).

‘52 Notice of intention to take disciplinary action

- ‘(1) Before taking action against a valuer under section 51, the board must give to the valuer written notice of its intention to take the action.
- ‘(2) The notice must state—
- (a) the professional misconduct, incompetence or negligence alleged against the valuer; and
 - (b) the facts and circumstances forming the basis for the allegations; and
 - (c) a day, at least 14 days after the day the notice is given, by which the valuer may, in relation to the allegations stated in the notice—

- (i) make written representations to the board; or
 - (ii) request the board to hear him or her; or
 - (iii) require the board to refer the matter to QCAT.
- ‘(3) If the valuer requests a hearing, the board must advise the valuer of a time and place at which the valuer may appear before the board.
- ‘(4) When deciding the action to be taken against a valuer under section 51, the board must consider any representations made by the valuer about the allegations.
- ‘(5) If the valuer requires the board to refer the matter to QCAT, the board can not proceed to take action against the valuer under section 51.’.

948 Amendment of s 59 (Committee may order cancellation of registration, etc.)

- (1) Section 59, heading, ‘Committee’—
omit, insert—
‘QCAT’.
- (2) Section 59(1), from ‘a committee’ to ‘the committee’—
omit, insert—
‘QCAT finds a registered valuer has engaged in professional misconduct, incompetence or negligence, QCAT’.
- (3) Section 59(2), ‘A committee’—
omit, insert—
‘QCAT’.
- (4) Section 59(5), ‘the committee’—
omit, insert—
‘QCAT’.
- (5) Section 59(5), after ‘subsection (4),’—

[s 949]

insert—

‘subject to an order made by QCAT.’.

- (6) Section 59(6), from ‘The board’ to ‘website’—

omit, insert—

‘Subject to an order made by QCAT, the board may also publish, in the newspaper or on its website’.

949 Amendment of s 61 (Appeals)

- (1) Section 61, heading—

omit, insert—

‘61 Review of particular decisions’.

- (2) Section 61(1)(c), ‘a committee’—

omit, insert—

‘the board’.

- (3) Section 61(1), from ‘may’—

omit, insert—

‘may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

- (4) Section 61(2) and (3)—

omit.

- (5) Section 61(4), ‘appeal’—

omit, insert—

‘review’.

- (6) Section 61(4), ‘appellant’—

omit, insert—

‘applicant’.

- (7) Section 61(4), from ‘and’ to ‘committee’—

omit.

950 Amendment of s 64 (Proceedings on behalf of board)

Section 64(3), ‘, and all penalties and costs ordered by a committee to be paid to the board under this Act,’—

omit.

951 Insertion of new pt 6, div 4

After part 6, division 3—

insert—

**‘Division 4 Transitional provision for
Queensland Civil and
Administrative Tribunal
(Jurisdiction Provisions)
Amendment Act 2009**

‘78 Effect of charge laid under previous section 50

‘(1) This section applies if, immediately before the commencement, a charge had been laid by an investigator against a registered valuer under previous section 50(1), but no committee had been appointed under previous section 50(3).

‘(2) From the commencement, the charge ceases to have effect.

‘(3) Subsection (2) does not limit the board’s powers to take action under section 50(2).

‘(4) In this section—

commencement means the commencement of this section.

previous, if followed by a provision number, means the provision of that number in force before the commencement.

Note—

See also the QCAT Act, chapter 7.’

[s 952]

Part 10 **Amendment of Vegetation Management Act 1999**

952 Act amended

This part amends the *Vegetation Management Act 1999*.

953 Amendment of s 55 (Compliance notice)

Section 55—

insert—

‘(3A) The compliance notice must be accompanied by or include an information notice for the decision to give the notice.’.

954 Amendment of pt 4, hdg (Appeals and legal proceedings)

Part 4, heading, ‘Appeals’—

omit, insert—

‘**Reviews**’.

955 Replacement of pt 4, div 1 (Appeals)

Part 4, division 1—

omit, insert—

‘Division 1 **Review of decisions by QCAT**

‘62 Who may apply for review

‘A person who has been given a compliance notice may apply, as provided under the QCAT Act, to QCAT for a review of the decision to give the notice.’.

956 Amendment of schedule (Dictionary)

Schedule—

insert—

‘*information notice* means a notice complying with the QCAT Act, section 157(2).’.

Part 11 Amendment of Water Act 2000

957 Act amended

This part amends the *Water Act 2000*.

958 Omission of s 778 (When regulator may give a show cause notice)

Section 778—

omit.

959 Amendment of s 781 (General requirements for compliance notices)

(1) Section 781(1)(h), ‘appeal against’—

omit, insert—

‘apply for an internal review of’.

(2) Section 781(1)(i), ‘appeal’—

omit, insert—

‘apply for the internal review’.

[s 960]

960 Amendment of s 861 (Appeal process starts with internal review)

(1) Section 861, heading, after ‘Appeal’—

insert—

‘or external review’.

(2) Section 861, after ‘against’—

insert—

‘or application for external review of’.

961 Amendment of s 864 (Review decision)

(1) Sections 864(4)(b)(i) and (iii)—

omit.

(2) Sections 864(4)(b)(ii) and (iv)—

renumber as sections 864(4)(b)(i) and (ii).

(3) Section 864, after subsection (4)—

insert—

‘(4AA) For the following decisions, the review notice must comply with the QCAT Act, section 157(2)—

(a) a decision or action about a water bore driller’s licence;

(b) a decision or action mentioned in section 851(1) for which a compliance notice was given.’.

(4) Section 864(4A), ‘or arbitration provisions of this Act’—

omit, insert—

‘provisions of this Act or the provisions of the QCAT Act about an external review’.

(5) Section 864(6), ‘arbitration’—

omit, insert—

‘external review by QCAT’.

- (6) Section 864(7), ‘arbitration’—
omit, insert—
‘external review by QCAT’.

962 Amendment of s 865 (Stay of operation of original decision)

- (1) Section 865(1)(a)—
omit, insert—
‘(a) if, under section 877(1)(a) or (c), the applicant would be able to apply to QCAT for an external review—QCAT; and’.
- (2) Section 865(1)(b), ‘section 864(4)(b)(ii) or (iv)’—
omit, insert—
‘section 877(1)(b) or (d)’.
- (3) Section 865(2)—
omit, insert—
- ‘(1A) An application to QCAT under subsection (1)(a) must be made as provided under the QCAT Act.
- ‘(2) QCAT or the Land Court may stay the original decision to secure the effectiveness of the review and a later application for external review to QCAT or appeal to the court.’.
- (4) Section 865(3), before ‘the court’—
insert—
‘QCAT or’.
- (5) Section 865(4), from ‘the court’—
omit, insert—
‘QCAT or the court allows the applicant to enable the applicant to apply for an external review or appeal against the review decision.’.

[s 963]

963 Amendment of ch 6, pt 3, hdg (Appeals)

Chapter 6, part 3, heading, after ‘Appeals’—

insert—

‘and external reviews’.

964 Amendment of s 877 (Who may appeal)

(1) Section 877, heading, after ‘appeal’—

insert—

‘or apply for external review’.

(2) Section 877(1), from ‘a review’ to ‘against’—

omit, insert—

‘an internal review of an original decision, any interested person for the original decision may appeal against or apply for a review of’.

(3) Section 877(1)(a), ‘the Magistrates Court’—

omit, insert—

‘QCAT’.

(4) Section 877(1)(c), ‘the Magistrates Court’—

omit, insert—

‘QCAT’.

(5) Section 877(2)—

omit, insert—

‘(2) An application to QCAT made under subsection (1)(a) or (c) must be made as provided under the QCAT Act.’.

965 Amendment of s 878 (Starting an appeal)

Section 878, heading, after ‘appeal’—

insert—

‘to the Land Court’.

966 Amendment of s 879 (Staying operation of review decision)

(1) Section 879, ‘arbitration or’—

omit.

(2) Section 879(4), ‘the arbitration is determined or’—

omit.

967 Amendment of sch 4 (Dictionary)

(1) Schedule 4—

insert—

‘**external review**, for a decision, means a review of the decision by QCAT under the QCAT Act.’.

(2) Schedule 4, definition *information notice*, paragraph (a)(iv)—

omit, insert—

‘(iv) that any person given the notice may apply for an internal review of the decision within 30 business days after the day the notice is given; and’.

(3) Schedule 4, definition *information notice*, paragraph (b), ‘appeal’—

omit, insert—

‘internal review’.

(4) Schedule 4, definition *review decision*, ‘section 864(1)’—

omit, insert—

‘section 864(2)’.

971 Amendment of s 512 (Who may apply for review)

(1) Section 512(1)—

omit, insert—

‘(1) An interested person for an original decision may apply for an internal review of the decision (an ***internal review application***).’.

(2) Section 512(2), ‘A review’—

omit, insert—

‘An internal review’.

972 Amendment of s 513 (Requirements for making review application)

(1) Section 513, heading, after ‘making’—

insert—

‘internal’.

(2) Section 513(1), ‘A review’—

omit, insert—

‘An internal review’.

(3) Section 513(2), ‘a review’—

omit, insert—

‘an internal review’.

(4) Section 513(3) and (4), ‘the review’—

omit, insert—

‘the internal review’.

973 Amendment of s 514 (Review decision)

(1) Section 514(1), ‘a review’—

omit, insert—

[s 974]

- ‘an internal review’.
- (2) Section 514(3), ‘review’—
omit, insert—
‘internal review’.
- (3) Section 514(6), after ‘arbitration’—
insert—
‘, external review’.
- (4) Section 514(7), after ‘arbitration’—
insert—
‘, external review’.

974 Amendment of s 515 (Notice of review decision)

- (1) Section 515(2)(b)(ii) and (iii)—
omit.
- (2) Section 515(2)(b)(v), ‘subparagraph (iv)’—
omit, insert—
‘subparagraph (ii)’.
- (3) Section 515(2)(b)(iv) and (v)
renumber as section 515(2)(b)(ii) and (iii).
- (4) Section 515(2)(c), ‘paragraph (b)(v)’—
omit, insert—
‘paragraph (b)(iii)’.
- (5) Section 515(2)(d)—
omit, insert—
‘(d) if the notice states under paragraph (b)(i) or (ii) that the applicant may appeal to the Planning and Environment Court—that the applicant may apply to the court for a stay of the review decision.’.

(6) Section 515—

insert—

‘(2A) For the following decisions, the review notice must comply with the QCAT Act, section 157(2)—

(a) a decision or action mentioned in section 510(1)(a) for which a compliance notice was given, other than a decision or action mentioned in subsection (2)(b)(i);

(b) a decision or action mentioned in section 510(1)(c).’.

(7) Section 515(3), after ‘Act’—

insert—

‘, or the provisions of the QCAT Act about external review,’.

975 Amendment of s 516 (Stay of operation of original decision)

(1) Section 516(1) and (6), ‘A review’—

omit, insert—

‘An internal review’.

(2) Section 516(2)(a), ‘section 515(2)(b)(i) or (iv)’—

omit, insert—

‘section 515(2)(b)(i) or (ii)’.

(3) Section 516(2)(b)—

omit, insert—

‘(b) if, under section 515(2A), the applicant would be able to apply to QCAT for an external review—QCAT; or’.

(4) Section 516(2)(c), ‘section 515(2)(b)(v)’—

omit, insert—

‘section 515(2)(b)(iii)’.

(5) Section 516(3)—

omit, insert—

[s 976]

- ‘(2A) An application to QCAT under subsection (2)(b) must be made as provided under the QCAT Act.
- ‘(3) The court or QCAT may stay the original decision to secure the effectiveness of the internal review and a later arbitration, appeal to the court or external review by QCAT.’.
- (6) Sections 516(4) and (5), after ‘the court’—
insert—
‘or QCAT’.
- (7) Section 516(5)(b), after ‘against’—
insert—
‘or apply for external review of’.

976 Replacement of ch 7, pt 3, hdg (Appeals)

Chapter 7, part 3, heading—

omit, insert—

‘Part 3 Appeals and external reviews’.

977 Amendment of s 517 (Who may appeal)

- (1) Section 517, heading, after ‘appeal’—
insert—
‘or apply for an external review’.
- (2) Section 517, ‘a review’—
omit, insert—
‘an internal review’
- (3) Section 517, after ‘appeal against’—
insert—
‘or apply for an external review of’.
- (4) Section 517(a), ‘349, 354’—

omit, insert—

‘354, 356’.

- (5) Section 517(b), ‘the Magistrates Court’—

omit, insert—

‘QCAT’.

- (6) Section 517—

insert—

- ‘(2) An application to QCAT under subsection (1)(b) must be made as provided under the QCAT Act.’.

978 Amendment of s 518 (Starting an appeal)

- (1) Section 518, heading, after ‘appeal’—

insert—

‘to Planning and Environment Court’.

- (2) Section 518(1)(b) and (c)—

omit, insert—

- ‘(b) if the review decision being appealed against was about an original decision of the chief executive—serving a copy of the notice on the chief executive; and
- (c) if the review decision being appealed against was about an original decision of the regulator—serving a copy of the notice on the regulator; and
- (d) complying with the rules of court applicable to the appeal.’.

979 Amendment of s 519 (Stay of operation of review decision)

- (1) Section 519(1), from ‘to which’ to ‘original decision’—

omit.

[s 980]

- (2) Section 519(3), ‘the arbitration is decided or’—
omit.

980 Amendment of s 524 (Who may apply for arbitration)

Section 524(1), after ‘information notice’—
insert—
‘or a compliance notice’.

981 Insertion of new s 524A

After section 524—
insert—

‘524A Stay of operation of review decision

- ‘(1) An application for arbitration does not stay the review decision.
- ‘(2) However, an applicant may immediately apply for a stay of the review decision to a court with jurisdiction to hear the proceeding.
- ‘(3) The court may stay the review decision to secure the effectiveness of the arbitration.
- ‘(4) A stay—
- (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- ‘(5) The period of the stay stated by the court must not extend past the time when the arbitration is decided.’.

982 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *information notice* and *review application*—

omit.

(2) Schedule 3—

insert—

‘external review, for a decision, means a review of the decision by QCAT under the QCAT Act.

information notice, for a decision of the regulator, chief executive, a local government or an authorised officer, means a notice—

- (a) stating the following—
 - (i) the decision;
 - (ii) the reasons for the decision;
 - (iii) the name and address of any other person who was given the notice;
 - (iv) that the person to whom the notice is given may apply for an internal review of the decision, within 30 business days after the notice is given;
 - (v) how to apply for the internal review; and
- (b) including a copy of the relevant internal review provisions of this Act.

internal review application see section 512(1).’.

Chapter 7 Department of Health

Part 1 Amendment of Chiropractors Registration Act 2001

983 Act amended

This part amends the *Chiropractors Registration Act 2001*.

[s 984]

984 Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), 'the Health Practitioners Tribunal'—
omit, insert—
'QCAT'.

985 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—
omit, insert—
'(b) a review by QCAT under part 6; or'.

986 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, 'District Court'—
omit, insert—
'QCAT'.

987 Amendment of s 89 (How registrant may start a review)

Section 89(2)(b)—
omit, insert—
'(b) while a review by QCAT of the decision to impose the conditions is pending.'.

988 Amendment of s 162 (Dealing with forfeited things etc.)

(1) Section 162(3)(a)—
omit, insert—
'(a) a review by QCAT under section 176(1); or'.

[s 990]

believes it is in the interests of users of the registrant's services or the public to know the details.'.

990 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *appellant*—
omit.
- (2) Schedule 4, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
 - '(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;'
- (3) Schedule 4, definition *review period*, 'the District Court'—
omit, insert—
'QCAT'.

Part 2 Amendment of Dental Practitioners Registration Act 2001

991 Act amended

This part amends the *Dental Practitioners Registration Act 2001*.

992 Amendment of s 5 (Board's decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), 'the Health Practitioners Tribunal'—
omit, insert—
'QCAT'.

993 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—
omit, insert—
'(b) a review by QCAT under part 6; or'.

994 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, 'District Court'—
omit, insert—
'QCAT'.

995 Amendment of s 89 (How registrant may start a review)

Section 89(2)(b)—
omit, insert—
'(b) while a review by QCAT of the decision to impose the conditions is pending.'.

996 Amendment of s 184 (Dealing with forfeited things etc.)

(1) Section 184(3)(a)—
omit, insert—
'(a) a review by QCAT under section 198(1); or'.

[s 1000]

1000 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—
omit, insert—
‘QCAT’.

1001 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—
omit, insert—
‘(b) a review by QCAT under part 6; or’.

1002 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, ‘District Court’—
omit, insert—
‘QCAT’.

1003 Amendment of s 90 (How registrant may start a review)

Section 90(2)(b)—
omit, insert—
‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.

1004 Amendment of s 166 (Dealing with forfeited things etc.)

(1) Section 166(3)(a)—
omit, insert—
‘(a) a review by QCAT under section 180(1); or’.

[s 1006]

believes it is in the interests of users of the registrant's services or the public to know the details.'.

1006 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *appellant*—
omit.
- (2) Schedule 4, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
 - '(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;'
- (3) Schedule 4, definition *review period*, 'the District Court'—
omit, insert—
'QCAT'.

Part 4 Amendment of Food Act 2006

1007 Act amended

This part amends the *Food Act 2006*.

1008 Amendment of s 193 (Forfeiture of seized things)

Section 193(8), from 'an appeal'—
omit, insert—

‘a review under this Act or an appeal of which the chief executive or chief executive officer is aware.’.

1009 Amendment of 220 (Compensation)

Section 220(5), from ‘must also’—

omit, insert—

‘must be a QCAT information notice.’.

1010 Amendment of ch 9, hdg (Reviews and appeals)

Chapter 9, heading, ‘and appeals’—

omit.

1011 Amendment of s 236 (Appeal process starts with internal review)

(1) Section 236, heading, ‘Appeal’—

omit, insert—

‘Review’.

(2) Section 236(1), ‘appeal against the decision’—

omit, insert—

‘apply for review of the decision’.

(3) Section 236(2), ‘appeal’—

omit, insert—

‘review’.

1012 Amendment of s 239 (Review decision)

(1) Section 239(2), ‘(the *review notice*)’—

omit.

[s 1013]

- (2) Section 239(3), from ‘review notice’—
omit, insert—
‘notice must be a QCAT information notice.’.
- (3) Section 239(4), after ‘notice’—
insert—
‘mentioned in subsection (2)’.
- (4) Section 239(5), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.
- (5) Section 239(6), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.

1013 Omission of s 240 (Stay of operation of decision)

Section 240—
omit.

1014 Replacement of ch 9, pt 2, hdg (Appeals)

Chapter 9, part 2, heading—
omit, insert—

‘Part 2 External review of decisions’.

1015 Amendment of s 241 (Who may appeal)

- (1) Section 241, heading, ‘appeal’—
omit, insert—
‘**apply for external review**’.
- (2) Section 241(1), from ‘appeal against’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

- (3) Section 241(2) and (3), ‘appeal against’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of’.

1016 Omission of ss 242–246

Sections 242 to 246—

omit.

1017 Amendment of s 258 (Dealing with forfeited thing)

Section 258(3), ‘an appeal’—

omit, insert—

‘a review’.

1018 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *review notice*—

omit.

- (2) Schedule 3—

insert—

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’.

-
- (iv) how, and the period within which, the person may apply for the review;
 - (v) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22.’.
- (2) Section 18(5)—
omit.
 - (3) Section 18(6), ‘appeal against’—
omit, insert—
‘apply for review of’.
 - (4) Section 18(7), from ‘written notice’—
omit, insert—
‘QCAT information notice about the decision.’.
 - (5) Section 18(6) and (7), as amended—
renumber as section 18(5) and (6).

1021 Amendment of s 24 (Procedure for suspension or cancellation of endorsement)

- Section 24(5), from ‘must state’—
omit, insert—
‘must be a QCAT information notice about the decision.’.

1022 Amendment of s 25 (Urgent suspension or cancellation of endorsement)

- (1) Section 25(4)—
omit, insert—
- ‘(4) The notice must be a QCAT information notice for the decision.’.

[s 1023]

(2) Section 25(5), after ‘must’—

insert—

‘also’.

1023 Amendment of s 25A (Urgent cancellation of certain approvals)

Section 25A(4)—

omit, insert—

‘(4) The notice must be a QCAT information notice for the decision.’.

1024 Amendment of s 27 (Replacement of endorsement)

Section 27(3)(b)—

omit, insert—

‘(b) give the applicant a QCAT information notice about the decision to refuse to replace the endorsement.’.

1025 Amendment of s 28 (Amendment of endorsement on application)

Section 28(4), from ‘a written notice’—

omit, insert—

‘a QCAT information notice about the decision to refuse to amend the endorsement.’.

1026 Amendment of s 29 (Amendment of endorsement without application)

Section 29(3)(b)(iv)—

omit, insert—

‘(iv) the endorsement holder has a right to have the decision reviewed by QCAT; and

- (v) how, and the period within which, the person may apply for the review; and
- (vi) the right the endorsement holder has to have the operation of the decision stayed under the QCAT Act, section 22.’.

1027 Replacement of ch 1, pt 6, hdg (Appeals)

Chapter 1, part 6, heading—

omit, insert—

‘Part 6 External review’.

1028 Amendment of s 33 (Decisions open to appeal)

- (1) Section 33, heading, ‘open to appeal’—

omit, insert—

‘that may be reviewed’.

- (2) Section 33(1), ‘appeal against’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for review of’.

- (3) Section 33(2), ‘appeal against’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for review of’.

- (4) Section 33(2)(a) and (b)—

omit, insert—

‘(a) a decision to refuse to renew a drug licence, poison licence, treatment approval or wholesale representative licence;

omit, insert—

‘appointment of the secretary of the professional conduct review panels.’.

1033 Replacement of pt 2, div 4, hdg (Health Practitioners Tribunal)

Part 2, division 4, heading—

omit, insert—

‘Division 4 QCAT’.

1034 Replacement of pt 2, div 4, sdiv 1 (Establishment and membership of tribunal)

Part 2, division 4, subdivision 1—

omit, insert—

‘Subdivision 1 Constitution of tribunal

‘26 Constitution

‘(1) The tribunal must be constituted by a judicial member.

‘(2) In this section—

judicial member see the QCAT Act, schedule 3.’.

1035 Amendment of s 30 (Functions)

(1) Section 30(1), after ‘tribunal’—

insert—

‘for the purposes of this Act’.

(2) Section 30(2)(b), (c) and (e), ‘hear appeals from decisions’—

omit, insert—

‘review decisions’.

[s 1036]

1036 Amendment of s 31 (Assessors to assist tribunal)

Section 31(1), before ‘registrar’—

insert—

‘principal’.

1037 Amendment of s 32 (Restrictions on appointment of assessors)

Section 32(4), before ‘registrar’—

insert—

‘principal’.

1038 Amendment of s 33 (Board must advise registrar of specialist and technical issues)

Section 33, before ‘registrar’—

insert—

‘principal’.

1039 Omission of pt 2, div 4, sdiv 4 (Registrar of tribunal)

Part 2, division 4, subdivision 4—

omit.

1040 Amendment of s 42 (Procedure for recommending members of panels of assessors)

Section 42(4)(a) and (b), before ‘registrar’—

insert—

‘principal’.

1041 Amendment of s 59 (Immediate suspension or imposition of conditions on registration)

- (1) Section 59(5)(d), ‘appeal to the tribunal against’—
omit, insert—
‘apply to the tribunal for review of’.
- (2) Section 59(5)(e)—
omit, insert—
‘(e) how, and the period within which, the registrant may apply for the review of the decision.’.
- (3) Section 59(7)(a), ‘appeal’—
omit, insert—
‘review’.

1042 Amendment of s 126 (How disciplinary proceedings may be started)

- Section 126(2)(c), before ‘registrar’—
insert—
‘principal’.

1043 Amendment of s 205 (Notification of decision of panel)

- Section 205(2)(e) and (f)—
omit, insert—
- ‘(e) that a party may apply to the tribunal under the QCAT Act for a review of the decision;
 - (f) how, and the period within which, the party may apply for the review;
 - (g) the right the party has to have the operation of the decision stayed under the QCAT Act, section 22.’.

[s 1044]

1044 Replacement of pt 6, div 6, hdg (Health Practitioners Tribunal)

Part 6, division 6, heading—

omit, insert—

‘Division 6 QCAT’.

1045 Amendment of s 211 (Tribunal’s jurisdiction)

Section 211(1)(b) to (d)—

omit, insert—

‘(b) to review reviewable decisions under part 9, division 3;
and

(c) to review tribunal review decisions under part 9,
division 4.’.

1046 Amendment of s 212 (Additional disciplinary matters)

Section 212(3)—

omit.

1047 Replacement of s 213 (Chairperson to allocate matters)

Section 213—

omit, insert—

‘213 President to choose assessors

‘As soon as practicable after a referral notice is filed with the principal registrar, the president must choose assessors to assist the tribunal.’.

1048 Amendment of s 215 (Notice of intention to conduct hearing)

Section 215(1), before ‘registrar’—
insert—
‘principal’.

1049 Omission of s 216 (Substituted service on registrant and complainant)

Section 216—
omit.

1050 Replacement of s 217 (Directions conference)

Section 217—
omit, insert—

‘217 Compulsory conference

- ‘(1) This section applies if the tribunal holds a compulsory conference under the QCAT Act.
- ‘(2) The assessors assisting the tribunal may take part in the compulsory conference if the tribunal considers it is necessary or desirable for them to take part in the conference.’.

1051 Replacement of s 219 (Procedure for hearing by tribunal)

Section 219—
omit, insert—

‘219 Procedure for hearing by tribunal

‘When conducting a hearing, the tribunal must, if asked to do so by a party—

(a) tell the party—

[s 1052]

- (i) the facts and circumstances forming the basis for the ground for disciplinary action against the registrant; and
 - (ii) what possible disciplinary action the tribunal may take under section 241 or 243; and
 - (iii) the effect that section 381C or 381G, if relevant, may have on the registrant's registration; and
- (b) explain to the party any aspect of the tribunal's procedures, or decisions or rulings, relating to the hearing.'.

1052 Omission of ss 220 and 221

Sections 220 and 221—

omit.

1053 Replacement of s 222 (Hearing to be held in public)

Section 222—

omit, insert—

'222 Hearing of impairment matter

- '(1) A hearing before the tribunal for an impairment matter is not open to the public unless—
- (a) the tribunal reasonably believes it is in the public interest for it to be open to the public; or
 - (b) the registrant asks for it to be open to the public.
- '(2) In this section—

impairment matter means a disciplinary matter for which the only ground for disciplinary action mentioned in the referral notice is that the registrant is impaired.'.

1054 Omission of ss 223 and 224

Sections 223 and 224—

omit.

1055 Replacement of s 225 (Attendance and right of appearance)

Section 225—

omit, insert—

'225 Attendance

'The tribunal may excuse a registrant from attending all or part of a hearing.'

1056 Replacement of s 227 (Questions to be decided by constituting member)

Section 227—

omit, insert—

'227 Member may have regard to assessor's views

'In deciding a question of fact before the tribunal, the constituting member may have regard to the views of an assessor assisting the tribunal as the member considers appropriate.'

1057 Omission of s 227A (Procedure if tribunal member unable to hear matter)

Section 227A—

omit.

[s 1058]

1058 Replacement of s 228 (Procedure if tribunal member absent etc.)

Section 228—

omit, insert—

‘228 Procedure if member or assessor unable to take part in proceedings

- ‘(1) This section applies if the tribunal has started to hear disciplinary proceedings relating to a registrant but has not made its decision and—
- (a) the constituting member (the *first member*) ceases to be qualified to be a tribunal member or, for any other reason, is unable to take further part in the proceedings; or
 - (b) an assessor assisting the tribunal is, for any reason, unable to take further part in the proceedings.
- ‘(2) If a new member is appointed, the assessors who assisted the first member may be chosen to assist the new member.
- ‘(3) If an assessor is unable to take further part in the disciplinary proceedings, the principal registrar must choose another assessor in the assessor’s place.
- ‘(4) The other assessor must be chosen from the same panel of assessors from which the previous assessor was chosen.’

1059 Omission of ss 229 and 230

Sections 229 and 230—

omit.

1060 Amendment of s 231 (Interim orders)

- (1) Section 231(4)—

omit.

- (2) Section 231(5) and (6)—
renumber as section 231(4) and (5).

1061 Omission of s 232 (Inspection of things)

Section 232—
omit.

1062 Omission of ss 234 and 235

Sections 234 and 235—
omit.

1063 Omission of pt 6, div 6, sdiv 3 (Contempt of tribunal)

Part 6, division 6, subdivision 3—
omit.

1064 Amendment of s 245 (Notification of decision of tribunal)

- (1) Section 245(1), before ‘registrar’—
insert—
‘principal’.
- (2) Section 245(2)(e)—
omit, insert—
‘(e) the right the party has to appeal to the Court of Appeal
against the decision under the QCAT Act;’.
- (3) Section 245(3)—
omit.

[s 1065]

1065 Amendment of s 249 (Consequences if other disciplinary action while suspended decision)

Section 249(2), ‘chairperson’—
omit, insert—
‘president’.

1066 Amendment of s 251 (Tribunal must give notice)

Section 251(1), before ‘registrar’—
insert—
‘principal’.

1067 Omission of s 252 (Effect of tribunal’s decision)

Section 252—
omit.

1068 Amendment of s 253 (Implementation of decisions)

- (1) Section 253(1), ‘section 329’—
omit, insert—
‘the QCAT Act’.
- (2) Section 253(2), before ‘registrar’—
insert—
‘principal’.

1069 Omission of ss 256–259

Sections 256 to 259—
omit.

1070 Amendment of s 261 (Board may notify other entities)

Section 261(1)(b), before ‘registrar’—

insert—

‘principal’.

1071 Amendment of s 263 (Records to be kept and made publicly available)

Section 263(1)(d) and (3), before ‘registrar’—

insert—

‘principal’.

1072 Amendment of s 301 (Notification of board’s decision)

Section 301(2)(c)—

omit, insert—

‘(c) for a decision that the registrant is impaired or a decision under section 299(2)(a) or (b), (4) or (6)—

- (i) that the registrant may apply to the tribunal for a review of the decision; and
- (ii) how, and the period within which, the registrant may apply for the review;
- (iii) the right the registrant has to have the operation of the decision stayed under the QCAT Act, section 22;’.

1073 Amendment of s 305 (Conditions or order in force until further decision made)

Section 305(2), ‘appeal against the board’s decision’—

omit, insert—

‘review of the board’s decision by the tribunal’.

[s 1074]

1074 Amendment of s 311 (Board may take action on basis of foreign law)

Section 311(5)(b) and (c)—

omit, insert—

- ‘(b) that the registrant has a right to have the decision reviewed by the tribunal;
- (c) how, and the period within which, the registrant may apply for the review;
- (d) the right the registrant has to have the operation of the decision stayed under the QCAT Act, section 22.’.

1075 Amendment of s 314 (Purposes of pt 9)

Section 314(b)—

omit, insert—

- ‘(b) review of certain decisions by QCAT; and
- (c) appeals from certain decisions under this Act to the Court of Appeal.’.

1076 Amendment of s 316 (Who may have conditions reviewed)

Section 316(2)(b), ‘an appeal to’—

omit, insert—

‘a review by’.

1077 Amendment of pt 9, div 3, hdg (Appeals to tribunal)

Part 9, division 3, heading, ‘Appeals to’—

omit, insert—

‘**Review by**’.

1078 Amendment of s 325 (Appealable decisions for tribunal)

(1) Section 325, heading—

omit, insert—

‘325 Reviewable decisions’.

(2) Section 325(1) and (2), ‘an appealable decision for this division’—

omit, insert—

‘a reviewable decision’.

1079 Replacement of ss 326–336

Sections 326 to 336—

omit, insert—

‘326 Who may apply for review

‘The following persons may apply, as provided under the QCAT Act, to the tribunal for a review of a reviewable decision—

- (a) the registrant to whom the reviewable decision relates;
- (b) the registrant’s board, if the reviewable decision was made by a panel.

‘327 Notice to be given to commission

‘(1) The principal registrar must, within 14 days after an application for review of a reviewable decision is filed in the registry, give written notice of the review to the commission.

‘(2) The notice must—

- (a) state that an application for review has been filed; and
- (b) be accompanied by a copy of the application.

[s 1079]

‘328 Review of decision under s 59(2)

- ‘(1) This section applies if a registrant files an application for review by the tribunal of a decision made under section 59(2) in relation to the registrant’s registration.
- ‘(2) The tribunal must not grant a stay of the decision.
- ‘(3) The tribunal must finalise the review as quickly as possible.

‘329 Panel making decision under s 324 not a party

- ‘(1) This section applies if a panel makes a decision to confirm, remove or change conditions, or remove conditions and replace the conditions with another action, under section 324.
- ‘(2) The panel is not a party to any proceeding in the tribunal’s review jurisdiction relating to the decision.

‘330 Reviews by hearing

- ‘(1) The procedure for the hearing of a review is set out under—
 - (a) part 6, division 6, subdivision 2, other than section 215; and
 - (b) the QCAT Act.
- ‘(2) However, for subsection (1)(a)—
 - (a) a reference in section 213 to a referral notice is taken to be a reference to an application for review; and
 - (b) a reference in section 222 to an impairment matter is taken to be a reference to a reviewable decision mentioned in section 325(1)(b) or (c).

‘331 Powers of tribunal on review

- ‘(1) In deciding the review of the reviewable decision, the tribunal may—

-
- (a) for a reviewable decision mentioned in section 325(1)(a)—confirm or set aside the reviewable decision; or
 - (b) otherwise—
 - (i) confirm the reviewable decision; or
 - (ii) set aside the reviewable decision; or
 - (iii) change the reviewable decision in the way the tribunal considers appropriate; or
 - (iv) set aside the reviewable decision and replace it with a decision the tribunal may make under section 241 or 243.
- ‘(2) A changed decision that results from the tribunal acting under subsection (1)(b)(iii) may be any decision mentioned in section 241(2) or 243(2) but must not be another decision.
- ‘(3) If the tribunal makes a decision under subsection (1)(a), the principal registrar must give written notice of the decision and the reasons for the decision to the registrant, the registrant’s board and the commission.
- ‘(4) In making its decision under subsection (1)(b) (a *review decision*), section 240(2) or (3) or 244 applies as if the review decision were a decision made under section 240(1), 241(2) or 243(2).
- ‘(5) If the review decision is a decision of a type mentioned in section 241(3), that subsection applies as if the review decision were a decision made under section 241(2).
- ‘(6) If the review decision is a decision of a type mentioned in section 241(2), section 242 applies as if the review decision were a decision made under section 241(2).
- ‘(7) Part 6, division 6, subdivisions 6 and 7 apply to a review decision as if it were a decision made under section 240(1) or section 241(2) or 243(2).’

[s 1080]

1080 Amendment of s 337 (Decisions that may be reviewed)

- (1) Section 337, from ‘(a *reviewable decision*) to ‘under this division’—

omit, insert—

‘(a *tribunal review decision*) is a decision that may be reviewed by the tribunal under its original jurisdiction under the QCAT Act’.

- (2) Section 337(f), ‘reviewable’—

omit, insert—

‘tribunal review’.

1081 Amendment of s 338 (Who may have decision reviewed)

- (1) Section 338(1), ‘reviewable’—

omit, insert—

‘tribunal review’.

- (2) Section 338(2)(a), ‘336(5)’—

omit, insert—

‘331(5)’.

1082 Replacement of ss 339 and 340

Sections 339 and 340—

omit, insert—

‘339 Application for review

‘An application for review of a tribunal review decision must—

- (a) be made as provided under the QCAT Act; and
(b) state—

- (i) that the registrant believes the decision is no longer appropriate; and
- (ii) the reasons for the registrant's belief.

'340 Registrar to give copy of application to particular persons

- '(1) The principal registrar must, within 14 days after a registrant applies for a review of the tribunal review decision as provided under the QCAT Act, give written notice—
 - (a) to the registrant's board; and
 - (b) to the commission.
- '(2) The principal registrar's notice must—
 - (a) state that an application for review of the tribunal review decision has been made; and
 - (b) be accompanied by a copy of the application.'

1083 Omission of ss 341 and 342

Sections 341 and 342—
omit.

1084 Amendment of s 343 (Review by hearing)

- (1) Section 343(2)(a), 'a notice of review'—
omit, insert—
'an application for review under the QCAT Act'.
- (2) Section 343(2)(b)—
omit.
- (3) Section 343(2)(c) and (3), 'reviewable'—
omit, insert—
'tribunal review'.

[s 1085]

- (4) Section 343(2)(c), as amended—
renumber as section 343(2)(b).

1085 Omission of s 344 (Review by written submissions)

Section 344—
omit.

1086 Amendment of s 345 (Powers of tribunal on review)

Section 345(1), (2) and (3), ‘reviewable decision’—
omit, insert—
‘tribunal review decision’.

1087 Omission of ss 348 and 349

Sections 348 and 349—
omit.

1088 Amendment of s 350 (Appellant to give notice of appeal to particular persons)

- (1) Section 350(1), ‘the notice of appeal’—
omit, insert—
‘a notice starting the appeal to the Court of Appeal’.
- (2) Section 350(2), ‘of appeal’—
omit.

1089 Omission of ss 351 and 352

Sections 351 and 352—
omit.

1090 Replacement of s 353 (Powers of court on appeal)

Section 353—

omit, insert—

‘353 Court’s decision may be tribunal review decision

- ‘(1) In deciding the appeal, the Court of Appeal may decide that its decision is a tribunal review decision for section 337.
- ‘(2) If the court decides that its decision is a tribunal review decision, it must state a period in which the decision is not reviewable under division 4.’.

1091 Amendment of s 367B (Appointments and authority)

Section 367B(2), definition *relevant person*, paragraph (h), before ‘registrar’—

insert—

‘principal’.

1092 Amendment of s 392 (Confidentiality)

Section 392(5), definition *relevant person*, paragraph (i), before ‘registrar’—

insert—

‘principal’.

1093 Amendment of s 394 (Board etc. may give combined notice)

Section 394(1) and (2), before ‘registrar’—

insert—

‘principal’.

[s 1094]

1094 Amendment of s 395 (Notices if complainant has not revealed identity)

Section 395(1)(a), before ‘registrar’—
insert—
‘principal’.

1095 Amendment of s 397 (Forms)

- (1) Section 397(1)—
omit.
- (2) Section 397(2) and (3)—
renumber as section 397(1) and (2).

1096 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *approved form, constituting member, Health Practitioners Tribunal, notice of appeal, notice of review, registrar, reviewable decision, tribunal* and *tribunal member*—
omit.
- (2) Schedule—
insert—
‘*approved form* means—
 - (a) for a panel—a form approved by the secretary under section 397(1); or
 - (b) for a board—a form approved by the board under section 397(2).

constituting member, in relation to the tribunal, means the member constituting the tribunal.

notice of appeal, for part 9, division 3, see section 327(1).

notice of review, for part 9, division 2, see section 317(1).

[s 1099]

1099 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *Health Practitioners Tribunal* and *Nursing Tribunal*—
omit.
- (2) Schedule 5, definition *disciplinary body*, paragraphs (b) and (c)—
omit, insert—
‘(b) QCAT; or’.
- (3) Schedule 5, definition *disciplinary body*, paragraphs (d) and (e)—
renumber as paragraphs (c) and (d).

Part 8 Amendment of Medical Practitioners Registration Act 2001

1100 Act amended

This part amends the *Medical Practitioners Registration Act 2001*.

1101 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—
omit, insert—
‘QCAT’.

1102 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

‘(b) a review by QCAT under part 7; or’.

1103 Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 8, subdivision 1, heading, ‘District Court’—

omit, insert—

‘QCAT’.

1104 Amendment of s 99 (How registrant may start a review)

Section 99(2)(b)—

omit, insert—

‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.

1105 Amendment of s 223 (Dealing with forfeited things etc.)

(1) Section 223(3)(a)—

omit, insert—

‘(a) a review by QCAT under section 237(1); or’.

(2) Section 223(3)(b), ‘another’—

omit, insert—

‘an’.

1106 Replacement of pt 7 (Appeals)

Part 7—

omit, insert—

omit, insert—

- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 3, definition *review period*, ‘the District Court’—

omit, insert—

‘QCAT’.

Part 9

Amendment of Medical Radiation Technologists Registration Act 2001

1108 Act amended

This part amends the *Medical Radiation Technologists Registration Act 2001*.

1109 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—

omit, insert—

‘QCAT’.

[s 1110]

1110 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

‘(b) a review by QCAT under part 6; or’.

1111 Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 8, subdivision 1, heading, ‘District Court’—

omit, insert—

‘QCAT’.

1112 Amendment of s 103 (How registrant may start a review)

Section 103(2)(b)—

omit, insert—

‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.

1113 Amendment of s 177 (Dealing with forfeited things etc.)

(1) Section 177(3)(a)—

omit, insert—

‘(a) a review by QCAT under section 191(1); or’.

(2) Section 177(3)(b), ‘another’—

omit, insert—

‘an’.

1114 Replacement of pt 6 (Appeals)

Part 6—

omit, insert—

1118 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *decision appellant*, *decision information notice* and *initial decision*—
omit.
- (2) Schedule 4—
insert—
‘decision information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 11 Amendment of Nursing Act 1992

1119 Act amended

This part amends the *Nursing Act 1992*.

1120 Amendment of s 4 (Definitions)

- (1) Section 4, definitions *chairperson*, *Nursing Tribunal* and *tribunal*—
omit.
- (2) Section 4—
insert—
‘president means the president of the tribunal.
principal registrar means the principal registrar under the QCAT Act.
tribunal means QCAT.’.

[s 1121]

- (3) Section 4, definition *disciplinary matter*, ‘, under section 104,’—

omit.

1121 Amendment of s 42A (Minister’s power to give directions)

Section 42A(3)(h)—

omit, insert—

‘(h) referring a disciplinary matter to the tribunal.’.

1122 Amendment of s 67 (Immediate suspension of registration or enrolment by council)

- (1) Section 67(5)(b)—

omit, insert—

‘(b) under section 104(1), refer a disciplinary matter against the suspended nurse to the tribunal for hearing and determination.’.

- (2) Section 67(6)—

omit, insert—

‘(6) If a disciplinary matter is referred under subsection (5), the suspension applies until the matter is determined by the tribunal.’.

1123 Amendment of s 78 (Definitions for pt 4)

Section 78, definition *information notice*—

omit, insert—

‘*information notice*, about a decision of the council, means a notice—

- (a) complying with the QCAT Act, section 157(2) about the decision; and

- (b) if the decision is that the accreditation of a nursing course be renewed or cancelled—that also includes a direction to return the certificate of accreditation to the council within 14 days.’.

1124 Replacement of pt 5, div 1, hdg (Nursing Tribunal)

Part 5, division 1, heading—

omit, insert—

‘Division 1 Matters referred to QCAT’.

1125 Omission of s 84 (Continuation of Professional Conduct Committee under the name Nursing Tribunal)

Section 84—

omit.

1126 Amendment of s 85 (Tribunal’s functions)

- (1) Section 85, after ‘tribunal’—

insert—

‘under this Act’.

- (2) Section 85(a), ‘charge’—

omit, insert—

‘disciplinary matter’.

- (3) Section 85(b), ‘charges’—

omit, insert—

‘disciplinary matters’.

- (4) Section 85(d) and (e)—

omit.

[s 1127]

- (5) Section 85(f)—
renumber as section 85(d).

1127 Replacement of ss 86–98

Sections 86 to 98—
omit, insert—

‘86 Tribunal’s constitution

‘(1) The tribunal must be constituted by a judicial member.

‘(2) In this section—

judicial member means a judicial member under the QCAT Act.

‘Division 1A Assessors

‘Subdivision 1 Use of assessors in a hearing

‘87 Assessors to assist tribunal

‘(1) In conducting disciplinary proceedings in relation to a nurse, midwife or other person authorised to practise nursing, the tribunal must be assisted by—

- (a) 1 assessor chosen by the president from the public panel of assessors; and
- (b) 2 assessors chosen by the president from the professional panel of assessors.

‘(2) Despite subsection (1), the tribunal may conduct a hearing under this Act without the assistance of any of the assessors required under subsection (1) if the tribunal is satisfied it is necessary because of the urgency of the matter.

‘(3) In this section—

public panel of assessors see the *Health Practitioners (Professional Standards) Act 1999*, section 39.

‘88 Restrictions on appointment of assessors

‘(1) Subsection (2) applies to disciplinary proceedings relating to a complaint by—

- (a) a user of a service provided by a nurse, midwife or other person authorised to practise nursing; or
- (b) an entity acting on behalf of a user of a service provided by a nurse, midwife or other person authorised to practise nursing.

‘(2) The presiding member of the tribunal or at least 1 of the assessors appointed to assist the tribunal must be of the same gender as the user unless—

- (a) the presiding member is conducting the hearing under section 87(2); or
- (b) the complaint is a complaint accepted by the council under section 102AC(2).

‘(3) Before choosing an assessor under section 87(1), the principal registrar must be satisfied the assessor does not have a personal or professional connection with the nurse, midwife or other person authorised to practise nursing to whom the disciplinary proceedings relate that may prejudice the way in which the assessor performs the assessor’s functions.

‘(4) In this section—

presiding member see the QCAT Act, section 170.

‘89 Council must advise president of specialist and technical issues

‘(1) If the council refers a disciplinary matter to the tribunal, the council must at the time of the referral—

[s 1127]

- (a) advise the principal registrar whether the matter is likely to raise issues of a specialist or technical nature; and
 - (b) if the matter is likely to raise issues of a specialist or technical nature—advise the principal registrar of the type of professional background or skills that an assessor assisting the tribunal should have.
- ‘(2) The principal registrar must have regard to the council’s advice under subsection (1) when choosing an assessor from the professional panel of assessors to assist the tribunal.

‘90 Functions and powers of assessors

- ‘(1) The function of an assessor is to advise the tribunal on questions of fact arising during the hearing of a disciplinary matter.
- ‘(2) To enable an assessor to perform the assessor’s function, the assessor may, during the hearing—
- (a) ask a witness before the tribunal a question; and
 - (b) discuss any question of fact with a lawyer or other person appearing for a party at the hearing.

‘91 Payment of assessors

‘An assessor is entitled to be paid the remuneration and allowances decided by the Governor in Council.

‘Subdivision 2 Professional panel of assessors

‘92 Establishment of professional panel of assessors

‘There is to be a professional panel of assessors.

‘93 Appointment of individuals to panel

- ‘(1) The Governor in Council may, by gazette notice, appoint individuals as members of the professional panel of assessors.
- ‘(2) The professional panel of assessors must consist of the number of members decided by the Minister having regard to—
- (a) the likely demand for members to assist the tribunal; and
 - (b) the diversity of the nursing and midwifery professions.
- ‘(3) An individual is qualified to be recommended by the Minister for appointment as a member of the professional panel of assessors only if—
- (a) the individual is—
 - (i) enrolled as an enrolled nurse; or
 - (ii) registered as a registered nurse; or
 - (iii) authorised by the council to practise midwifery; or
 - (iv) registered, licensed or otherwise authorised to practise the profession in another State; or
 - (v) authorised by the council to practise in any other area of nursing; and
 - (b) the Minister is satisfied the individual has sufficient experience, knowledge, skills and standing in the nursing or midwifery profession having regard to the functions of assessors.

‘94 Disqualification from membership of panel

- ‘An individual must not be appointed as, or continue as, a member of a panel of assessors if—
- (a) the individual is a member of the council; or
 - (b) the individual is a nurse, midwife or other person authorised to practise nursing—

[s 1127]

- (i) whose registration, enrolment or authorisation ceases to have effect; or
 - (ii) whose registration, enrolment or authorisation is subject to conditions that limit the individual's right to practise the profession; or
 - (iii) whose registration, enrolment or authorisation is subject to an undertaking with the council or tribunal; or
- (c) the individual is registered, licensed or otherwise authorised to practise the profession in another State and—
- (i) the registration, licence or other authorisation is cancelled or suspended; or
 - (ii) the registration, licence or other authorisation is subject to conditions that limit the individual's right to practise the profession; or
 - (iii) the individual has entered into an undertaking with an entity in that State that performs the same functions as a disciplinary body.

'95 Procedure for recommending members of panels of assessors

- (1) Before recommending individuals as members of the professional panel of assessors, the Minister must invite nominations from—
- (a) the council; and
 - (b) universities and training institutions that—
 - (i) are established in Queensland; and
 - (ii) are engaged in the education of students for the nursing or midwifery profession; and
 - (c) professional colleges established in Australia that the Minister considers are relevant to the nursing or midwifery profession; and

-
- (d) professional associations that the Minister considers are representative of the nursing or midwifery profession; and
 - (e) persons who are qualified as mentioned in section 93(3) and not disqualified under section 94.
- ‘(2) The invitation in subsection (1)(e) must be made by advertisement in a newspaper circulating generally throughout the State.
- ‘(3) However, subsections (1) and (2) do not apply if the Minister reasonably believes that it is necessary to urgently appoint an individual as a member of the professional panel of assessors because—
- (a) the secretary or registrar considers a disciplinary matter is likely to raise issues of a specialist or technical nature; and
 - (b) the secretary or registrar has advised the Minister that—
 - (i) none of the panel members have the desirable professional background or skills; or
 - (ii) panel members who do have the desirable professional background or skills will not be available to hear the matter.

‘96 Duration of appointment

‘A member of the professional panel of assessors may be appointed for a term not longer than 5 years.

‘97 Conditions of appointment

‘A member of the professional panel of assessors holds office on the conditions provided in this Act and the other conditions decided by the Governor in Council.

[s 1128]

‘98 Vacation of office

- ‘(1) A member of the professional panel of assessors vacates the member’s office if—
- (a) the member can not continue as a member under section 94; or
 - (b) the member resigns by signed notice of resignation given to the Minister; or
 - (c) the Governor in Council, by written notice given to the member, removes the member from the panel.
- ‘(2) The Governor in Council may remove a member from the panel if the member is—
- (a) incapable of properly performing the functions of an assessor; or
 - (b) unfit to be a member of a panel.

Example of circumstances when member may be unfit to be a member of a panel—

A member of the professional panel of assessors may be considered to be unfit to hold office as a member if disciplinary action is taken against the member under this Act.’

1128 Replacement of s 104 (Referral of charge to tribunal)

Section 104—

omit, insert—

‘104 Referral of disciplinary matter to tribunal

- ‘(1) If the council reasonably believes a disciplinary matter exists in relation to a person, the council may refer the disciplinary matter, as provided under the QCAT Act, to the tribunal for hearing and determination.
- ‘(2) When referring a disciplinary matter to the tribunal, the council must give the tribunal and the person sufficient particulars to inform the tribunal and the person of the ground for disciplinary action to be taken against the person.

-
- ‘(3) If the council refers a disciplinary matter to the tribunal, the council must immediately give notice of the referral to the commission.’.

1129 Omission of ss 105–113

Sections 105 to 113—

omit.

1130 Amendment of s 114 (Health assessment)

- (1) Section 114(1), ‘charge has been preferred’—

omit, insert—

‘disciplinary matter has been referred’.

- (2) Section 114(1), ‘chairperson’—

omit, insert—

‘president’.

- (3) Section 114(2), ‘under section 116(4)’—

omit.

- (4) Section 114(4), ‘charge’—

omit, insert—

‘disciplinary matter’.

1131 Omission of s 115 (Determinations of questions before tribunal)

Section 115—

omit.

1132 Amendment of s 116 (Action by tribunal)

- (1) Section 116(1) and (3), ‘charge’—

[s 1133]

omit, insert—

‘disciplinary matter’.

(2) Section 116(5)—

omit.

1133 Amendment of s 117 (Effect of tribunal’s orders)

Section 117(1)—

omit.

1134 Replacement of s 118 (Notification of tribunal’s orders and reasons)

Section 118—

omit, insert—

‘118 Notification of tribunal’s decision

‘(1) The tribunal must give a copy of its final decision in the hearing in writing to—

- (a) the commission; and
- (b) any person who made a complaint to which the decision relates.

Note—

Under the QCAT Act, section 121 the tribunal must give a copy of its final decision to particular persons, including each party to the hearing.

‘(2) The council may publish the decision of the tribunal in the way the council considers appropriate, subject to an order of the tribunal.’.

1135 Replacement of pt 8, div 1, hdg (Appeals)

Part 8, division 1, heading—

omit, insert—

‘Division 1 Reviews’.

1136 Amendment of s 137 (Appeals)

- (1) Section 137, heading, ‘Appeals’—
omit, insert—
‘Review of decisions and orders’.
- (2) Section 137(1)(c)—
omit.
- (3) Section 137(2), from ‘appeal’—
omit, insert—
‘apply, as provided under the QCAT Act, to QCAT for a review of the decision or order.’.
- (4) Section 137(3) to (10)—
omit.
- (5) Section 137(11)—
renumber as section 137(3).

1137 Amendment of s 138 (Holders of office to act honestly and with propriety)

- (1) Section 138(1), definition *person to whom this section applies*, paragraph (b)—
omit.
- (2) Section 138(1), definition *person to whom this section applies*, paragraphs (c) and (d)—
renumber as paragraphs (b) and (c).
- (3) Section 138(3)(b) and (4)(b), ‘, a committee of the council or the tribunal.’—
omit, insert—
‘or a committee of the council.’.

[s 1138]

1138 Amendment of s 139 (Confidentiality of documents and information)

(1) Section 139(1), definition *person to whom this section applies*, paragraph (b)—

omit.

(2) Section 139(1), definition *person to whom this section applies*, paragraphs (c) and (d)—

renumber as paragraphs (b) and (c).

1139 Amendment of s 139A (Executive officer or council may notify Commissioner for Children and Young People and Child Guardian about particular information)

Section 139A(1)(e), ‘section 117(2)’—

omit, insert—

‘section 117’.

1140 Amendment of s 148 (Regulation-making power)

(1) Section 148(2)(c), ‘, the tribunal’—

omit.

(2) Section 148(2)(r), ‘or the tribunal’—

omit.

Part 12 Amendment of Nursing Regulation 2005

1141 Regulation amended

This part amends the *Nursing Regulation 2005*.

1142 Omission of s 16 and pt 4

Section 16 and part 4—

omit.

**Part 13 Amendment of Occupational
Therapists Registration Act
2001**

1143 Act amended

This part amends the *Occupational Therapists Registration Act 2001*.

**1144 Amendment of s 5 (Board's decisions to accord with
decisions of certain bodies under the Health
Practitioners (Professional Standards) Act 1999)**

Section 5(2), 'the Health Practitioners Tribunal'—

omit, insert—

'QCAT'.

1145 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

'(b) a review by QCAT under part 6; or'.

**1146 Amendment of pt 3, div 7, sdiv 1, hdg (Review of
conditions imposed by the board or District Court)**

Part 3, division 7, subdivision 1, heading, 'District Court'—

omit, insert—

‘177 Particular matters relating to powers of QCAT

- ‘(1) If on a review of an original decision QCAT decides to impose conditions on a registration, QCAT must—
- (a) state the reasons for the decision; and
 - (b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1150 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *appellant*—
omit.
- (2) Schedule 3, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 3, definition *review period*, ‘the District Court’—

[s 1158]

‘177 Particular matters relating to powers of QCAT

- ‘(1) If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—
- (a) state the reasons for the decision; and
 - (b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1158 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *appellant*—
omit.
- (2) Schedule 4, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 4, definition *review period*, ‘the District Court’—

omit, insert—

‘QCAT’.

Part 15 Amendment of Osteopaths Registration Act 2001

1159 Act amended

This part amends the *Osteopaths Registration Act 2001*.

1160 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—

omit, insert—

‘QCAT’.

1161 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

‘(b) a review by QCAT under part 6; or’.

1162 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, ‘District Court’—

omit, insert—

‘QCAT’.

‘177 Particular matters relating to powers of QCAT

- ‘(1) If QCAT decides to impose conditions on a registration, QCAT must—
- (a) state the reasons for the decision; and
 - (b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1166 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *appellant*—
omit.
- (2) Schedule 2, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.

[s 1167]

- (3) Schedule 2, definition *review period*, ‘the District Court’—
omit, insert—
‘QCAT’.

Part 16 **Amendment of Pest Management Act 2001**

1167 Act amended

This part amends the *Pest Management Act 2001*.

1168 Amendment of s 14 (Suitability of person to hold licence)

- (1) Section 14(1)(d)(iii), after ‘the’—
insert—
‘repealed’.
- (2) Section 14(1)(d)—
insert—
‘(iv) the *Queensland Building Services Authority Act 1991*, section 91, 97B or 97C;’.

1169 Amendment of s 17 (Use of assessment report)

Section 17(1), ‘or appeal’—
omit.

1170 Amendment of s 80 (Dealing with forfeited things etc.)

Section 80(3)(a) and (b)—
omit, insert—

-
- ‘(a) a review applied for under section 105 or 108; or
 - (b) an appeal, relevant to the thing, of which the chief executive is aware.’.

1171 Amendment of pt 4, hdg (Reviews and appeals)

Part 4, heading, ‘and appeals’—

omit.

1172 Amendment of s 103 (Appeal process starts with internal review)

- (1) Section 103, heading, ‘Appeal’—

omit, insert—

‘Review’.

- (2) Section 103(1), ‘appeal against the decision’—

omit, insert—

‘apply for review of the decision’.

- (3) Section 103(2), ‘appeal’—

omit, insert—

‘review’.

1173 Amendment of s 106 (Review decision)

- (1) Section 106(2), ‘(the *review notice*)’—

omit.

- (2) Section 106(3), from ‘review notice’—

omit, insert—

‘notice must be a QCAT information notice for the review decision.’.

[s 1174]

- (3) Section 106(4), after ‘notice’—
insert—
‘mentioned in subsection (2)’.
- (4) Section 106(5), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.
- (5) Section 106(6), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.

1174 Omission of s 107 (Stay of operation of decision)

Section 107—
omit.

1175 Replacement of pt 4, div 2, hdg (Appeals)

Part 4, division 2, heading—
omit, insert—

‘Division 2 External review of decisions’.

1176 Amendment of s 108 (Who may appeal)

- (1) Section 108, heading, ‘appeal’—
omit, insert—
‘**apply for external review**’.
- (2) Section 108, from ‘appeal to’—
omit, insert—
‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

[s 1181]

1181 Amendment of s 53 (Use of assessment report)

Section 53(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

‘(b) a review by QCAT under part 6; or’.

1182 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, ‘District Court’—

omit, insert—

‘QCAT’.

1183 Amendment of s 93 (How registrant may start a review)

Section 93(2)(b)—

omit, insert—

‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.

1184 Amendment of s 167 (Dealing with forfeited things etc.)

(1) Section 167(3)(a)—

omit, insert—

‘(a) a review by QCAT under section 181(1); or’.

(2) Section 167(3)(b), ‘another’—

omit, insert—

‘an’.

1185 Replacement of pt 6 (Appeals)

Part 6—

omit, insert—

[s 1187]

omit, insert—

- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 4, definition *review period*, ‘the District Court’—
omit, insert—
‘QCAT’.

Part 18 Amendment of Physiotherapists Registration Act 2001

1187 Act amended

This part amends the *Physiotherapists Registration Act 2001*.

1188 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—

omit, insert—

‘QCAT’.

1189 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—

omit, insert—

‘(b) a review by QCAT under part 6; or’.

1190 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, ‘District Court’—

omit, insert—

‘QCAT’.

1191 Amendment of s 89 (How registrant may start a review)

Section 89(2)(b)—

omit, insert—

‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.

1192 Amendment of s 162 (Dealing with forfeited things etc.)

(1) Section 162(3)(a)—

omit, insert—

‘(a) a review by QCAT under section 176(1); or’.

(2) Section 162(3)(b), ‘another’—

omit, insert—

‘an’.

1193 Replacement of pt 6 (Appeals)

Part 6—

omit, insert—

apply, as provided under the QCAT Act, to QCAT for a review of the decision.

- ‘(2) To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.

‘177 Particular matters relating to powers of QCAT

- ‘(1) If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—
- (a) state the reasons for the decision; and
 - (b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1202 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *appellant*—
omit.
- (2) Schedule 4, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;

[s 1203]

- (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 4, definition *review period*, ‘the District Court’—
omit, insert—
‘QCAT’.

Part 20 Amendment of Private Health Facilities Act 1999

1203 Act amended

This part amends the *Private Health Facilities Act 1999*.

1204 Amendment of s 111 (Dealing with forfeited things)

Section 111(3), from ‘review’—
omit, insert—
‘review applied for under part 9.’.

1205 Amendment of pt 9, hdg (Reviews and appeals)

Part 9, heading, ‘and appeals’—
omit.

1206 Replacement of pt 9, div 1, hdg (Reviews)

Part 9, division 1, heading—
omit, insert—

‘Division 1 Internal review of decisions’.

1207 Amendment of s 126 (Appeal process starts with internal review)

- (1) Section 126, heading, ‘Appeal’—
omit, insert—
‘Review’.
- (2) Section 126, ‘appeal against’—
omit, insert—
‘review of’.

1208 Amendment of s 129 (Review decision)

- (1) Section 129(2), ‘(the *review notice*)’—
omit.
- (2) Section 129(3), from ‘review notice’—
omit, insert—
‘notice must comply with the QCAT Act, section 157(2).’.
- (3) Section 129(4), ‘review notice’—
omit, insert—
‘notice mentioned in subsection (2)’.
- (4) Section 129(5), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.
- (5) Section 129(6), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.

[s 1209]

1209 Omission of s 130 (Stay of operation of decision)

Section 130—

omit.

1210 Replacement of pt 9, div 2, hdg (Appeals)

Part 9, division 2, heading—

omit, insert—

‘Division 2 External review of decisions’.

1211 Amendment of s 131 (Who may appeal)

(1) Section 131, heading, ‘appeal’—

omit, insert—

‘apply for external review’.

(2) Section 131, from ‘appeal to’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

1212 Omission of ss 132–136

Sections 132 to 136—

omit.

1213 Amendment of sch 3 (Dictionary)

Schedule 3, definition *review notice*—

omit.

[s 1219]

1219 Amendment of s 178 (Dealing with forfeited things etc.)

(1) Section 178(3)(a)—

omit, insert—

‘(a) a review by QCAT under section 192(1); or’.

(2) Section 178(3)(b), ‘another’—

omit, insert—

‘an’.

1220 Replacement of pt 6 (Appeals)

Part 6—

omit, insert—

‘Part 6 Reviews by QCAT

‘192 Who may apply for a review

‘(1) A person who is given, or is entitled to be given, an information notice for a decision (the *original decision*) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

‘(2) To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.

‘193 Particular matters relating to powers of QCAT

‘(1) If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—

(a) state the reasons for the decision; and

(b) for a decision to impose conditions that may be reviewed under part 3, division 8, decide and state the review period applying to the conditions.

-
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1221 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *appellant*—
omit.
- (2) Schedule 3, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
- (d) how, and the period within which, the person may apply for the review;
- (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.
- (3) Schedule 3, definition *review period*, ‘the District Court’—
omit, insert—
‘QCAT’.

Part 23 Amendment of Public Health Act 2005

1225 Act amended

This part amends the *Public Health Act 2005*.

1226 Replacement of ch 5, pt 2, div 5 (Appeals against order to close school or child care service)

Chapter 5, part 2, division 5—

omit, insert—

‘Division 5 Review of order to close school or child care service

‘182 Review of Minister’s order to close school or child care service

‘A person ordered by the Minister to close a school or child care service may apply, as provided under the QCAT Act, to QCAT for a review of the order.’.

1227 Replacement of s 371 (Notice about decision)

Section 371—

omit, insert—

‘371 Notice about decision

‘As soon as practicable after deciding the application, the chief executive must give the applicant a notice that—

- ‘(a) for a decision by the chief executive to pay the amount of compensation applied for—states the decision and the reasons for it, including details of the amount of compensation to be paid and how the amount was assessed; or

1231 Amendment of pt 7, hdg (Reviews and appeals)

Part 7, heading, ‘and appeals’—

omit.

1232 Amendment of s 119 (Appeal process starts with internal review)

(1) Section 119, heading, ‘Appeal’—

omit, insert—

‘Review’.

(2) Section 119(1), ‘appeal against the decision’—

omit, insert—

‘have the decision reviewed’.

(3) Section 119(2), ‘appeal’—

omit, insert—

‘review’.

1233 Amendment of s 122 (Review decision)

(1) Section 122(2), ‘(the *review notice*)’—

omit.

(2) Section 122(3), from ‘review notice’—

omit, insert—

‘notice must be a QCAT information notice.’.

(3) Section 122(4), after ‘notice’—

insert—

‘mentioned in subsection (2)’.

- (4) Section 122(5), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.
- (5) Section 122(6), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.

1234 Omission of s 123 (Stay of operation of decision)

Section 123—

omit.

1235 Replacement of pt 7, div 2, hdg (Appeals)

Part 7, division 2, heading—

omit, insert—

‘Division 2 External review of decisions’.

1236 Amendment of s 124 (Who may appeal)

- (1) Section 124, heading, ‘appeal’—
omit, insert—
‘**apply for external review**’.
- (2) Section 124, from ‘appeal to’—
omit, insert—
‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

1237 Omission of ss 125–130

Sections 125 to 130—

omit.

1238 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *review notice*—

omit.

(2) Schedule 2—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

Part 25 Amendment of Radiation Safety Act 1999

1239 Act amended

This part amends the *Radiation Safety Act 1999*.

1240 Amendment of s 136 (Dealing with forfeited things etc.)

Section 136(4), from ‘outcome’—

omit, insert—

‘outcome of a review applied for under part 10 of which the chief executive is aware.’.

1241 Amendment of pt 10, hdg (Reviews and appeals)

Part 10, heading, ‘and appeals’—

omit.

[s 1242]

1242 Amendment of s 182 (Appeal process starts with internal review)

- (1) Section 182, heading, ‘Appeal’—
omit, insert—
‘Review’.
- (2) Section 182(1), ‘appeal against the decision’—
omit, insert—
‘apply for review of the decision’.
- (3) Section 182(2), ‘appeal’—
omit, insert—
‘review’.

1243 Amendment of s 186 (Review decision)

- (1) Section 186(2), ‘(the *review notice*)’—
omit.
- (2) Section 186(3), from ‘review notice’—
omit, insert—
‘notice must be a QCAT information notice for the decision.’.
- (3) Section 186(4), after ‘notice’—
insert—
‘mentioned in subsection (2)’.
- (4) Section 186(5), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.
- (5) Section 186(6), ‘an appeal to the court’—
omit, insert—
‘a review of the review decision by QCAT’.

1244 Omission of s 187 (Stay of operation of decision)

Section 187—

omit.

1245 Replacement of pt 10, div 2, hdg (Appeals)

Part 10, division 2, heading—

omit, insert—

‘Division 2 External review of decisions’.

1246 Amendment of s 188 (Who may appeal)

(1) Section 188, heading, ‘appeal’—

omit, insert—

‘apply for external review’.

(2) Section 188, from ‘appeal to’—

omit, insert—

‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.

1247 Omission of ss 189–194

Sections 189 to 194—

omit.

1248 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *review notice*—

omit.

(2) Schedule 2—

insert—

[s 1249]

‘QCAT information notice’ means a notice complying with the QCAT Act, section 157(2).’.

Part 26 **Amendment of Speech Pathologists Registration Act 2001**

1249 Act amended

This part amends the *Speech Pathologists Registration Act 2001*.

1250 Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)

Section 5(2), ‘the Health Practitioners Tribunal’—
omit, insert—
‘QCAT’.

1251 Amendment of s 49 (Use of assessment report)

Section 49(4), definition *stated proceedings*, paragraph (b)—
omit, insert—
‘(b) a review by QCAT under part 6; or’.

1252 Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)

Part 3, division 7, subdivision 1, heading, ‘District Court’—
omit, insert—
‘QCAT’.

[s 1256]

‘177 Particular matters relating to powers of QCAT

- ‘(1) If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—
- (a) state the reasons for the decision; and
 - (b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.

1256 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *appellant*—
omit.
- (2) Schedule 3, definition *information notice*, paragraphs (c) and (d)—
omit, insert—
- ‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
 - (d) how, and the period within which, the person may apply for the review;
 - (da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.

- (3) Schedule 3, definition *review period*, ‘the District Court’—
omit, insert—
‘QCAT’.

Chapter 8 Department of Infrastructure and Planning

Part 1 Amendment of Animal Management (Cats and Dogs) Act 2008

1257 Act amended

This part amends the *Animal Management (Cats and Dogs) Act 2008*.

1258 Amendment of s 127 (Power to destroy seized regulated dog)

- (1) Section 127(6), ‘review application’—
omit, insert—
‘application for internal review’.
- (2) Section 127(7), ‘for review’—
omit, insert—
‘for internal review’.
- (3) Section 127(7)(a), ‘the review’—
omit, insert—
‘the internal review’.

[s 1259]

- (4) Section 127(7)(b), ‘an appeal has been made against the order’—
omit, insert—
‘external review of the order has been made’.
- (5) Section 127(8), ‘an appeal is made relating to the order’—
omit, insert—
‘an application for external review of the order is made’.
- (6) Section 127(8)(a), ‘the appeal’—
omit, insert—
‘the external review’.

1259 Amendment of s 131 (Return of regulated dog to registered owner)

Section 131(3)(a)—

omit, insert—

‘(a) if a destruction order has been made for the dog—an application for internal review or external review of the order is made and, as a result of the review, the order is no longer in force;’.

1260 Amendment of ch 8, hdg (Reviews and appeals)

Chapter 8, heading, ‘and appeals’—

omit.

1261 Amendment of ch 8, pt 1, hdg (Review of decisions)

Chapter 8, part 1, heading, ‘Review’—

omit, insert—

‘**Internal review**’.

1262 Replacement of s 180 (Appeal process starts with review)

Section 180—

omit, insert—

‘180 Internal review process before external review

‘Every review of an original decision must be, in the first instance, by way of an application for internal review.’.

1263 Amendment of s 181 (Who may apply for review)

(1) Section 181, heading, ‘review’—

omit, insert—

‘internal review’.

(2) Section 181, ‘a review’—

omit, insert—

‘an internal review’.

1264 Amendment of s 184 (Stay of operation of original decision)

(1) Section 184(2)—

omit, insert—

‘(2) However the applicant may, immediately after being given the information notice for the original decision, apply, as provided under the QCAT Act, to QCAT for a stay of the original decision.’.

(2) Section 184(3)—

omit, insert—

‘(3) QCAT may stay the original decision to secure the effectiveness of the internal review and a later application to QCAT for external review.’.

(3) Section 184(4), ‘the court’—

omit, insert—

[s 1265]

‘QCAT’.

- (4) Section 184(5), ‘the appeal is’—

omit, insert—

‘the internal review and any external review and appeal are’.

- (5) Section 184(6)(a) and (b)—

omit, insert—

‘(a) if the chief executive makes a PID review decision about the original decision—the chief executive makes the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision; or

(b) if the chief executive officer of a local government makes an internal review decision about the original decision—the chief executive officer makes the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.’.

1265 Amendment of s 185 (PID review decision)

- (1) Section 185(1)(a), ‘a review’—

omit, insert—

‘an internal review’.

- (2) Section 185, ‘appeal’—

omit, insert—

‘application for external review’.

1266 Amendment of s 186 (Other review decisions)

- (1) Section 186, heading, ‘review’—

omit, insert—

‘**internal review**’.

-
- (2) Section 186(1)(a), ‘a review’—
omit, insert—
‘an internal review’.
- (3) Section 186(1)(b), ‘the *review decision*’—
omit, insert—
‘the *internal review decision*’.
- (4) Section 186(4) and (5)—
omit, insert—
- ‘(4) If the internal review decision confirms the original decision, for the purpose of an application for external review, the original decision is taken to be the internal review decision.
- ‘(5) If the internal review decision amends the original decision, for the purpose of an application for external review, the original decision as amended is taken to be the internal review decision.’.

1267 Amendment of s 187 (Notice of PID decision or review decision)

- (1) Section 187, heading, ‘review’—
omit, insert—
‘**internal review**’.
- (2) Section 187(2) and (3)—
omit, insert—
- ‘(2) The chief executive officer of a local government must, within 10 days after making an internal review decision, give the applicant notice (also the *review notice*) of the internal review decision.
- ‘(3) If the internal review decision or PID review decision is not the decision sought by the applicant, the review notice must include or be accompanied by a notice complying with the QCAT Act, section 157(2) for the decision.’.

[s 1268]

- (3) Section 187(4) and (5), ‘review decision’—
omit, insert—
‘decision’.

1268 Replacement of ch 8, pt 2 (Appeals)

Chapter 8, part 2—

omit, insert—

‘Part 2 External reviews

‘188 Who may apply for external review

‘A person who is given, or is entitled to be given, a review notice for a decision under part 1 may apply, as provided under the QCAT Act, for an external review of the decision.

‘189 Condition on stay granted by QCAT for particular decisions

- ‘(1) This section applies if a person makes an application for external review to QCAT for a decision about a regulated dog declaration.
- ‘(2) If, under the QCAT Act, section 22(3) QCAT decides to grant a stay of the decision, QCAT must impose a condition on the stay that each of the following persons must, until the external review is decided, ensure the requirements under schedule 1, section 3 are complied with for the dog the subject of the declaration—
- (a) the owner of the dog;
 - (b) a responsible person for the dog.

Note—

See schedule 1, section 3 (Muzzling and effective control in public) and also sections 66 (Prohibition on supply of restricted dog) and 67 (Prohibition on supply of declared dangerous dog or menacing dog).’.

[s 1272]

- ‘(3) To remove any doubt, it is declared that BSA can not, under subsection (1), amend, cancel or suspend the certifier’s licence if BSA considers the building certifier is not a suitable person to hold a licence because of unsatisfactory conduct or professional misconduct.

Note—

For conduct mentioned in subsection (3), see part 4 (Complaints, investigations and disciplinary proceedings relating to building certifiers).’.

1272 Amendment of s 179 (Register of building certifiers)

Section 179(3)(e), ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.

1273 Amendment of s 189 (Appeals to Commercial and Consumer Tribunal about decisions under pt 3)

- (1) Section 189, heading, ‘Commercial and Consumer Tribunal’—
omit, insert—
‘**tribunal**’.
- (2) Section 189(2) and (3)—
omit, insert—
- ‘(2) The person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1274 Amendment of s 204 (Decision after investigation or audit completed)

Section 204(6), ‘Commercial and Consumer Tribunal’—
omit, insert
‘tribunal’.

1275 Amendment of s 205 (Review of BSA's decision)

- (1) Section 205(2), from 'apply'—
omit, insert—
'apply, as provided under the QCAT Act, to the tribunal for a review of the decision.'
- (2) Section 205(3)—
omit.

1276 Amendment of s 206 (Show cause notice)

- Section 206(1), 'Commercial and Consumer Tribunal'—
omit, insert—
'tribunal'.

1277 Amendment of s 207 (Representations and decision)

- Section 207(2)(b), 'Commercial and Consumer Tribunal'—
omit, insert—
'tribunal'.

1278 Amendment of s 208 (Commercial and Consumer Tribunal may conduct disciplinary proceeding)

- (1) Section 208, heading, 'Commercial and Consumer'—
omit.
- (2) Section 208(1), 'Commercial and Consumer Tribunal'—
omit, insert—
'tribunal'.
- (3) Section 208—
insert—

[s 1279]

‘(3) An application under subsection (1) must be made as provided under the QCAT Act.’.

1279 Replacement of s 209 (Application of Tribunal Act to disciplinary proceeding)

Section 209—

omit, insert—

‘209 Constitution of tribunal for disciplinary proceeding

‘(1) For a proceeding under section 208, if the president of the tribunal under the QCAT Act considers it appropriate, the president may choose the following persons to constitute the tribunal—

- (a) 1 legally qualified member under the QCAT Act;
- (b) 1 senior member or ordinary member who has special knowledge of the building certification industry and the administration of this Act;
- (c) 1 other senior member or ordinary member.

‘(2) In this section—

ordinary member means an ordinary member under the QCAT Act.

senior member means a senior member under the QCAT Act.’.

1280 Amendment of s 210 (Notification of disciplinary proceeding)

Section 210(3), ‘Commercial and Consumer Tribunal’—

omit, insert—

‘tribunal’.

1281 Amendment of s 211 (Orders relating to current building certifier)

- (1) Section 211(1), ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.
- (2) Section 211(9), ‘under section 53 of the Tribunal Act’—
omit.

1282 Amendment of s 212 (Orders relating to former building certifier)

- (1) Section 212(1), ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.
- (2) Section 212(10), ‘under section 53 of the Tribunal Act’—
omit.

1283 Amendment of s 213 (Consequences of failure to comply with Commercial and Consumer Tribunal’s orders and directions)

- (1) Section 213, heading, ‘Commercial and Consumer Tribunal’s’—
omit, insert—
‘tribunal’s’.
- (2) Section 213, ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.

[s 1284]

1284 Amendment of s 214 (Recording details of orders)

Section 214(b), ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.

1285 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *Commercial and Consumer Tribunal*, *information notice* and *Tribunal Act*—
omit.
- (2) Schedule 2—
insert—
‘information notice, for a decision, means—
 - (a) if the decision may be appealed under IPA—a notice stating—
 - (i) the decision, and the reasons for it; and
 - (ii) all rights of appeal against the decision under IPA; and
 - (iii) how the rights are to be exercised; or
 - (b) if an application may be made to the tribunal for a review of the decision—a notice complying with the QCAT Act, section 157(2) for the decision.
tribunal means QCAT.’.
- (3) Schedule 2, definition *former building certifier*, paragraph (b)(ii), ‘Commercial and Consumer Tribunal’—
omit, insert—
‘tribunal’.

[s 1289]

- (a) the decision on the application for review confirms the giving of the permission, with or without conditions, or with changed conditions, applying to the permission; or
- (b) the application for review is refused or discontinued.’

1289 Replacement of ch 13, pt 5, div 3 (Appeals)

Chapter 13, part 5, division 3—

omit, insert—

‘Division 3 Review by QCAT

‘942 Who may apply for review

‘A person dissatisfied by a decision of a local government on an application may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’

1290 Amendment of s 996 (Amendment of land record)

- (1) Section 996(2), ‘written notice of’—

omit, insert—

‘a QCAT information notice for’.

- (2) Section 996—

insert—

- ‘(3) A local government must give a QCAT information notice for an amendment of a land record only if subsection (2) so requires.’

1291 Replacement of ch 14, pt 4, div 2 (Appeal against amendment of land record)

Chapter 14, part 4, division 2—

omit, insert—

‘Division 2 Review of decisions by QCAT to amend land record

‘999 Who may apply for review

‘A person dissatisfied by an amendment of a land record, other than a removal of land under section 1051A, may apply, as provided under the QCAT Act, to QCAT for a review of the amendment.

‘1000 Powers of QCAT on review

‘In deciding the review, QCAT may—

- (a) confirm the amendment; or
- (b) set aside the amendment and order the particulars previously contained in the land record be restored.’

1292 Amendment of s 1130 (Personnel practices)

Section 1130(2) and (3)—

omit.

1293 Insertion of new ch 16, pt 3A

Chapter 16—

insert—

‘Part 3A Equal opportunity of employment

‘Division 1 Purpose of part and related matters

‘1137A Purpose and role of EEO

- ‘(1) The purpose of this part is to promote equality of employment opportunity in local governments.

[s 1293]

- ‘(2) Equality of employment opportunity enhances the capacity of local governments to achieve their objectives by—
- (a) improving organisational efficiency and productivity through the selection and employment of the best and most talented people; and
 - (b) fulfilling the social justice obligations of equity and fairness; and
- Note—*
- The social justice obligations of equity and fairness are based on the idea that all people should be able to compete for employment on the basis of the ability to do the job.
- (c) increasing the effectiveness of service delivery and decision-making by adopting an employee profile more accurately reflecting the community profile.

‘1137B How purpose is to be achieved

- ‘(1) The purpose of this part is to be achieved by—
- (a) requiring each local government to develop an EEO management plan complying with subsection (2); and
 - (b) requiring each local government to implement its EEO management plan under division 3; and
 - (c) establishing procedures to monitor compliance with the requirements.
- ‘(2) An EEO management plan must be capable of—
- (a) enabling members of the target groups to do the following as effectively as people who are not members of the target groups—
 - (i) compete for recruitment, selection, promotion and transfer in the particular local government;
 - (ii) pursue careers in the particular local government; and

-
- (b) eliminating unlawful discrimination by the particular local government or its employees against members of the target groups in employment matters.

‘1137C Merit principle reinforced

‘Nothing in this part is taken to require an action incompatible with the principle that recruitment, selection, promotion and transfer are to be dealt with on the basis of merit.

‘1137D Exemption from compliance with this part

- ‘(1) The Minister may exempt a local government from complying with a requirement under this part if the Minister considers—
 - (a) the local government should have fewer than 40 employees; and
 - (b) the likely benefits to the local government of adopting and implementing an EEO management plan under this part are outweighed by the likely financial and administrative costs to the local government of adopting and implementing the plan.
- ‘(2) If the Minister, after considering the criteria set out in subsection (1), exempts the local government from complying with this part, the local government must comply with any conditions of the exemption.

‘Division 2 Development of equal employment opportunity management plan

‘1137E Local government to develop EEO management plan

- ‘(1) A local government must develop an EEO management plan to ensure appropriate action is taken by it—
 - (a) to promote equal employment opportunity for members of the target groups in employment matters; and

[s 1293]

- (b) to eliminate unlawful discrimination by it against members of the target groups in employment matters.
- ‘(2) The EEO management plan must be developed in time for implementation of the plan to begin when the local government’s corporate plan is adopted.
- ‘(3) A regulation may prescribe how a local government must develop its EEO management plan on an ongoing basis.

‘Division 3 Implementation of plan

‘1137F Local government to give effect to EEO management plan

‘A local government must take any action necessary to implement its EEO management plan.

‘1137G Employment powers to be exercised having regard to EEO management plan

‘A person who exercises powers relating to employment matters in a local government must have regard to the local government’s EEO management plan in exercising the powers.

‘Division 4 Supervision by chief executive

‘1137H Chief executive may take action if dissatisfied with EEO management

- ‘(1) This section applies if the chief executive is dissatisfied with any matter relating to the action taken by a local government—
 - (a) to promote equal employment opportunity for members of the target groups; or
 - (b) to eliminate unlawful discrimination by the local government against members of the target groups.

-
- ‘(2) The chief executive may, by written notice, recommend to the local government’s chief executive officer the action the local government should take to overcome the dissatisfaction.
 - ‘(3) The notice must state the period within which the action the chief executive officer recommends be taken.

‘1137I Local government to comply with recommendation unless chief executive notified

‘A local government must comply with a notice given to its chief executive officer under section 1137H(2) within the period stated for the action unless the chief executive officer gives the chief executive written notice of the local government’s reason for not complying with the recommendation.

‘1137J Chief executive’s power if local government does not act or give satisfactory reasons

- ‘(1) This section applies if the chief executive is not satisfied—
 - (a) the local government has taken the action the chief executive has recommended within the period stated for the action; or
 - (b) about the local government’s reasons given in its notice for not complying with the recommendation.
- ‘(2) The chief executive may—
 - (a) report the matter to the Minister; or
 - (b) refer the matter, as provided under the QCAT Act, to QCAT to give a report.

‘Division 5 Supervision by QCAT

‘1137K QCAT’s powers for an investigation

- ‘(1) When investigating a referral made under section 1137J(2)(b), QCAT may require the particular local government or its chief executive officer—
- (a) to answer a question; or
 - (b) to give QCAT information; or
 - (c) to produce to QCAT a document or other thing; or
 - (d) to give QCAT a copy of a document.
- ‘(2) A requirement under subsection (1) must—
- (a) be in writing; and
 - (b) state or describe the information, document or thing required; and
 - (c) state a reasonable period for compliance.

‘1137L End of reference

- ‘(1) At the end of a referral, QCAT must give the following persons a report, with or without recommendations—
- (a) the relevant chief executive officer of the local government;
 - (b) the chief executive.
- ‘(2) The chief executive must give the Minister a copy of the report as soon as practicable after receiving it.

‘1137M Recommendation may be to amend EEO management plan

‘QCAT may, in its report under section 1137L, recommend that a local government amend its EEO management plan in a particular way.

‘1137N Local government to comply with recommendation

‘A local government must comply with a recommendation given in a report under section 1137L(1).

‘Division 6 Tabling of reports and review of division

‘1137O Minister may table report

‘The Minister may table in the Legislative Assembly a report given to the Minister under section 1137J(2)(a) or 1137L(2).’.

1294 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *information notice*—

omit.

(2) Schedule 2—

insert—

‘EEO management plan means an equal employment opportunity management plan required under section 1137E.

employment matters means any matter about the employment of an employee, including the following—

- (a) recruitment procedure and selection criteria, for appointment or engagement of a person as an employee;
- (b) promotion and transfer of an employee;
- (c) training and staff development for an employee;
- (d) terms of service and separation of an employee.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

target group means any of the following—

- (a) Aborigines or Torres Strait Islanders;

implementation of the local government's EEO management plan.

Step 2—Nominate person to have EEO responsibility

Give responsibility for developing, implementing and continuous reviewing of the EEO management plan to a person who has, or persons who have, sufficient authority and status within the management of the local government to enable the person or persons to properly do so.

Step 3—Consult with trade unions

Consult with the trade unions that have members who are, or will be, affected by the EEO management plan about developing and implementing the plan.

Step 4—Consult with employees

Consult with the local government's employees, particularly employees who are members of the target groups, about developing and implementing the EEO management plan.

Step 5—Collect statistics

Collect and record statistics and related information about—

- (a) the number of employees who are members of the target groups; and
- (b) the salary stream and level of the employees.

Step 6—Review policies and practices

Examine the local government's policies and practices about employment matters to identify—

- (a) patterns (including patterns identified statistically) of inequality of opportunity for members of the target groups; and
- (b) policies or practices unlawfully discriminating against members of the target groups.

Step 7—Set objectives and implementation strategy

Set qualitative and quantitative objectives consistent with the purposes of this regulation and develop a strategy for

[s 1296]

implementing the EEO management plan to achieve the objectives.

Step 8—Assess implementation

Monitor and evaluate the implementation of the EEO management plan to assess whether the objectives have been achieved.

‘52 Local government’s activities to implement EEO management plan

‘For section 534(1)(i) of the Act, the following information is prescribed—

- (a) statistics for at least the last 3 years about the number of employees who are members of the target groups and the salary stream and level of the employees;
- (b) information about consultation with the following groups and the outcome of the consultation—
 - (i) trade unions that have members who are, or will be, affected by the EEO management plan;
 - (ii) the local government’s employees, particularly employees who are members of the target groups;
- (c) information about activities undertaken by the local government during the past year to eliminate unlawful discrimination against, or harassment of, the local government’s employees;
- (d) information about the local government’s forward plan for implementing its EEO management plan for the next financial year;
- (e) information about any other activities undertaken by the local government to create a positive work environment for the local government’s employees.’.

1297 Amendment of sch 7 (Dictionary)

Schedule 7, definitions *Anti-Discrimination Tribunal*, *EEO management plan*, *employment matters*, *target group* and *unlawful discrimination*—

omit.

Part 5 Amendment of Plumbing and Drainage Act 2002

1298 Act amended

This part amends the *Plumbing and Drainage Act 2002*.

1299 Amendment of s 20 (Times and places of meetings)

Section 20(3), ‘secretary’—

omit, insert—

‘registrar’.

1300 Amendment of s 29 (Officers, employees and agents)

Section 29, ‘secretary’—

omit, insert—

‘registrar’.

1301 Amendment of s 29A (Delegation by secretary)

(1) Section 29A, ‘secretary’—

omit, insert—

‘registrar’.

(2) Section 29A, ‘secretary’s’—

[s 1302]

omit, insert—

‘registrar’s’.

1302 Amendment of s 30 (Authentication of documents)

Section 30, ‘secretary’—

omit, insert—

‘registrar’.

1303 Amendment of s 55 (How licensee may start review)

Section 55(2)(b), ‘the Commercial and Consumer Tribunal’—

omit, insert—

‘QCAT’.

1304 Insertion of new pt 3, div 7, sdiv 1, hdg

After part 3, division 7, heading—

insert—

‘Subdivision 1 Grounds’.

1305 Amendment of s 64 (Grounds for discipline)

Section 64, ‘The board’—

omit, insert—

‘Subject to section 70A, the board’.

1306 Insertion of new pt 3, div 7, sdiv 2, hdg

After section 64—

insert—

‘Subdivision 2 Action by board about disciplinary matters’.

1307 Replacement of s 65 (Disciplinary action that may be taken)

Section 65—

omit, insert—

‘65 Disciplinary action that may be taken by board

‘In disciplining a licensee, after complying with section 66(1) the board may do any 1 or more of the following—

- (a) reprimand the licensee;
- (b) for plumbing or drainage work—order that the work be rectified to comply with the Standard Plumbing and Drainage Regulation;
- (c) impose new conditions, or change conditions, on the licence;
- (d) suspend the licensee’s licence for a period of not more than 12 months;
- (e) require the licensee to pay to the board a stated amount of not more than the equivalent of 60 penalty units.’.

1308 Amendment of s 66 (Show cause notice)

(1) Section 66(1)—

omit, insert—

‘(1) If the board believes a ground exists to act under section 65 or to refer a disciplinary matter to QCAT under section 70A, the board must, before taking the action or making a referral under section 70A in relation to the matter, give the licensee a notice (a *show cause notice*).’.

(2) Section 66(2)(a), after ‘section 65(2)’—

insert—

‘or refer the matter to QCAT under section 70A’.

[s 1309]

- (3) Section 66(2)(c), after ‘taken’—
insert—
‘or the referral should not be made’.

1309 Amendment of s 68 (Board must decide action to be taken)

Section 68—

insert—

- ‘(c) if section 70A applies, refer the disciplinary matter to QCAT.’.

1310 Amendment of s 69 (Board must advise licensee of its decision)

Section 69(1)—

omit, insert—

- ‘(1) If the board decides to take no further action about the matter, or to refer the matter to QCAT, the board must give the licensee written notice of the decision.’.

1311 Amendment of s 70 (When suspension or cancellation takes effect)

- (1) Section 70, heading, ‘or cancellation’—

omit.

- (2) Section 70, from ‘or cancels’ to ‘or cancelled’—

omit, insert—

- ‘the licensee’s licence, the licence is suspended’.

1312 Insertion of new pt 3, div 7, sdiv 3

After section 70—

insert—

‘Subdivision 3 Referral to QCAT of particular proposed suspensions or proposed cancellations

‘70A Board to refer particular disciplinary matters to QCAT

- ‘(1) This section applies if, after complying with section 66(1), the board is reasonably satisfied, for a licensee, that—
- (a) a ground exists to act under section 65; and
 - (b) it would be reasonable in the circumstances to take the following disciplinary action—
 - (i) suspend the licensee’s licence for more than 12 months;
 - (ii) cancel the licensee’s licence.
- ‘(2) The board must refer the matter, as provided under the QCAT Act, to QCAT to decide whether or not to make an order against the licensee in relation to the ground.

‘70B Constitution of QCAT

- ‘(1) For the referred matter QCAT must be constituted by 3 members.
- ‘(2) The members must include—
- (a) 1 legally qualified member under the QCAT Act; and
 - (b) 1 member who has at least 10 years experience in the plumbing and drainage industry.

[s 1313]

‘70C Disciplinary orders by QCAT

‘If, after hearing the matter, QCAT decides a ground for disciplinary action against a licensee is established, it may do 1 or more of the following—

- (a) reprimand the licensee;
- (b) for plumbing or drainage work—order that the work be rectified to comply with the Standard Plumbing and Drainage Regulation;
- (c) impose new conditions, or change conditions, on the licence;
- (d) suspend the licensee’s licence for the period decided by QCAT;
- (e) cancel the licensee’s licence;
- (f) order the licensee to pay to the board a stated amount of not more than the equivalent of 165 penalty units.’.

1313 Insertion of new pt 3, div 7, sdiv 4, hdg

Before section 71—

insert—

‘Subdivision 4 Miscellaneous’.

1314 Amendment of s 71 (Returning suspended or cancelled licence to board)

Section 71(1), after ‘If the board’—

insert—

‘or QCAT’.

1315 Amendment of s 129 (Applying for a review)

- (1) Section 129(2)—

omit, insert—

‘(2) The applicant or licensee may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

(2) Section 129(3)—

omit.

1316 Replacement of s 130 (Review of decision)

Section 130—

omit, insert—

‘130 Requirement for particular review decision

‘(1) This section applies to the review of a decision by QCAT if, as part of its decision, QCAT decides to impose conditions on a licence.

‘(2) QCAT must decide and state the review period applying to the conditions.’.

1317 Omission of s 131 (Powers of Commercial and Consumer Tribunal when reviewing)

Section 131—

omit.

1318 Amendment of s 135 (Appointments and authority)

Section 135, ‘secretary’—

omit, insert—

‘registrar’.

1319 Amendment of s 136 (Signatures)

Section 136, ‘secretary’—

omit, insert—

‘registrar’.

[s 1320]

1320 Amendment of s 137 (Evidentiary provisions)

Section 137, ‘secretary’—

omit, insert—

‘registrar’.

1321 Insertion of new pt 10, div 5

Part 10—

insert—

**‘Division 5 Transitional provisions for
Queensland Civil and
Administrative Tribunal
(Jurisdiction Provisions)
Amendment Act 2009**

‘174 Definitions for div 5

‘In this division—

commencement means the commencement of this section.

previous, if followed by a provision number, means the provision of that number in force before the commencement.

Note—

See also the QCAT Act, chapter 7.

‘175 Application of s 70A

‘(1) This section applies if, immediately before the commencement, the board—

- (a) had given a show cause notice to a licensee under previous section 66; but
- (b) had not advised the licensee of its decision under previous section 69.

- ‘(2) From the commencement, the board must comply with section 70A in relation to the licensee.

‘176 Registrar of Plumbers and Drainers Board

- ‘(1) This section applies to the person who was the secretary of the Plumbers and Drainers Board immediately before the commencement.
- ‘(2) The person is taken to have been appointed as registrar of the board under section 29(1).’.

1322 Amendment of schedule (Dictionary)

- (1) Schedule, definition *secretary*—
omit.
- (2) Schedule—
insert—
‘registrar means the person holding office under an appointment made under section 29.’.
- (3) Schedule, definition *information notice*, paragraph (a)—
omit, insert—
‘(a) for a decision of the board under part 3, a notice complying with the QCAT Act, section 157(2) for the decision, and stating the following—
- (i) if the decision is that a person be licensed on conditions—the review period applying to the conditions;
 - (ii) if the decision is that a licence be renewed or restored—the review period applying to the conditions;
 - (iii) if the decision is that the conditions imposed on a licence be confirmed—the review period applying to the confirmed conditions;

[s 1323]

- (iv) if the decision is that the conditions imposed on a licence be changed—
 - (A) the review period applying to the changed conditions; and
 - (B) a direction to the licensee to return the licence to the board within 10 business days after receiving the information notice; or’.
- (4) Schedule, definition *review period*, ‘the Commercial and Consumer Tribunal’—
omit, insert—
‘QCAT’.

Chapter 9 Department of Justice and Attorney-General

Part 1 Amendment of Acts Interpretation Act 1954

1323 Act amended

This part amends the *Acts Interpretation Act 1954*.

1324 Amendment of s 36 (Meaning of commonly used words and expressions)

Section 36—

insert—

[s 1328]

tribunal's decision on an application mentioned in section 113.

- (2) For the appeal, if the commissioner or person was not a party to the application, the commissioner or person is taken to have been a party to it.'

1328 Amendment of s 124 (Unnecessary information)

Section 124(2)(e), 'Anti-Discrimination Tribunal'—
omit, insert—
'tribunal'.

1329 Amendment of s 125 (Act's freedom from associated highly objectionable conduct purpose and how it is to be achieved)

Section 125(2)(d), after 'chapter 7'—
insert—
'and the QCAT Act'.

1330 Amendment of s 140 (Commissioner may reject or stay complaints dealt with elsewhere)

Section 140(1), 'or tribunal'—
omit, insert—
'or any tribunal'.

1331 Amendment of s 144 (Interim orders protecting complainant's interests (before reference to tribunal))

- (1) Section 144, heading, 'Interim'—
omit, insert—
'**Applications for**'.
- (2) Section 144(1) and (2), after 'apply'—

insert—

‘, as provided under the QCAT Act.’.

(3) Section 144(3) to (5)—

omit, insert—

‘(3) If the tribunal is satisfied it is in the interests of justice, an application for an order under subsection (1) may be heard in the absence of the respondent to the application.’.

1332 Amendment of s 155 (Requirement to initiate investigation)

Section 155(5), ‘is the complainant’—

omit, insert—

‘is, for the purposes of the QCAT Act, the applicant’.

1333 Insertion of new s 164AA

Chapter 7, part 1, division 3, after section 164—

insert—

‘164AA Confidentiality of conciliation

‘Nothing said or done in the course of conciliation of a complaint may be included in any document prepared by the commission when referring the complaint to the tribunal.’.

1334 Amendment of s 164A (Right of complainant to seek referral to tribunal after conciliation conference)

Section 164A—

insert—

‘(6) The complainant is the applicant for the purposes of the QCAT Act.’.

[s 1335]

1335 Amendment of s 166 (Complainant may obtain referral of unconciliated complaint)

Section 166—

insert—

‘(5) The complainant is the applicant for the purposes of the QCAT Act.’.

1336 Amendment of s 167 (Complainant or respondent may seek referral after 6 months)

Section 167—

insert—

‘(7) The complainant is the applicant for the purposes of the QCAT Act.’.

1337 Amendment of ch 7, pt 2, hdg (What the Anti-Discrimination Tribunal may do)

Chapter 7, part 2, heading, ‘Anti-Discrimination Tribunal’—

omit, insert—

‘tribunal’.

1338 Insertion of new ch 7, pt 2, div 1A

Chapter 7, part 2, before division 1—

insert—

‘Division 1A Tribunal’s functions

‘174A Functions

‘The tribunal has the following functions—

(a) to hear and decide complaints that this Act has been contravened;

- (b) to grant exemptions from this Act;
- (c) to provide opinions about the application of this Act;
- (d) any other functions conferred on the tribunal under this Act;
- (e) to take any action incidental or conducive to the discharge of a function mentioned in paragraphs (a) to (d).’.

1339 Replacement of ss 176–184

Sections 176 to 184—

omit, insert—

‘176 Constitution of tribunal

‘Subject to section 228A, the tribunal is constituted by 1 legally qualified member of the tribunal for the purpose of conducting a hearing.

‘177 Tribunal may join a person as a party

‘Without limiting the QCAT Act, section 42, the tribunal may join a person as a party to a proceeding whether or not the person was a complainant for, or respondent to, the complaint to which the proceeding relates.

‘178 Complaints may be amended

- ‘(1) The tribunal may allow a complainant to amend a complaint.
- ‘(2) Subsection (1) applies even if the amendment concerns matters not included in the complaint.’.

1340 Omission of ss 187, 188 and 190

Sections 187, 188 and 190—

omit.

[s 1341]

1341 Amendment of s 191 (Anonymity)

Section 191(2), penalty—

omit, insert—

‘Maximum penalty—100 penalty units.’

1342 Omission of s 192 (Publication of evidence may be restricted)

Section 192—

omit.

1343 Omission of ss 201–203

Sections 201 to 203—

omit.

1344 Amendment of s 207 (Commissioner may provide investigation reports)

Section 207(3)—

omit, insert—

‘(3) The tribunal must give a copy of the report to the complainant and the respondent.’

1345 Amendment of s 208 (Evaluation of evidence)

Section 208(1)—

omit, insert—

- ‘(1) The tribunal is not bound by the rules of evidence and—
- (a) must have regard to the reasons for the enactment of this Act as stated in the preamble; and
 - (b) may draw conclusions of fact from any proceeding before a court or tribunal; and

- (c) may adopt any findings or decisions of a court or tribunal that may be relevant to the hearing; and
- (d) may receive in evidence a report of the commissioner, but only if each party to the hearing has a copy of the report; and
- (e) may permit any person with an interest in the proceeding to give evidence; and
- (f) may permit the commissioner to give evidence on any issue arising in the course of a proceeding that relates to the administration of the Act.’.

1346 Amendment of s 209 (Orders the tribunal may make if complaint is proven)

- (1) Section 209(2)—

omit.

- (2) Section 209(3) to (6)—

renumber as section 209(2) to (5).

1347 Omission of ss 211–213

Section 211 to 213—

omit.

1348 Omission of ch 7, pt 2, divs 3A and 4 and pt 3

Chapter 7, part 2, divisions 3A and 4 and part 3—

omit.

1349 Amendment of s 220 (Improper communication of official information)

- (1) Section 220(1)(a)(ii) to (v)—

omit, insert—

[s 1350]

- ‘(ii) a member of the former Anti-Discrimination Tribunal; or
- (iii) the registrar of the former Anti-Discrimination Tribunal; or
- (iv) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or
- (v) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or’.

(2) Section 220(4)—

insert—

‘former Anti-Discrimination Tribunal means the Anti-Discrimination Tribunal established under previous section 247.

previous section 247 means section 247 as in force before its repeal by the QCAT Amendment Act.

QCAT Amendment Act means the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*.’.

1350 Amendment of ch 7, pt 4, div 3, hdg (Offences against the commissioner, the tribunal and their staff)

Chapter 7, part 4, division 3, heading, ‘, the tribunal and their’—

omit, insert—

‘and’.

1351 Omission of ss 224 and 226B

Sections 224 and 226B—

omit.

1352 Insertion of new s 228A

After section 228—

insert—

‘228A Constitution of tribunal for this chapter

‘For the purpose of providing an opinion under this chapter, the tribunal must be constituted by a judicial member.’.

1353 Amendment of s 233 (Appeal from opinion)

(1) Section 233, from ‘may appeal’—

omit, insert—

‘may appeal, as provided under the QCAT Act, against a tribunal opinion.’.

(2) Section 233—

insert—

‘(2) For an appeal by a person with a relevant interest, the person is taken to have been a party to the request for the opinion.’.

1354 Omission of ch 9, pt 2 (The Anti-Discrimination Tribunal)

Chapter 9, part 2—

omit.

1355 Amendment of s 263 (Arrangement to prevail)

Section 263, ‘245, 246 and 257’—

omit, insert—

‘245 and 246’.

[s 1356]

1356 Amendment of s 263C (General requirement for address of service)

Section 263C, ‘or the tribunal’—
omit.

1357 Omission of s 263D (Advice to tribunal of address for service)

Section 263D—
omit.

1358 Amendment of s 263E (Change of address for service)

Section 263E(2) and (3)—
omit, insert—

‘(2) A relevant party for a complaint must give all other relevant parties for the complaint a copy of a written notice given under subsection (1).’

1359 Amendment of s 263F (Use of address for service)

Section 263F(1)(a), ‘or the tribunal’—
omit.

1360 Amendment of s 263G (Communication effected by giving of document)

Section 263G(1) and (2), ‘or tribunal’—
omit.

1361 Amendment of s 264 (No communication of official information to court)

Section 264(1)(a)—
omit, insert—

-
- ‘(a) who is or has been—
- (i) the commissioner; or
 - (ii) a member of the former Anti-Discrimination Tribunal; or
 - (iii) the registrar of the former Anti-Discrimination Tribunal; or
 - (iv) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or
 - (v) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or
 - (vi) a person acting under a delegation under section 244; and’.

1362 Amendment of s 265 (Protection from civil actions—exercise of functions etc.)

- (1) Section 265(1)(b) to (e)—

omit, insert—

- ‘(b) a member of the former Anti-Discrimination Tribunal;
or
- (c) the registrar of the former Anti-Discrimination Tribunal;
or
- (d) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or
- (e) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or’.

- (2) Section 265(3)—

omit.

[s 1363]

1363 Amendment of s 266 (Protection from civil actions—complaint etc.)

Section 266(b), ‘or tribunal’—

omit, insert—

‘or the former Anti-Discrimination Tribunal’.

1364 Omission of s 266A (Protection and immunity)

Section 266A—

omit.

1365 Amendment of s 267 (Regulation-making power)

Section 267(2)—

omit, insert—

‘(2) A regulation may make provision about—

(a) the exercise of the commissioner’s powers; and

(b) the fees to be paid for making a complaint to the commission under chapter 7.’.

1366 Amendment of schedule (Dictionary)

(1) Schedule, definitions *member, registrar* and *tribunal*—

omit.

(2) Schedule—

insert—

‘*former Anti-Discrimination Tribunal* see section 220(4).

registrar, of the tribunal, means the principal registrar of the tribunal.

tribunal means QCAT.’.

[s 1371]

‘has, under section 49, applied to QCAT for a review of a decision of the registrar’.

1371 Amendment of s 42 (Correcting the register)

Section 42(1)(a), after ‘court’—

insert—

‘or QCAT’.

1372 Replacement of s 49 (Appealing registrar’s decisions)

Section 49—

omit, insert—

‘49 Reviewing registrar’s decisions

‘(1) A person who is dissatisfied with a decision of the registrar may, as provided under the QCAT Act, apply to QCAT for a review of the decision.

‘(2) Despite the QCAT Act, section 157, the registrar is required to give a person a written notice complying with that section for a decision only if the decision—

(a) is made on the application of the person; and

(b) is not the decision sought by the person.

Note—

The QCAT Act, sections 158 and 159 provide for a person dissatisfied with a decision of the registrar obtaining a written statement of reasons for the decision.’.

1373 Amendment of pt 9, divs 1–3 hdgs

(1) Part 9, division 1, heading, ‘Transitional provisions’—

omit, insert—

‘**Provisions**’.

(2) Part 9, division 2, heading—

omit, insert—

‘Division 2 Provision for Act No. 77 of 2003’.

(3) Part 9, division 3, heading—

omit, insert—

‘Division 3 Provisions for Act No. 37 of 2007’.

1374 Insertion of new pt 9, div 4

Part 9—

insert—

‘Division 4 Provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

‘62 Application of ss 11(2) and 31(2)

‘(1) Sections 11(2) and 31(2) apply as if a reference in the subsections to a person having applied to QCAT under section 49 for review of a decision of the registrar includes a reference to the person having appealed to the District Court, before the commencement, under previous section 49.

‘(2) In this section—

commencement means the commencement of this section.

previous section 49 means section 49 as in force before the commencement.

Note—

See also the QCAT Act, chapter 7.’.

1378 Replacement of s 60 (Review by CCT)

Section 60—

omit, insert—

‘60 Review by QCAT

- ‘(1) This section applies if the computer games classification officer makes a decision—
- (a) refusing to approve an entity under section 56; or
 - (b) revoking the approval of an entity under section 56; or
 - (c) refusing to give an exemption under section 58 or 59.
- ‘(2) The computer games classification officer must give the entity a QCAT information notice for the decision.
- ‘(3) The entity may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- ‘(4) In this section—
- QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’.

1379 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *CCT* and *CCT Act*—

omit.

Part 6 Repeal of Classification of Computer Games and Images Regulation 2005

1380 Repeal

The Classification of Computer Games and Images Regulation 2005, SL No. 210 is repealed.

Part 8 Repeal of Classification of Films Regulation 1992

1383 Repeal

The Classification of Films Regulation 1992, SL No. 375 is repealed.

Part 9 Amendment of Classification of Publications Act 1991

1384 Act amended

This part amends the *Classification of Publications Act 1991*.

1385 Amendment of s 3 (Definitions)

- (1) Section 3, definitions *CCT* and *CCT Act*—

omit.

- (2) Section 3—

insert—

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

1386 Amendment of s 11 (Review by CCT of classification decision by publications classification officer)

- (1) Section 11, heading, ‘CCT’—

omit, insert—

‘QCAT’.

[s 1387]

(2) Section 11, ‘under the CCT Act, to the CCT’—

omit, insert—

‘as provided under the QCAT Act, to QCAT’.

(3) Section 11—

insert—

‘(2) The QCAT Act, section 157 does not apply to the decision.

Note—

However, the person may obtain a written statement of the reasons for the decision under the QCAT Act, section 158 or 159.’.

1387 Amendment of s 11C (Publications for which display order may be made)

Section 11C(4)(e)(i), ‘under the CCT Act, to the CCT’—

omit, insert—

‘as provided under the QCAT Act, to QCAT’.

1388 Amendment of s 11D (Lifting of display order, and review rights and procedure)

(1) Section 11D(5), from ‘must’—

omit, insert—

‘must give the applicant a QCAT information notice for the decision to refuse the application.’.

(2) Section 11D—

insert—

‘(7) The QCAT Act, section 157 does not apply to the decision of the officer to make a display order.

Note—

However, a person may obtain a written statement of the reasons for the decision under the QCAT Act, section 158 or 159.’.

1389 Amendment of s 37 (Exemptions)

Section 37(5)(a) and (b)—

omit, insert—

- ‘(a) the publications classification officer must give the person or body a QCAT information notice for the decision; and
- (b) the person or body may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

Part 10 Repeal of Classification of Publications Regulation 1992

1390 Repeal

The Classification of Publications Regulation 1992, SL No. 376 is repealed.

Part 11 Amendment of Commercial and Consumer Tribunal Act 2003

1391 Act amended

This part amends the *Commercial and Consumer Tribunal Act 2003*.

[s 1392]

1392 Amendment of s 20 (Registry established)

Section 20(3), ‘other tribunal’—

omit, insert—

‘other entity’.

1393 Insertion of new pt 9, div 4

Part 9—

insert—

**‘Division 4 Transitional provisions for
Queensland Civil and
Administrative Tribunal
(Jurisdiction Provisions)
Amendment Act 2009**

‘170 Definitions for div 4

‘In this division—

CCT registry Act means—

- (a) the *Fire and Rescue Service Act 1990*; or
- (b) the *Misconduct Tribunals Act 1997*; or
- (c) the *Nursing Act 1992*; or
- (d) the *Veterinary Surgeons Act 1936*.

commencement means the commencement of this section.

director function means a function or power that, immediately after the commencement, is to be performed or exercised under a CCT registry Act by the director.

former registrar means a person who, immediately before the commencement, was responsible under a CCT registry Act for performing a function, or exercising a power, that is a director function, and includes—

- (a) the registrar under the *Misconduct Tribunals Act 1997*, as in force before the commencement; or
- (b) the registrar of the Veterinary Tribunal of Queensland under the *Veterinary Surgeons Act 1936*, as in force before the commencement.

‘171 Former registrars and registry staff

- ‘(1) At the commencement, each former registrar stops being a former registrar.
- ‘(2) At the commencement, all staff employed under the *Misconduct Tribunals Act 1997*, section 40(2) stop being the registrar’s staff for that Act.

‘172 Things done by or in relation to former registrar

- ‘(1) At the commencement—
 - (a) anything done by a former registrar continues in effect and is taken to have been done by the director; and
 - (b) any application made to a former registrar that has not been decided at the commencement is taken to have been made to the director; and
 - (c) any document or other thing given to or lodged with a former registrar is taken to have been given to or lodged with the director.
- ‘(2) The director must—
 - (a) deal with any application mentioned in subsection (1)(b) under the CCT registry Act under which the application was made, as if the application were made to the director after the commencement; and
 - (b) deal with any document or thing mentioned in subsection (1)(c) under the CCT registry Act under which the document or thing was given or lodged, as if the document or thing were given to or lodged with the director after the commencement.

[s 1394]

- ‘(3) A former registrar must take all reasonable steps to facilitate the director undertaking the director’s obligations under subsection (2).
- ‘(4) Without limiting subsection (3), the former registrar must give all documents or other things given to or lodged with the former registrar to the director as soon as practicable after the commencement.
- ‘(5) In this section—
lodge includes file.

‘173 References to former registrar

‘In an Act or document, a reference to a former registrar is taken, if the context permits, to be a reference to the director.’.

Part 12 Amendment of Commercial and Consumer Tribunal Regulation 2003

1394 Regulation amended

This part amends the *Commercial and Consumer Tribunal Regulation 2003*.

1395 Amendment of s 9 (Registry is registry for other tribunals)

- (1) Section 9, heading, ‘tribunals’—
omit, insert—
‘entities’.

- (2) Section 9, ‘tribunals’—
omit, insert—
‘entities’.

1396 Amendment of sch 3 (Registry for other tribunals)

- (1) Schedule 3, heading, ‘tribunals’—
omit, insert—
‘**entities**’.
- (2) Schedule 3—
insert—
- ‘2 a misconduct tribunal established under the *Misconduct Tribunals Act 1997*, section 11
- 3 the Nursing Tribunal as continued under the *Nursing Act 1992*, section 84
- 4 a panel of referees convened under the *Fire and Rescue Service Act 1990*, section 104SC
- 5 the Veterinary Tribunal of Queensland constituted under the *Veterinary Surgeons Act 1936*, section 15A’.

Part 13 Amendment of Crime and Misconduct Act 2001

1397 Act amended

This part amends the *Crime and Misconduct Act 2001*.

[s 1398]

1398 Amendment of s 49 (Reports about complaints dealt with by the commission)

Section 49(3)—

insert—

- ‘(c) supports the start of a proceeding under section 219F or 219G against any person as a result of the report; or
- (d) supports a defence that may be available to any person subject to a proceeding under section 219F or 219G as a result of the report.’.

1399 Amendment of s 50 (Commission may prosecute official misconduct)

- (1) Section 50(1)(b), ‘a charge of a disciplinary nature of official misconduct’—

omit, insert—

‘the start of a disciplinary proceeding for official misconduct’.

- (2) Section 50(2) and (3)—

omit, insert—

- ‘(2) The commission may apply, as provided under the QCAT Act, to QCAT for an order under section 219I against the prescribed person.’.

- (3) Section 50(4) and (5)—

renumber as section 50(3) and (4).

- (4) Section 50(3) and (4), as renumbered, ‘the jurisdiction of a misconduct tribunal’—

omit, insert—

‘QCAT’s jurisdiction’.

1400 Amendment of s 75 (Notice to discover information)

Section 75(9)—

omit.

1401 Amendment of s 109 (Definitions for pt 5)

Section 109, definition *prosecution*—

omit, insert—

‘prosecution includes starting a disciplinary proceeding for official misconduct before QCAT.’.

1402 Amendment of s 202 (Publication of names, evidence etc.)

Section 202(2)(e), ‘disciplinary charge’—

omit, insert—

‘disciplinary proceeding’.

1403 Replacement of ch 5, hdg

Chapter 5, heading—

omit, insert—

‘Chapter 5 Offences and disciplinary proceedings relating to misconduct’.

1404 Insertion of new ch 5, pt 1, hdg

Chapter 5, before section 206—

insert—

‘Part 1 Offences’.

[s 1405]

1405 Insertion of new ch 5, pt 2

Chapter 5, after section 219—

insert—

‘Part 2 Disciplinary proceedings relating to misconduct

‘Division 1 Preliminary

‘219A Purposes of disciplinary proceedings

‘The purposes of providing for disciplinary proceedings are—

- (a) to protect the public; and
- (b) to uphold ethical standards within units of public administration and the police service; and
- (c) to promote and maintain public confidence in the public sector.

‘219B Definitions for pt 2

‘In this part—

disciplinary proceeding means—

- (a) a proceeding under section 219F for official misconduct alleged to have been committed by a prescribed person;
or
- (b) a proceeding under section 219G for a reviewable decision.

industrial matter means an industrial matter within the meaning of the *Industrial Relations Act 1999*.

officer means a police officer within the meaning of the *Police Service Administration Act 1990* and includes a police recruit within the meaning of that Act.

reviewable decision means—

- (a) a decision made in relation to an allegation of misconduct against a prescribed person, other than a decision made by a court or QCAT; or
- (b) a finding mentioned in the *Police Service Administration Act 1990*, section 7.4(2A)(b) that misconduct is proved against an officer.

‘Division 2 QCAT’s jurisdiction

‘219C Jurisdiction

‘QCAT has jurisdiction to conduct disciplinary proceedings.

‘219D Jurisdiction relating to allegations of official misconduct against prescribed persons is exclusive

- ‘(1) An allegation of official misconduct against a prescribed person may only be heard and decided by QCAT.
- ‘(2) Subsection (1) applies to the exclusion of authority given by law to any other person or tribunal to hear and decide, at first instance, an allegation of official misconduct made against a prescribed person.

‘219E Relationship with Industrial Relations Act 1999

‘The industrial court and the industrial relations commission do not have jurisdiction in relation to a matter that QCAT may decide for this Act even though it may be, or be about, or arise out of, an industrial matter.

[s 1405]

‘Division 3 Proceedings

‘219F Proceedings relating to official misconduct

‘The commission or the chief executive officer of a unit of public administration (including the commissioner of the police service) may apply, as provided under the QCAT Act, to QCAT to hear and decide an allegation of official misconduct against a prescribed person.

‘219G Proceedings relating to reviewable decisions

- ‘(1) The commission or a prescribed person against whom a reviewable decision has been made may apply, within the period mentioned in subsection (2) and otherwise as provided under the QCAT Act, to QCAT for a review of the reviewable decision.
- ‘(2) The application must be made—
- (a) if the reviewable decision relates to a decision or finding mentioned in the *Police Service Administration Act 1990*, section 7.4(2A)—within 14 days after the day on which notice of the decision or finding was given; or
 - (b) otherwise—within 14 days after the day on which the reviewable decision was announced.
- ‘(3) The parties to a proceeding are—
- (a) the prescribed person; and
 - (b) the person who made the reviewable decision; and
 - (c) if the application is made by the commission—the commission.

‘219H Conduct of proceedings relating to reviewable decisions

- ‘(1) A review of a reviewable decision is by way of rehearing on the evidence (*original evidence*) given in the proceeding before the original decision-maker (*original proceeding*).
- ‘(2) However, QCAT may give leave to adduce fresh, additional or substituted evidence (*new evidence*) if satisfied—
 - (a) the person seeking to adduce the new evidence did not know, or could not reasonably be expected to have known, of its existence at the original proceeding; or
 - (b) in the special circumstances of the case, it would be unfair not to allow the person to adduce the new evidence.
- ‘(3) If QCAT gives leave under subsection (2), the review is—
 - (a) by way of rehearing on the original evidence; and
 - (b) on the new evidence adduced.

‘Division 4 QCAT’s powers

‘219I Powers for official misconduct

- ‘(1) QCAT may, on a finding of official misconduct being proved against a prescribed person, order that the prescribed person—
 - (a) be dismissed; or
 - (b) be reduced in rank or salary level; or
 - (c) forfeit, or have deferred, a salary increment or increase to which the prescribed person would ordinarily be entitled; or
 - (d) be fined a stated amount that is to be deducted from—

[s 1405]

- (i) the person's periodic salary payment in an amount not more than an amount equal to the value of 2 penalty units per payment; or
 - (ii) the person's monetary entitlements, other than superannuation entitlements, on termination of the person's service.
- '(2) In deciding the amount for subsection (1)(d)(ii), QCAT may have regard to the value of any gain to the prescribed person from the person's official misconduct.

'219J Additional power for reviewable decisions

- '(1) This section applies if, after reviewing a reviewable decision, QCAT finds misconduct has been proved against a person and sets aside the decision and substitutes another decision.
- '(2) QCAT may impose on the person any discipline provided for on a finding of misconduct being proved, even though the original decision-maker's power to impose the discipline may have been restricted.

'219K QCAT may refer matter for investigation

- '(1) QCAT may, by order, refer a matter before it for investigation, or further investigation, with a view to the taking of a criminal proceeding or for another purpose.
- '(2) The matter may be referred to—
 - (a) the commission; or
 - (b) the public official for the unit of public administration in which the prescribed person is employed.
- '(3) QCAT may adjourn its proceeding until the investigations are completed.

'219L QCAT's power to suspend orders

- '(1) This section applies if—

-
- (a) QCAT makes an order under section 219I; or
 - (b) QCAT, by order under section 219J, imposes a discipline mentioned in section 219J(2); or
 - (c) discipline is imposed on a prescribed person by a decision-maker of a reviewable decision and an application is made to QCAT for a review of the reviewable decision.
- ‘(2) QCAT may suspend the order or discipline if it considers it is appropriate to do so in the circumstances.
- ‘(3) QCAT must state an operational period for the period of suspension and the suspension may be given on conditions.
- ‘(4) If the person who is subject to the order or discipline is found to have committed an act of misconduct or to have contravened a condition during the operational period, on the finding—
- (a) the suspension is revoked; and
 - (b) the order or discipline has immediate effect.
- ‘(5) If the person is not found to have committed an act of misconduct or to have contravened a condition during the operational period, the order or discipline is taken to have been discharged or satisfied.
- ‘(6) Subsection (4) does not limit the person’s liability to the making of a further order for the further act of misconduct.

‘Division 5 Appeals

‘219M Appeal from QCAT exercising original jurisdiction

‘The following persons may appeal against a decision of QCAT exercising original jurisdiction under this part—

- (a) the prescribed person in relation to whom the decision was made;

[s 1406]

- (b) the public official for the unit of public administration in which the prescribed person is employed;
- (c) the commission, whether or not the commission was a party to the proceeding before QCAT.’.

1406 Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)

Section 318(9)(b), ‘a disciplinary action brought’—

omit, insert—

‘a disciplinary proceeding started’.

1407 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *misconduct tribunal* and *officer*—
omit.

(2) Schedule 2—
insert—

‘disciplinary proceeding, for chapter 5, part 2, see section 219B.

industrial matter, for chapter 5, part 2, see section 219B.

officer—

(a) for chapter 3, part 6B, division 1, see section 146Q; or

(b) for chapter 5, part 2, see section 219B.

prescribed person see section 50(3) and (4).

reviewable decision, for chapter 5, part 2, see section 219B.’.

Part 14 Amendment of Dangerous Goods Safety Management Act 2001

1408 Act amended

This part amends the *Dangerous Goods Safety Management Act 2001*.

1409 Amendment of s 31 (Meaning of *major hazard facility* and *possible major hazard facility*)

Section 31(2), ‘section 32(5)’—

omit, insert—

‘section 32(4)’.

1410 Amendment of s 32 (Chief executive may classify facility as major hazard facility)

(1) Section 32(3) and (4)—

omit, insert—

‘(3) Within 7 days after making the decision, the chief executive must give the occupier a QCAT information notice for the decision.’.

(2) Section 32(5)—

renumber as section 32(4).

(3) Section 32—

insert—

‘(5) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

‘154C Starting appeal

- ‘(1) An appeal is started by—
 - (a) filing a notice of appeal with the clerk of the court of the Magistrates Court; and
 - (b) serving a copy of the notice on the chief executive.
- ‘(2) The notice of appeal must be filed within 28 days after the appellant is given notice of the decision.
- ‘(3) The court may at any time extend the period for filing the notice of appeal.
- ‘(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

‘154D Stay of operation of decisions

- ‘(1) The Magistrates Court may grant a stay of the operation of the decision appealed against to secure the effectiveness of the appeal.
- ‘(2) A stay—
 - (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- ‘(3) The period of a stay under this section must not extend past the time when the court decides the appeal.
- ‘(4) An appeal against the decision affects the decision only if the decision is stayed.

‘154E Hearing procedures

- ‘(1) In deciding an appeal, the Magistrates Court—
 - (a) is not bound by the rules of evidence; and
 - (b) must comply with natural justice.

[s 1414]

‘(2) An appeal is by way of rehearing unaffected by the chief executive’s decision, on the material before the chief executive and any further evidence allowed by the Magistrates Court.

‘154F Powers of court on appeal

- ‘(1) In deciding an appeal, the Magistrates Court may—
- (a) confirm the decision appealed against; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute another decision; or
 - (d) set aside the decision and return the issue to the chief executive with the directions the court considers appropriate.
- ‘(2) The decision as varied or substituted may be any decision that the chief executive may make.
- ‘(3) If the court varies a decision or substitutes another decision, the varied or substituted decision is, for this Act other than this part, taken to be the decision of the chief executive.

‘154G Appeals to District Court

‘An appeal to the District Court from a decision of the Magistrates Court may be made only on a question of law.

‘154H Application of ss 154C–154G to an appeal under this division

‘In applying sections 154C, 154E and 154F in relation to a cost recovery notice issued by a local government, a reference to the chief executive is to be read as a reference to the local government’s chief executive officer.’.

Part 15 **Amendment of Dangerous Goods Safety Management Regulation 2001**

1415 Regulation amended

This part amends the *Dangerous Goods Safety Management Regulation 2001*.

1416 Amendment of s 89 (Failure to decide application for licence)

Section 89(4), ‘appealed’—
omit, insert—
‘applied for internal review’.

1417 Replacement of pt 4, div 9, hdg (Reviews and appeals)

Part 4, division 9, heading—
omit, insert—

‘Division 9 Internal and external review’.

1418 Amendment of s 111 (Appeal process starts with internal review)

(1) Section 111, heading, ‘Appeal’—
omit, insert—
‘**Review**’.

(2) Section 111(1), ‘appeal against’—
omit, insert—
‘apply for external review of’.

[s 1419]

- (3) Section 111(2), ‘The appeal’—
omit, insert—
‘The application for external review’.

1419 Amendment of s 112 (Application for review to be made to the chief executive officer)

- (1) Section 112, heading, after ‘for’—
insert—
‘**internal**’.
- (2) Section 112, ‘a review’—
omit, insert—
‘internal review’.

1420 Amendment of s 113 (Applying for review)

- (1) Section 113, heading, after ‘for’—
insert—
‘**internal**’.
- (2) Section 113(2), ‘the review’—
omit, insert—
‘the internal review’.

1421 Amendment of s 114 (Review decision)

- (1) Section 114, heading, ‘Review’—
omit, insert—
‘**Internal review**’.
- (2) Section 114(1), ‘the *review decision*’—
omit, insert—
‘the *internal review decision*’.

-
- (3) Section 114(2) and (3)—
omit, insert—
- ‘(2) The chief executive officer must immediately give the applicant written notice of the internal review decision (the ***internal review notice***).
- ‘(3) If the internal review decision is not the decision sought by the applicant, the internal review notice must be a QCAT information notice for the decision.’.
- (4) Section 114(4), ‘a review’—
omit, insert—
‘an internal review’.
- (5) Section 114(5) and (6), ‘the review’—
omit, insert—
‘the internal review’.
- (6) Sections 114(5) and (6), ‘appeal to the court’—
omit, insert—
‘application for external review’.

1422 Amendment of s 115 (Stay of operation of decision)

- (1) Section 115(1) and (2)—
omit, insert—
- ‘(1) If an application is made for an internal review of an original decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.
- ‘(2) QCAT may stay the decision to secure the effectiveness of the internal review and any later application to QCAT for a review of the internal review decision.’.
- (2) Section 115(3), ‘the court’—
omit, insert—

[s 1423]

‘QCAT’.

(3) Section 115(4)—

omit, insert—

‘(4) The period of the stay must not extend past the time when the chief executive officer makes an internal review decision about the original decision and any later period QCAT allows the applicant to enable the applicant to apply for a review of the internal review decision.’.

1423 Replacement of pt 4, div 9, sdiv 2 (Appeals)

Part 4, division 9, subdivision 2—

omit, insert—

‘Subdivision 2 External review by QCAT

‘116 External review of internal review decision

‘A person who is given, or is entitled to be given, a QCAT information notice about a decision under section 114(3) may apply to QCAT, as provided under the QCAT Act, for a review of the decision.’.

1424 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’.

Part 16 **Amendment of Dispute Resolution Centres Act 1990**

1425 Act amended

This part amends the *Dispute Resolution Centres Act 1990*.

1426 Amendment of s 2 (Interpretation)

(1) Section 2—

insert—

‘*QCAT principal registrar* means the principal registrar under the QCAT Act.’.

(2) Section 2, definition *referring order*—

insert—

‘(d) QCAT, or the QCAT principal registrar, under the QCAT Act, section 75.’.

Part 17 **Amendment of Dividing Fences Act 1953**

1427 Act amended

This part amends the *Dividing Fences Act 1953*.

1428 Amendment of s 6 (Definitions)

Section 6(1), definition *Small Claims Tribunal*—
omit.

[s 1429]

1429 Amendment of s 9 (Proceedings consequent on notice to fence)

- (1) Section 9(1), ‘Small Claims Tribunal having jurisdiction as in this Act provided’—

omit, insert—

‘QCAT’.

- (2) Section 9(1A) and (4), ‘Small Claims Tribunal’—

omit, insert—

‘QCAT’.

1430 Amendment of s 10 (Proceedings on failure to carry out agreement or order)

Section 10, ‘Small Claims Tribunal’—

omit, insert—

‘QCAT’.

1431 Amendment of s 11 (Cases where owner or whereabouts of owner are not known)

Section 11(1) and (3), ‘having jurisdiction as in this Act provided’—

omit.

1432 Amendment of s 14 (Failure to carry out an order to repair)

Section 14, ‘Small Claims Tribunal’—

omit, insert—

‘QCAT’.

1433 Amendment of s 16 (Procedure to compel contribution)

- (1) Section 16(2A)(d) and (3), ‘Small Claims Tribunal having jurisdiction as in this Act provided’—

omit, insert—

‘QCAT’.

- (2) Section 16(2A)(d), ‘Small Claims Tribunal hearing’—

omit, insert—

‘QCAT hearing’.

- (3) Section 16(3) and (4), ‘Small Claims Tribunal upon’—

omit, insert—

‘QCAT upon’.

1434 Amendment of s 18 (Jurisdiction of and proceedings in Magistrates Courts or Small Claims Tribunals)

- (1) Section 18, heading, ‘Small Claims Tribunals’—

omit, insert—

‘QCAT’.

- (2) Section 18(1) and (2), from ‘a Small Claims Tribunal’—

omit, insert—

‘QCAT’.

1435 Amendment of s 19 (Recovery of money payable)

Section 19(2), ‘or Small Claims Tribunal’—

omit.

1436 Amendment of s 23 (Notices)

- (1) Section 23(3) and (6), ‘Small Claims Tribunal’—

omit, insert—

1441 Amendment of s 80E (Relationship with ch 7)

- (1) Section 80E(1), first dot point, ‘101 and 109B’—
omit, insert—
‘102 and 106’.
- (2) Section 80E(1), sixth dot point, ‘164’—
omit, insert—
‘163’.
- (3) Section 80E(1), seventh dot point—
omit.

1442 Amendment of s 80F (Members constituting tribunal)

Section 80F(2)—

omit, insert—

- ‘(2) To the extent practicable, the tribunal must include the following members who have, in the president’s opinion, knowledge and experience of persons with impaired capacity for matters—
 - (a) either—
 - (i) a senior member who is an Australian lawyer; or
 - (ii) an ordinary member who is an Australian lawyer;
 - (b) a member who is a paediatrician;
 - (c) another member.’.

1443 Amendment of s 80J (Tribunal advises persons concerned of hearing)

Section 80J(3), ‘under section 110’—

omit, insert—

‘under the QCAT Act’.

[s 1444]

1444 Amendment of s 80ZN (Relationship with ch 7)

- (1) Section 80ZN(1), fifth, seventh and eighth dot points—
omit.
- (2) Section 80ZN(1)—
insert—
 - parts 6 and 8.’.

1445 Replacement of ch 6 (Guardianship and Administration Tribunal)

Chapter 6—
omit, insert—

‘Chapter 6 Queensland Civil and Administrative Tribunal

‘81 Tribunal’s functions for this Act

- ‘(1) The tribunal has the functions given to it by this Act, including the following functions—
 - (a) making declarations about the capacity of an adult, guardian, administrator or attorney for a matter;
 - (b) considering applications for appointment of guardians and administrators;
 - (c) appointing guardians and administrators if necessary and reviewing the appointments;
 - (d) making declarations, orders or recommendations, or giving directions or advice, in relation to the following—
 - (i) guardians and administrators;
 - (ii) attorneys;
 - (iii) enduring documents;

- (iv) related matters;
- (e) ratifying an exercise of power, or approving a proposed exercise of power, for a matter by an informal decision maker for an adult with impaired capacity for the matter;
- (f) consenting to the withholding or withdrawal of a life-sustaining measure for adults with impaired capacity for the health matter concerned;
- (g) subject to section 68, consenting to special health care for adults with impaired capacity for the special health matter concerned;
- (h) consenting to the sterilisation of a child with an impairment;
- (i) giving approvals under chapter 5B for the use by a relevant service provider of a restrictive practice in relation to an adult to whom the chapter applies, and reviewing the approvals;
- (j) registering an order made in another jurisdiction under a provision, Act or law prescribed under a regulation for section 167;
- (k) reviewing a matter in which a decision has been made by the registrar.

‘(2) In this section—

attorney means an attorney under an enduring document or a statutory health attorney.

‘82 Jurisdiction

- ‘(1) Subject to section 245, the tribunal has exclusive jurisdiction for the appointment of guardians and administrators for adults with impaired capacity for matters.
- ‘(2) The tribunal has concurrent jurisdiction with the court for enduring documents and attorneys under enduring documents.
- ‘(3) The tribunal has the other jurisdiction given under this Act.

[s 1446]

‘83 Annual report by president

‘The president must include in the tribunal’s annual report under the QCAT Act for the previous financial year—

- (a) the number and type of limitation orders made by the tribunal during the year; and
- (b) the number of applications, approvals and orders made under chapter 5B of this Act during the year.’.

1446 Replacement of ch 7, pt 1 (General)

Chapter 7, part 1—

omit, insert—

‘Part 1 General

‘99 Definitions for pt 1

‘In this part—

document includes a photograph, drawing, model or other object.

health information for a person means—

- (a) information about the person’s physical or mental condition; or
- (b) information about the person’s health care, including the person’s expressed wishes about the person’s health care; or
- (c) information about the person collected to provide, or in providing, health care to the person; or
- (d) information about the person collected in relation to the donation, or intended donation, of the person’s body parts, organs or bodily substances; or
- (e) genetic information about the person in a form that is, or could be, predictive about the health of the person or of a sibling, relative or descendant of the person.

significant health detriment to a person means significant identifiable detriment to any of the following—

- (a) the person’s physical or mental health or wellbeing;
- (b) the person’s health care;
- (c) the person’s relationship with a health provider, including the person’s willingness to fully disclose relevant information to the health provider.

‘100 Types of limitation order

‘A *limitation order* means an order of the following type—

- (a) an adult evidence order;
- (b) a closure order;
- (c) a non-publication order;
- (d) a confidentiality order.

‘101 Relationship with the QCAT Act

‘The following provisions of the QCAT Act do not apply in relation to proceedings under this chapter—

- (a) section 66;
- (b) section 90;
- (c) section 99;
- (d) section 100;
- (e) section 102 (except to the extent it applies for section 103 of that Act);
- (f) section 142(3)(a)(ii);
- (g) section 222.

[s 1446]

‘102 Members constituting tribunal

‘At a hearing, the tribunal must be constituted by 3 members unless the president considers it appropriate for the proceeding to be heard by the tribunal constituted by 2 members or a single member.

‘103 Access

- ‘(1) Each active party in a proceeding must be given a reasonable opportunity to present the active party’s case and, in particular—
- (a) to access, before the start of a hearing, a document before the tribunal that the tribunal considers is relevant to an issue in the proceeding; and
 - (b) to access, during a hearing, a document or other information before the tribunal that the tribunal considers is credible, relevant and significant to an issue in the proceeding; and
 - (c) to make submissions about a document or other information accessed under this subsection.
- ‘(2) Each active party in a proceeding, or person the tribunal considers has a sufficient interest in the proceeding, must be given a reasonable opportunity to access, within a reasonable time after a hearing, a document before the tribunal that the tribunal considered credible, relevant and significant to an issue in the proceeding.
- ‘(3) For subsections (1) and (2), something is relevant only if it is directly relevant.
- ‘(4) On request, the tribunal must give access to a document or other information in accordance with this section.
- ‘(5) The tribunal may displace the right to access a document or other information only by a confidentiality order.
- ‘(6) To remove any doubt, it is declared that the right to access a document or other information is not affected by an adult evidence order, a closure order or a non-publication order.

‘104 Basis of consideration for limitation order

- ‘(1) In considering whether to make a limitation order, the tribunal must take as the basis of its consideration—
- (a) that each active party in the proceeding is entitled to access a document or other information before the tribunal that is credible, relevant and significant to an issue in the proceeding; and
 - (b) that it is desirable that tribunal hearings be held in public and be able to be publicly reported.
- ‘(2) For subsection (1), something is relevant only if it is directly relevant.

‘105 Open

- ‘(1) A hearing by the tribunal of a proceeding must be in public.
- ‘(2) However, the tribunal may make an adult evidence order or a closure order.

Note—

See also section 101.

‘106 Adult evidence order

- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person or to obtain relevant information the tribunal would not otherwise receive, the tribunal may, by order (an *adult evidence order*), obtain relevant information from the adult concerned in the matter at a hearing in the absence of anyone else, including, for example—
- (a) members of the public; or
 - (b) a particular person, including an active party.
- ‘(2) To the extent relevant information is health information for a person, serious harm to the person includes significant health detriment to the person.

[s 1446]

- ‘(3) For subsection (1), something is relevant only if it is directly relevant.
- ‘(4) The tribunal may make an adult evidence order on its own initiative or on the application of an active party.
- ‘(5) A person must not contravene an adult evidence order, unless the person has a reasonable excuse.
Maximum penalty for subsection (5)—200 penalty units.

‘107 Closure order

- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *closure order*), do either or both of the following—
 - (a) close the hearing or part of the hearing to all or some members of the public;
 - (b) exclude a particular person, including an active party, from a hearing or part of a hearing.
- ‘(2) To the extent the hearing or the part of the hearing concerns health information for a person, serious harm to the person includes significant health detriment to the person.
- ‘(3) The tribunal may make a closure order on its own initiative or on the application of an active party.
- ‘(4) A person must not contravene a closure order, unless the person has a reasonable excuse.
Maximum penalty for subsection (4)—200 penalty units.

‘108 Non-publication order

- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *non-publication order*), prohibit publication of information about a tribunal proceeding the publication of which is not prohibited under section 114A.

-
- ‘(2) To the extent information about a tribunal proceeding is health information for a person, serious harm to the person includes significant health detriment to the person.
- ‘(3) The tribunal may make a non-publication order on its own initiative or on the application of an active party.
- ‘(4) If information about a tribunal proceeding discloses information prepared or provided by an entity, the tribunal may make a non-publication order on the application of the entity.
- ‘(5) If information about a tribunal proceeding discloses health information for the person—
- (a) without limiting subsection (3) or (4), the tribunal may make a non-publication order on the application of—
 - (i) the person; or
 - (ii) an interested person for the person; and
 - (b) an application may be made by an interested person for the person even after the person’s death.
- ‘(6) If a non-publication order is made prohibiting publication of information about a tribunal proceeding and the information about the tribunal proceeding discloses health information for the person, the person’s death does not affect the non-publication order.
- ‘(7) A person must not contravene a non-publication order, unless the person has a reasonable excuse.

Maximum penalty for subsection (7)—200 penalty units.

Note—

See also section 101.

‘109 Confidentiality order

- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *confidentiality order*)—

[s 1446]

- (a) withhold from an active party or other person a document, or part of a document, before the tribunal; or
 - (b) withhold from an active party or other person other information before the tribunal.
- ‘(2) To the extent a document or part of a document contains health information for a person, or to the extent other information is health information for a person, serious harm to the person includes significant health detriment to the person.
- ‘(3) The tribunal may make a confidentiality order on its own initiative or on the application of an active party.
- ‘(4) Also, the tribunal may make a confidentiality order in relation to a document or other information on the application of the entity who prepared or provided the document or other information.
- ‘(5) A person must not contravene a confidentiality order, unless the person has a reasonable excuse.
- Maximum penalty for subsection (5)—200 penalty units.

‘110 Non-publication or confidentiality order made before hearing

- ‘(1) In a proceeding, a non-publication order or confidentiality order may be made before a hearing of the proceeding starts.
- ‘(2) However, a non-publication order or confidentiality order made before a hearing is vacated at the start of the hearing.
- ‘(3) Sections 111 to 113 do not apply in relation to a non-publication order or confidentiality order made before the hearing of the proceeding starts.

‘111 Standing for limitation order

‘Each active party, and any entity that would be adversely affected by a proposed limitation order, has standing to be heard in relation to the making of the order.

Example—

A journalist who would be excluded from a hearing by a proposed closure order would be an entity that would be adversely affected by the proposed order.

‘112 Making and notifying decision for limitation order

- ‘(1) The tribunal must give its decision on the making of a limitation order as soon as practicable after hearing any submissions on the making of the order.
- ‘(2) As soon as practicable after making its decision, the tribunal must notify, and give a copy of its decision to—
 - (a) the adult concerned in the matter; and
 - (b) each other active party in the proceeding; and
 - (c) each entity heard in relation to the order; and
 - (d) the public advocate.
- ‘(3) The tribunal must also give a copy of its decision to anyone else who requests a copy.
- ‘(4) For subsection (3), it is sufficient for the tribunal to give a copy of the decision in a form that does not contravene section 114A.
- ‘(5) Also, within 45 days after making its decision, the tribunal must give the public advocate all information before the tribunal in its consideration of making the limitation order, including, for a confidentiality order, the document or other information being considered as the subject of the confidentiality order.

‘113 Written reasons for limitation order and copy of reasons

- ‘(1) This section applies if the tribunal decides to make a limitation order.

[s 1446]

- ‘(2) The tribunal must give written reasons for its decision to make the limitation order (other than an adult evidence order) and may give reasons for its decision to make an adult evidence order.
- ‘(3) If the tribunal gives written reasons for its decision, it must give a copy of the reasons within 45 days after making the decision to—
 - (a) the adult concerned in the matter; and
 - (b) each other active party in the proceeding; and
 - (c) each entity heard in relation to the order; and
 - (d) the public advocate.
- ‘(4) The tribunal must also give a copy of its written reasons to anyone else who requests a copy.
- ‘(5) For subsection (4), it is sufficient for the tribunal to give a copy of the written reasons in a form that does not contravene section 114A.
- ‘(6) The QCAT Act, sections 121 and 122 do not apply to limitation orders.

‘114 Procedural directions

- ‘(1) The tribunal may—
 - (a) direct a person to undergo examination by a doctor or psychologist in the ordinary course of the doctor’s medical practice or the psychologist’s practice; or
 - (b) direct the person the subject of the proceeding to be brought before the tribunal.
- ‘(2) The tribunal may change or revoke a direction under subsection (1).
- ‘(3) A person must comply with a direction under subsection (1), unless the person has a reasonable excuse.
- ‘(4) If the tribunal gives a direction under subsection (1)(a), the tribunal may direct that a party pay for the examination.

‘(5) In this section—

psychologist means a general registrant under the *Psychologists Registration Act 2001*.

‘114A Publication about proceeding that discloses adult’s identity

‘(1) Generally, information about a guardianship proceeding may be published.

‘(2) However, a person must not, without reasonable excuse, publish information about a guardianship proceeding to the public, or a section of the public, if the publication is likely to lead to the identification of the relevant adult by a member of the public, or by a member of the section of the public to whom the information is published.

Maximum penalty—200 penalty units.

Notes—

- The publication of information about a tribunal proceeding may also be prohibited by a non-publication order—see section 108.
- Also see the *Child Protection Act 1999*, section 189 (Prohibition of publication of information leading to identity of children).

‘(3) Subsection (2) does not apply—

- (a) to publication of information by the adult guardian, or the public advocate, if the adult guardian, or the public advocate, considers it is necessary in the public interest to publish the information in response to a prohibited publication by another entity; or
- (b) to publication of information after the relevant adult has died; or
- (c) to publication of information authorised by an order made under this section.

[s 1446]

Note—

A non-publication order may prohibit publication of information about a tribunal proceeding disclosing health information about a person even after the person's death.

- '(4) The court may make an order authorising publication of information about a guardianship proceeding that is otherwise prohibited under subsection (2).
- '(5) The tribunal may make an order authorising publication of information about a tribunal proceeding that is otherwise prohibited under subsection (2).
- '(6) The court or tribunal may make an order under subsection (4) or (5) authorising publication only if the court or tribunal is satisfied the publication is in the public interest or the relevant adult's interest.
- '(7) The QCAT Act, section 125 does not apply for the purposes of this section.
- '(8) In this section—

prohibited publication means publication of information about a guardianship proceeding to the public, or a section of the public, that is likely to lead to the identification of the relevant adult by a member of the public, or by a member of the section of the public to whom the information is published.

relevant adult means the adult concerned in the matter, whether or not the court or tribunal decides the adult is an adult with impaired capacity.

'114B No filing fee payable

- '(1) A fee is not payable to the tribunal for making an application, or filing another document, under this Act.
- '(2) Subsection (1) does not apply in relation to an appeal to the appeal tribunal under the QCAT Act chapter 2, part 8, division 1.?

1447 Amendment of s 115 (Scope of applications)

Section 115(1), after ‘made’—

insert—

‘, as provided under the QCAT Act.’.

1448 Omission of ss 116 and 117

Sections 116 and 117—

omit.

1449 Amendment of s 118 (Tribunal advises persons concerned of hearing)

(1) Section 118(5), ‘by direction under section 110’—

omit, insert—

‘by direction under the QCAT Act, section 62’.

(2) Section 118(8)—

renumber as section 118(9).

(3) Section 118—

insert—

‘(8) The QCAT Act, section 37 does not apply for the purposes of this section.’.

1450 Replacement of s 122 (Withdrawal by leave)

Section 122—

omit, insert—

‘122 Withdrawal by leave

‘(1) This section applies if the tribunal gives leave to an applicant to withdraw an application under the QCAT Act, section 46.

[s 1451]

- ‘(2) The tribunal must give notice of the withdrawal to the parties to the proceeding that the tribunal considers should receive notice of the withdrawal.
- ‘(3) The QCAT Act, section 46(2) does not apply to an applicant under this Act.’

1451 Amendment of s 123 (Right of active party to appear)

Section 123(2)—

omit.

1452 Amendment of s 127 (Costs)

Section 127—

insert—

- ‘(3) Also, the following provisions of the QCAT Act, chapter 2, part 6, division 6 in relation to costs apply to the tribunal for proceedings under this Act—
 - (a) section 101;
 - (b) sections 103 to 109.

Note—

See also section 101.’

1453 Amendment of s 129 (Interim order)

Section 129(7)—

omit, insert—

- ‘(7) To exercise jurisdiction under subsection (6), the tribunal must be constituted by a legal member.

1454 Omission of ss 132–133

Sections 132 and 133—

omit.

1455 Omission of s 135 (Witnesses)

Section 135—

omit.

1456 Amendment of s 136 (Witness fees and expenses)

Section 136(2) and (3)—

omit, insert—

- ‘(2) Despite the QCAT Act, section 97(3), a witness is entitled to fees and expenses only if the tribunal makes an order under subsection (1).’.

1457 Amendment of s 137 (Offences by witnesses)

- (1) Section 137(1) and (2)—

omit.

- (2) Section 137(3), ‘Also, a’—

omit, insert—

‘A’.

- (3) Section 137(3)(b), ‘a notice under section 135(2)’—

omit, insert—

‘notice given by the tribunal under the QCAT Act, section 97(1)(b)’.

- (4) Section 137(6)(a)—

omit, insert—

- (a) a proceeding for any of the following offences—

[s 1458]

- (i) an offence against the QCAT Act, section 216 or 217;
 - (ii) another offence about the falsity of the answer, document or thing; or
- (5) Section 137(3) to (6)—
renumber as section 137(1) to (4).

1458 Amendment of s 138 (Advice, directions and recommendations)

Section 138(1), note, ‘section 143(d)’—

omit, insert—

‘the QCAT Act, section 213(1)’.

1459 Amendment of s 138AA (Directions to former attorney)

Section 138AA(1), note, ‘section 143(d)’—

omit, insert—

‘the QCAT Act, section 213(1)’.

1460 Replacement of s 138A (Tribunal may dismiss frivolous etc. applications)

Section 138A—

omit, insert—

‘138A Repeated applications for orders

- ‘(1) This section applies if the tribunal dismisses an application because it considers the application is frivolous, vexatious, misconceived or lacking in substance.
- ‘(2) The QCAT Act, section 49(2) does not apply to another application of the same kind in relation to the same matter.’.

1461 Omission of ss 139–145

Sections 139 to 145—

omit.

1462 Omission of ch 7, pt 4A (Dispute resolution)

Chapter 7, part 4A—

omit.

1463 Amendment of s 148 (Application for entry and removal warrant)

Section 148(2), ‘Sections 116 and 118 do’—

omit, insert—

‘Section 118 does’.

1464 Replacement of ch 7, pt 6 (Decision)

Chapter 7, part 6—

omit, insert—

‘Part 6 Decision

‘156 Making and notifying decision

‘(1) This section does not apply in relation to the making of a limitation order.

Note—

In relation to the making of a limitation order, see section 112.

‘(2) Subject to section 157, as soon as practicable after making its decision, the tribunal must notify, and give a copy of its decision to, each relevant person.

‘(3) The tribunal must also give a copy of its decision to anyone else who requests a copy.

[s 1464]

- ‘(4) For subsection (3), it is sufficient for the tribunal to give a copy of the decision in a form that does not contravene section 114A.
- ‘(5) If the tribunal’s decision does not include its reasons, the tribunal must give each relevant person a written notice stating that the relevant person may request the tribunal to give written reasons for its decision under the QCAT Act, section 122.
- ‘(6) The QCAT Act, section 122 applies to a request made by a relevant person for written reasons as if a reference in that section to a party to the proceeding were a reference to a relevant person.
- ‘(7) In this section—
relevant person means—
 - (a) the adult concerned in the matter; or
 - (b) another active party in the proceeding; or
 - (c) another person given notice of the hearing of the application.

‘157 Order postponing giving copy of decision

- ‘(1) The tribunal may, by order (a *postponement order*), postpone notifying, and giving a copy of its decision to, a particular person under section 156.
- ‘(2) The tribunal may make a postponement order only if the tribunal is satisfied, on reasonable grounds, that making the order is necessary to avoid—
 - (a) serious harm to a person; or
 - (b) the effect of the decision being defeated.
- ‘(3) A postponement order has effect for the period specified in the order.
- ‘(4) The maximum period that may be specified in a postponement order is 14 days.

- ‘(5) A postponement order may be renewed, but only if the tribunal is satisfied there are exceptional circumstances justifying the renewal.

‘158 Copy of reasons to be given

- ‘(1) This section does not apply in relation to a decision to make a limitation order.

Note—

In relation to a decision to make a limitation order, see section 113.

- ‘(2) This section applies if the tribunal gives written reasons for its decision on an application about a matter.
- ‘(3) The tribunal must give a copy of the written reasons to—
- (a) the adult concerned in the matter; and
 - (b) each other active party in the proceeding.
- ‘(4) The tribunal must also give a copy of its written reasons to anyone else who requests a copy.
- ‘(5) For subsection (4), it is sufficient for the tribunal to give a copy of the written reasons in a form that does not contravene section 114A.’.

1465 Omission of ch 7, pt 7 (Review of registrar’s decision)

Chapter 7, part 7—

omit.

1466 Replacement of ss 163–165

Sections 163 to 165—

omit, insert—

‘163 Appellant

- ‘(1) An eligible person may appeal against a tribunal decision, other than a non-appellable decision, in a proceeding as

[s 1466]

provided under the QCAT Act and for that purpose the person is taken to be a party to the proceeding.

Note—

See also section 101.

‘(2) A non-appellable decision can not be appealed under the QCAT Act.

‘(3) In this section—

eligible person—

(a) means—

(i) the person whose capacity for a matter was under consideration in the proceeding; or

(ii) the applicant in the proceeding; or

(iii) a person proposed for appointment by the proceeding; or

(iv) a person whose power as guardian, administrator or attorney was changed or removed by the tribunal decision; or

(v) the adult guardian; or

(vi) the public trustee; or

(vii) the Attorney-General; or

(viii) a person given leave to appeal by the appeal tribunal under the QCAT Act; and

(b) for a tribunal decision to make a limitation order, other than a non-appellable decision, also means an active party, or an entity adversely affected by the limitation order.

non-appellable decision means a tribunal decision to make a limitation order under section 110.

‘164 Filing notice of appeal in particular circumstances

‘If the tribunal makes 1 or more orders under section 157 postponing notifying, and giving a copy of, its decision for a specified period, the notice of appeal may be filed within 28 days after the later of the following days—

- (a) the last day of the specified period or periods;
- (b) the date of the written reasons for the tribunal’s decision.’.

1467 Omission of ch 7, pt 10 (Other provisions about proceedings)

Chapter 7, part 10—

omit.

1468 Amendment of s 246 (Definitions for pt 4)

Section 246, definition *relevant tribunal person*—

omit, insert—

‘relevant tribunal person means—

- (a) a member of the tribunal; or
- (b) the principal registrar or a registrar under the QCAT Act or another member of the administrative staff of the registry under that Act; or
- (c) an adjudicator or assessor appointed under the QCAT Act.’.

1469 Amendment of s 247 (Whistleblowers’ protection)

Section 247(4), definition *official*, paragraph (a)—

omit, insert—

- ‘(a) the principal registrar or a registrar under the QCAT Act or another member of the administrative staff of the registry under that Act; or’.

[s 1470]

1470 Amendment of s 248 (Protection from liability if honest and not negligent)

Section 248(4)—

omit, insert—

‘(4) In this section—

former member, of the former tribunal, means—

- (a) a person who was the president, a deputy president or another tribunal member of the former tribunal; or
- (b) a person who was the registrar, a member of the staff, or a tribunal expert, of the former tribunal.

former tribunal means the Guardianship and Administration Tribunal established under this Act before its abolition by the QCAT Act.

person means—

- (a) the adult guardian or a member of the adult guardian’s staff; or
- (b) a professional consulted or employed by the adult guardian or an adult guardian’s delegate for an investigation; or
- (c) the public advocate or a member of the public advocate’s staff; or
- (d) a community visitor; or
- (e) a former member of the former tribunal.’

1471 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *adult evidence order, closure order, confidentiality order, dispute resolution, document, guardianship proceeding, health information, legal member, limitation order, non-publication order, personal experience member, prescribed non-contentious matter, presidential directions, presiding member, professional member, registrar, significant health detriment, tribunal and tribunal rules—*

omit.

(2) Schedule 4—

insert—

‘adult evidence order see section 106.

Australian lawyer has the meaning given by the *Legal Profession Act 2007*.

closure order see section 107.

confidentiality order see section 109.

document, for chapter 7, part 1, see section 99.

guardianship proceeding—

(a) means—

- (i) a proceeding under this Act before the tribunal; or
- (ii) a hearing, conference or interlocutory matter before the tribunal taken in connection with or incidental to a proceeding before the tribunal; or
- (iii) a proceeding in which the court is exercising concurrent jurisdiction with the tribunal; but

(b) does not include a proceeding in which the court is exercising the powers of the tribunal under section 245.

health information, for chapter 7, part 1, see section 99.

legal member means a legally qualified member of the tribunal under the QCAT Act.

limitation order see section 100.

member, of the tribunal, means a member of the tribunal under the QCAT Act.

non-publication order see section 108.

ordinary member, of the tribunal, means an ordinary member of the tribunal under the QCAT Act.

[s 1472]

presiding member, for a proceeding, means the member presiding at the proceeding as provided for under the QCAT Act.

registrar or *registrar of the tribunal* means the principal registrar of the tribunal under the QCAT Act.

senior member, of the tribunal, means a senior member of the tribunal under the QCAT Act.

significant health detriment, for chapter 7, part 1, see section 99.

tribunal means QCAT.

Part 19 **Repeal of Guardianship and Administration Tribunal Rule 2004**

1472 Repeal

The Guardianship and Administration Tribunal Rule 2004, SL No. 187 is repealed.

Part 20 **Amendment of Judicial Review Act 1991**

1473 Act amended

This part amends the *Judicial Review Act 1991*.

1474 Amendment of sch 1 (Operation of other laws)

Schedule 1, part 1, ‘*Retail Shop Leases Act 1994*, section 88’
and ‘*Small Claims Tribunals Act 1973*, section 19’—
omit.

1475 Amendment of sch 2 (Decisions for which reasons need not be given)

Schedule 2, section 3(2), from ‘a Misconduct Tribunal’—
omit, insert—
‘QCAT under the *Crime and Misconduct Act 2001*.’.

Part 21 Amendment of Legal Profession Act 2007

1476 Act amended

This part amends the *Legal Profession Act 2007*.

1477 Amendment of s 10 (Information notices)

(1) Section 10(1)(a), (b) and (c)—

omit, insert—

‘(a) if the person may apply to the tribunal for a review of the decision—the matters mentioned in the QCAT Act, section 157(2); or

(b) otherwise—

(i) the decision; and

(ii) the reasons for the decision; and

(iii) if the person may appeal under this Act, that the person may appeal against the decision to the

[s 1478]

Supreme Court and the day by which the appeal must be started.’.

- (2) Section 10(3), from ‘may appeal’ to ‘right’—

omit, insert—

‘may apply for a review, or appeal, within a number of days after the day the information notice is given to the person, a defect in the notice does not affect the person’s right to apply for review or’.

1478 Amendment of s 13 (Inherent jurisdiction of Supreme Court)

Section 13(2)(b), from ‘making’—

omit, insert—

‘making—

- (i) any order the committee may make under this Act;
or
- (ii) any order or direction the tribunal may make under this Act or the QCAT Act.’.

1479 Amendment of s 15 (Appeal period for appeal to Supreme Court or tribunal)

- (1) Section 15, heading, ‘or tribunal’—

omit.

- (2) Section 15, ‘or tribunal’—

omit.

- (3) Section 15(1), ‘or the tribunal’—

omit.

1480 Amendment of s 26 (Associates who are disqualified or convicted persons)

Section 26(4)(b)—

omit, insert—

‘(b) the applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1481 Amendment of s 32 (Early consideration of suitability)

Section 32(3)(b), ‘Supreme Court’—

omit, insert—

‘tribunal’.

1482 Amendment of s 33 (Involvement of Supreme Court whether by referral or on appeal)

(1) Section 33, heading—

omit, insert—

‘33 Involvement of tribunal and Supreme Court’.

(2) Section 33(1)—

omit, insert—

‘(1) If an application under section 32(2) is referred to the tribunal as mentioned in section 32(3)(b), the tribunal may give a direction to the board as the tribunal considers appropriate.’.

1483 Amendment of s 35 (Role of Supreme Court relating to application for admission)

Section 35(5)—

omit.

[s 1484]

1484 Amendment of s 51 (Grant or renewal of local practising certificate)

Section 51(9)—

omit, insert—

- ‘(9) The applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to refuse to grant or renew the local practising certificate as mentioned in subsection (8).

Note—

For matters relevant to the imposition of conditions, see section 54.’.

1485 Amendment of s 54 (Applications relating to conditions)

- (1) Section 54(2)(b)—

omit, insert—

‘(b) the applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to impose the condition.’.

- (2) Section 54(4)(b)—

omit, insert—

‘(b) the applicant may, within 28 days after the information notice is given to the applicant, apply, as provided under the QCAT Act, to the tribunal for a review of the decision to impose the condition.’.

1486 Amendment of s 61 (Amending, suspending or cancelling a local practising certificate)

Section 61(3)(b)—

omit, insert—

‘(b) the certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1487 Amendment of s 62 (Operation of amendment, suspension or cancellation of local practising certificate)

Section 62(3)(a), ‘the Supreme Court may, on application of the certificate holder,’—

omit, insert—

‘the tribunal may, on application of the certificate holder as provided under the QCAT Act,’.

1488 Amendment of s 63 (Immediate amendment or suspension of local practising certificate)

Section 63(9)—

omit, insert—

‘(9) Also—

- (a) the regulatory authority may apply, as provided under the QCAT Act, to the tribunal for an order extending the period of the amendment or suspension; and
- (b) if the tribunal considers it appropriate and the amendment or suspension has not ended under subsection (6), the tribunal may extend the period of the amendment or suspension for a further period of not more than 56 days after the date of the tribunal’s order.’.

1489 Amendment of s 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause)

Section 69(3)(b)—

omit, insert—

‘(b) the applicant or certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

[s 1490]

1490 Amendment of s 70 (Restriction on making further application)

(1) Section 70(3), from ‘appeal’—

omit, insert—

‘apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

(2) Section 70(4)—

omit, insert—

‘(4) Subject to—

(a) a successful application for review of a decision under this section; or

(b) a successful appeal against a decision under this section (as in force before the commencement of this subsection), the *Legal Profession Act 2004*, section 65, or under a corresponding law;

a person against whom the decision has been made is not entitled to apply for the grant of a local practising certificate during the period stated in the decision.’.

1491 Amendment of s 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction)

Section 76(3)(b)—

omit, insert—

‘(b) the interstate legal practitioner may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1492 Amendment of s 87 (Health assessment)

Section 87(5)—

omit, insert—

‘(5) The subject person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’

1493 Amendment of s 91 (Use of health assessment report)

Section 91(2)(b), after ‘against’—

insert—

‘, or on an application by the subject person for a review of,’.

1494 Amendment of s 98 (Law society and bar association to notify other jurisdictions about particular matters)

(1) Section 98(1)(b), ‘successfully appeals against the taking of’—

omit, insert—

‘is successful in an application to the tribunal for a review of a decision to take’.

(2) Section 98(2) and (3)(b)(ii), ‘appeal’—

omit, insert—

‘review’.

1495 Amendment of s 183 (Grant or renewal of local registration)

Section 183(4)(b)—

omit, insert—

‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1496 Amendment of s 185 (Refusal to grant or renew registration)

Section 185(7)(b)—

omit, insert—

[s 1497]

‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1497 Amendment of s 188 (Amending, suspending or cancelling registration)

Section 188(3)(a) and (b)—

omit, insert—

- ‘(a) the law society must give the person an information notice about the law society’s decision; and
- (b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1498 Amendment of s 189 (Operation of amendment, suspension or cancellation of registration)

Section 189(3)(a), ‘the Supreme Court may, on application of the person’—

omit, insert—

‘the tribunal may, on application by the person as provided under the QCAT Act’.

1499 Amendment of s 194 (Refusal, amendment, suspension or cancellation of local registration—failure to show cause)

Section 194(3)(b)—

omit, insert—

- ‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1500 Amendment of s 195 (Restriction on making further applications)

Section 195(3)(b)—

omit, insert—

‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

1501 Amendment of s 197 (Immediate suspension of registration)

Section 197(8)—

omit, insert—

‘(8) Also—

(a) the law society may apply, as provided under the QCAT Act, to the tribunal for an order extending the period of the suspension; and

(b) if the tribunal considers it appropriate and the suspension has not ended under subsection (5), the tribunal may extend the period of the suspension for a further period of not more than a further 56 days after the date of the tribunal’s order.’.

1502 Amendment of s 208 (Additional conditions on practice of interstate-registered foreign lawyers)

Section 208(4)(b)—

omit, insert—

‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.

[s 1503]

1503 Amendment of s 278 (Disqualification of person as external examiner)

Section 278(6), from ‘appeal’—

omit, insert—

‘apply, as provided under the QCAT Act, to the tribunal for a review of the decision to disqualify the individual.’.

1504 Amendment of s 328 (Setting aside costs agreements)

(1) Section 328(1), after ‘Supreme Court’—

insert—

‘or the tribunal’.

(2) Section 328—

insert—

‘(1A) An application under subsection (1) to the tribunal must be made as provided under the QCAT Act.’.

(3) Section 328(2) to (8), after ‘Supreme Court’—

insert—

‘or tribunal’.

(4) Section 328—

insert—

‘(9A) The tribunal may make a costs order under the QCAT Act in relation to a hearing under this section.’.

1505 Amendment of s 375 (Time limit for making claims)

(1) Section 375(1)(c)—

omit, insert—

‘(c) if, on application as provided under the QCAT Act to the tribunal for a review of a decision of the law society to refuse to allow a further period for the claim, the

tribunal allows a further period for making the claim—within the period allowed by the tribunal.’.

- (2) Section 375(2), ‘Supreme Court’—

omit, insert—

‘tribunal’.

1506 Amendment of s 377 (Time limit for making claims following advertisement)

- (1) Section 377(2)(c)—

omit, insert—

‘(c) if the tribunal allows a further period after the law society refuses to do so—within the period allowed by the tribunal.’.

- (2) Section 377(4), ‘Supreme Court’—

omit, insert—

‘tribunal’.

1507 Amendment of ch 3, pt 3.6, div 7, hdg (Appeals)

Chapter 3, part 3.6, division 7, heading, ‘Appeals’—

omit, insert—

‘**Review**’.

1508 Replacement of ss 392 and 393

Sections 392 and 393—

omit, insert—

‘392 Review of decision on claim

- ‘(1) A claimant may apply, as provided under the QCAT Act, to the tribunal for a review of either of the following decisions of the law society but not a decision to limit the amount payable,

[s 1508]

or to decline to pay an amount, made under the capping and sufficiency provisions of this jurisdiction—

- (a) a decision to wholly or partly disallow a claim;
- (b) a decision to reduce the amount allowed in relation to a claim.

‘(2) On an application under this section (*review application*)—

- (a) the applicant must establish that all or part of the amount sought to be recovered from the fidelity fund is not reasonably available from other sources, unless the law society waives that requirement; and
- (b) the tribunal may, on application by the law society, stay the review application pending further action being taken to seek recovery of that amount from other sources.

‘393 Review of failure to decide claim within 1 year

‘(1) A claimant may apply, as provided under the QCAT Act, to the tribunal for a review of a failure of the law society to decide a claim after 1 year after the claim was made.

‘(2) An application for a review of a failure to decide a claim may be made at any time after the period of 1 year after the claim was made and while the failure continues.

‘(3) On an application under this section (*review application*)—

- (a) the applicant must establish that the whole or part of the amount sought to be recovered from the fidelity fund is not reasonably available from other sources, unless the law society waives that requirement; and
- (b) the tribunal may, on application by the law society, stay the review application pending further action being taken to seek recovery of that amount from other sources.

‘(4) The tribunal may decide the review—

-
- (a) by giving directions to the law society to decide the matter expeditiously and—
- (i) if the tribunal is satisfied that there has been unreasonable delay—ordering that interest be paid at a stated rate that is higher than the rate applicable under section 384, until further order or the decision for the claim; or
 - (ii) otherwise—ordering that, if delay continues in circumstances of a stated kind, interest be paid for a stated period at a stated rate that is higher than the rate applicable under section 384, until further order or the decision for the claim; or
- (b) by deciding not to give a direction or make an order under paragraph (a).’.

1509 Amendment of s 394 (Proceedings on appeal)

- (1) Section 394, heading, ‘appeal’—

omit, insert—

‘**review**’.

- (2) Section 394, ‘in a court’—

omit, insert—

‘before the tribunal’.

1510 Amendment of s 396 (Caps on payments)

Section 396(5), after ‘appeal’—

insert—

‘, application for review’.

[s 1511]

1511 Amendment of s 451 (Duty to inform complainant about action taken for complaint)

Section 451(3), ‘section 650’—
omit, insert—
‘sections 650 and 656D’.

1512 Amendment of s 454 (Joinder)

- (1) Section 454, heading—
insert—
‘**by committee**’.
- (2) Section 454, from ‘A’ to ‘rules,’—
omit, insert—
‘The committee may’.
- (3) Section 454—
insert—
‘*Note—*
See the QCAT Act, section 42 for joinders by the tribunal.’.

1513 Amendment of s 455 (Variation of discipline application)

Section 455(1), from ‘, on the commissioner’s application,’—
omit.

1514 Amendment of s 456 (Decisions of tribunal about an Australian legal practitioner)

- (1) Section 456(1), ‘is guilty of’—
omit, insert—
‘has engaged in’.
- (2) Section 456(7), ‘guilty of’—

omit, insert—

‘has engaged in’.

1515 Replacement of s 457 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)

Section 457—

omit, insert—

‘457 Enforcement of orders etc.

‘(1) This section applies to the following—

- (a) an order under section 456 or 462 or part 4.10 in relation to a discipline application;
- (b) an order under the QCAT Act in relation to a discipline application that the tribunal dealt with on a review of the committee’s decision under section 469.

‘(2) If the order is a compensation order—

- (a) the complainant may file the order in the registry of a court of competent jurisdiction; and
- (b) the tribunal’s principal registrar must give the Minister a copy of the order and the tribunal’s reasons for making the order.

‘(3) If the order is not a compensation order, the tribunal’s principal registrar must—

- (a) file the order in a Supreme Court registry; and
- (b) give the Minister a copy of the order and the tribunal’s reasons for making the order.

‘(4) On being filed under subsection (2) or (3), the order is an order of the court in whose registry it is filed and may be enforced accordingly.

‘(5) No charge may be made for filing an order under this section.

‘(6) Subsection (4) is subject to section 463.’.

[s 1516]

1516 Amendment of s 458 (Decisions of committee about discipline application)

Section 458(1), ‘is guilty of’—

omit, insert—

‘has engaged in’.

1517 Amendment of s 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)

Section 459(3), from ‘no appeal’ to ‘the appeal’—

omit, insert—

‘no application as provided under the QCAT Act to the tribunal for a review of the decision within the time allowed for making the application’.

1518 Amendment of s 462 (Costs)

(1) Section 462(1), ‘guilty’—

omit, insert—

‘to have engaged in prescribed conduct’.

(2) Section 462(2), ‘not found guilty’—

omit, insert—

‘found not to have engaged in prescribed conduct’.

(3) Section 462(4)(a), ‘is not guilty’—

omit, insert—

‘has not engaged in prescribed conduct’.

(4) Section 462(7)—

omit, insert—

‘(7) The only other circumstances in which the tribunal exercising its jurisdiction in relation to a disciplinary application may

award costs are the circumstances stated in the QCAT Act, section 103 or 104.

Note—

See the QCAT Act, sections 106 to 109 for provisions about the tribunal awarding costs.

‘(8) In this section—

engaged in prescribed conduct means engaged in unsatisfactory professional conduct or professional misconduct, or engaged in misconduct in relation to a relevant practice, as mentioned in section 456(1) or 458(1).’.

1519 Insertion of new s 462A

After section 462—

insert—

‘426A Institution of proceedings by the commissioner

‘The commissioner may bring a proceeding under this part for the imposition or enforcement of a penalty.’.

1520 Amendment of s 468 (Appeal may be made to Court of Appeal from tribunal’s decision)

Section 468(4)—

omit, insert—

‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to a decision of the tribunal exercising its jurisdiction under this Act.’.

1521 Replacement of s 469 (Appeal to tribunal against committee’s decision)

Section 469—

omit, insert—

[s 1522]

‘469 Application to tribunal for review of committee’s decision

- ‘(1) A party dissatisfied with a final decision of the committee about a discipline application may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.
- ‘(2) In the proceeding before QCAT for the review—
- (a) the committee is not a party; and
 - (b) the commissioner is a party.’.

1522 Amendment of s 471 (Definition for pt 4.11)

Section 471, definition *disciplinary action*, paragraph (a), ‘guilty of’—

omit, insert—

‘has engaged in’.

1523 Amendment of s 477 (General provisions about disclosure of information)

Section 477(1)(c), after ‘jurisdiction’—

insert—

‘, including the tribunal exercising jurisdiction other than jurisdiction mentioned in paragraph (a)’.

1524 Amendment of s 491 (Confidentiality of client communications)

Section 491(1) ‘part 7.2’—

omit, insert—

‘the QCAT Act’.

1525 Replacement of ch 7, pt 7.2, hdg and ch 7, pt 7.2, divs 1 and 2 and div 3, hdg

Chapter 7, part 7.2, heading and chapter 7, part 7.2, divisions 1 and 2 and division 3, heading—

omit, insert—

‘Part 7.2 Provisions about proceedings before tribunal

‘Division 1 Constitution of tribunal

‘598 Constitution of tribunal

- ‘(1) For a proceeding for a matter the tribunal is empowered to deal with under this Act, the tribunal is to be constituted by a judicial member who is a Supreme Court judge.
- ‘(2) However, if the tribunal has not been constituted for the proceeding—
- (a) the powers of the tribunal under the QCAT Act, section 47 or 48 are, and are only, exercisable by a judicial member; and
 - (b) the following powers of the tribunal are, and are only, exercisable by a legally qualified member—
 - (i) giving directions;
 - (ii) making an order or another decision pending the final hearing of the matter, other than an order under a provision mentioned in paragraph (a);
 - (iii) making an order under the QCAT Act, section 86.
- ‘(3) In this section—

judicial member means a judicial member under the QCAT Act.

legally qualified member means a legally qualified member under the QCAT Act.

[s 1525]

‘Division 2 Panels, panel members and related matters

‘599 Panel to help the tribunal hear and decide discipline application

- ‘(1) This section applies for the tribunal’s hearing and deciding of a discipline application.
- ‘(2) Although panel members do not constitute the tribunal, the tribunal is to be helped by 2 panel members chosen by the tribunal’s principal registrar and approved by the tribunal as constituted under section 598.
- ‘(3) The panel members mentioned in subsection (2) must be—
 - (a) 1 lay panel member; and
 - (b) 1 of the following members—
 - (i) if the complaint is about the conduct of a person who, at the time of performing the acts or omitting to do the acts constituting the conduct complained of, was a barrister or, in the opinion of the tribunal member, was engaged in legal practice in the manner of a barrister—a member of the practitioner panel who is a barrister;
 - (ii) otherwise—a member of the practitioner panel who is a solicitor.
- ‘(4) However, if a panel member disqualifies himself or herself as mentioned in section 612(2), the tribunal may continue with the relevant hearing if the tribunal members consider it appropriate to do so.
- ‘(5) The tribunal’s principal registrar must keep a record of the names of the panel members helping the tribunal and the discipline application for which the hearing is held.’

1526 Amendment of s 607 (Establishment of panels for helping the tribunal)

Section 607(3) and (4)—
omit.

1527 Replacement of ch 7, pt 7.2, divs 4–6

Chapter 7, part 7.2, divisions 4 to 6—
omit, insert—

‘612 Disclosure of interests

- ‘(1) If a panel member helping the tribunal becomes aware that the member has a conflict of interest about a proceeding before the tribunal, the member must disclose the issue giving rise to the conflict to—
- (a) the president of the tribunal under the QCAT Act; and
 - (b) the parties to the proceeding.
- ‘(2) After making the disclosure, the panel member must disqualify himself or herself.
- ‘(3) A panel member has a conflict of interest about a proceeding if the member has an interest, financial or otherwise, that could conflict with the proper performance of the member’s functions for the proceeding.
- ‘(4) If a panel member is disqualified, the tribunal may decide it is appropriate to proceed with the hearing with only 1 panel member.

‘613 Protection of panel members

‘A panel member has, in the performance of the member’s duties as a panel member, the same protection and immunity as a Supreme Court judge carrying out the functions of a judge.’.

[s 1528]

1528 Amendment of s 640 (Conduct of committee for hearing and deciding discipline applications)

Section 640(1), ‘the tribunal rules’—

omit, insert—

‘a regulation’.

1529 Amendment of s 641 (Disclosure of interests)

Section 641(6) ‘tribunal rules’—

omit, insert—

‘rules under the QCAT Act’.

1530 Replacement of ch 7, pt 7.4, hdg and div 1, hdg

Chapter 7, part 7.4, heading and division 1, heading—

omit, insert—

‘Part 7.4 Other provisions applying to committee for discipline applications

‘Division 1 Parties to proceedings before committee’.

1531 Amendment of s 643 (Parties)

(1) Section 643(1), ‘in a disciplinary body’—

omit, insert—

‘before the committee’.

(2) Section 643(3)(b) and (4), ‘disciplinary body’—

omit, insert—

‘committee’.

1532 Amendment of s 644 (Public hearings)

- (1) Section 644(1), from ‘a disciplinary body’ to ‘the disciplinary body’—
omit, insert—
‘the committee must be open to the public, unless the committee’.
- (2) Section 644(2), ‘A disciplinary body’—
omit, insert—
‘The committee’.

1533 Amendment of s 645 (Procedure for hearing by a disciplinary body)

- (1) Section 645, heading, ‘a disciplinary body’—
omit, insert—
‘**committee**’.
- (2) Section 645(1), ‘a disciplinary body’—
omit, insert—
‘the committee’.
- (3) Section 645(2), ‘disciplinary body’—
omit, insert—
‘committee’.

1534 Amendment of s 646 (Recording evidence)

- Section 646(1), ‘A disciplinary body for a discipline application’—
omit, insert—
‘The committee’.

[s 1535]

1535 Amendment of s 647 (Disciplinary body may proceed in absence of party or may adjourn hearing)

- (1) Section 647, heading, ‘Disciplinary body’—
omit, insert—
‘**Committee**’.
- (2) Section 647(1), ‘a disciplinary body’—
omit, insert—
‘the committee’.
- (3) Section 647(2), ‘A disciplinary body’—
omit, insert—
‘The committee’.

1536 Amendment of s 648 (Matter may be decided on affidavit evidence)

- (1) Section 648, ‘a disciplinary body’—
omit, insert—
‘the committee’.
- (2) Section 648, ‘the disciplinary body’—
omit, insert—
‘the committee’.
- (3) Section 648(b)(i), ‘under the tribunal rules’—
omit, insert—
‘as prescribed under a regulation’.

1537 Amendment of s 649 (Standard of proof)

- (1) Section 649(1), ‘a disciplinary body’—
omit, insert—
‘the committee’.

- (2) Section 649(1), ‘the body’—
omit, insert—
‘the committee’.

1538 Amendment of s 650 (Prohibited publication about hearing of a disciplinary application)

- (1) Section 650(1)—
omit, insert—

‘(1) The committee, either before, during or immediately after a hearing for a discipline application, may make an order prohibiting the publication of information stated in the order that relates to the discipline application, the hearing or an order of the committee.’.

- (2) Section 650(3) and (4), ‘disciplinary body’—
omit, insert—
‘committee’.

1539 Amendment of ch 7, pt 7.4, div 3, hdg (Powers of disciplinary body)

Chapter 7, part 7.4, division 3, heading, ‘disciplinary body’—
omit, insert—
‘committee’.

1540 Amendment of s 651 (Power to disregard procedural lapses)

- (1) Section 651(1), ‘A disciplinary body’—
omit, insert—
‘The committee’.
- (2) Section 651(1), ‘the disciplinary body’—
omit, insert—

[s 1541]

‘the committee’.

- (3) Section 651(3), ‘disciplinary body’s’—

omit, insert—

‘committee’s’.

1541 Amendment of s 652 (Directions for hearings)

- (1) Section 652(1)—

omit, insert—

‘(1) The committee may issue directions in relation to a hearing before the committee.’.

- (2) Section 652(2), ‘disciplinary body’—

omit, insert—

‘committee’.

- (3) Section 652(2)(a), ‘body’s’—

omit, insert—

‘committee’s’.

- (4) Section 652(3)—

omit, insert—

‘(3) Subsection (1) is subject to the practices and procedures prescribed under a regulation for hearings before the committee.’.

1542 Amendment of s 653 (Attendance notice)

- (1) Section 653(1), ‘A disciplinary body’—

omit, insert—

‘The committee’.

- (2) Section 653(2)(b) and (3), ‘disciplinary body’—
omit, insert—
‘committee’.

1543 Replacement of s 654 (Authentication of documents)

Section 654—
omit, insert—

‘654 Authentication of documents

- ‘(1) A document relating to a proceeding for a discipline application requiring authentication by the committee is sufficiently authenticated if it is signed by the chairperson or deputy chairperson of the committee.
- ‘(2) Judicial notice must be taken of the signature of the chairperson or deputy chairperson of the committee that appears on a document issued by the committee.’.

1544 Insertion of new ch 7, pt 7.4A

After section 656—
insert—

‘Part 7.4A Provisions applying to tribunal for discipline applications

‘656A Application of pt 7.4A

‘This part applies for a proceeding before the tribunal for a discipline application.

Note—

The QCAT Act also applies to the proceeding.

[s 1544]

‘656B Entitlement to appear at hearing

‘The complainant for a discipline application before the tribunal is entitled to appear at the hearing of the application in relation to—

- (a) those aspects of the hearing that relate to a request by the complainant for a compensation order; and
- (b) other aspects of the hearing, but only if the tribunal gives leave to the complainant to appear in relation to them.

‘656C Standard of proof

- ‘(1) If an allegation of fact is not admitted or is challenged when the tribunal is hearing a discipline application, the tribunal may act on the allegation if the body is satisfied on the balance of probabilities that the allegation is true.
- ‘(2) For subsection (1), the degree of satisfaction required varies according to the consequences for the relevant Australian legal practitioner or law practice employee of finding the allegation to be true.
- ‘(3) In this section—
Australian legal practitioner includes a person to whom chapter 4 applies as mentioned in section 417.

‘656D Prohibited publication about hearing of a discipline application

- ‘(1) The tribunal, either before, during or immediately after a hearing, may make an order prohibiting the publication of information stated in the order that relates to the discipline application, the hearing or an order of the tribunal.
- ‘(2) A person must not contravene an order under subsection (1).
Maximum penalty—200 penalty units.
- ‘(3) A person must not publish or allow someone else to publish—

- (a) a question disallowed by the tribunal at the hearing; or
- (b) an answer given to a question disallowed by the tribunal at the hearing.

Maximum penalty—200 penalty units.

‘(4) Also, the tribunal may make an order prohibiting—

- (a) the issue of the entire or part of a copy of the record made under the *Recording of Evidence Act 1962*; or
- (b) the publication of the entire or part of a copy of the record made under that Act.

‘(5) A person must not contravene an order under subsection (4).

Maximum penalty—200 penalty units.

‘(6) In this section—

publish includes publish on radio, television or the internet.

record includes an audio recording.

‘656E Power to disregard procedural lapses

‘(1) The tribunal may order that a failure by the commissioner to observe a procedural requirement in relation to a complaint, investigation matter or discipline application is to be disregarded, if the tribunal is satisfied the parties to the hearing have not been prejudiced by the failure.

‘(2) This section applies whether the failure happened—

- (a) before the making of the discipline application resulting from the complaint or investigation matter; or
- (b) after the making of the discipline application.

‘(3) Subsection (1) does not limit the tribunal’s power to disregard a failure by another person to observe a procedural requirement.’.

[s 1545]

1545 Amendment of s 704 (Disclosure of information by commissioner, regulatory authorities and other entities)

- (1) Section 704(1)(e)—
renumber as section 704(1)(f).
- (2) Section 704(1)—
insert—
'(e) the tribunal's principal registrar;'.
(3) Section 704(1)(f), as renumbered, 'paragraphs (a) to (d)'—
omit, insert—
'paragraphs (a) to (e)'.

1546 Amendment of s 707 (Protection from liability)

- Section 707(4)(b)—
omit, insert—
'(b) the committee, any member of the committee or a panel member;'.

1547 Amendment of s 711 (Signatures)

- (1) Section 711(d)—
omit.
- (2) Section 711(e) to (i)—
renumber as section 711(d) to (h).

1548 Amendment of s 714 (Approved forms)

- (1) Section 714(2)(b)—
omit.
- (2) Section 714(2)(c) to (f)—
renumber as section 714(2)(b) to (e).

1549 Amendment of s 715 (Regulation-making power)

Section 715(2)—

insert—

‘(e) providing for the practice and procedure of the committee.’.

1550 Omission of ch 9, pt 9.9, hdg (Regulation-making power for transitional purposes)

Chapter 9, part 9.9, heading—

omit.

1551 Replacement of ch 10, hdg (Other transitional provision)

Chapter 10, heading—

omit, insert—

‘Chapter 10 Other transitional provisions

‘Part 1 Transitional provisions for the Consumer Credit (Queensland) and Other Acts Amendment Act 2008’.

1552 Insertion of new s 771 and ch 10, pt 2

After section 770—

insert—

‘771 Expiry of pt 1, hdg

‘Part 1, heading expires on 1 January 2010.’.

‘775 Particular notification giving requirement continues

- ‘(1) This section applies if, after the commencement, the Supreme Court decides an appeal against a decision mentioned in section 98(1)(a) in favour of an Australian lawyer.
- ‘(2) Section 98(2) and (3) of the unamended Act continues to apply in relation to the decision in the appeal as if the QCAT Amendment Act had not been enacted.

‘776 Particular orders taken to be orders of QCAT

- ‘(1) An order made by the former tribunal under section 650(1) as in force before the commencement—
 - (a) is taken to be an order made by QCAT under section 656D(1); and
 - (b) section 656D applies to the order accordingly.
- ‘(2) An order made by the former tribunal under section 650(4) as in force before the commencement—
 - (a) is taken to be an order made by QCAT under section 656D(4); and
 - (b) section 656D applies to the order accordingly.

‘777 Authentication of documents continues

‘Section 654 of the unamended Act continues to apply in relation to the following as if the QCAT Amendment Act had not been enacted—

- (a) documents relating to a proceeding before the former tribunal;
- (b) documents issued by the former tribunal.’.

1553 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *tribunal*, *tribunal member* and *tribunal rules*—

[s 1554]

omit.

- (2) Schedule 2—

insert—

‘commencement, for chapter 10, part 2, see section 772.

former tribunal, for chapter 10, part 2, see section 772.

QCAT Amendment Act, for chapter 10, part 2, see section 772.

tribunal means QCAT.

tribunal’s principal registrar means the principal registrar under the QCAT Act.

unamended Act, for chapter 10, part 2, see section 772.’.

- (3) Schedule 2, definition *panel member*, ‘division 3’—

omit, insert—

‘division 2’.

Part 22

Repeal of Legal Profession (Tribunal and Committee) Rule 2007

1554 Repeal

The Legal Profession (Tribunal and Committee) Rule 2007, SL No. 154 is repealed.

Part 23 **Amendment of Magistrates Act 1991**

1555 Act amended

This part amends the *Magistrates Act 1991*.

1556 Amendment of s 53J (Practice direction)

- (1) Section 53J(1)(b) and (c)—
omit.
- (2) Section 53J(1)(d) and (e)—
renumber as section 53J(1)(b) and (c).

1557 Amendment of s 53K (Referring application or matter)

Section 53K(2), ‘section 53J(1)(e)’—
omit, insert—
‘section 53J(1)(c)’.

1558 Amendment of s 53L (Decision of judicial registrar taken to be decision of magistrate)

- (1) Section 53L(b)—
omit.
- (2) Section 53L(c) and (d)—
renumber as section 53L(b) and (c).

Part 25 Amendment of Misconduct Tribunals Act 1997

1563 Act amended

This part amends the *Misconduct Tribunals Act 1997*.

1564 Amendment of ss 11, 17, 18 and 19

Sections 11(3), 17(a), 18 and 19(1), ‘registrar’—
omit, insert—
‘director’.

1565 Omission of s 40 (Registrar and tribunal staff)

Section 40—
omit.

1566 Amendment of s 44 (Confidentiality)

(1) Section 44(1)(a), both subparagraphs (ii)—
omit, insert—

- ‘(ii) a former registrar or former registrar staff member;
or
- (iii) the director or another staff member of the registry
under the *Commercial and Consumer Tribunal Act 2003*; and’.

(2) Section 44—
insert—

‘(4) In this section—

former registrar means a person appointed as the registrar of
misconduct tribunals under the repealed section 40.

[s 1567]

former registrar staff member means a person employed as a member of the registrar's staff under the repealed section 40.

repealed section 40 means section 40 as in force before its repeal by the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*.

1567 Amendment of schedule (Dictionary)

(1) Schedule, definition *registrar*—

omit.

(2) Schedule—

insert—

'director means the director of the registry under the *Commercial and Consumer Tribunal Act 2003*.'

Part 26 Amendment of Powers of Attorney Act 1998

1568 Act amended

This part amends the *Powers of Attorney Act 1998*.

1569 Amendment of s 109A (Guardianship and Administration Tribunal also has jurisdiction and powers about enduring documents)

Section 109A, heading, 'Guardianship and Administration Tribunal'—

omit, insert—

'Queensland Civil and Administrative Tribunal'.

1570 Amendment of sch 3 (Dictionary)

Schedule 3, definition *tribunal*—

omit, insert—

'tribunal means QCAT.'

Part 27 Amendment of Retail Shop Leases Act 1994

1571 Act amended

This part amends the *Retail Shop Leases Act 1994*.

1572 Amendment of s 14 (Continued application of certain provisions of former Act to existing retail shop leases)

Section 14(2)(d), 'a tribunal under this Act'—

omit, insert—

'QCAT'.

1573 Amendment of s 22E (Effect of failure to comply with sections 22A–22D)

Section 22E(2), 'ask the tribunal'—

omit, insert—

'apply, as provided under the QCAT Act, to QCAT'.

1574 Amendment of s 26 (Lessor not to disclose turnover information)

Section 26(2)(b)(v)—

[s 1575]

omit, insert—

‘(v) a mediator under this Act or QCAT; or’.

1575 Amendment of s 32 (Valuer to give determination to lessor and lessee)

Section 32(e)—

omit, insert—

‘(e) if a retail tenancy dispute under section 30 proceeds to mediation or QCAT under part 8—the lessor gives the lease information to the valuer as required by or under a mediation agreement made under the part, or order made by QCAT.’.

1576 Amendment of s 46B (Matters tribunal may consider in deciding if a party’s conduct is unconscionable)

(1) Section 46B, heading, ‘tribunal’—

omit, insert—

‘QCAT’.

(2) Section 46B(1), (3) and (4), ‘the tribunal’—

omit, insert—

‘QCAT’.

(3) Section 46B(2), ‘The tribunal’—

omit, insert—

‘QCAT’.

1577 Amendment of s 57 (Limited right of representation)

Section 57(b), ‘approved agent’—

omit, insert—

‘agent approved by the mediator’.

1578 Replacement of pt 8, div 3, hdg (Reference of retail tenancy disputes to tribunal)

Part 8, division 3, heading—

omit, insert—

‘Division 3 Reference of retail tenancy disputes and applications to QCAT’.

1579 Amendment of s 63 (Reference of dispute—by mediator)

(1) Section 63(1)(a), all words before subparagraph (i)—

omit, insert—

‘(a) a retail tenancy dispute is within QCAT’s jurisdiction and’.

(2) Section 63(1)(a), after subparagraph (iii)—

insert—

‘Note—

See section 103 for QCAT’s jurisdiction.’.

(3) Section 63(2)—

omit, insert—

‘(2) The mediator must refer the dispute, as provided under the QCAT Act, to QCAT.

‘(3) The party who lodged the notice of the dispute under section 55 is the applicant in the proceeding before QCAT for the dispute.’.

1580 Replacement of s 64 (Reference of dispute—by party)

Section 64—

omit, insert—

[s 1581]

‘64 Application to QCAT—by party

‘(1) A party to a retail tenancy dispute may apply, as provided under the QCAT Act, to QCAT for an order to resolve the dispute if—

(a) any of the following provisions apply—

(i) the party claims that another party to a mediation agreement has not complied with the agreement within the time stated in it or, if no time is stated, within 2 months after the agreement is signed;

(ii) a mediator refuses to refer the dispute to QCAT because the mediator is of the opinion that the dispute is not within QCAT’s jurisdiction;

(iii) a court has ordered that a proceeding started in the court for the dispute be removed to QCAT or another tribunal; and

(b) the retail shop lease has not ended (whether by expiry, surrender or termination) more than 1 year before the dispute notice was lodged.

‘(2) In this section—

mediation agreement includes a mediation agreement under section 26 of the former Act.’.

1581 Omission of pt 8, div 4 (Retail tenancy disputes hearings)

Part 8, division 4—

omit.

1582 Replacement of pt 8, div 5, hdg (Provisions about tribunal orders)

Part 8, division 5, heading—

omit, insert—

‘Division 4 Provision about QCAT orders’.

1583 Amendment of s 83 (Tribunals' orders)

(1) Section 83, heading—

omit, insert—

'83 QCAT orders'.

(2) Section 83(1), (2) and (3), 'the tribunal'—

omit, insert—

'QCAT'.

(3) Section 83(1), 'the retail'—

omit, insert—

'a retail'.

(4) Section 83(4) and (5)—

omit.

1584 Omission of ss 84–88A; pt 8, div 6; and pt 8, div 7, hdg

(1) Sections 84 to 88A and part 8, division 6—

omit.

(2) Part 8, division 7, heading—

omit, insert—

'Division 5 General'.

1585 Replacement of ss 91–93

Sections 91 to 93—

omit, insert—

'91 Withdrawal of disputes

'(1) A person may, by written notice given to the chief executive, withdraw a dispute notice lodged by the person for a retail tenancy dispute, unless—

[s 1586]

- (a) a mediator has referred the dispute to QCAT under section 63(2); or
- (b) the person has made an application about the dispute to QCAT as mentioned in section 64.

Note—

The QCAT Act, section 46 provides for the withdrawal of referrals and applications mentioned in paragraphs (a) and (b).

- ‘(2) The notice may be given before or after a mediator has started mediating the dispute.
- ‘(3) If the chief executive has nominated a mediator for the dispute, the chief executive must advise the mediator of the withdrawal as soon as practicable after receiving the notice.’.

1586 Amendment of s 94 (Exclusion of other jurisdictions)

- (1) Section 94(2)—

omit, insert—

- ‘(2) Subsection (1) does not apply if—
 - (a) the notice of the dispute is withdrawn under section 91 or the referral of, or application for, the dispute is withdrawn under the QCAT Act; or
 - (b) a proceeding about the issue in dispute was started in a court before the dispute notice was lodged and the proceeding has not been removed, or transferred, to QCAT; or
 - (c) an application for an order in the nature of an injunction about the issue in dispute is made to a court; or
 - (d) a mediator or QCAT refuses to mediate or hear the dispute because the mediator or QCAT is of the opinion the dispute is not within the jurisdiction of a mediator or QCAT; or
 - (e) the mediator can not reach a solution to the dispute and QCAT does not have jurisdiction to hear the dispute.’.

- (2) Section 94(4), ‘tribunal’—
omit, insert—
‘QCAT’.

1587 Amendment of s 97 (Mediators’ jurisdiction)

Section 97(1)(c)—
omit, insert—

- ‘(c) under a retail shop lease for the carrying on of the business of a service station, if the *Trade Practices (Industry Codes—Oilcode) Regulations 2006* (Cwlth) apply to the carrying on of the business under a fuel re-selling agreement within the meaning of those regulations.’.

1588 Replacement of pt 9, div 2 (Retail shop leases tribunals)

Part 9, division 2—
omit, insert—

‘Division 2 Provisions for QCAT proceedings

‘102 Constitution of QCAT

- ‘(1) Subject to subsection (2), for a proceeding for a retail shop lease dispute, QCAT is to be constituted by the following persons who are QCAT members—
- (a) a legally qualified member;
 - (b) a person representing lessors under retail shop leases;
 - (c) a person representing lessees under retail shop leases.
- ‘(2) If the amount, value or damages in dispute is less than the QCAT prescribed amount, QCAT may be constituted by—
- (a) a legally qualified member; or
 - (b) a QCAT adjudicator.

[s 1588]

‘(3) In this section—

legally qualified member means a person who is a legally qualified member under the QCAT Act.

QCAT adjudicator means an adjudicator under the QCAT Act.

QCAT member means a member under the QCAT Act.

QCAT prescribed amount means the prescribed amount under the QCAT Act.

‘103 QCAT’s jurisdiction

‘(1) QCAT has jurisdiction to hear retail tenancy disputes, other than a retail tenancy dispute—

(a) about an issue between the parties that—

(i) is the subject of arbitration; or

(ii) has been the subject of an interim or final award in an arbitration proceeding; or

(iii) is before, or has been decided by, a court; or

(b) about—

(i) arrears of rent under a retail shop lease; or

(ii) the amount of rent payable under a retail shop lease; or

(iii) the amount of a lessor’s outgoings under a retail shop lease; or

(c) if the amount, value or damages in dispute is more than the monetary limit within the meaning of the *District Court of Queensland Act 1967*, section 68; or

(d) under a retail shop lease for the carrying on of the business of a service station, if the *Trade Practices (Industry Codes—Oilcode) Regulations 2006* (Cwlth) apply to the carrying on of the business under a fuel

re-selling agreement within the meaning of those regulations.

- ‘(2) However, QCAT has jurisdiction to hear a retail tenancy dispute about—
- (a) the procedure for the determination of rent payable under a retail shop lease, but not the actual amount of the rent; or
 - (b) the basis on which the lessor’s outgoings are payable by, and the procedure for charging the lessor’s outgoings to, a lessee under a retail shop lease, but not the actual amount of the outgoings; or
 - (c) whether an item, or part of an item, of the lessor’s outgoings for the retail shopping centre or leased building in which a leased shop is situated was reasonably incurred in, or directly attributable to, the operations, maintenance or repair of the centre or building; or
 - (d) arrears of rent payable under a retail shop lease if the dispute is also about the payment of compensation by the lessor to the lessee under the lease.
- ‘(3) For subsection (1)(a)(i), a retail tenancy dispute is only the subject of arbitration if the arbitration proceeding has started.’.

1589 Amendment of s 113 (Mediators and tribunal members to maintain secrecy)

- (1) Section 113, heading, before ‘tribunal’—
insert—
‘former’.
- (2) Section 113, before ‘tribunal’—
insert—
‘former’.

[s 1590]

- (3) Section 113(1), after ‘process’—
insert—
‘or the hearing of a matter under part 8, division 4 as in force before the commencement’.
- (4) Section 113—
insert—
- ‘(3) In this section—
commencement means the commencement of this subsection.
former tribunal member means a member of a tribunal established under this Act before the commencement.’.

1590 Amendment of s 114 (Ordinary protection and immunity allowed)

- (1) Section 114(1) and (2)—
omit, insert—
- ‘(1) A mediator has, in the performance of the mediator’s function, the same protection and immunity as a Supreme Court judge carrying out the functions of a judge.
- ‘(2) A person who is a party, or the party’s agent, appearing at a mediation process for a retail tenancy dispute has the same protection and immunity the person would have if the dispute were in the Supreme Court.’.
- (2) Section 114(3), ‘dispute resolution’—
omit, insert—
‘mediation’.

1591 Amendment of s 115 (Admissions made during dispute resolution process)

- (1) Section 115, heading, ‘dispute resolution process’—
omit, insert—

‘mediation conference’.

(2) Section 115(1), ‘a tribunal’—

omit, insert—

‘tribunal’.

(3) Section 115(2)—

omit.

1592 Amendment of s 116 (Register)

(1) Section 116(1), ‘mediators, tribunal panel members’—

omit, insert—

‘mediators’.

(2) Section 116(2), after ‘for each dispute’—

insert—

‘for which a dispute notice is lodged under section 55’.

(3) Section 116(2)(e)—

omit.

(4) Section 116(3) and (4)—

omit, insert—

‘(3) The chief executive must keep the register open for inspection by members of the public during office hours on business days at a place reasonably accessible to the public.

‘(4) A person may inspect the register, or obtain a copy of the register or a part of it, on payment of the fee (if any) prescribed under a regulation.’.

[s 1593]

1593 Amendment of s 117 (Delegations)

Section 117(2), after ‘executive’s’—
insert—
‘functions or’.

1594 Amendment of s 119 (Chief executive’s responsibility)

Section 119(a), ‘department, mediators and tribunals’—
omit, insert—
‘department and mediators’.

1595 Amendment of s 120 (Evidentiary provisions)

- (1) Section 120(3)—
omit.
- (2) Section 120(4)—
renumber as section 120(3).

1596 Amendment of s 121 (Regulation-making power)

Section 121(2)(b) and (c)—
omit, insert—
‘(b) the practices and procedures of the mediation process.’.

1597 Replacement of pt 12, divs 1–3, hdgs

- (1) Part 12, division 1, heading—
omit, insert—

‘Division 1 Provision for Act No. 47 of 1994’.

- (2) Part 12, division 2, heading—
omit, insert—

‘Division 2 Provisions for Act No. 19 of 2000’.

- (3) Part 12, division 3, heading—
omit, insert—

‘Division 3 Provision for Act No. 4 of 2006’.

1598 Insertion of new pt 12, div 4

Part 12—
insert—

‘Division 4 Provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

‘130 Definitions for div 4

‘In this division—

commencement means the commencement of this section.

former tribunal legal member means a person who was a tribunal legal member within the meaning of this Act as in force before the commencement.

previous, if followed by a section number, means the section of that number as in force before the commencement.

Note—

See also the QCAT Act, chapter 7.

‘131 Application of s 64

- ‘(1) This section applies if, before the commencement—
- (a) a mediator refused to refer a retail tenancy dispute to the chief executive because the mediator was of the opinion

[s 1598]

that the dispute was not within a tribunal's jurisdiction;
or

(b) a court ordered that a proceeding started in the court for the dispute be removed to a tribunal.

'(2) Section 64 applies to the dispute as if the mediator refused to refer the dispute to QCAT or the court ordered that the proceeding be removed to QCAT.

'132 Existing referrals and applications about retail tenancy disputes to chief executive

'(1) This section applies if, before the commencement, a retail tenancy dispute—

(a) was referred to the chief executive under previous section 63(2) or previous section 64(2); and

(b) had not been referred to a former tribunal legal member under previous section 65(1); and

(c) had not been withdrawn.

'(2) This section also applies if, before the commencement, an application about a retail tenancy dispute—

(a) was made to the chief executive under previous section 89(2); and

(b) had not been renewed under previous section 90; and

(c) had not been withdrawn.

'(3) The chief executive must refer the dispute to QCAT.

'(4) The party who lodged the notice of the dispute under section 55 or made the application under previous section 89(2) is the applicant in the proceeding before QCAT for the dispute.

‘133 Existing referrals of retail tenancy disputes to former tribunal legal member

- ‘(1) This section applies if, before the commencement, a retail tenancy dispute—
- (a) was referred to a former tribunal legal member under previous section 65; and
 - (b) had not been withdrawn, struck out or otherwise disposed of.
- ‘(2) From the commencement—
- (a) the retail tenancy dispute is taken to be an existing tribunal proceeding for the prescribed QCAT Act provisions; and
 - (b) the party who lodged the notice of the dispute under section 55 is the applicant in the proceeding before QCAT for the dispute.
- ‘(3) Also, for applying the prescribed QCAT Act provisions in relation to the dispute, the former tribunal legal member is taken to be a former tribunal.
- ‘(4) In this section—
- prescribed QCAT Act provisions* means the following provisions of the QCAT Act, chapter 7—
- (a) part 1;
 - (b) section 254;
 - (c) part 2, division 3;
 - (d) part 4.’.

1599 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *approved agent, attendance notice, chairperson, dispute resolution process, original order, renewed retail tenancy dispute, tribunal, tribunal legal member, tribunal member, tribunal panel* and *tribunal panel member*—

1602 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *minor claim* and *minor debt claim*—
omit.

Chapter 10 Department of Police

Part 1 Amendment of Police Service Administration Act 1990

1603 Act amended

This part amends the *Police Service Administration Act 1990*.

**1604 Amendment of s 4.5 (Removal and suspension of
commissioner)**

(1) Section 4.5(3), after ‘office are’—

insert—

‘the following’.

(2) Section 4.5(3)(c)—

omit, insert—

‘(c) a finding by QCAT of official misconduct being proved against the commissioner if QCAT orders the commissioner’s dismissal;’.

1605 Amendment of s 7.4 (Disciplinary action)

(1) Section 7.4(1)—

insert—

[s 1606]

‘QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

(2) Section 7.4(2A)—

omit, insert—

‘(2A) If the prescribed officer—

- (a) decides an allegation of misconduct brought against the officer; or
- (b) when deciding an allegation of breach of discipline brought against the officer, finds that misconduct is proved against the officer;

the commissioner must give a QCAT information notice to the officer and the Crime and Misconduct Commission for the decision or finding within 14 days after the making of the decision or finding.’.

(3) Section 7.4—

insert—

‘(5) To remove any doubt, it is declared that a reference in the QCAT Act, section 157(2) to a decision includes a reference to a finding.’.

1606 Amendment of s 9.1 (Operation of part)

Section 9.1, from ‘right of appeal’—

omit, insert—

‘right to seek a review of the decision in question under the *Crime and Misconduct Act 2001*, section 219G.’.

[s 1608]

- (f) a decision that is taken to have happened for a deemed refusal.
- ‘(3) For working out the period within which the application must be made under the QCAT Act, section 33, the applicant is taken to have been notified of the decision when the following is given to the applicant under the Integrated Planning Act—
 - (a) the decision notice for the decision;
 - (b) if a negotiated decision notice is also given to the applicant—the negotiated decision notice.

Note—

Under the QCAT Act, section 157(1), the assessment manager is required to give the applicant a notice complying with that section about each decision mentioned in subsection (2).

- ‘(4) If an appeal is made to the Planning and Environment Court about a decision mentioned in subsection (2), the court must not hear or decide the appeal.
- ‘(5) This section does not prevent the making of an application under the Integrated Planning Act, section 4.1.21 for a declaration about the meaning, effect or enforcement of a condition of a development approval.

‘64B Review of decisions about impact assessment

- ‘(1) This section applies if an acknowledgment notice under the Integrated Planning Act for a development application contains a statement that an aspect of the development applied for requires impact assessment.
- ‘(2) The applicant for the development application may apply, as provided under the QCAT Act, to QCAT for a review of the assessment manager’s decision that the aspect requires impact assessment.
- ‘(3) For working out the period within which the application must be made under the QCAT Act, section 33, the applicant is taken to have been notified of the decision when the applicant is given the acknowledgement notice.

Note—

Under the QCAT Act, section 157(1), the assessment manager is required to give the applicant a notice complying with that section about the decision.

- ‘(4) If an appeal is made to the Planning and Environment Court about a decision mentioned in subsection (2), the court must not hear or decide the appeal.
- ‘(5) This section does not prevent the making of an application under the Integrated Planning Act, section 4.1.21 for a declaration about the meaning, effect or enforcement of a condition of a development approval.

‘64C Procedures for review

- ‘(1) This section applies if, under section 64A or 64B, an applicant for a development application applies to QCAT for a review of a decision of the assessment manager.
- ‘(2) The obligation imposed on the applicant, under the QCAT Act, section 37, to give a copy of the application to the assessment manager must be complied with within 5 business days after the day the application for review is made.
- ‘(3) The obligation imposed on the assessment manager, under the QCAT Act, section 21(2), to give a statement of reasons, documents and other things to QCAT must be complied with within 10 business days after the day the assessment manager is notified of the making of the application for review.
- ‘(4) Within 10 business days after receiving material from the assessment manager under the QCAT Act, section 21(2), QCAT must—
 - (a) make a preliminary assessment of the decision of the assessment manager that is the subject of the review; and
 - (b) give a copy of the preliminary assessment and the reasons for the preliminary assessment to the parties to the review.

[s 1608]

- ‘(5) QCAT must give the parties to the review 10 business days after receiving the preliminary assessment to make written submissions about the assessment.
- ‘(6) QCAT must decide the review within 5 business days after the end of the period for making written submissions, unless the period for deciding the review is extended under subsection (7).
- ‘(7) If QCAT considers it appropriate, QCAT may extend the period for deciding the review to the extent necessary.

Example—

An extension of the period for deciding the review may be necessary to allow parties to make oral submissions to QCAT or because the review is complex.

‘64D No appeal from QCAT’s decision under the Integrated Planning Act

- ‘(1) This section applies to a QCAT decision in a proceeding for a review under this division that, under the QCAT Act, section 24(2), is taken to be a decision of an assessment manager.
- ‘(2) The decision is not subject to appeal under the Integrated Planning Act.

Note—

However, the QCAT Act, chapter 2, part 8 (Appeals etc.) applies to QCAT’s decisions in the proceeding for the review.

‘64E Development approval suspended until review decided

‘A development approval is suspended until the end of any period for applying to QCAT for a review of a decision about any matter stated in the approval and any proceeding started because of the review.’.

1609 Amendment of s 132 (Evidentiary provision)

Section 132(2) and (3), ‘, the independent assessor’—
omit.

1610 Amendment of s 133 (Disclosure of information)

(1) Section 133(3), definition *official*, after ‘means’—
insert—

‘a person who is or was’.

(2) Section 133(3), definition *official*, paragraph (d)—
omit, insert—

‘(d) the independent assessor under this Act, as in force before the commencement of the QCAT Act, chapter 7; or’.

(3) Section 133(3), definition *official*, paragraph (f)—
omit, insert—

‘(f) the assessor’s registrar under this Act, as in force before the commencement of the QCAT Act, chapter 7; or’.

1611 Amendment of s 134 (Protection of officials from liability)

(1) Section 134(3), definition *official*, paragraph (d)—
omit.

(2) Section 134(3), definition *official*, paragraphs (e) and (f)—
renumber as paragraphs (d) and (e).

1612 Replacement of pt 9, divs 1–4, hdgs

(1) Part 9, division 1, heading—
omit, insert—

‘Division 1 Provision for Act No. 77 of 2001’.

[s 1613]

(2) Part 9, division 2, heading—

omit, insert—

‘Division 2 Provisions for Act No. 40 of 2006’.

(3) Part 9, division 3, heading—

omit, insert—

‘Division 3 Provision for Act No. 59 of 2007’.

(4) Part 9, division 4, heading—

omit, insert—

‘Division 4 Provision for Act No. 55 of 2008’.

1613 Insertion of new pt 9, div 5

Part 9—

insert—

‘Division 5 Provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

‘152 Definition for div 5

‘In this division—

commencement means the commencement of section 153.

‘153 Independent assessor goes out of office

‘On the commencement, the independent assessor goes out of office.

‘154 Application of particular QCAT Act provisions to former independent assessor and former assessor’s registrar

‘(1) From the commencement, the following provisions of the QCAT Act apply in relation to the former independent assessor as if the former independent assessor were a former tribunal under that Act—

- sections 250 to 253 and 254(1)(a)
- chapter 7, part 2, divisions 2 to 4
- chapter 7, part 4
- section 276.

‘(2) For applying the QCAT Act, section 276 in relation to the former independent assessor, a reference in the section to a former Act is taken to be a reference to this Act.

‘(3) Also, from the commencement, the QCAT Act, section 254(1)(d) applies to the former assessor’s registrar as if the reference in the paragraph to a former registrar were a reference to the former assessor’s registrar.

‘(4) In this section—

former assessor’s registrar means the person holding appointment as the assessor’s registrar for this Act immediately before the commencement.

former independent assessor means the person holding appointment as an independent assessor for this Act immediately before the commencement.’.

1614 Amendment of sch 4 (Dictionary)

Schedule 4, definitions *assessor’s registrar* and *independent assessor*—

omit.

(2) Section 142(2) and (3)—

omit, insert—

‘(2) A person aggrieved by the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

1620 Insertion of new s 142AA

After section 142—

insert—

‘142AA Notices must be QCAT information notices

‘(1) This section applies to a notice required to be given to a person in relation to a decision mentioned in section 142(1).

‘(2) The notice must be a QCAT information notice for the decision.’.

1621 Amendment of s 142A (Particular provision for appeals against or reviews of decisions based on criminal intelligence)

(1) Section 142A, heading—

omit, insert—

‘142A Confidentiality of criminal intelligence’.

(2) Section 142A(1)—

omit, insert—

‘(1) This section applies to—

(a) a review, under the QCAT Act, of a relevant decision; or

(b) a review, under the *Judicial Review Act 1991*, of a relevant decision; or

(c) an appeal, under the QCAT Act, in relation to a relevant decision.’.

(3) Section 142A(2), after ‘court’—

insert—

[s 1622]

‘or tribunal’.

- (4) Section 142A(3), definition *review*—
omit.

1622 Omission of ss 143 and 144

Sections 143 and 144—
omit.

1623 Amendment of s 145 (Appellant may carry on business pending appeal)

- (1) Section 145, heading—
omit, insert—

‘145 Applicant may carry on business pending review’.

- (2) Section 145, ‘appeals against’—
omit, insert—
‘applies for the review of’.

- (3) Section 145, ‘appeal’—
omit, insert—
‘review’.

1624 Omission of ss 146–149

Sections 146 to 149—
omit.

1625 Amendment of sch 2 (Dictionary)

Schedule 2—
insert—

1631 Amendment of s 7 (Establishment of corporation)

Section 7(b), after ‘jurisdiction’—

insert—

‘or tribunal’.

1632 Amendment of s 83 (Power to exclude persons causing public nuisance)

Section 83—

insert—

‘(7) A written notice mentioned in subsection (5) must comply with the QCAT Act, section 157(2).

‘(8) For the purposes of the QCAT Act, a decision made by a security officer under subsection (5) is taken to have been made by the corporation.’.

1633 Amendment of s 87 (Certain exclusion directions may be reviewed)

(1) Section 87(1)—

omit, insert—

‘(1) A person who is given a reviewable exclusion direction may apply, as provided under the QCAT Act, to QCAT to review the reasonableness of the direction.’.

(2) Section 87(2), ‘The’—

omit, insert—

‘However, the’.

(3) Section 87(3), ‘registrar or clerk of the court’—

omit, insert—

‘principal registrar of QCAT’.

[s 1634]

1634 Replacement s 89 (Procedure for review)

Section 89—

omit, insert—

‘89 Review may be expedited hearing

‘For section 94(1)(b) of the QCAT Act, the review of a reviewable exclusion direction is a matter for which an expedited hearing may be conducted.’.

1635 Replacement of s 90 (Decision on review)

Section 90—

omit, insert—

‘90 Monetary decision can not be made on review

‘QCAT, on the review of a reviewable exclusion direction, can not make a decision requiring a person to pay an amount to someone else.’.

Part 4 Amendment of Whistleblowers Protection Act 1994

1636 Act amended

This part amends the *Whistleblowers Protection Act 1994*.

1637 Amendment of s 55 (Preservation of confidentiality)

Section 55(7)—

insert—

‘*public officer* includes a former member of the former misconduct tribunal established under the repealed *Misconduct Tribunals Act 1997*, section 11.’.

1638 Amendment of sch 6 (Dictionary)

- (1) Schedule, definition *tribunal*, paragraph (a), ‘a tribunal’—
omit, insert—
‘QCAT or another tribunal that is’.
- (2) Schedule 6, definition *tribunal*, paragraph (d)—
omit.

Chapter 12 Department of Public Works

Part 1 Amendment of Architects Act 2002

1639 Act amended

This part amends the *Architects Act 2002*.

1640 Amendment of s 106 (Board to reimburse tribunal costs)

Section 106(2), definition *tribunal department*, ‘Tribunal Act’—

omit, insert—

‘QCAT Act’.

1641 Omission of pt 8, div 1 (Preliminary)

Part 8, division 1—

omit.

[s 1642]

1642 Renumbering of pt 8, div 2 (Reviews)

Part 8, division 2—

renumber as part 8, division 1.

1643 Amendment of s 121 (Review of particular decisions)

Section 121(2), ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

1644 Omission of s 123 (Stay of operation of decision)

Section 123—

omit.

1645 Renumbering of pt 8, div 3 (Disciplinary proceedings)

Part 8, division 3—

renumber as part 8, division 2.

1646 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *Tribunal Act*—

omit.

(2) Schedule 2, definition *information notice*—

omit, insert—

‘**information notice** means a notice complying with the QCAT Act, section 157(2).’.

(3) Schedule 2, definition *tribunal*—

omit, insert—

‘**tribunal** means QCAT.’.

Part 2 **Amendment of Building and Construction Industry Payments Act 2004**

1647 Act amended

This part amends the *Building and Construction Industry Payments Act 2004*.

1648 Amendment of s 95 (Review decision)

Section 95(3)—

omit, insert—

- ‘(3) If the review decision is not the decision sought by the applicant, the review notice must comply with the QCAT Act, section 157(2).’.

1649 Amendment of 96 (Stay of operation of decision)

Section 96(1), ‘apply for’—

omit, insert—

‘apply, as provided under the QCAT Act, for’.

1650 Replacement of pt 5, div 2, hdg (Review by tribunal)

Part 5, division 2, heading—

omit, insert—

‘Division 2 External review of decisions’.

1651 Amendment of s 97 (Who may apply to tribunal for a review)

- (1) Section 97, heading ‘a’—

omit, insert—

1656 Amendment of s 55 (Cost plus contracts)

Section 55(4), ‘made to’—

omit, insert—

‘made, as provided under the QCAT Act, to’.

1657 Amendment of s 60 (Effect of improper statements)

Section 60(3), ‘made to’—

omit, insert—

‘made, as provided under the QCAT Act, to’.

1658 Amendment of s 84 (Right of building contractor to recover amount for variation)

(1) Section 84(2)(b), ‘made to’—

omit, insert—

‘made, as provided under the QCAT Act, to’.

(2) Section 84(3)(b), ‘made to’—

omit, insert—

‘made, as provided under the QCAT Act, to’.

1659 Amendment of sch 2 (Dictionary)

Schedule 2, definition *tribunal*—

omit, insert—

‘*tribunal* means QCAT.’.

[s 1670]

1670 Amendment of s 44H (Procedure for cancellation or suspension)

Section 44H(4)—

omit, insert—

- ‘(4) The notice of cancellation or suspension must comply with the QCAT Act, section 157(2).’

1671 Amendment of s 49 (Procedure for cancellation or suspension)

Section 49(4)—

omit, insert—

- ‘(4) The notice of cancellation or suspension must comply with the QCAT Act, section 157(2).’

1672 Amendment of s 49A (Immediate suspension of licence)

Section 49A(2)—

omit, insert—

- ‘(2) The suspension under subsection (1) is imposed by written notice given to the licensee that complies with the QCAT Act, section 157(2) and—
- (a) states that licensee may make written representations for a lifting of the suspension; and
 - (b) briefly explains how the suspension could lapse under subsection (3).’

1673 Amendment of s 67 (Notice that not a fit and proper person to individual who is not a licensee)

Section 67(3)—

insert—

- ‘(d) how, and the period within which, the individual may apply to the tribunal for the review; and

-
- (e) any right the individual has to have the operation of the authority's decision stayed by the tribunal.'

1674 Amendment of s 67AH (Notice of cancellation and that not a fit and proper person to individual who is a licensee)

Section 67AH(3)(c)—

insert—

- '(iii) how, and the period within which, the individual may apply to the tribunal for the review; and
- (iv) any right the individual has to have the operation of the authority's decision stayed by the tribunal.'

1675 Amendment of s 67AI (Notice that not a fit and proper person to individual who is not a licensee)

Section 67AI(3)—

insert—

- '(d) how, and the period within which, the individual may apply to the tribunal for the review; and
- (e) any right the individual has to have the operation of the authority's decision stayed by the tribunal.'

1676 Amendment of s 67AL (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)

Section 67AL(3)(c)—

insert—

- '(iii) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and

[s 1677]

- (iv) any right the director, secretary, influential person or nominee has to have the operation of the authority's decision stayed by the tribunal.'

1677 Amendment of s 67AM (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)

Section 67AM(3)—

insert—

- '(d) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and
- (e) any right the director, secretary, influential person or nominee has to have the operation of the authority's decision stayed by the tribunal.'

1678 Amendment of s 67AP (Relationship of this part with pt 7, div 4)

Section 67AP(3)(b), editor's note—

omit.

1679 Amendment of s 67AQ (Definitions for pt 3E)

Section 67AQ, definition *conviction*, paragraph (e), 'Tribunal Act'—

omit, insert—

'QCAT Act'.

1680 Amendment of s 67AZF (Notice of cancellation and that not a fit and proper person to individual who is a licensee)

Section 67AZF(3)(c)—

insert—

- ‘(iii) how, and the period within which, the individual may apply to the tribunal for the review; and
- (iv) any right the individual has to have the operation of the authority’s decision stayed by the tribunal.’.

1681 Amendment of s 67AZG (Notice that not a fit and proper person to individual who is not a licensee)

Section 67AZG(3)—

insert—

- ‘(d) how, and the period within which, the individual may apply to the tribunal for the review; and
- (e) any right the individual has to have the operation of the authority’s decision stayed by the tribunal.’.

1682 Amendment of s 67AZJ (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)

Section 67AZJ(3)(c)—

insert—

- ‘(iii) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and
- (iv) any right the director, secretary, influential person or nominee has to have the operation of the authority’s decision stayed by the tribunal.’.

1683 Amendment of s 67AZK (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)

Section 67AZK(3)—

insert—

[s 1684]

- ‘(d) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and
- (e) any right the director, secretary, influential person or nominee has to have the operation of the authority’s decision stayed by the tribunal.’.

1684 Amendment of s 77 (Tribunal may decide building dispute)

Section 77(1), ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

1685 Amendment of s 84 (Tribunal to decide about rectification or completion work)

Section 84(2) and (4), ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

1686 Amendment of s 87 (Application for review)

Section 87, ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

1687 Amendment of s 88 (Tribunal has jurisdiction to conduct disciplinary proceeding)

Section 88, ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

1688 Replacement of s 91 (Orders for disciplinary action)

Section 91—

omit, insert—

‘91 Orders for disciplinary action

- ‘(1) If the tribunal decides that appropriate grounds exist for taking disciplinary action against a person, the tribunal may make 1 or more of the orders mentioned in subsections (3) to (5).
- ‘(2) Also, the tribunal may, in relation to defective or incomplete tribunal work carried out by a person for a building owner—
- (a) make an order that the person rectify or complete the work; or
 - (b) if the person is not appropriately licensed to rectify or complete the work—make an order that the person have the work rectified or completed by another person who is appropriately licensed; or
 - (c) make an order that the person pay the building owner an amount sufficient to rectify or complete the work.
- ‘(3) The tribunal may make an order imposing a penalty on the person of not more than—
- (a) for an individual—an amount equivalent to 200 penalty units; or
 - (b) for a corporation—an amount equivalent to 1000 penalty units.
- ‘(4) The tribunal may make an order directing the person to pay compensation to someone else who has suffered loss or damage because of the act or omission that resulted in the disciplinary action.
- ‘(5) If the person is a licensee, the tribunal may make an order—
- (a) reprimanding the licensee; or
 - (b) suspending the licence; or
 - (c) imposing conditions on the licence; or

[s 1689]

- (d) cancelling the licence.
- ‘(6) An order of the tribunal under subsections (3) to (5) must be published.
- ‘(7) The authority may recover an amount ordered by the tribunal to be imposed as a penalty as a debt due to it in a court with jurisdiction up to the amount of the debt.’.

1689 Insertion of new s 92A

Part 7, division 5—

insert—

‘92A Procedure before public examination starts

- ‘(1) Before the start of a public examination, the tribunal must be satisfied each person to be examined has received written grounds for the public examination.
- ‘(2) On being satisfied under subsection (1), the tribunal must—
 - (a) decide a time and place for the public examination; and
 - (b) issue an attendance notice to each person to be examined.
- ‘(3) If a person to be examined is a corporation, the tribunal must issue the attendance notice requiring the executive officer of the corporation to attend the tribunal for examination.
- ‘(4) The attendance notice must state—
 - (a) the time and place for the public examination decided by the tribunal; and
 - (b) that the person may make oral and written submissions at the examination.
- ‘(5) The authority must serve the attendance notice on the person to whom it was issued.’.

1690 Replacement of pt 7, div 7 (Transfer of proceedings)

Part 7, division 7—

omit, insert—

‘Division 7 Tribunal proceedings

‘93A Representation of parties

- ‘(1) This section applies to a party in a proceeding before the tribunal relating to a matter under this Act.
- ‘(2) The party may be represented by a lawyer if—
- (a) the proceeding relates to an application under section 93; or
 - (b) the proceeding is a public examination.

‘94 Transfer of proceedings between tribunal and the courts

‘If proceedings relating to a major commercial building dispute are brought in a court, the court may order that the proceeding be transferred to the tribunal only if all parties to the dispute apply for the order.’

1691 Omission of pt 7, div 8, hdg (Expedited hearings)

Part 7, division 8, heading—

omit.

1692 Amendment of s 95 (Expedited hearing of domestic building disputes)

Section 95(2)(a), ‘apply to’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

[s 1693]

1693 Omission of s 97 (Judicial Review excluded for minor domestic building disputes)

Section 97—

omit.

1694 Insertion of new pt 7, div 8

Part 7, after section 96—

insert—

‘Division 8 Other powers of the tribunal

‘97 Entry and inspection of property by member of tribunal

‘(1) A member of the tribunal may, if it is necessary to do so for the purposes of a proceeding before the tribunal—

- (a) enter and inspect a building or land relevant to the proceeding accompanied by the parties to the proceeding; or
- (b) authorise a person in writing to take the following action and report to the tribunal on the action taken—
 - (i) enter and inspect a building or land relevant to the proceeding;
 - (ii) take photographs, video film or an image of the building or land or anything relevant to the proceeding;
 - (iii) carry out tests approved by the tribunal.

Examples of building or land relevant to the proceeding—

- a display home mentioned in a contract as the model to be followed by a building contractor if the display home is occupied by a third party
- land adjoining other land on which is situated building work the subject of a proceeding to better inspect the building work from the adjoining land

- ‘(2) A person must not obstruct a member of the tribunal, or a person authorised under subsection (1)(b), in the exercise of a power mentioned in subsection (1).

Maximum penalty—200 penalty units.

‘97A Procedure before entry

- ‘(1) This section applies to entry under section 97.
- ‘(2) Before entering a building or land the member or a person authorised to enter must do or make a reasonable attempt to do the following—
- (a) give an occupier or, if there is no occupier, the owner, reasonable notice of the entry;
 - (b) on arriving at the building or land, identify himself or herself to a person present who is an occupier of the building or land by producing—
 - (i) for the member—a copy of a document that evidences the member’s appointment; or
 - (ii) for a person authorised to enter—a copy of the authorisation and evidence that the person is the person authorised;
 - (c) give the person present a copy of the things produced under subsection (2)(b);
 - (d) tell the person present the member or authorised person is permitted to enter the building or land.

‘97B Stop orders

- ‘(1) This section applies if the tribunal is satisfied, on application by the authority, that something is being done, or is about to be done, in contravention of this Act.
- ‘(2) The tribunal may, by order, prohibit the person who is doing, or about to do, the thing (the *prohibited person*) from starting or continuing the thing.

[s 1694]

- ‘(3) The tribunal may make an order under this section on application by the authority made without notice to the prohibited person but, in that case, the tribunal must allow the prohibited person a reasonable opportunity to show cause why the order should not be confirmed.
- ‘(4) If the tribunal, after considering the prohibited person’s evidence and submissions, if any, and any further evidence or submissions of the authority, is not satisfied the order should continue in force, the tribunal must rescind the order.
- ‘(5) A person must not contravene an order under this section.
Maximum penalty—500 penalty units.

‘97C Suspension orders

- ‘(1) If the tribunal is satisfied, on application by the authority, that a licence should be suspended, the tribunal may, by order, suspend the licence—
 - (a) for the period the tribunal considers reasonable; or
 - (b) until the holder of the licence (the *suspended person*) complies with a condition imposed on the licence by the tribunal.
- ‘(2) The order may direct the suspended person to deliver the licence to the authority and include any other directions the tribunal considers necessary or convenient to give effect to the order.
- ‘(3) The tribunal may make an order under this section on application made without notice to the suspended person but, in that case, the tribunal must allow the suspended person a reasonable opportunity to show cause why the order should be rescinded.
- ‘(4) If the tribunal after considering the suspended person’s evidence and submissions, if any, and any further evidence or submissions of the authority, is not satisfied the order should continue in force, the tribunal must rescind the order.

‘(5) The holder of a licence who contravenes a direction under subsection (2) commits an offence.

Maximum penalty—80 penalty units.’.

1695 Amendment of s 99 (Licensee register)

Section 99(3)(b), ‘107 of the Tribunal Act’—

omit, insert—

‘91’.

1696 Amendment of s 107 (Power to enter and inspect building site)

(1) Section 107(2)(c), ‘a member of’—

omit.

(2) Section 107(3), ‘apply to a member of’—

omit, insert—

‘apply, as provided under the QCAT Act, to’.

(3) Section 107(4) and (5), ‘member’—

omit, insert—

‘tribunal’.

1697 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *Tribunal Act*—

omit.

(2) Schedule 2, definition *registrar*—

omit, insert—

‘registrar—

(a) for part 3E—see section 67AQ; or

[s 1698]

- (b) otherwise—means the principal registrar under the Tribunal Act.’.
- (3) Schedule 2, definition *tribunal*—
omit, insert—
‘tribunal means QCAT.’.

Chapter 13 Department of Transport and Main Roads

Part 1 Amendment of Adult Proof of Age Card Act 2008

1698 Act amended

This part amends the *Adult Proof of Age Card Act 2008*.

1699 Amendment of pt 6, hdg (Review and appeal)

Part 6, heading, ‘and appeal’—

omit, insert—

‘of decisions’.

1700 Amendment of s 39 (Review of original decision)

- (1) Section 39, heading—

omit, insert—

‘39 Internal review of decisions’.

(2) Section 39(3)(b)(ii), ‘a Magistrates Court’—

omit, insert—

‘QCAT’.

1701 Replacement of s 40 (Appeal against reviewed decision)

Section 40—

omit, insert—

‘40 External review of decisions

‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.

‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

‘(3) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive’s decision on a review under section 39.’.

1702 Amendment of s 49 (Regulation-making power)

Section 49(2)(c), ‘or appeal’—

omit.

[s 1703]

1703 Amendment of schedule (Dictionary)

(1) Schedule, definition *information notice*, paragraph (c)—

omit, insert—

‘(c) that the person to whom the notice is given may—

- (i) under section 39—ask for the decision to be reviewed by the chief executive; and
- (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (iii) under section 40—ask for the chief executive’s decision on the review (the ***reviewed decision***) to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply for the reviewed decision to be stayed.’.

(2) Schedule, definition *review and appeal information*—

omit.

Part 2 Amendment of Tow Truck Act 1973

1704 Act amended

This part amends the *Tow Truck Act 1973*.

1705 Amendment of s 21B (Immediate suspension of authority)

Section 21B(4)(c) to (e)—

omit, insert—

‘(c) the prescribed review information for the decision.’.

1706 Amendment of s 21D (Amending, suspending or cancelling authority)

Section 21D(7)(b) and (c)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1707 Amendment of pt 6, hdg (Review of and appeals against decisions)

Part 6, heading, ‘and appeals against’—

omit.

1708 Replacement of s 28 (Review of and appeals against decisions)

Section 28—

omit, insert—

‘28 Internal review of decisions

- ‘(1) A person whose interests are affected by a decision described in schedule 1 (the *original decision*) may ask the chief executive to review the decision.
- ‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- ‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

[s 1709]

‘29 External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive’s decision on a review under section 28.’.

1709 Amendment of s 43 (Regulation-making power)

- (1) Section 43(2)(u)—
omit.
- (2) Section 43(2)(v)—
renumber as section 43(2)(u).

1710 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘prescribed review information, for a decision, means information that a person to whom a notice about the decision is given under section 21B(1) or 21D(6) may—

- (a) under section 28—ask for the decision to be reviewed by the chief executive; and

1716 Amendment of s 57 (Information in s 54 gazette notice about new or replacement policy)

Section 57(1)(f)(i) and (ii)—

omit, insert—

- ‘(i) under section 485—ask for the decision about the policy to be applied (the **original decision**) to be reviewed by the chief executive; and
- (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply for the original decision to be stayed; and
- (iii) under the *Transport and Planning Coordination Act 1994*, part 5, division 3—
 - (A) appeal against the chief executive’s decision on the review (the **reviewed decision**) to the court stated in schedule 3 for the decision; and
 - (B) apply for the reviewed decision to be stayed.’.

1717 Amendment of s 58 (Amendment of policy for a limited access road in limited circumstances)

Section 58(2)—

omit, insert—

- ‘(2) The written notice mentioned in subsection (1)(b) must—
 - (a) state the notice is given under this section; and
 - (b) state the reasons for the decision; and
 - (c) be accompanied by an information notice for the decision.’.

1718 Amendment of s 67 (Notice of decision under s 62(1))

- (1) Section 67(2)(e)—

omit.

[s 1719]

- (2) Section 67(2)(f)—
renumber as section 67(2)(e).
- (3) Section 67—
insert—
- ‘(2A) If the decision is not a decision sought by the person to whom the written notice is given, the written notice must be accompanied by an information notice for the decision.’.

1719 Amendment of s 289F (Decision by port authority in relation to approval)

- (1) Section 289F(2)(c) and (d)—
omit.
- (2) Section 289F—
insert—
- ‘(3) The written notice must also state that the applicant or approval holder may—
 - (a) under section 289G—ask for the decision (the *original decision*) to be reviewed by the port authority; and
 - (b) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply for the original decision to be stayed; and
 - (c) under section 289GA—ask for the port authority’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
 - (d) under the QCAT Act—apply for the reviewed decision to be stayed.’.

1720 Replacement of s 289G (Review of and appeals against decisions)

Section 289G—
omit, insert—

‘289G Internal review of decisions

- ‘(1) A person whose interests are affected by a decision mentioned in section 289F(1) (the *original decision*) may ask the port authority to review the decision.
- ‘(2) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review as if a reference in the division to the chief executive were a reference to the port authority that made the decision; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

‘289GA External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the port authority that made the reviewed decision must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—
reviewed decision means the port authority’s decision on a review under section 289G.’.

[s 1721]

1721 Replacement of s 485 (Review of and appeals against decisions)

Section 485—

omit, insert—

‘485 Internal review of decisions

- ‘(1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- ‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- ‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

‘485A External review of decisions

- ‘(1) This section applies in relation to an original decision if QCAT is stated in schedule 3 for the decision.
- ‘(2) If the reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(3) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

‘(4) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive’s decision on a review under section 485.

‘485B Appeals against decisions

‘(1) This section applies in relation to an original decision if a court (the ***appeal court***) is stated in schedule 3 for the decision.

‘(2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.

‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—

(a) applies to the appeal; and

(b) provides—

(i) for the procedure for the appeal and the way it is to be disposed of; and

(ii) that the person may apply to the appeal court to have the original decision stayed.

‘(4) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive’s decision on a review under section 485.’

[s 1722]

1722 Amendment of sch 3 (Reviews and appeals)

- (1) Schedule 3, heading, ‘section 485’—
omit, insert—
‘sections 485, 485A and 485B’.
- (2) Schedule 3, third column, heading, after ‘Court’—
insert—
‘or tribunal’.
- (3) Schedule 3, third column, ‘District’, ‘District or Magistrates’
or ‘Magistrates’—
omit, insert—
‘QCAT’.
- (4) Schedule 3, paragraph after entry for section 489—
omit.
- (5) Schedule 3—
insert—

‘338(2)	decision of chief executive to impose conditions on an authorisation	QCAT
338(3)	decision of chief executive not to grant an authorisation	QCAT
342(5)	decision of chief executive not to amend authorisation conditions	QCAT
343(3)	decision of chief executive to amend authorisation conditions	QCAT
344(3)	suspension or cancellation of authorisation	QCAT
344(6)	immediate cancellation of authorisation	QCAT
345(2)	immediate suspension of authorisation	QCAT
346R(1)	decision of busway safety officer	QCAT
(c)	resulting in forfeiture of seized thing to the State’.	

1723 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *information notice* and *reviewed decision*—

omit.

- (2) Schedule 6—

insert—

‘information notice, for a decision the subject of a written notice given to a person, means a written notice stating that the person may—

- (a) under section 485—ask for the decision to be reviewed by the chief executive; and
- (b) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply for the decision to be stayed; and
- (c) either—
- (i) if section 485A applies in relation to the reviewed decision—
- (A) under that section—ask for the reviewed decision to be reviewed by QCAT; and
- (B) under the QCAT Act—apply for the reviewed decision to be stayed; or
- (ii) if section 485B applies in relation to the reviewed decision, under the *Transport and Planning Coordination Act 1994*, part 5, division 3—
- (A) appeal against the reviewed decision to the court stated in schedule 3 for the decision; and
- (B) apply for the reviewed decision to be stayed.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).’.

- (ii) that the person may apply to QCAT to have the original decision stayed.

‘177A External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

reviewed decision means the chief executive’s decision on a review under section 177.’.

1727 Amendment of sch 3 (Dictionary)

Schedule 3, definition *information notice*, paragraph (b)(i) and (ii)—

omit, insert—

- ‘(i) under section 177—ask for the decision to be reviewed by the chief executive; and
- (ii) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (iii) under section 177A—ask for the chief executive’s decision on the review to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply to QCAT for the chief executive’s decision on the review to be stayed.’.

1732 Replacement of s 22 (Section 196 of Act applies for review and appeal)

Section 22—

omit, insert—

‘22 Act, ss 485 and 485A apply for reviews

‘(1) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (2) as if—

- (a) the decision were mentioned in schedule 3 of the Act; and
- (b) QCAT were stated opposite the decision in that schedule.

‘(2) For subsection (1) the decisions are as follows—

- (a) a decision to grant a take off and landing approval on conditions;
- (b) a decision to refuse to grant a take off and landing approval;
- (c) a decision to amend, suspend or cancel a take off and landing approval.’.

1733 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘prescribed review information, for a decision, means information that a person to whom a notice about the decision is given under section 18(5) or (6), 20(4) or 21(1) may—

- (a) under section 485 of the Act, as applied under section 22—ask for the decision to be reviewed by the chief executive; and
- (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and

[s 1734]

- (c) under section 485A of the Act, as applied under section 22—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (d) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 7

Amendment of Transport Infrastructure (Public Marine Facilities) Regulation 2000

1734 Regulation amended

This part amends the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*.

1735 Amendment of s 41 (Procedure if approval refused or granted on condition)

Section 41(3)—

omit, insert—

- ‘(3) A notice under subsection (2) must also state the prescribed review information for the decision.’.

1736 Amendment of pt 3, div 6, hdg (Amending, suspending or cancelling approvals and review or appeal)

Part 3, division 6, heading, ‘review or appeal’—

omit, insert—

‘reviews’.

1737 Amendment of s 43 (Amending suspending or cancelling approval without application)

Section 43(4)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1738 Replacement of pt 3, div 6, sdiv 2, hdg (Review and appeal)

Part 3, division 6, subdivision 2, heading—

omit, insert—

‘Subdivision 2 Internal and external review’.

1739 Amendment of s 44 (Review of and appeal against decisions)

(1) Section 44, heading—

omit, insert—

‘44 Internal and external review of decisions’.

(2) Section 44(2) and (3)—

omit, insert—

‘(2) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (1) as if—

(a) the decision were mentioned in schedule 3 of the Act;
and

(b) QCAT were stated opposite the decision in that schedule.’.

1740 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘(6) A notice under subsection (3) or (4) must also state the prescribed review information for the decision.’.

1743 Amendment of s 25 (Procedure for amending, suspending or cancelling approval)

Section 25(5)(b) and (c)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1744 Amendment of s 26 (Procedure for urgent suspension of approval of take off and landing approval)

Section 26(2)(b) and (c)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1745 Replacement of s 27 (Section 196 of Act applies for review and appeal)

Section 27—

omit, insert—

‘27 Act, ss 485 and 485A apply for reviews

‘(1) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (2) as if—

- (a) the decision were mentioned in schedule 3 of the Act; and
- (b) QCAT were stated opposite the decision in that schedule.

‘(2) For subsection (1) the decisions are as follows—

- (a) a decision to grant an approval on conditions;
- (b) a decision to refuse an application for an approval;
- (c) a decision to amend, suspend or cancel an approval.’.

[s 1746]

1746 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

‘prescribed review information, for a decision, means information that a person to whom a notice about the decision is given under section 23(3) or (4), 25(4) or 26(1) may—

- (a) under section 485 of the Act, as applied under section 27—ask for the decision to be reviewed by the chief executive; and
- (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (c) under section 485A of the Act, as applied under section 27—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (d) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 9 Amendment of Transport Operations (Marine Pollution) Act 1995

1747 Act amended

This part amends the *Transport Operations (Marine Pollution) Act 1995*.

1748 Amendment of s 115 (Recovery of discharge expenses)

- (1) Section 115(6), from ‘written notice’—

omit, insert—

‘a QCAT information notice for the decision to the security giver.’.

(2) Section 115(7)—

omit, insert—

‘(7) The QCAT information notice must enclose a copy of section 116.’.

(3) Section 115(8)—

omit, insert—

‘(8) If a QCAT information notice is given under subsection (6), the general manager must not make the demand until—

(a) the time to apply, as provided under the QCAT Act, to QCAT for a review of the decision has ended; and

(b) if an application for a review of the decision is made—the application is finally decided.’.

1749 Replacement of s 116 (Appeals)

Section 116—

omit, insert—

‘116 External review of decisions under s 115

‘A person whose interests are affected by a decision under section 115 may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

1750 Omission of s 117 (Hearing procedures)

Section 117—

omit.

1751 Insertion of new pt 13B

After section 117L—

insert—

‘Part 13B Review of decisions

‘117M Internal review of decisions

- ‘(1) This section applies if—
- (a) the general manager refuses an application for an approval, or amends, suspends or cancels an approval; or
 - (b) an authorised officer refuses an application for an approval under section 63.
- ‘(2) The applicant or approval holder may ask the chief executive to review the general manager’s or authorised officer’s decision (the *original decision*).
- ‘(3) The applicant or approval holder is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- ‘(4) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review as if a reference in the division to the chief executive were a reference to the general manager or authorised officer who made the decision; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.
- ‘(5) In this section—
- applicant***, in relation to an approval, means—
- (a) if the provision under which the approval may be applied for states that the ship’s owner may apply—the ship’s owner; or

- (b) if the provision under which the approval may be applied for states that the ship’s master may apply—the ship’s master.

approval means an approval or exemption that may be given by the general manager or an authorised officer under this Act.

‘117N External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review or an affected person, the chief executive must give the applicant a QCAT information notice for the reviewed decision.

- ‘(2) The applicant or affected person may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

affected person means an owner or master of a ship whose interests are affected by the reviewed decision.

reviewed decision means the chief executive’s decision on a review under section 177M.’.

1752 Amendment of schedule (Dictionary)

Schedule—

insert—

‘**QCAT information notice** means a notice complying with the QCAT Act, section 157(2).’.

[s 1753]

Part 10 **Amendment of Transport Operations (Marine Pollution) Regulation 2008**

1753 Regulation amended

This part amends the *Transport Operations (Marine Pollution) Regulation 2008*.

1754 Omission of pt 12, div 1, sdiv 4 (Review of and appeals against particular decisions)

Part 12, division 1, subdivision 4—
omit.

Part 11 **Amendment of Transport Operations (Marine Safety) Act 1994**

1755 Act amended

This part amends the *Transport Operations (Marine Safety) Act 1994*.

1756 Amendment of s 203 (Definitions for pt 16)

- (1) Section 203, definitions *appropriate appeal court* and *reviewed decision*—
omit.
- (2) Section 203—
insert—

‘reviewed decision means the chief executive’s or general manager’s decision made, or taken to have been made, on a review under section 203B.’

- (3) Section 203, definition *delegate*, ‘manger’—
omit, insert—
‘manager’.
- (4) Section 203, definition *original decision*, from ‘general manger’—
omit, insert—
‘general manager, a harbour master or a shipping inspector, other than a reviewed decision.’

1757 Amendment of s 203A (Main purposes of pt 16)

Section 203A(a), ‘and appeals from the decisions made on review’—
omit.

1758 Amendment of s 203B (Review of original decision)

- (1) Section 203B, heading—
omit, insert—

‘203B Internal review of decisions’.

- (2) Section 203B(2)(b)(ii)—
omit, insert—
‘(ii) that the person may apply to QCAT to have the original decision stayed.’
- (3) Section 203B(3), ‘manger’—
omit, insert—
‘manager’.

[s 1759]

1759 Replacement of s 203C (Appeal against reviewed decision)

Section 203C—

omit, insert—

‘203C External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

chief executive means, if the reviewed decision is made by the general manager, the general manager.’.

1760 Omission of s 203E (Appropriate appeal court)

Section 203E—

omit.

1761 Amendment of schedule (Dictionary)

- (1) Schedule, definition *appropriate appeal court*—
omit.
- (2) Schedule, definition *reviewed decision*, ‘203C(1)’—
omit, insert—
‘203’.

Part 12 **Amendment of Transport Operations (Marine Safety) Regulation 2004**

1762 Regulation amended

This part amends the *Transport Operations (Marine Safety) Regulation 2004*.

1763 Amendment of s 154 (Refusal of application for authority)

Section 154(3)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1764 Amendment of s 164 (Procedure for suspension or cancellation)

Section 164(5)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1765 Amendment of s 165 (Action by general manager after marine incident)

Section 165(3)(e)—

omit, insert—

‘(e) that the holder of the approval may—

- (i) under section 203B of the Act—ask for the decision to be reviewed by the general manager; and
- (ii) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and

[s 1766]

- (iii) under section 203C of the Act—ask for the general manager’s decision on the review (the ***reviewed decision***) to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.’.

1766 Amendment of s 215 (Removal of buoy mooring on expiry, cancellation or surrender of approval)

Section 215(3)(b) and (c)—

omit, insert—

- ‘(b) if the approval has been cancelled and no application for review of the decision to cancel the approval (***QCAT application***) is made to QCAT under part 16 of the Act—within 14 days after the time for making the QCAT application ends; or
- (c) if the approval has been cancelled and, on a QCAT application, QCAT confirms the cancellation—within 14 days after the confirmation of the cancellation.’.

1767 Amendment of sch 15 (Dictionary)

Schedule 15—

insert—

prescribed review information, for a decision, means information that a person to whom a notice about the decision is given under section 154(1) or 164(3) may—

- (a) under section 203B of the Act—ask for the decision to be reviewed by the general manager; and
- (b) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and

- (c) under section 203C of the Act—ask for the general manager’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (d) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.’.

Part 13 Amendment of Transport Operations (Passenger Transport) Act 1994

1768 Act amended

This part amends the *Transport Operations (Passenger Transport) Act 1994*.

1769 Amendment of ch 10, hdg (Review of and appeals against decisions)

Chapter 10, heading, ‘and appeals against’—
omit.

1770 Replacement of s 102 (Review of and appeals against decisions)

Section 102—
omit, insert—

‘102 Internal review of decisions

- ‘(1) A person whose interests are affected by a decision described in schedule 2 (the *original decision*) may ask the chief executive to review the decision.
- ‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the

[s 1770]

decision is made requires that the person be given a statement of reasons for the decision.

- ‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be disposed of; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

‘103 External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive’s decision on a review under section 102.

‘104 Commissioner for Children and Young People and Child Guardian

- ‘(1) This section applies if—
- (a) a proceeding before QCAT concerns a decision of the chief executive on a review of a driver authorisation decision; and
 - (b) a driver disqualifying offence involving a child was relevant to the driver authorisation decision.
- ‘(2) The Commissioner for Children and Young People and Child Guardian is a party to the proceeding.
- ‘(3) In this section—
- driver authorisation decision* means a decision about driver authorisation under this Act.’.

1771 Amendment of s 126NA (Dangerous situation notice)

Section 126NA(2)(e)—

omit, insert—

- ‘(e) that the person may—
- (i) under section 102—ask for the decision to be reviewed by the chief executive; and
 - (ii) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
 - (iii) under section 103—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
 - (iv) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.’.

[s 1772]

1772 Replacement of sch 2 (Reviewable decisions)

Schedule 2—

omit, insert—

‘Schedule 2 Reviewable decisions

section 102

Section	Description of decision
17	refusal to grant or renew operator accreditation
20	amendment, suspension or cancellation of operator accreditation
28B	category B driver disqualifying offence—refusal to grant or renew driver authorisation or cancellation of driver authorisation
28C	category C driver disqualifying offence—refusal to grant or renew driver authorisation or suspension or cancellation of driver authorisation
29	refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation
32	amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation
36B(1)	decision to give essential infrastructure direction
36B(1)	decision to fix conditions for essential infrastructure direction
46(8)	requirement to take steps to remedy service inadequacies
46(9)	termination of service contract for failure to remedy service inadequacies

Section	Description of decision
47(1) or (3)	amendment, suspension or cancellation of a service contract
47A(3)	contract holder's performance has been unsatisfactory
62AC(4)	contract holder's performance has been unsatisfactory
75(1)	amendment of the conditions of a taxi service licence
77(2)	requirement to pay amount as condition of transfer of taxi service licence between areas
79	suspension or cancellation of a taxi service licence
88(1)	amendment of conditions of a limousine service licence
91	suspension or cancellation of a limousine service licence
126D	forfeiture of seized things
126N	decision to give dangerous situation notice'.

1773 Amendment of sch 3 (Dictionary)

Schedule 3, definition *information notice*, paragraphs (a) and (b)—

omit, insert—

- '(a) under section 102—ask for the decision to be reviewed by the chief executive; and
- (b) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (c) under section 103—ask for the chief executive's decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (d) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.'

[s 1774]

Part 14 **Amendment of Transport Operations (Passenger Transport) Regulation 2005**

1774 Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

1775 Amendment of pt 10, hdg (Review of, and appeals against, decisions not provided for under Act, chapter 10)

Part 10, heading, ‘, and appeals against,’—
omit.

1776 Replacement of s 134 (Review of decisions)

Section 134—
omit, insert—

‘134 Review of decisions

‘Sections 102 and 103 of the Act apply to a decision described in schedule 7 as if the decision were described in schedule 2 of the Act.’.

1777 Replacement of sch 7 (Review and appeals against decisions)

Schedule 7—
omit, insert—

‘Schedule 7 Reviewable decisions

section 134

Section	Description of decision
34(2)	imposition of condition when granting driver authorisation or amendment of driver authorisation to include a condition
74(1)	grant of substitute taxi authority with conditions or refusal to grant substitute taxi authority
77(1)	cancellation of substitute taxi authority
87(1)(a)	refusal to approve a taxi security camera system
87(1)(b)	revocation of approval of taxi security camera system
95(4)	refusal of application for membership of a taxi subsidy scheme
96	cancellation of approval under a taxi subsidy scheme
112	refusal to grant substitute limousine authority
115(1)	cancellation of substitute limousine authority
138	exclusion from free travel’.

‘(7) If a subsection (3) notice is given about a decision to suspend an approval on the condition mentioned in subsection (2)(c)(ii), the subsection (3) notice must also state that the approval may be cancelled under section 19A if the holder fails to comply with the condition.’.

1780 Amendment of s 19A (Cancelling suspended approval for failing to take remedial action)

Section 19A(3)—

omit, insert—

‘(3) The notice must state—

- (a) the reasons for the decision to cancel the approval; and
- (b) the prescribed review information for the decision.’.

1781 Amendment of s 43 (Forfeiture of seized things)

Section 43(4)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1782 Amendment of ch 4, hdg (Review of and appeals against decisions)

Chapter 4, heading, ‘and appeals against’—

omit.

1783 Replacement of s 65 (Review of and appeals against decisions)

Section 65—

omit, insert—

[s 1783]

‘65 Internal review of decisions

- ‘(1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- ‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- ‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.
- ‘(4) In this section—
- chief executive* means, if the original decision is made by the commissioner, the commissioner.

‘65A External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.
- ‘(3) If the decision is a prescribed authority decision, QCAT can not make an order staying the operation of the decision.
- ‘(4) In this section—
- chief executive* means, if the reviewed decision is made by the commissioner, the commissioner.

prescribed authority decision means a decision to withdraw a person's authority to drive on a Queensland road under a non-Queensland driver licence if the reason, or 1 of the reasons, for the decision is the person's mental or physical incapacity.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive's decision on a review under section 65.'

1784 Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)

(1) Section 80(22C), after 'No'—

insert—

'review or'.

(2) Section 80(22C), second sentence, before 'an'—

insert—

'a review or'.

1785 Amendment of s 87 (Issue of restricted licence to disqualified person)

Section 87(5B)(a), after 'on'—

insert—

'a review or'.

1786 Amendment of s 122E (Notice to be given about refusal or imposition of condition)

Section 122E(3)(b)—

omit, insert—

'(b) the prescribed review information for the decision.'

[s 1787]

1787 Amendment of s 122L (Notice to be given to crossing supervisor)

Section 122L(2)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1788 Amendment of s 122N (Procedure for immediate suspension of authority)

Section 122N(2)(c)—

omit, insert—

‘(c) the prescribed review information for the decision.’.

1789 Amendment of s 131 (Appeals with respect to issue of licences etc.)

(1) Section 131, heading, ‘Appeals’—

omit, insert—

‘Reviews and appeals’.

(2) Section 131(1AA), from ‘may appeal’—

omit, insert—

‘may apply, as provided under the QCAT Act, to QCAT for a review of the refusal, suspension, cancellation or imposition.’.

(3) Section 131(1A) and (1B)—

omit, insert—

‘(1A) Despite the QCAT Act, the decision of QCAT on the review is final and binding and without further appeal.

‘(1B) Subsection (1BA) applies if the chief executive or commissioner suspends or cancels the applicant’s licence, unless the reason, or 1 of the reasons, for the suspension or cancellation is the mental or physical incapacity of the applicant.

‘(1BA) On the making of the application for review, the cancellation or suspension is suspended pending the finalisation of the review but, subject to QCAT’s decision on the review, the cancellation or suspension takes effect from the date of the finalisation of the review for the part of the period for which it was made that had not expired when the review started.

‘(1BB) If the reason, or 1 of the reasons, for the suspension or cancellation of the licence is the licence holder’s mental or physical incapacity, QCAT can not make an order staying the operation of the suspension or cancellation.’.

(4) Section 131(1C), ‘Subsections (1) to (1B) shall be read and construed so that an appeal hereunder shall’—

omit, insert—

‘Subsections (1AA) to (1BB) must be read and construed so that a review does’.

(5) Section 131(1C)(c), ‘an appeal’—

omit, insert—

‘a review’.

1790 Amendment of s 153 (Exemptions)

Section 153(5)(c)—

omit, insert—

‘(c) the prescribed review information for the decision.’.

1791 Amendment of s 153E (Decision on proposed action)

Section 153E(3)(c)—

omit, insert—

‘(c) the prescribed review information for the decision.’.

[s 1792]

1792 Amendment of s 153G (Immediate suspension in the public interest)

Section 153G(3)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1793 Amendment of s 153H (Cancelling suspended exemption for failing to take remedial action)

Section 153H(3)(b)—

omit, insert—

‘(b) the prescribed review information for the decision.’.

1794 Amendment of s 161B (Improvement notices)

Section 161B(4)(d)—

omit, insert—

‘(d) the prescribed review information for the decision;’.

1795 Amendment of s 161H (Dangerous situation notice)

Section 161H(2)(e)—

omit, insert—

‘(e) the prescribed review information for the decision;’.

1796 Amendment of s 168AA (Effect of other administrative action in relation to fatigue regulated heavy vehicle)

Section 168AA(7)(c), from ‘that the person may’—

omit, insert—

‘the prescribed review information for the decision.’.

1797 Replacement of sch 3 (Reviewable decisions)

Schedule 3—

omit, insert—

‘Schedule 3 Reviewable decisions

section 65

Section	Description of decision
15	refusing to approve an alternative compliance scheme, or approving an alternative compliance scheme on conditions
19	amending, suspending or cancelling approvals or corresponding approvals
19A	cancelling suspended approvals or corresponding approvals
43	forfeiture of seized things
46B	issuing embargo notice
122C	refusing to authorise a person
122D	imposing conditions on an authority
122K(1)	amending, suspending or cancelling an authority
122M(1)	immediately suspending an authority
153	refusing to give exemption or giving an exemption on conditions
153E	amending, suspending or cancelling an exemption
153G	immediately suspending an exemption
153H	cancelling a suspended exemption
161B	giving an improvement notice
161G	giving a dangerous situation notice

[s 1798]

Section	Description of decision
168AA	not recognising corresponding decision
168AA	imposing an additional condition on, or varying conditions applying to, accreditation or exemption the subject of a corresponding decision’.

1798 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *reviewed decision*—
omit.
- (2) Schedule 4—
insert—
‘prescribed review information, for a decision, means information that the person whose interests are affected by the decision may—
 - (a) under section 65—ask for the decision to be reviewed by—
 - (i) if the decision was made by the commissioner, the commissioner; or
 - (ii) otherwise, the chief executive; and
 - (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
 - (c) under section 65A—ask for the commissioner’s or chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
 - (d) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 16 **Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005**

1799 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

1800 Amendment of s 7 (Refusing application)

(1) Section 7(3), ‘written notice of’—

omit, insert—

‘an information notice for’.

(2) Section 7(4)—

omit.

1801 Amendment of s 41 (Notice of granting of accreditation)

Section 41(2)—

omit, insert—

‘(2) If the chief executive decides to impose a condition on the accreditation, the chief executive must—

(a) state the condition in the accreditation notice; and

(b) give the applicant an information notice for the decision.’.

1802 Amendment of s 43 (Notice of refusal to grant accreditation)

Section 43, after ‘notice’—

insert—

‘for the decision’.

1803 Amendment of s 73 (Granting registration)

Section 73(4)—

omit, insert—

- ‘(4) If the chief executive decides to impose a condition on the registration, the chief executive must also give the applicant an information notice for the decision with the registration notice.’.

1804 Amendment of s 74 (Notice of refusal to grant registration)

Section 74, after ‘notice’—

insert—

‘for the decision’.

1805 Replacement of s 112 (Review of decisions)

Section 112—

omit, insert—

‘112 Review of decisions

- ‘(1) Sections 65 and 65A of the Act apply to a schedule 7 decision as if a reference to an original decision in the sections were a reference to the schedule 7 decision.

- ‘(2) In this section—

schedule 7 decision means a decision described in schedule 7.’.

1806 Replacement of sch 7 (Reviewable decisions)

Schedule 7—

omit, insert—

‘Schedule 7 Reviewable decisions

section 112

Section	Description of decision
7	refusing application for appointment as accredited person
39	refusing to grant accreditation or granting accreditation on a condition imposed by the chief executive
39, 45 and 46	refusing to grant renewal of accreditation or granting renewal of accreditation on a condition imposed by the chief executive
72	refusing to grant registration or granting registration on a condition imposed by the chief executive
72, 77 and 78	refusing to grant renewal of registration or granting renewal of registration on a condition imposed by the chief executive’.

1807 Amendment of sch 9 (Dictionary)

Schedule 9, definition *information notice*, paragraph (d)—

omit, insert—

- ‘(d) the person to whom the notice is given may—
- (i) under section 65 of the Act—ask for the decision to be reviewed by the chief executive; and
 - (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and

- (iii) under section 65A of the Act—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 17 **Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008**

1808 Regulation amended

This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.

1809 Amendment of pt 19, hdg (Review and appeal of decisions)

Part 19, heading, ‘and appeal’—
omit.

1810 Replacement of s 220 (Review of and appeals against decisions)

Section 220—
omit, insert—

‘220 Internal and external review of decisions

- ‘(1) Sections 65 and 65A of the Act apply to a schedule 1 decision as if a reference to an original decision in the sections were a reference to the schedule 1 decision.

‘(2) In this section—

schedule 1 decision means a decision mentioned in schedule 1.’.

1811 Amendment of sch 4 (Dictionary)

Schedule 4, definition *information notice*, paragraph (b)—
omit, insert—

‘(b) that the person may—

- (i) under section 65 of the Act—ask for the decision to be reviewed by the chief executive; and
- (ii) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (iii) under section 65A of the Act—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 18 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999

1812 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

1813 Amendment of s 14AJ (Taking of practical driving test to be eligible for class C P1 provisional licence)

Section 14AJ(2)(b), from ‘under’ to ‘by’—

omit, insert—

‘by the chief executive under section 38 or by QCAT or’.

1814 Amendment of ss 16, 33 and 33A

Sections 16(4)(c)(ii), 33(6)(b)(ii) and 33A(3)(b)(ii),
‘appealing’—

omit, insert—

‘applying for a review of the decision’.

1815 Amendment of s 30G (Persons who are eligible, or not eligible, to apply for order)

Section 30G(3)(e), after ‘on’—

insert—

‘a review by QCAT or’.

1816 Amendment of s 30U (Persons who are eligible, or not eligible, to apply for order)

Section 30U(3)—

insert—

‘(h) a suspension or cancellation that was set aside on a review by QCAT.’.

1817 Amendment of s 38 (Reconsideration of decision by chief executive)

Section 38(2) to (7)—

omit, insert—

-
- ‘(2) The person may apply, in the approved form, to the chief executive to reconsider the original decision.
- ‘(3) The application must be made—
- (a) for an original decision mentioned in subsection (1)(a) to (e) or (g) to (k)—within 28 days after—
 - (i) the day the notice of the decision is given to the person; or
 - (ii) if the applicant is given oral notice of the decision and asks for written notice—the day the written notice is given to the applicant; or
 - (b) for an original decision mentioned in subsection (1)(f)—within 7 days after the day notice of the requirement is given to the person under section 37A(2).
- ‘(4) After reconsidering the original decision, the chief executive may—
- (a) confirm the decision; or
 - (b) set aside the decision and substitute another decision.
- ‘(5) The chief executive must give the person a notice stating—
- (a) the reconsidered decision; and
 - (b) that the person may—
 - (i) if the original decision is a decision mentioned in subsection (1)(a), (b), (c), or (d)—under section 131(1AA) of the Act, apply to QCAT—
 - (A) for a review of the reconsidered decision; and
 - (B) unless the original decision is a prescribed licence decision—for a stay of the reconsidered decision; or
 - (ii) if the original decision is a decision mentioned in subsection (1)(e), (f), (g), (h), (i), (j) or (k)—under section 65A of the Act, apply to QCAT—

- (A) for a review of the reconsidered decision;
and
 - (B) unless the original decision is a prescribed authority decision—for a stay of the reconsidered decision.
- ‘(6) If the original decision is a decision mentioned in subsection (1)(e), (f), (g), (h), (i), (j) or (k), section 65A of the Act applies to the reconsidered decision as if it were a reviewed decision mentioned in that section.
- ‘(7) In this section—
- original decision*** means a decision mentioned in any of paragraphs (a) to (k) of subsection (1).
- prescribed authority decision*** means a decision to withdraw a person’s authority to drive on a Queensland road under a non-Queensland driver licence if the reason, or 1 of the reasons, for the decision is the person’s mental or physical incapacity.
- prescribed licence decision*** means a decision to suspend, cancel or immediately suspend a person’s licence if the reason, or 1 of the reasons, for the decision is the person’s mental or physical incapacity.
- reconsidered decision*** means the chief executive’s decision on the reconsideration of an original decision.’.

1820 Amendment of pt 7, div 4, hdg (Review and appeal of decisions)

Part 7, division 4, heading, ‘Review and appeal’—
omit, insert—
‘**Internal and external review**’.

1821 Amendment of s 185 (Review of original decision)

(1) Section 185, heading—
omit, insert—

‘185 Internal review of decisions’.

(2) Section 185(3)(b)(ii), ‘the Magistrates Court’—
omit, insert—
‘QCAT’.

1822 Replacement of s 186 (Appeal against reviewed decision)

Section 186—
omit, insert—

‘186 External review of decisions

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- ‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive’s decision on a review under section 185.’.

1823 Replacement of sch 4, hdg (Review and appeal)

Schedule 4, heading—

omit, insert—

‘Schedule 4 Reviewable decisions

section 185’.

1824 Amendment of sch 6 (Dictionary)

Schedule 6, definition *information notice*, paragraph (b)(i) and (ii)—

omit, insert—

- ‘(i) under section 185—ask for the decision to be reviewed by the chief executive; and
- (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (iii) under section 186—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (iv) under the QCAT Act—apply for the reviewed decision to be stayed.’.

Part 20

Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999

1825 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

1826 Replacement of s 66 (Review of decisions)

Section 66—

omit, insert—

‘66 Review of decisions

‘(1) Sections 65 and 65A of the Act apply to a division 4 decision as if a reference to an original decision in the sections were a reference to the division 4 decision.

‘(2) In this section—

division 4 decision means a decision to which this division applies as mentioned in section 65.’.

Part 21 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999

1827 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

1828 Replacement of s 44 (Review of decisions)

Section 44—

omit, insert—

‘44 Review of decisions

‘(1) Sections 65 and 65A of the Act apply to an approval decision as if a reference to an original decision in the sections were a reference to the approval decision.

‘(2) In this section—

approval decision means a decision of the issuing authority—

(a) to refuse an approval; or

(b) to issue an approval on a condition.’

[s 1829]

Part 22 **Amendment of Transport Planning and Coordination Act 1994**

1829 Act amended

This part amends the *Transport Planning and Coordination Act 1994*.

1830 Amendment of s 29 (What part applies to)

- (1) Section 29(a), after ‘review’—

insert—

‘, by the chief executive.’.

- (2) Section 29(a), ‘; and’—

omit, insert—

‘; or’.

1831 Amendment of s 30 (Definitions)

- (1) Section 30, definition *appeal court*, ‘29(1)’—

omit, insert—

‘29(b)’.

- (2) Section 30, definition *original decision*, ‘29(1)’—

omit, insert—

‘29(a)’.

1832 Amendment of s 32 (Stay of operation of original decision)

- (1) Section 32, ‘appeal court’—

omit, insert—

-
- ‘relevant entity’.
- (2) Section 32(2), ‘the court’—
omit, insert—
‘or review by the relevant entity’.
- (3) Section 32(7), after ‘the decision’—
insert—
‘or apply for a review of the decision as provided under the QCAT Act’.
- (4) Section 32—
insert—
- ‘(9) In this section—
relevant entity means—
- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.’.

1833 Amendment of s 34 (Decision on review)

- (1) Section 34(4)—
omit, insert—
- ‘(4) If the reviewed decision is not the decision sought by the applicant for the review, the decision notice—
- (a) for a reviewed decision that may be reviewed by QCAT—must comply with the QCAT Act, section 157(2); or
- (b) for a reviewed decision that may be appealed to the appeal court—must state—
- (i) the reasons for the reviewed decision; and

[s 1834]

(ii) that the applicant may, within 28 days, appeal against the reviewed decision to the appeal court.’.

(2) Section 34(6)—

omit, insert—

‘(6) In applying to QCAT for a review or appealing to the appeal court, the decision subject to review or appeal is the reviewed decision and not the original decision.’.

1834 Insertion of new s 34A

Part 5, division 3—

insert—

‘34A Application of div 3

‘This division does not apply to a reviewed decision if, under the transport Act providing for the review, a person may apply to QCAT for a review of the reviewed decision.’.

1835 Omission of s 36DA (Commissioner for Children and Young People and Child Guardian)

Section 36DA—

omit.

Chapter 14 Department of Treasury

Part 1 Amendment of Community Ambulance Cover Act 2003

1836 Act amended

This part amends the *Community Ambulance Cover Act 2003*.

1837 Amendment of s 92B (Special provision for notification of hot water system exemption for power card arrangement instead of s 92(3) and (4))

Section 92B(4)(b), ‘objection or appeal’—

omit, insert—

‘objection, appeal or review’.

1838 Amendment of s 131 (Notice of decision)

Section 131(2)—

omit, insert—

‘(2) The notice must comply with the QCAT Act, section 157(2).’.

1839 Replacement of pt 9, div 2 (Appeals)

Part 9, division 2—

omit, insert—

‘Division 2 Reviews by QCAT

‘132 Applications for review of decisions

‘An objector who is dissatisfied with the commissioner’s decision on an objection may apply, within 60 days after the objector receives notice of the commissioner’s decision on the objection and as otherwise provided under the QCAT Act, to QCAT for a review of the decision.

‘133 QCAT to decide review on evidence before the commissioner

- ‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.
- ‘(2) QCAT must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(3) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders.
- ‘(4) The applicant for the proceeding has the onus of proving the applicant’s case.
- ‘(5) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and

(b) decided in accordance with the same law that applied to the making of the original decision.

‘(6) In this section—

new evidence means evidence that was not before the commissioner when the decision on the objection was made.

original decision means a matter mentioned in section 127(1)(a) to (d) that was a subject of the relevant objection.

relevant objection means the objection to which the decision relates.

‘134 Representation of parties before QCAT

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 132.

‘(2) The party may be represented by a lawyer.’.

1840 Amendment of s 139 (Effect of a non-reviewable decision)

Section 139(b), ‘objection or appeal’—

omit, insert—

‘objection, appeal or review’.

1841 Amendment of s 148 (Evidentiary provision for statements of levy liability)

Section 148(1)(b)(i), ‘against’—

omit, insert—

‘against, or review of’.

‘8 Effect of making reassessment after review started

- ‘(1) This section applies if—
- (a) a person applies to QCAT for a review of the decision of the commissioner relating to an objection against an assessment of the taxpayer’s liability for tax (the *QCAT review*); and
 - (b) the commissioner makes a reassessment relevant to the assessment of the taxpayer’s liability for tax.
- ‘(2) On receiving the assessment notice for the reassessment, the person to whom the reassessment applies may—
- (a) continue or withdraw the person’s application for review; or
 - (b) instead of objecting to the reassessment, change the grounds of the review by filing notice of the change with the principal registrar of QCAT.
- ‘(3) However, the person may change the grounds of the review only to the extent that the person would have a right of objection to the reassessment.

‘9 Proceedings for a review by QCAT

- ‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner relating to an objection.
- ‘(2) QCAT may not, under the QCAT Act, section 61(1), extend the period within which a person may apply to QCAT under section 5(2)(b).
- ‘(3) QCAT must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and

[s 1844]

- (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(4) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders.
- ‘(5) The applicant for the proceeding has the onus of proving the applicant’s case.
- ‘(6) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(7) A party to the proceeding may be represented by a lawyer.
- ‘(8) In this section—

new evidence means evidence that was not before the commissioner when the decision was made.

original decision means assessment, of the taxpayer’s liability for tax, that was the subject of the relevant objection.

relevant objection means the objection to which the commissioner’s decision relates.

‘10 **Transfer of appeals from Supreme Court only with consent**

‘Despite the QCAT Act, section 268(4) the court may not transfer a proceeding to QCAT without the consent of the applicant for the proceeding.’.

[s 1849]

‘Chapter 13 Internal and external reviews’.

1849 Amendment of ch 13, pt 1, hdg (Reviews)

Chapter 13, part 1, heading, after ‘Reviews’—

insert—

‘by commissioner’.

1850 Amendment of s 474 (Notice of review decision)

Section 474(2)—

omit, insert—

‘(2) The notice must comply with the QCAT Act, section 157(2).’.

1851 Replacement of ch 13, pt 2 (Appeals)

Chapter 13, part 2—

omit, insert—

‘Part 2 Reviews by QCAT

‘475 Applying for review by QCAT of a review decision

‘The applicant for the review of the original decision who is dissatisfied with the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’

‘476 QCAT to decide external review on evidence given in the proceeding for the review

‘(1) This section applies to a proceeding for a review by QCAT of a review decision.’

‘(2) QCAT must—

- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.
- ‘(3) The grounds for the review by QCAT are limited to the grounds of the review by the commissioner, unless QCAT orders otherwise.
- ‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.
- ‘(5) In this section—
- new evidence* means evidence that was not before the commissioner when the review decision was made.

‘477 Representation of parties before QCAT

- ‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 475.
- ‘(2) The party may be represented by a lawyer.’

1857 Replacement of pt 12, div 2 (Appeals against review decisions)

Part 12, division 2—

omit, insert—

‘Division 2 External review of decisions by QCAT

‘206 Affected person may apply for external review by QCAT

- ‘(1) A person whose interests are affected by the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.
- ‘(2) A copy of the application must be served on the registrar within 7 days of applying to QCAT.

‘207 Tribunal to decide review on evidence before the chief executive

- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and

[s 1857]

(b) decided in accordance with the same law that applied to the making of the original decision.

‘(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

‘208 Tribunal may give leave for review to be decided on new evidence in particular circumstances

‘(1) Despite section 207, the tribunal may grant a party in a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—

(a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and

(b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.

‘(3) In this section—

new evidence means evidence that was not before the chief executive when the decision was made.’

[s 1862]

‘59 Right of review by QCAT

‘An objector who is dissatisfied with the commissioner’s decision on the objection may apply, within 60 days after the objector receives notice of the commissioner’s decision on the objection and as otherwise provided under the QCAT Act, to QCAT for a review of the decision.

‘60 QCAT to decide review on evidence before the commissioner

- ‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.
- ‘(2) QCAT must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(3) The grounds on which the application for review is made are limited to the grounds of the relevant objection unless QCAT otherwise orders.
- ‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(5) In this section—

new evidence means evidence that was not before the commissioner when the decision on the objection was made.

original decision means the decision of the commissioner that was the subject of the relevant objection.

relevant objection means the objection to which the decision of the commissioner relates.

‘61 Representation of parties before QCAT

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 59.

‘(2) The party may be represented by a lawyer.’.

1863 Amendment of s 68 (Offence to disclose confidential information)

Section 68(5), after ‘a court’—

insert—

‘or QCAT’.

Part 6 Amendment of Fuel Subsidy Act 1997

1864 Act amended

This part amends the *Fuel Subsidy Act 1997*.

1865 Amendment of ch 5, pt 4, hdg (Reviews and appeals)

Chapter 5, part 4, heading, ‘and appeals’—

omit.

[s 1866]

1866 Replacement of ch 5, pt 4, div 2, hdg (Reviews and appeals under this Act)

Chapter 5, part 4, division 2, heading—
omit, insert—

‘Division 2 Internal and external reviews of decisions’.

1867 Amendment of s 117 (Definitions for div 2)

Section 117, definition *court*—
omit.

1868 Amendment of s 120 (Who may apply for review)

Section 120, heading, after ‘review’—
insert—
‘by commissioner’.

1869 Amendment of s 122 (Review decision)

Section 122(3)—
omit, insert—
(3) If the review decision is not the decision sought by the person, the notice under subsection (2) must comply with the QCAT Act, section 157(2).’.

1870 Replacement of ch 5, pt 4, div 2, sdiv 3 (Appeals)

Chapter 5, part 4, division 2, subdivision 3—
omit, insert—

‘Subdivision 3 External review of decision

‘123 Who may apply for review by QCAT

‘A person who has applied for the review of a decision under division 2 and is dissatisfied with the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.

‘124 No stay of operations of decisions

‘QCAT may not, under the QCAT Act, section 22(3), grant a stay of the operation of the review decision.

‘125 QCAT to decide review on evidence before the commissioner

- ‘(1) This section applies to a proceeding for a review by QCAT of a review decision.
- ‘(2) QCAT must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.
- ‘(3) The grounds on which the application for review is made are limited to the grounds of the application relevant to the review decision, unless QCAT otherwise orders.
- ‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—

[s 1871]

- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
- (b) decided in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.

‘(5) In this section—

new evidence means evidence that was not before the commissioner when the decision on the objection was made.

original decision means the decision for which the person applied to the commissioner for a review of, under part 4, division 2, subdivision 2.

‘126 Representation of parties before QCAT

- ‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 123.
- ‘(2) The party may be represented by a lawyer.’

1871 Amendment of s 141A (Refusal to disclose particular information)

Section 141A(2), after ‘a court’—

insert—

‘or QCAT’.

1872 Replacement of sch 1 (Decisions subject to review and appeal)

Schedule 1—

omit, insert—

‘Schedule 1 Decisions subject to review

section 117

Section	Description of decision
13(2)	requiring person to refund a subsidy
19(4)	deciding anticipated annual subsidy or refusing a request to decide an anticipated annual subsidy
20(2)	deciding a different date for paying, or not to pay, a provisional subsidy to a licensed retailer
21(1)	requiring a retailer to give a written guarantee
22(3)	requiring a retailer to lodge claims on stated day
25(3)	deciding a licensed retailer has not complied with licence conditions
34A(3)	deciding chapter 3, part 2, division 1 does not apply to a bulk end user
34C(2)	deciding provisional subsidy for a bulk end user
34D(2)	deciding subsidy to which the bulk end user is entitled
34F(3)	deciding a licensed bulk end user has not complied with the licence conditions
34G(1)	deciding chapter 3, part 2, division 1 does not cease to apply to a bulk end user
35(3)	deciding a claim period for a bulk end user
36(4)	deciding a licensed bulk end user has not complied with the licence conditions
43(2)	deciding to impose conditions on a licence

‘68 Review of the commission’s decisions by QCAT

- ‘(1) An insurer may apply, as provided under the QCAT Act, to QCAT for a review of a decision by the commission to withdraw or suspend the insurer’s licence.
- ‘(2) For a proceeding of QCAT for a review under this section, QCAT must be constituted by at least 1 judicial member within the meaning of the QCAT Act.
- ‘(3) If QCAT changes or reverses the commission’s decision, the commission must publish notice of QCAT’s decision in the gazette.’.

Part 8 Amendment of Pay-roll Tax Act 1971

1875 Act amended

This part amends the *Pay-roll Tax Act 1971*.

1876 Amendment of s 8 (Relationship of Act with Administration Act)

Section 8(2)(d), ‘against’—

omit, insert—

‘against, or reviews of,’.

1877 Amendment of s 104 (This Act as a revenue law for the Administration Act)

(1) Section 104(3)(d)—

omit.

(2) Section 104(3)(e)—

renumber as section 104(3)(d).

[s 1878]

1878 Amendment of schedule (Dictionary)

Schedule, definition *prescribed pay-roll tax liability*, paragraph (d), ‘court ordered costs’—

omit, insert—

‘costs ordered by a court or QCAT’.

Part 9 Amendment of Taxation Administration Act 2001

1879 Act amended

This part amends the *Taxation Administration Act 2001*.

1880 Amendment of s 17 (Commissioner’s general power to make reassessments)

Section 17(2) and (3)—

omit, insert—

- ‘(2) However, the commissioner may make a reassessment of a taxpayer’s liability assessed under a compromise assessment only—
- (a) with the taxpayer’s written agreement; or
 - (b) if the commissioner reasonably believes the compromise assessment was—
 - (i) obtained by fraud; or
 - (ii) made on the basis of a false or misleading statement or there was a failure to give material information.
- ‘(3) The commissioner may make a reassessment under subsection (1) even if an objection or appeal against, or review of, the

assessment of the taxpayer's liability for tax has started but not yet been decided.'.

1881 Amendment of s 19 (When commissioner must make reassessment—objections or court decisions)

- (1) Section 19, heading, 'objections or court decisions'—
omit, insert—
'objections, court decisions or QCAT decisions'.
- (2) Section 19(1), after 'or a court'—
insert—
'or QCAT'.
- (3) Section 19(2), 'court's decision'—
omit, insert—
'decision of a court or QCAT'.

1882 Amendment of s 20 (Legal interpretations and practices applying to particular reassessments)

Section 20(4)(a), after 'court'—
insert—
'or QCAT'.

1883 Amendment of s 23 (Limitation period does not apply to particular reassessments)

Section 23(a)—
omit, insert—

- (a) if an appeal against, or review of, a decision on an objection to an assessment is started, the commissioner may, under section 17, make a reassessment after the limitation period and before a decision is made on the appeal or review if the taxpayer agrees; and'

[s 1884]

1884 Amendment of s 61 (Interest on particular overpayments following court's decision)

(1) Section 61(1)—

insert—

‘(c) a reassessment giving effect to a decision of QCAT on an application for review made by the taxpayer under section 69.’.

(2) Section 61(2), after ‘court’—

insert—

‘or QCAT’.

1885 Amendment of pt 6, hdg (Objections and appeals against assessments)

Part 6, heading, ‘Objections’—

omit, insert—

‘**Objections, reviews**’.

1886 Amendment of s 68 (Notice of decision)

Section 68(2)(a) to (c)—

omit, insert—

‘(a) the decision;

(b) the reasons for the decision;

(c) the taxpayer has a right to—

(i) appeal to the Supreme Court; or

(ii) apply, as provided under the QCAT Act, to QCAT for a review of the commissioner’s decision;

(d) how, and the period within which, the taxpayer may appeal or apply for the review;

- (e) any right the taxpayer has to have the operation of the decision stayed.’.

1887 Replacement of pt 6, div 2 (Appeals)

Part 6, division 2—

omit, insert—

‘Division 2 Appeals and reviews

‘Subdivision 1 Right of appeal or review

‘69 Right of appeal or review

- ‘(1) This section applies to a taxpayer if—
 - (a) the taxpayer is dissatisfied with the commissioner’s decision on the taxpayer’s objection; and
 - (b) the taxpayer has paid the whole of the amount of the tax and late payment interest payable under the assessment to which the decision relates.
- ‘(2) The taxpayer may, within 60 days after notice is given to the taxpayer of the commissioner’s decision on the objection—
 - (a) appeal to the Supreme Court; or
 - (b) apply, as provided under the QCAT Act, to QCAT for a review of the commissioner’s decision.
- ‘(3) QCAT may not, under the QCAT Act, section 61(1)(a), extend the period under subsection (2) within which the taxpayer may apply to QCAT for the review.

‘69A Effect of making reassessment after appeal or review started

- ‘(1) This section applies if—
 - (a) a taxpayer—

[s 1887]

- (i) appeals to the Supreme Court against the decision of the commissioner relating to an objection against an assessment of the taxpayer's liability for tax; or
 - (ii) applies to QCAT for a review of the decision of the commissioner relating to an objection against an assessment of the taxpayer's liability for tax (the *QCAT review*); and
 - (b) the commissioner makes a reassessment of the taxpayer's liability for tax after the appeal or review has started but before the appeal or review has been decided.
- '(2) On receiving the assessment notice for the reassessment, the taxpayer may—
- (a) continue or withdraw—
 - (i) the existing appeal; or
 - (ii) the taxpayer's application for review; or
 - (b) instead of objecting to the reassessment, change the grounds of the appeal or review, by filing notice of the change with—
 - (i) for an appeal—the registrar of the Supreme Court; or
 - (ii) for a review—the registrar of QCAT.
- '(3) However, the taxpayer may change the grounds of the appeal or review only to the extent that the taxpayer would have a right of objection to the reassessment.

'Subdivision 2 Appeals to the Supreme Court

'70 How to start appeal to the Supreme Court

- '(1) An appeal to the Supreme Court is started by giving written notice of the appeal to the commissioner within 7 days after the notice of appeal is filed.

-
- ‘(2) The notice of appeal must be filed within 60 days after notice is given to the taxpayer of the commissioner’s decision on the objection.
 - ‘(3) The Supreme Court must not extend the time for filing the notice.
 - ‘(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.
 - ‘(5) The grounds of an appeal to the Supreme Court are limited to the grounds of objection unless the court otherwise orders.

‘70A Onus on appeal

‘On the appeal, the appellant has the onus of proving the appellant’s case.

‘70B Admissibility of new evidence

- ‘(1) Subsection (2) applies if—
 - (a) the Supreme Court is satisfied evidence material to the objection was not before the commissioner when the objection was decided; and
 - (b) subject to section 70(5), the court admits the evidence.
- ‘(2) The court must—
 - (a) adjourn the hearing of the appeal; and
 - (b) direct the commissioner to reconsider the objection having regard to the evidence and any other evidence obtained by the commissioner.
- ‘(3) However, subsection (2) does not apply if the commissioner asks the court to continue the hearing without the commissioner reconsidering the objection.
- ‘(4) For reconsidering the objection, the commissioner has all the powers conferred under this Act.

[s 1887]

‘70C Deciding appeal

‘The Supreme Court must allow the appeal completely or partly or disallow it.

‘Subdivision 3 Reviews by QCAT

‘71 QCAT to decide review on evidence before the commissioner

- ‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.
- ‘(2) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders.
- ‘(3) QCAT must—
 - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
 - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- ‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
 - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
 - (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(5) In this section—

new evidence means evidence that was not before the commissioner when the decision on the objection was made.

original decision means the assessment or reassessment that was the subject of the relevant objection.

relevant objection means the objection to which the decision of the commissioner relates.

‘72 Representation of parties before QCAT

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 69(2)(b).

‘(2) The party may be represented by a lawyer.

‘73 Onus on review

‘On the review, the applicant has the onus of proving the applicant’s case.’.

1888 Amendment of s 76 (Effect of non-reviewable decisions)

Section 76(b), ‘objection or appeal’—

omit, insert—

‘objection, appeal or review’.

1889 Amendment of s 113 (Refusal of disclosure of particular information)

Section 113(1), after ‘court’—

insert—

‘or QCAT’.

[s 1890]

1890 Amendment of s 132 (Evidentiary provisions for assessments)

Section 132(1)(b)(i), ‘against’—

omit, insert—

‘against, or review of.’.

1891 Amendment of s 157 (Repealed Stamp Act is revenue law for particular provisions)

Section 157(2), ‘part 6 (Objections and appeals against assessments), other than sections 75 and 76 to the extent they relate to the other provisions of this Act for the repealed Stamp Act’—

omit.

1892 Insertion of new pt 14

After section 164—

insert—

‘Part 14 Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

‘165 Transfer of appeals from Supreme Court only with consent

‘Despite the QCAT Act, section 268(4) the court may not transfer a proceeding to QCAT without the consent of the applicant for the proceeding.’.

Part 10 **Amendment of Taxation Administration Regulation 2002**

1893 Regulation amended

This part amends the *Taxation Administration Regulation 2002*.

1894 Amendment of s 11 (Non-application of s 147 of Act)

Section 11(1)(c), ‘order’—

omit, insert—

‘order or decision of QCAT’.

© State of Queensland 2009